

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Dennis Scheer: Chair

Tracy Corr: Vice-Chair

Thomas Beckius

Tracy Edgerton

Deane Finnegan

Maja V. Harris

Chris Hove

Cristy Joy

Sändra Washington

### **PLANNING STAFF**

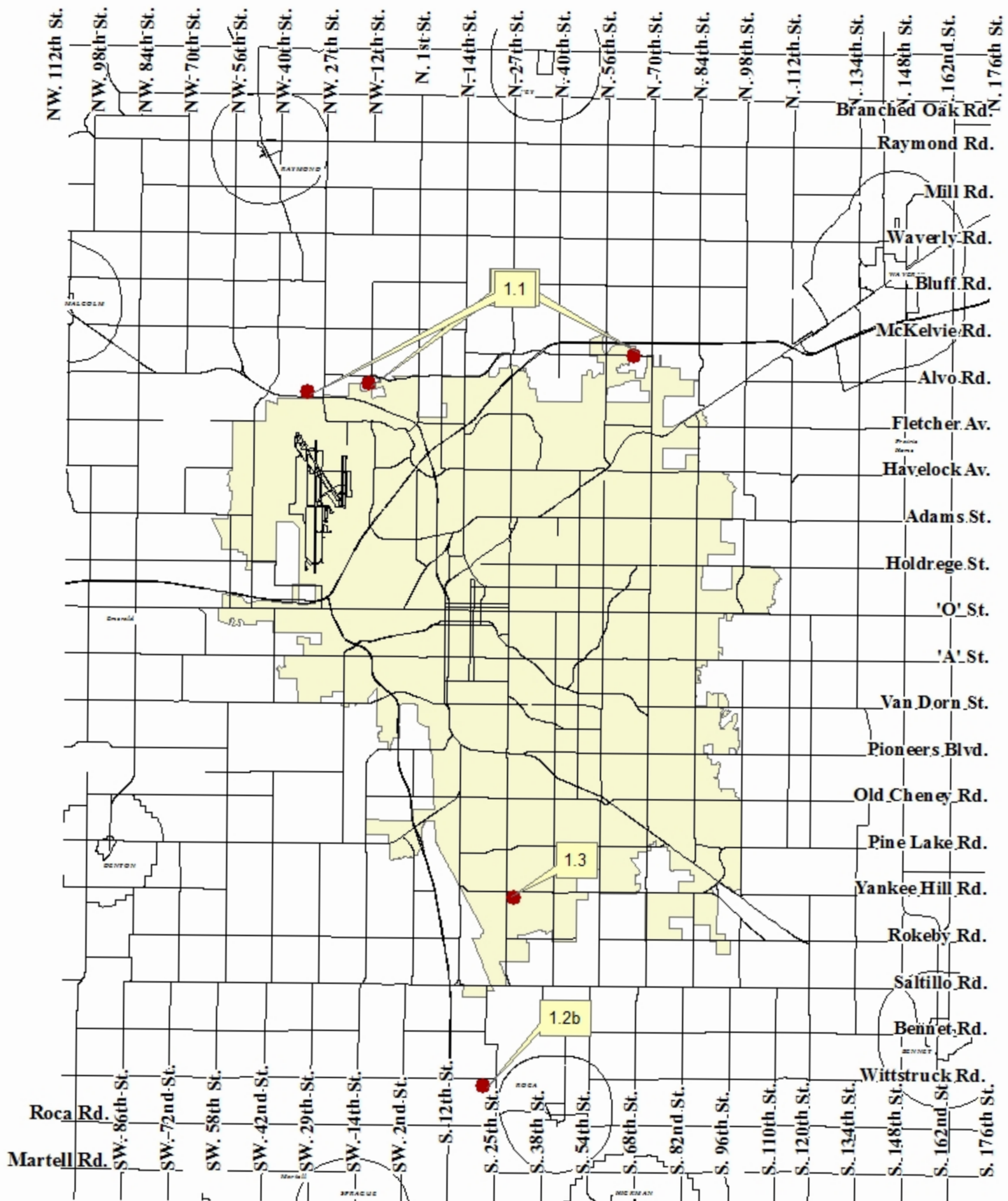
David R. Cary: Director

Geri Rorabaugh: Administrative Officer

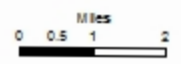
Amy Huffman: Office Specialist

# **April 11, 2018**





Planning Commission - Agenda Item Map  
 April 11, 2018





**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 11, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

## AGENDA

WEDNESDAY, APRIL 11, 2018

Approval of minutes of the regular meeting held March 28, 2018.

1. **CONSENT AGENDA**  
**(Public Hearing and Administrative Action):**

**COMPREHENSIVE PLAN AMENDMENT:**

- Page 01
- 1.1 Comprehensive Plan Amendment No. 18002, to amend the 2040 Lincoln Lancaster County Comprehensive Plan to add the Oak Creek, Lynn Creek and North Salt Creek Watershed Master Plans to the list of subarea plans in the Plan Realization Section of the Comprehensive Plan.  
**Staff recommendation: Approval**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

**TEXT AMENDMENT AND RELATED SPECIAL PERMIT:**

- Page 33
- 1.2a Text Amendment No. 18004, to amend Section 27.63.810 of the Lincoln Municipal Code to allow a dwelling unit with a farm winery; and repealing Section 27.63.810 of the Lincoln Municipal Code hitherto existing.  
**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**
- Page 39
- 1.2b Special Permit No. 18010, to allow a farm winery, on property generally located at 2361 Wittstruck Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**SPECIAL PERMIT:**

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1.3. Special Permit No. 09022C, for an amendment to SP09022, and request a waiver to reduce the west side yard setback to 0 feet, on property generally located at 3201 Yankee Hill Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Dessie Redmond, 402-441-6373, [dredmond@lincoln.ne.gov](mailto:dredmond@lincoln.ne.gov)**

**2. REQUESTS FOR DEFERRAL:**

2.1 \_\_\_\_\_

2.2 \_\_\_\_\_

**3. ITEMS REMOVED FROM CONSENT AGENDA (Public Hearing and Administrative Action):**

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**COMPREHENSIVE PLAN CONFORMANCE AND RELATED TEXT AMENDMENT:**

Page  
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4.1a Comprehensive Plan Conformance No. 18008, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a request to add a project to the Fiscal Years 2016/17 - 2021/22 Capital Improvement Program to update city wide street lights to LED through Energy Savings Performance Contract, Lincoln, Lancaster County, Nebraska..

**Staff recommendation: Conformance with the Comprehensive Plan**

**Staff Planner: Kellee, Van Bruggen, 402-441-6363, [kvanbruggen@lincoln.ne.gov](mailto:kvanbruggen@lincoln.ne.gov)**

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4.1b Text Amendment No. 18005, amending the Design Standards, Chapter 3.100, to allow other electrical contractors, in addition to Lincoln Electric System (L.E.S.), to bid on design, installation, and maintenance of the City's street light system, and repealing Section 6, Chapter 3.100 as hitherto existing.

**Staff recommendation: Approval**

**Staff Planner: Kellee Van Bruggen, 402-441-6363, [kvanbruggen@lincoln.ne.gov](mailto:kvanbruggen@lincoln.ne.gov)**

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO**

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:**    *None*

**Planning Department Staff Contacts:**

|   |                |  |
|---|----------------|--|
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| Ed Zimmer, <i>Historic Preservation Planner</i> .           | 402-441-6360 . | <a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>           |

\* \* \* \* \*

**The Planning Commission meeting  
which is broadcast live at 1:00 p.m. every other Wednesday  
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and  
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at  
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

**ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|   |                              |   |
|---|------------------------------|---|
| APPLICATION NUMBER<br>Comprehensive Plan Amendment #18002<br>Salt Creek North Tributaries Watershed<br>Master Plans | FINAL ACTION?<br>No          | APPLICANT<br>Public Works and Utilities - Watershed<br>Management; Lower Platte South NRD |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018  | RELATED APPLICATIONS<br>None | PROPERTY ADDRESS/LOCATION<br>North Lincoln  |

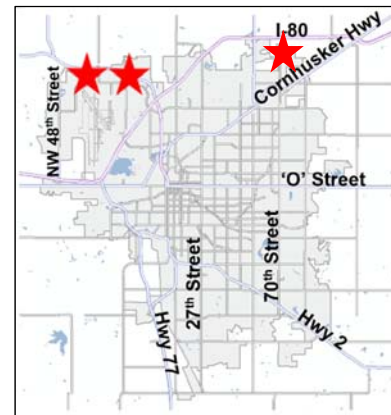
**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

Proposal to amend the 2040 Lincoln-Lancaster County Comprehensive Plan to add three Watershed Master Plans:

- Lynn Creek Watershed Master Plan
- North Salt Creek Watershed Master Plan
- Oak Creek Watershed Master Plan

The plans were developed concurrently throughout 2017 and were completed in February 2018.



**JUSTIFICATION FOR RECOMMENDATION**

Formal adoption of these Watershed Master Plans and inclusion into the Comprehensive Plan by reference follows the established procedure for approving subarea plans.

**APPLICATION CONTACT**

Tim Zach  
Public Works & Utilities - Watershed  
Management, (402) 441-7018  
[tzach@lincoln.ne.gov](mailto:tzach@lincoln.ne.gov)

**STAFF CONTACT**

Andrew Thierolf, (402) 441-6371 or  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Adopting Watershed Master Plans into the Comprehensive Plan allows for the projects and recommendations in the watershed plans to be considered during the review of specific development proposals. The Watershed Master Plans also provide guidance in the preparation of future capital improvement projects.

These three plans are in conformance with the strategies and procedures for comprehensive watershed management found in the Comprehensive Plan.

## **KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

### **Floodplains**

Pg. 3.9 - This feature refers to land that is susceptible to flooding or that has flood prone soils. Approximately 13.8% of Lancaster County is covered by floodplains. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments.

The overriding policy for the floodplain is a "No Adverse Impact" policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties.

### **Riparian Areas**

Pg. 3.9 - This feature refers to spaces immediately adjacent to water courses on each side of a stream. They are most often located in the floodplain. They frequently contain a large amount of woody vegetation. Riparian areas can serve as linear connections between natural and built areas, as well as boundaries and edges to a variety of adjacent land uses. They offer numerous benefits including flood storage, stormwater conveyance, wildlife habitat, recreation, visual appeal, and shaded areas.

### **Floodplain and Stormwater Management**

Pg. 11.14 - Local floodplain and stormwater management responsibility is shared by the City of Lincoln, which assumes care of the tributaries and storm drain system, and the Lower Platte South Natural Resources District (LPSNRD), which maintains the main stream channels. Both the City of Lincoln and Lancaster County participate in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).

Water quality from stormwater is managed under the Federal Clean Water Act. The National Pollutant Discharge Elimination System (NPDES) program addresses non-agricultural sources of stormwater discharge. This program is administered in the State by the Nebraska Department of Environmental Quality (NDEQ).

### **Comprehensive Watershed Management**

Pg. 11.15 - The City of Lincoln Watershed Management program combines previously separate floodplain and stormwater management initiatives. This approach recognizes that floodplains, tributaries, and upland areas are all part of a comprehensive, integrated watershed system. A comprehensive approach to watershed planning is crucial as development expands into new basins around the Lincoln city limits and as redevelopment occurs within the existing urban area. A comprehensive watershed management program needs to incorporate a range of strategies including land use planning, conservation design for new subdivisions, conservation efforts, appropriate standards for floodplains and stormwater, flood warning system development/expansion, stream stabilization, stormwater storage basins, and other structural flood control efforts.

As part of the overall watershed management program, the City, in cooperation with the LPSNRD, is developing a unified master watershed management plan. This plan will be a compendium of previously approved Watershed Master Plan Studies and is to be used as a planning tool to be referenced in conjunction with proposed developments and as a guide in the preparation of future capital improvement projects. Individual Watershed Plans for several watersheds in Lincoln and the surrounding area have already been completed and are adopted as subarea plans in this document (see Plan Realization chapter). These plans evaluate and propose projects to address a wide range of water resources, and they are formulated in cooperation with other local, state and federal agencies. Ideally, additional watershed plans are completed and adopted prior to urban development occurring within a new basin. This allows projects and recommendations in the plan to be considered during the review of specific development proposals.

Watershed planning and the performance and adequacy of stormwater storage basins and other measures to prevent increases in peak flows will require continued assessment with the growth of the City. Upstream detention facilities are critical to preventing further increases to the floodplain, and if properly designed also help to reduce pollutant loads to downstream waterbodies. Development and significant redevelopment projects need to meet stormwater quality requirements through the use of Stormwater Quality Best Management Practices facilities. Requirements can be accomplished through the use of detention facilities that are developed in a manner that incorporates water quality best management practices and causes minimal adverse impact to existing residential, agricultural and other land uses.

## **Floodplain Management**

Pg. 11.16 - The overriding policy for the floodplain is a “No Adverse Impact” policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties. The majority of the strategies below relate back to and support this umbrella concept.

The No Adverse Impact concept is supported by the "Map 1.3: Growth Tiers with Priority Areas" which designates the majority of floodplain areas outside of the existing urban area as Green Space, Environmental Resources, and Agricultural Stream Corridors. This supports the opportunity to reduce the risk of flood damage to life and property and to preserve the important functions of floodplains. This concept is more explicitly supported by the Salt Creek Flood Storage Area Standards and the Flood Regulations for New Growth Areas which protect flood storage in the areas with greatest risk for impacts. While regulations to support the No Adverse Impact concept have not been fully adopted throughout the “Existing Urban Area” or in the County’s jurisdiction, goals and strategies in this plan support minimizing impacts to the floodplain in all circumstances.

## **Strategies for Watershed Management Pg. 11.16 - 11.17**

Designate areas for future urban development outside of floodplain and floodway to avoid introducing new development to flood risks and to preserve the important functions of the floodplain.

- Create a stormwater utility, as a division of the Public Works and Utilities Department, to provide for a steady revenue source as well as an organizational structure to address the growing needs of the stormwater and watershed management system.
- Develop and utilize watershed plans during the review and evaluation of proposed developments and as a guide in the preparation of future capital improvement projects; unify individual plans into a Watershed Management Master Plan for Lincoln and future growth areas.
- Utilize naturalized approaches or bioengineered solutions to drainage issues wherever possible, and use public projects as an opportunity to set positive examples. Seek opportunities for “Best Management Practices” (e.g. Rain to Recreation, Rain Gardens, etc) that reduce flood damages, protect water quality and natural areas, while providing for recreational and educational opportunities so as to realize multiple benefits.
- Seek broad public participation in the location and design of specific watershed management projects, and evaluate the relative benefits as they relate to flood hazard reduction, water quality, channel integrity, natural character, bridges, culverts, and existing public and private structures.
- Continue to develop a comprehensive, watershed approach to floodplain mapping and to improve the accuracy by making it a priority to which specific resources are dedicated.

## **Subarea Planning**

Pg. 12.16 - The Comprehensive Plan provides broad guidance for achieving the community’s stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation of subarea plans. Subarea plans offer greater details about the intended future of an area of the community – including land uses, infrastructure requirements, and development policies and standards. Many of these subarea plans are prepared by the City-County Planning Department, while some are prepared by other agencies and departments.

## **ANALYSIS**

1. This proposal to amend the Comprehensive Plan is to reflect the Lynn Creek, North Salt Creek, and Oak Creek Watershed Master Plans in the text. Executive Summaries are attached to this report, and the complete plans can be found at [lincoln.ne.gov](http://lincoln.ne.gov) keyword: watershed, under “Master Plans” .
2. The Lynn Creek and Oak Creek plans include portions of northwest Lincoln, and the North Salt Creek plan includes portions of northeast Lincoln. All three plans also include area that is outside the city limits and within Lincoln’s 3-mile extraterritorial jurisdiction. The three plans accumulatively cover 76 square miles.
3. The goal of each Watershed Master Plan is to develop planning tools and improvement projects to address stream stability, and provide guidance for sustainable future urban growth in the watershed. Plan development included: incorporating community input, developing cost-effective improvement solutions, integrating natural resource components, protecting existing infrastructure, minimizing stakeholder impacts, and avoiding any recommendation that would cause adverse impacts elsewhere in the watershed.

Among other things, each Watershed Master Plan: 1) identifies needed capital improvement projects (CIPs) for water quality and stream stability, and 2) defines the limits of the stream corridors in each watershed's headwaters. The master planning process allows for cost savings with CIP implementation when compared to the alternative of waiting for significant issues to develop prior to implementing CIPs in a retrofit fashion.

4. The proposed amendment is to add the plans to the Subarea Plan list in Chapter 12 of the Comprehensive Plan. These three Watershed Master Plans include recommendations on capital projects, education, and enforcement. The plans do not include Future Land Use Map changes or other items that would require additional amendments to the Comprehensive Plan.
5. Development of these plans included an extensive public process. Highlights of the public process are listed below and discussed in more detail in the plan documents:
  - Open houses in April 2017, September 2017, and January 2018.
  - Project updates and information on the City's website.
  - A series of newsletters mailed to over 800 individuals and organizations.
6. The Comprehensive Plan supports development of Watershed Master Plans as part of a comprehensive watershed management program.
7. The Lower Platte South NRD Board of Directors approved these plans on March 14, 2018.

|                               |   |                 |
|-------------------------------|---|-----------------|
| <b>APPROXIMATE LAND AREA:</b> | Lynn Creek Watershed Master Plan:       | 6 square miles  |
|                               | North Salt Creek Watershed Master Plan: | 34 square miles |
|                               | Oak Creek Watershed Master Plan:        | 36 square miles |

**PROPOSED AMENDMENT:**

Amend the 2040 Lincoln-Lancaster County Comprehensive Plan as follows:

Page 12.16

Watershed Master Plans:

- Beal Slough Stormwater Master Plan, May, 2000
- Southeast Upper Salt Creek Watershed Stormwater Master Plan, 2003
- Stevens Creek Watershed Master Plan, 2005
- Cardwell Branch Watershed Master Plan, 2007
- Deadmans Run Watershed Master Plan, 2007
- Little Salt Creek Watershed Master Plan, 2009
- Antelope Creek Watershed Basin Management Plan, 2012
- South Salt Creek Watershed Master Plan, 2014
- Haines Branch Watershed Master Plan, 2014
- Middle Creek Watershed Master Plan, 2014
- Upper Wagon Train Watershed Master Plan, 2017
- Lynn Creek Watershed Master Plan, 2018
- North Salt Creek Watershed Master Plan, 2018
- Oak Creek Watershed Master Plan, 2018

Prepared by

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Andrew Thierolf, AICP  
Planner

March 29, 2018

Applicant: City of Lincoln Public Works & Utilities Department - Watershed Management  
Lower Platte South Natural Resources District (NRD)

Contact: Tim Zach  
Public Works & Utilities Department - Watershed Management  
555 S 10<sup>th</sup> Street, Suite 203  
Lincoln, NE 68508

F:\DevReview\CPA\18000\CPA18002 North Salt Creek Tributaries.adt.docx



PUBLIC WORKS & UTILITIES DEPARTMENT  
Watershed Management  
555 South 10th Street Suite 203 Lincoln, NE 68508  
lincoln.ne.gov

March 12, 2018

David Cary  
Lincoln Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Dear Mr. Cary:

This is a request by the Public Works and Utilities Department and the Lower Platte South Natural Resources District (NRD) to place the following item on the April 11, 2018 Planning Commission agenda.

An amendment is requested to the Lincoln-Lancaster County Comprehensive Plan to add the Lynn Creek, Oak Creek, and North Salt Creek Watershed Master Plans to the list of subarea plans in the Plan Realization Section of the Comprehensive Plan.

The City of Lincoln and the NRD have completed the final three Watershed Master Plans for the City and its extraterritorial jurisdiction. The Watershed Master Plans will be at the LPSNRD Board for review and approval on March 14, 2018. The Watershed Master Plans were developed to provide long term planning tools and guidance for addressing stream stability, minimum corridor, and future development.

Attached are the executive summaries for the Lynn Creek, Oak Creek, and North Salt Creek Watershed Master Plans. The entire Plans can be found online at [Lincoln.ne.gov](http://Lincoln.ne.gov), keyword "watershed", then click on Master Plans on the left hand side.

Should you have any questions or need further information, please contact Tim Zach in the Public Works and Utilities Department, [tzach@lincoln.ne.gov](mailto:tzach@lincoln.ne.gov) or 402-441-7018.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miki Esposito", written over a horizontal line.

Miki Esposito, Director  
Public Works & Utilities Department

A handwritten signature in blue ink, appearing to read "Paul Zillig", written over a horizontal line.

Paul Zillig, General Manager  
Lower Platte South Natural Resources District

Attachments

cc: Tim Zach, Public Works & Utilities Department

# Executive Summary

## Introduction

The City of Lincoln (City) and the Lower Platte South Natural Resources District (NRD) are in the process of developing a Comprehensive Watershed Management Plan for the City of Lincoln and its future growth areas. This comprehensive watershed plan is being developed basin by basin, through the completion of watershed master plans for individual basins. Watershed master plans are used as planning tools to be referenced in conjunction with proposed development and as a guide in the preparation of future capital improvement projects (CIPs).

The City and NRD have previously adopted watershed master plans for the Antelope Creek, Beal Slough, Cardwell Branch, Deadman's Run, Little Salt Creek, Southeast Upper Salt Creek (SEUSC), Stevens Creek, Haines Branch, Middle Creek, and South Salt Creek basins. Master plans for Oak Creek, Lynn Creek, and North Salt Creek basins are currently being prepared. Figure ES-1 shows the completed basins in the Comprehensive Watershed Master Plan highlighted in yellow and the basin plans under way highlighted in green.







The **Lynn Creek Watershed Master Plan** (Master Plan) is summarized in this report. The purpose of the Lynn Creek Watershed Master Plan is to identify needed CIPs for stream stability. The Master Plan also identifies special or unique areas in the watershed for consideration during the design and construction of the Watershed CIPs.

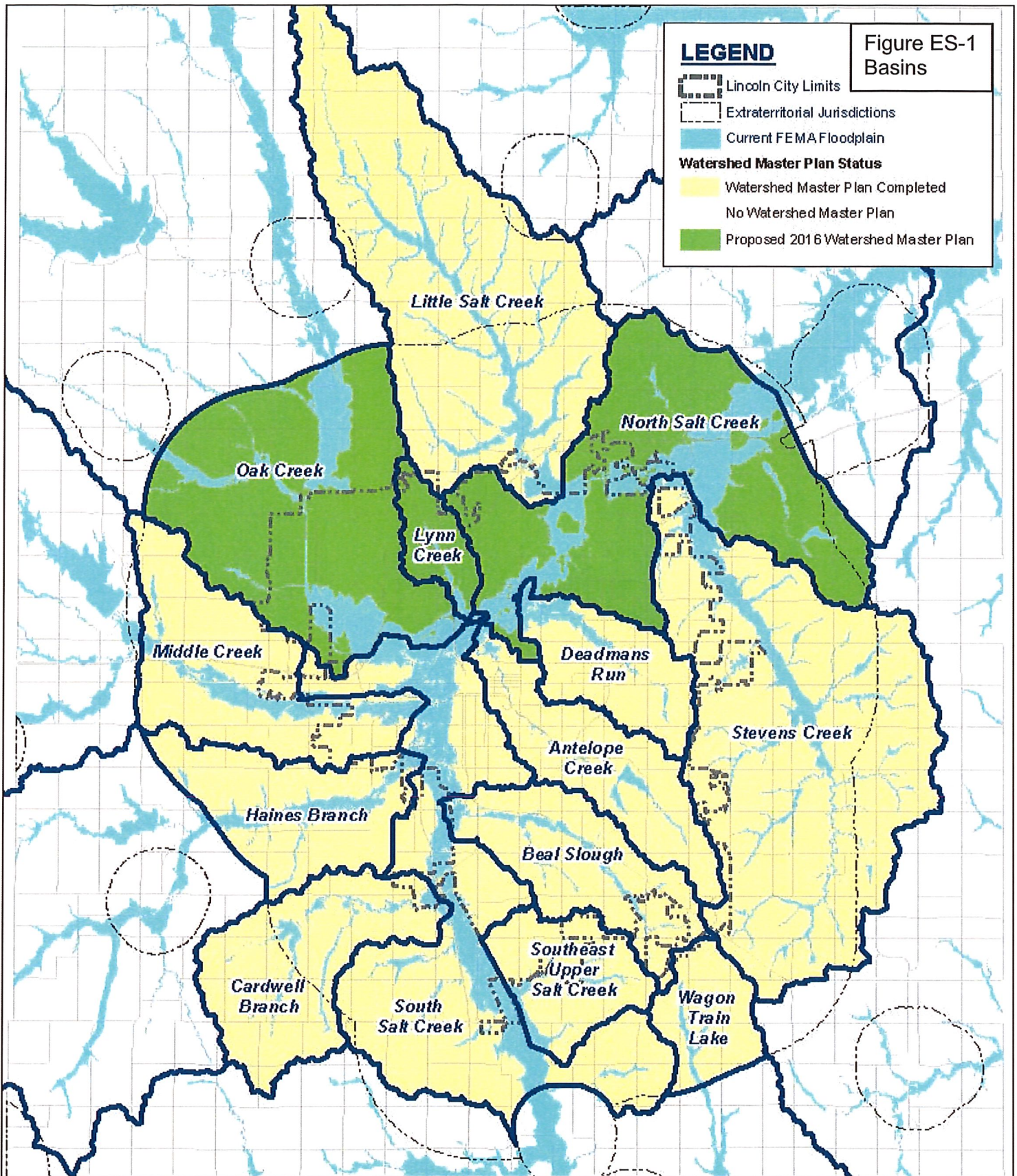
The Lynn Creek Watershed Study Area is located within the City of Lincoln, to the west of North Salt Creek as illustrated in Figure ES-2. The Lynn Creek Watershed Study Area is approximately 6 square miles. The limits of the study area were determined based upon the limits of the current Extraterritorial Jurisdiction (ETJ). The studied portion of the watershed is approximately 7 miles in length with a maximum width of about 5 miles. There are over 7 miles of open channel within the watershed study area.

The project team was led by the City and NRD, in cooperation with Lancaster County (County). The City/NRD retained the consultant team of Intuition & Logic Engineering, Inc. (I&L), in association with EA Engineering, Science and Technology, Inc., PBC (EA) and Heartland Center for Leadership Development (HC).

Figure ES-1  
Basins

**LEGEND**

-  Lincoln City Limits
-  Extraterritorial Jurisdictions
-  Current FEMA Floodplain
- Watershed Master Plan Status**
-  Watershed Master Plan Completed
-  No Watershed Master Plan
-  Proposed 2016 Watershed Master Plan





## Public Participation

As part of the Master Plan development, a public participation process was used to solicit input from area residents and other interested parties. The public participation process included the following:

- Three open houses in April 2017, September 2017 and January 2018
- Project updates and information on the City's website to post preliminary results and upcoming events
- A series of Three newsletters mailed to over 800 individuals and organizations
- The City, County and the NRD each host open public hearings regarding the Master Plan which provide several opportunities for public input.

The public input and feedback received during this process was used by the project team to formulate and refine the master plan recommendations. Section 1 of the Master Plan provides further details regarding the public participation process.

## Capital Improvement Projects

The results of the geomorphic, hydraulics and hydrology, land use and development, stream corridor, and special areas evaluations formed the foundation for identifying problem areas in the watershed. Potential improvement projects addressing each problem area were evaluated based on design considerations, economic feasibility, and overall efficiency.

The Master Plan includes 7 stream stability capital improvement projects. The general locations of the projects are shown in Figure ES-3, CIP Locations. The dominant process on the Lynn Creek main stem is incising. In addition to the undermining of infrastructure, continued incision can cause erosion and bank failures that could threaten property and natural resources along the channel.

Projects 1-3, and 5-7 are grade controls along the main stem and tributaries to stop channel incision from advancing upstream. These grade controls will hold the profile grade of the channel, reducing the erosion and sediment released. Project 1 also includes restoration of flood flow carrying capacity of the Adams Street culvert.

The total cost for all 7 capital improvement projects is estimated to be approximately \$1.6 million using 2017 material and construction costs. Funding for these Capital Improvement Projects may include, but not be limited to, City stormwater bonds, Lower Platte South Natural Resource District (NRD) funds, and where deemed appropriate by the involved agencies, Lancaster County and Nebraska Department of Transportation (NDOT) funds. Funding for State, Other Agencies, and Private projects are typically the responsibility of the respective entities.

Figure ES-3 Lynn Creek

CIP Locations

● CIPs

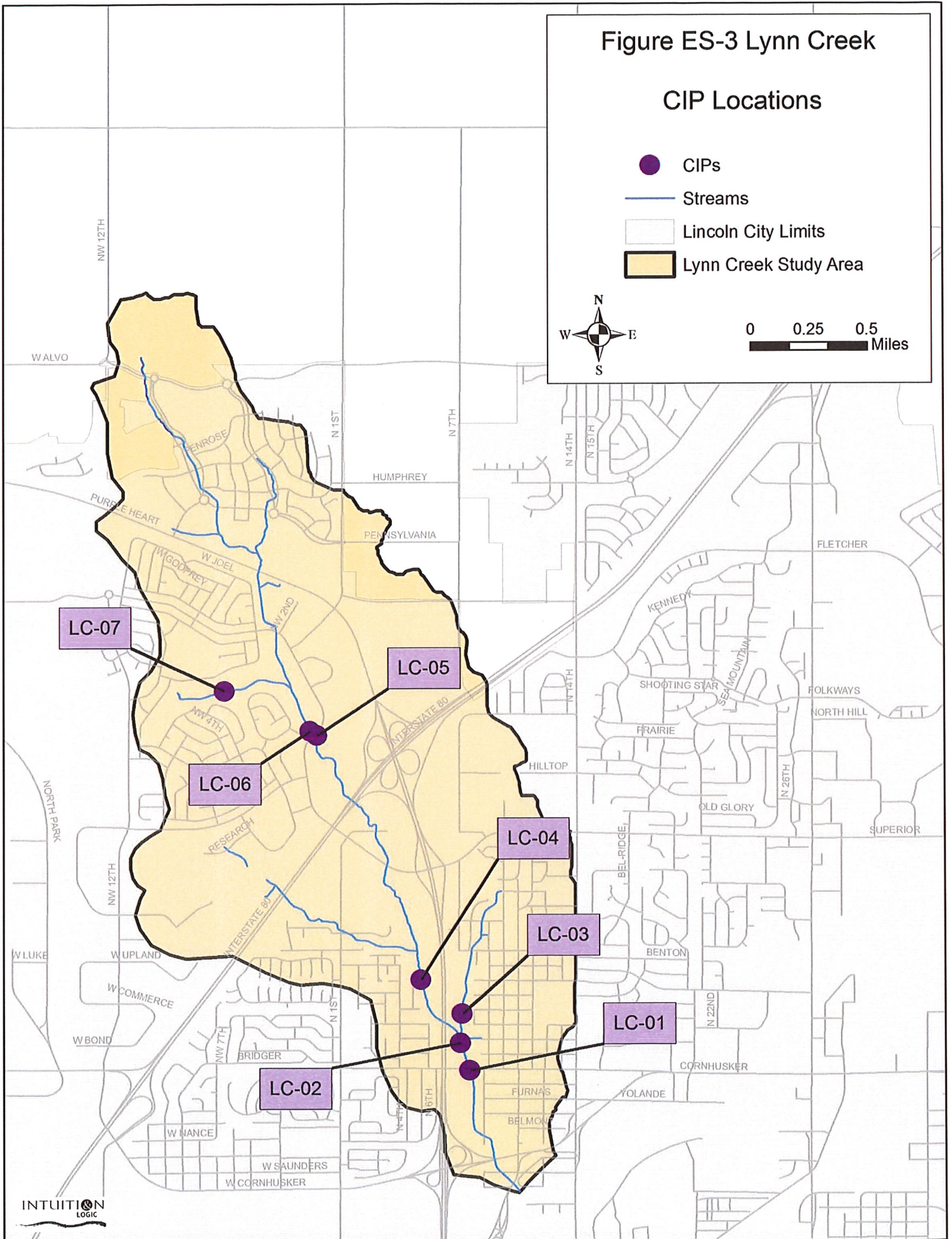
— Streams

□ Lincoln City Limits

■ Lynn Creek Study Area



0 0.25 0.5 Miles



The recommended projects were categorized using the prioritization categories from the Prioritization Methodology Report for Watershed Master Planning Projects, City of Lincoln, Nebraska, 2006. The prioritization methodology was developed for the City of Lincoln to set priorities and implement projects for watershed master planning each year. The prioritization system contains five major categories including flooding impacts, stream stability, water quality, safety factor, and miscellaneous factors. For each project, a ranking worksheet is used to assign points under each category, with the goal of developing an overall score. The projects with the highest point score are considered a higher priority. Table ES-1 lists the results of the estimated project cost and ranking scores for the 7 projects within the Lynn Creek study area. Further detail on each project, including the problem description and recommendations are found in Section 8 of this Master Plan.

**Table ES-1 Project Priority, Rank and Cost**

| Project Name | Project Type       | Priority Score | Project Ranking | Project Cost |
|--------------|--------------------|----------------|-----------------|--------------|
| LC 01        | Grade Control      | 270            | 1               | \$ 367,000   |
| LC 02        | Grade Control      | 195            | 5               | \$ 372,000   |
| LC 03        | Grade Control      | 195            | 6               | \$ 246,000   |
| LC 04        | Bank Stabilization | 230            | 4               | \$ 75,000    |
| LC 05        | Grade Control      | 260            | 3               | \$ 129,000   |
| LC 06        | Grade Control      | 195            | 7               | \$ 83,000    |
| LC 07        | Grade Control      | 270            | 2               | \$ 353,000   |
| Total        |                    |                |                 | \$ 1,625,000 |

## Summary

The Lynn Creek Watershed Master Plan provides the necessary planning tools and improvement projects to address potential stream stability problems in the watershed. This master plan is a reference for the implementation of improvement projects in the Watershed through the City and County Capital Improvement Programs and the NRD's Long Range Implementation Plan, and as a guide for future growth.

By using the detailed study information and applying the Master Plan elements described above, multiple goals will be achieved including:

- Long-term stream stability that protects public infrastructure
- Reduction of future impacts to water quality and stream stability due to urbanization
- Preservation of aquatic and riparian habitat
- Preservation of natural resources and endangered species

# Executive Summary

## Introduction

The City of Lincoln (City) and the Lower Platte South Natural Resources District (NRD) are in the process of developing a Comprehensive Watershed Management Plan for the City of Lincoln and its future growth areas. This comprehensive watershed plan is being developed basin by basin, through the completion of watershed master plans for individual basins. Watershed master plans are used as planning tools to be referenced in conjunction with proposed development and as a guide in the preparation of future capital improvement projects (CIPs).

The City and NRD have previously adopted watershed master plans for the Antelope Creek, Beal Slough, Cardwell Branch, Deadman's Run, Little Salt Creek, Southeast Upper Salt Creek (SEUSC), Stevens Creek, Haines Branch, Middle Creek, and South Salt Creek basins. Master plans for Oak Creek, Lynn Creek, and North Salt Creek basins are currently being prepared. Figure ES-1 shows the completed basins in the Comprehensive Watershed Master Plan highlighted in yellow and the basin plans under way highlighted in green.

The **North Salt Creek Watershed Master Plan** (Master Plan) is summarized in this report. The purpose of the North Salt Creek Watershed Master Plan is to identify needed CIPs for stream stability. The Master Plan also identifies special or unique areas in the watershed for consideration during the design and construction of the Watershed CIPs.

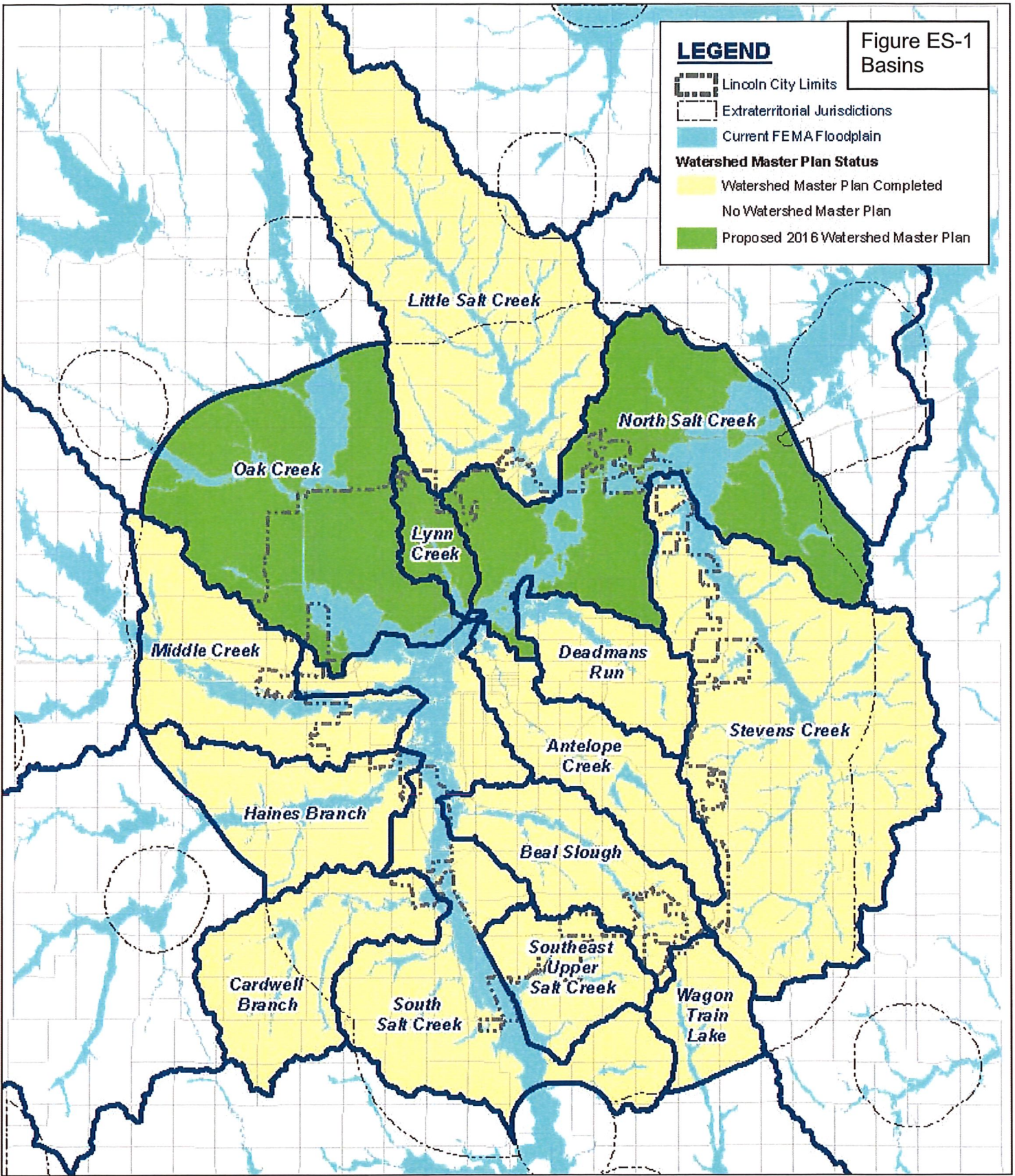
The North Salt Creek Watershed Study Area is located within and east of the City of Lincoln, as illustrated in Figure ES-2. The North Salt Creek Watershed Study Area is approximately 34 square miles. The limits of the study area were determined based upon the limits of the current Extraterritorial Jurisdiction (ETJ). The studied portion of the watershed is approximately 9 miles in length with a maximum width of about 9 miles. There are about 80 miles of open channel within the watershed study area.

The project team was led by the City and NRD, in cooperation with Lancaster County (County). The City/NRD retained the consultant team of Intuition & Logic Engineering, Inc. (I&L), in association with the EA Engineering, Science, and Technology, Inc. PBC (EA) and Heartland Center for Leadership Development (HC).

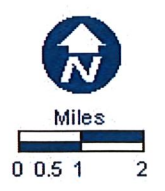
Figure ES-1  
Basins

**LEGEND**

- Lincoln City Limits
- Extraterritorial Jurisdictions
- Current FEMA Floodplain
- Watershed Master Plan Status**
  - Watershed Master Plan Completed
  - No Watershed Master Plan
  - Proposed 2016 Watershed Master Plan



# 2016 Watershed Master Plans & Basins





## Public Participation

As part of the Master Plan development, a public participation process was used to solicit input from area residents and other interested parties. The public participation process included the following:

- Three open houses in April 2017, September 2017 and January 2018
- Project updates and information on the City's website to post preliminary results and upcoming events
- A series of Three newsletters mailed to over 800 individuals and organizations
- The City, County and the NRD each host open public hearings regarding the Master Plan which provide several opportunities for public input.

The public input and feedback received during this process was used by the project team to formulate and refine the master plan recommendations. Section 1 of the Master Plan provides further details regarding the public participation process.

## Capital Improvement Projects

The results of the geomorphic, hydraulics and hydrology, land use and development, stream corridor, and special areas evaluations formed the foundation for identifying problem areas in the watershed. Potential improvement projects addressing each problem area were evaluated based on design considerations, economic feasibility, and overall efficiency.

The Master Plan includes 5 stream stability capital improvement projects. The general locations of the projects are shown in Figure ES-3, CIP Locations. The dominant process on the North Salt Creek main stem is widening and plan form adjustment. The widening and plan form adjustment do not threaten any structures, therefore, no CIPs were developed to address these processes.

Projects 1, 3 and 5 are grade controls along the tributaries to stop channel incision from advancing upstream and further undermining existing outfalls. These grade controls will hold the profile grade of the channel, reducing the erosion and sediment released. The projects also include bank stabilization to prevent flanking of the grade controls. Projects 2 and 4 are bank stabilization projects along the tributaries to stop channel and bank erosion threatening existing culvert crossings. The projects also include outfall restoration to prevent scour and erosion from undermining the outfall.

The total cost for all 5 capital improvement projects is estimated to be approximately \$760 thousand using 2017 material and construction costs. Funding for these Capital Improvement Projects may include, but not be limited to, City stormwater bonds, Lower Platte South Natural Resource District (NRD) funds, and where deemed appropriate by the involved agencies, Lancaster County and Nebraska Department of Transportation (NDOT) funds. Funding for State, Other Agencies, and Private projects are typically the responsibility of the respective entities.

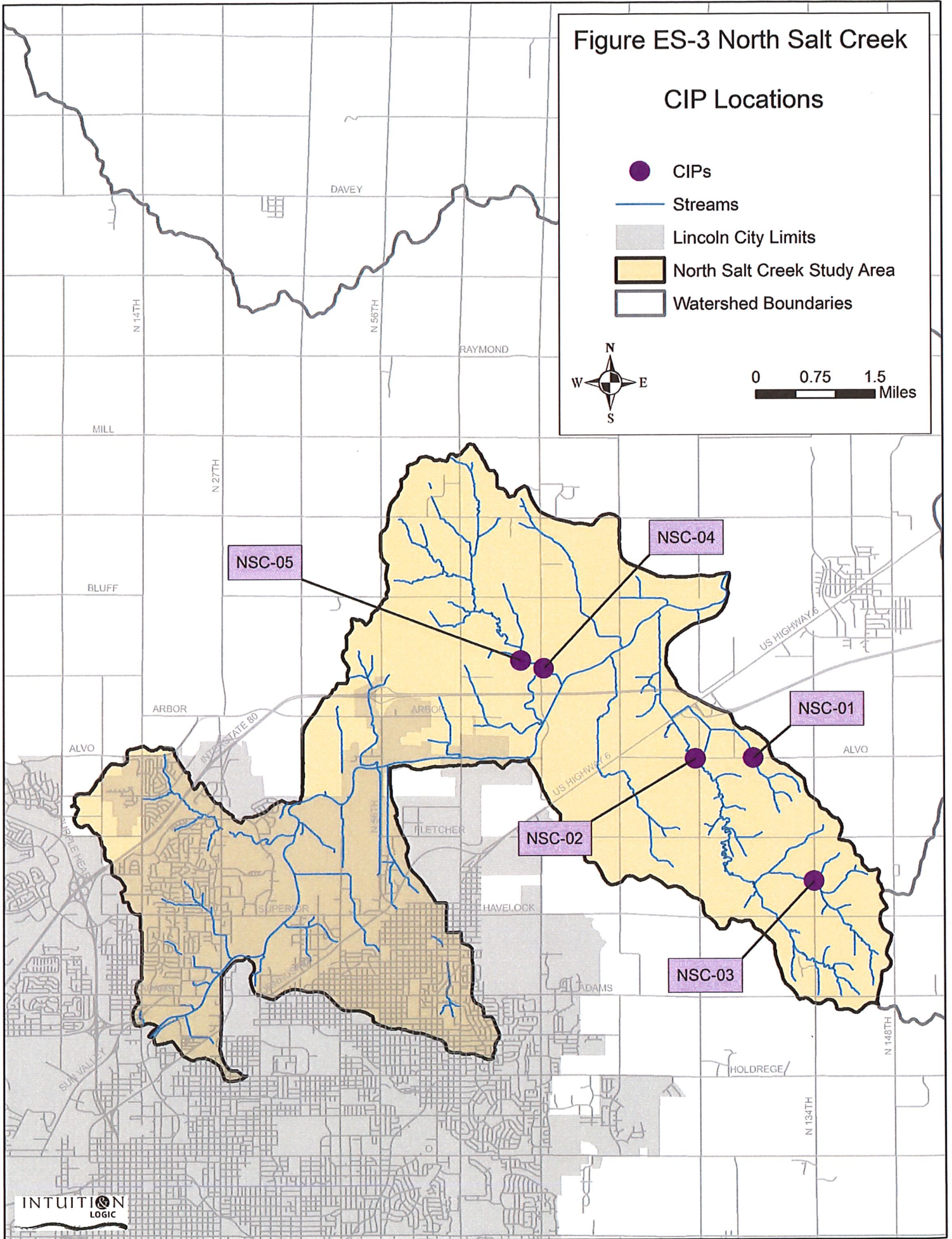
Figure ES-3 North Salt Creek

CIP Locations

- CIPs
- Streams
- ▭ Lincoln City Limits
- ▭ North Salt Creek Study Area
- ▭ Watershed Boundaries



0 0.75 1.5 Miles



The recommended projects were categorized using the prioritization categories from the Prioritization Methodology Report for Watershed Master Planning Projects, City of Lincoln, Nebraska, 2006. The prioritization methodology was developed for the City of Lincoln to set priorities and implement projects for watershed master planning each year. The prioritization system contains five major categories including flooding impacts, stream stability, water quality, safety factor, and miscellaneous factors. For each project, a ranking worksheet is used to assign points under each category, with the goal of developing an overall score. The projects with the highest point score are considered a higher priority. Table ES-1 lists the results of the estimated project cost and ranking scores for the 5 projects within the North Salt Creek study area. Further detail on each project, including the problem description and recommendations are found in Section 8 of this Master Plan.

**Table ES-1 Project Priority, Rank and Cost**

| Project Name | Project Type                    | Priority Score | Project Ranking | Project Cost |
|--------------|---------------------------------|----------------|-----------------|--------------|
| NSC 01       | Rock Armor and Scour Protection | 360            | 1               | \$ 97,000    |
| NSC 02       | Bank Stabilization              | 360            | 2               | \$ 86,000    |
| NSC 03       | Rock Armor and Scour Protection | 240            | 5               | \$ 116,000   |
| NSC 04       | Bank Stabilization              | 330            | 4               | \$ 275,000   |
| NSC 05       | Grade Control                   | 350            | 3               | \$ 185,000   |
| Total        |                                 |                |                 | \$ 759,000   |

## Summary

The North Salt Creek Watershed Master Plan provides the necessary planning tools and improvement projects to address potential stream stability problems in the watershed. This master plan is a reference for the implementation of improvement projects in the Watershed through the City and County Capital Improvement Programs and the NRD's Long Range Implementation Plan, and as a guide for future growth.

By using the detailed study information and applying the Master Plan elements described above, multiple goals will be achieved including:

- Long-term stream stability that protects public infrastructure
- Reduction of future impacts to water quality and stream stability due to urbanization
- Preservation of aquatic and riparian habitat
- Preservation of natural resources and endangered species

# Executive Summary

## Introduction

The City of Lincoln (City) and the Lower Platte South Natural Resources District (NRD) are in the process of developing a Comprehensive Watershed Management Plan for the City of Lincoln and its future growth areas. This comprehensive watershed plan is being developed basin by basin, through the completion of watershed master plans for individual basins. Watershed master plans are used as planning tools to be referenced in conjunction with proposed development and as a guide in the preparation of future capital improvement projects (CIPs).

The City and NRD have previously adopted watershed master plans for the Antelope Creek, Beal Slough, Cardwell Branch, Deadman's Run, Little Salt Creek, Southeast Upper Salt Creek (SEUSC), Stevens Creek, Haines Branch, Middle Creek, and South Salt Creek basins. Master plans for Oak Creek, Lynn Creek, and North Salt Creek basins are currently being prepared. Figure ES-1 shows the completed basins in the Comprehensive Watershed Master Plan highlighted in yellow and the basin plans under way highlighted in green.







The **Oak Creek Watershed Master Plan** (Master Plan) is summarized in this report. The purpose of the Oak Creek Watershed Master Plan is to identify needed CIPs for stream stability. The Master Plan also identifies special or unique areas in the watershed for consideration during the design and construction of the Watershed CIPs.

The Oak Creek Watershed Study Area is located within and west of the City of Lincoln, to the west of Salt Creek as illustrated in Figure ES-2. The Oak Creek Watershed Study Area is approximately 36 square miles. The limits of the study area were determined based upon the limits of the current Extraterritorial Jurisdiction (ETJ). The studied portion of the watershed is approximately 9 miles in length with a maximum width of about 7 miles. There are approximately 69 miles of open channel within the watershed study area.

The project team was led by the City and NRD, in cooperation with Lancaster County (County). The City/NRD retained the consultant team of Intuition & Logic Engineering, Inc. (I&L), in association with the EA Engineering, Science and Technology, Inc., PBC (EA) and Heartland Center for Leadership Development (HC).

Figure ES-1  
Basins

**LEGEND**

-  Lincoln City Limits
-  Extraterritorial Jurisdictions
-  Current FEMA Floodplain
- Watershed Master Plan Status**
-  Watershed Master Plan Completed
-  No Watershed Master Plan
-  Proposed 2016 Watershed Master Plan

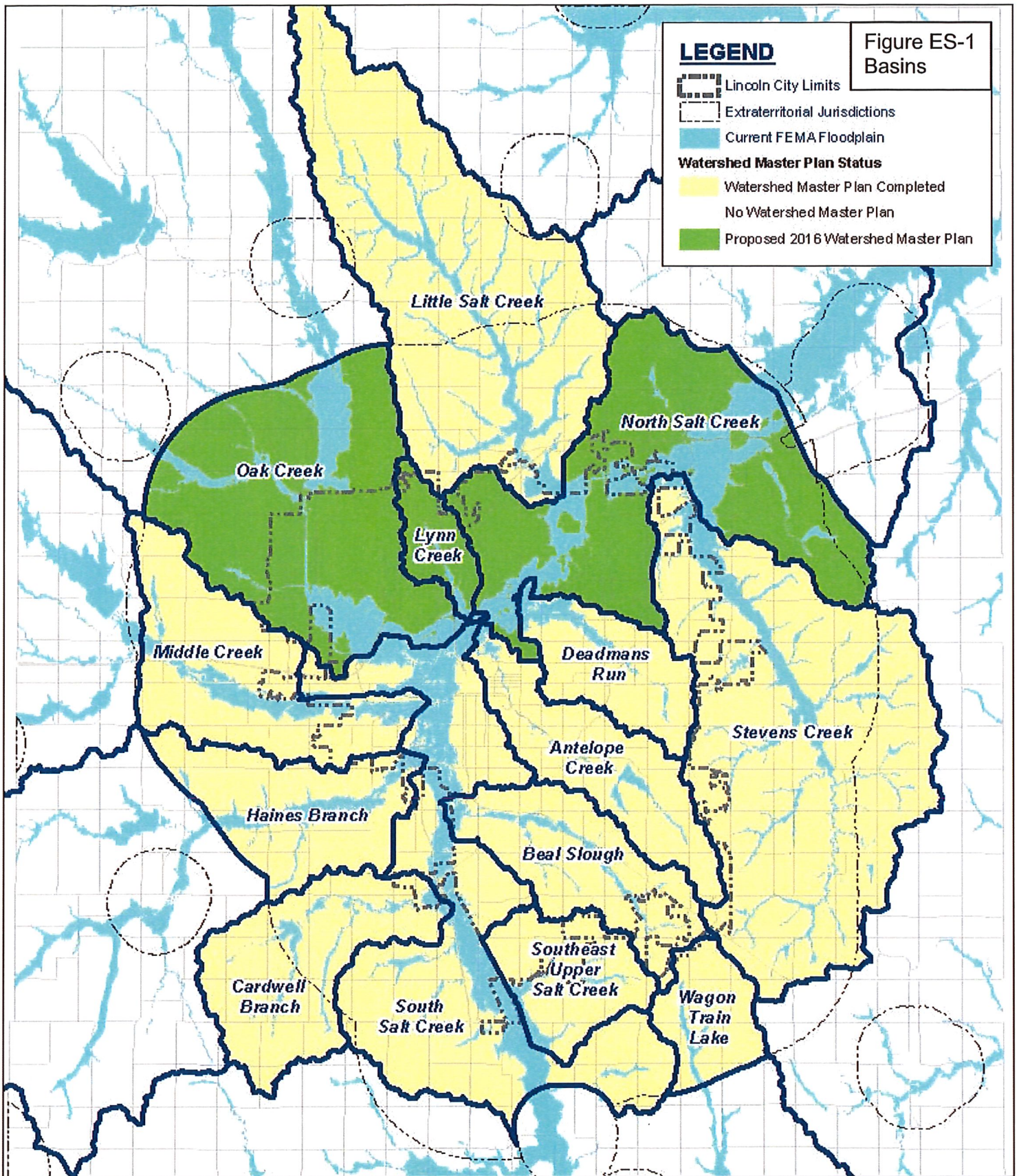


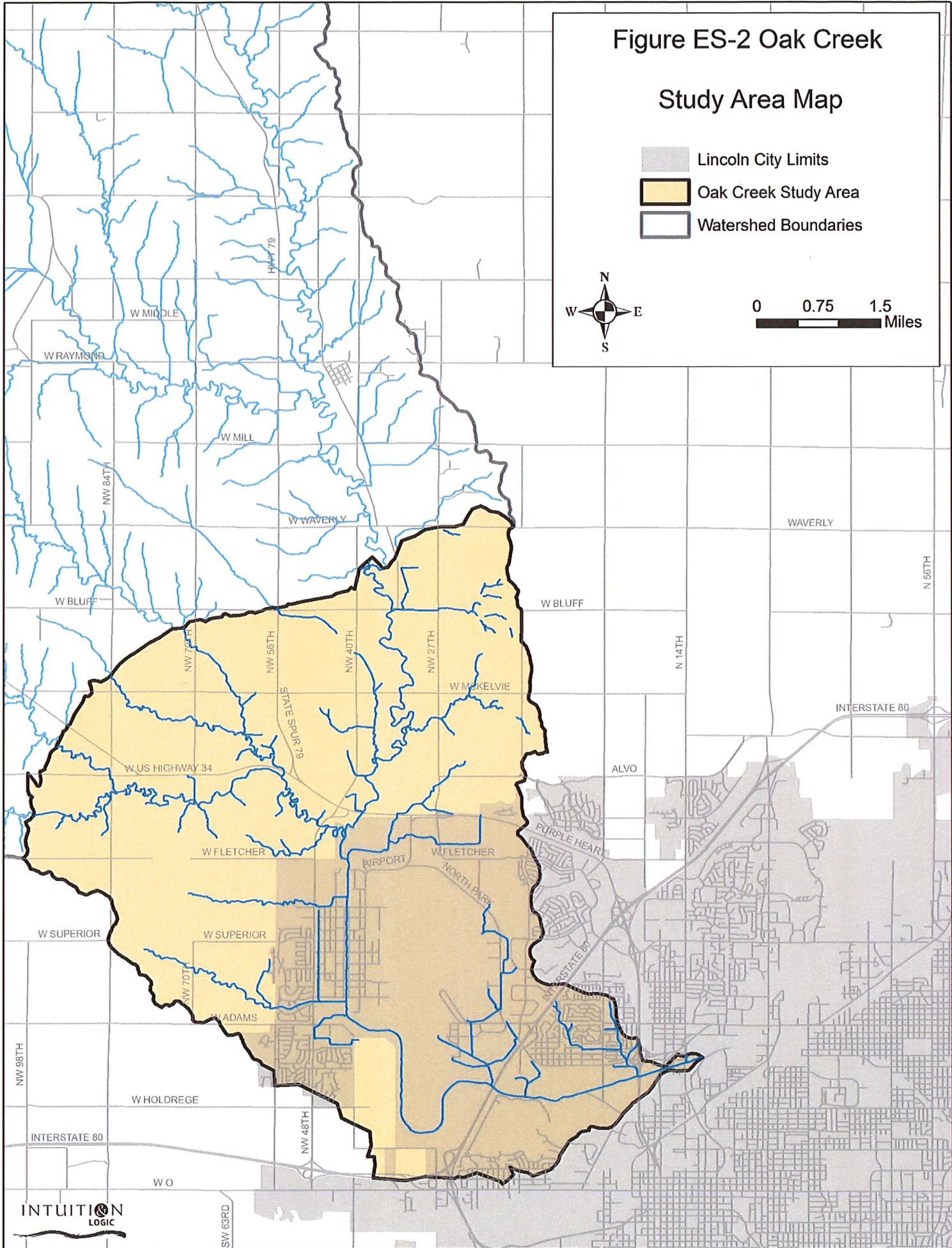
Figure ES-2 Oak Creek

Study Area Map

- Lincoln City Limits
- Oak Creek Study Area
- Watershed Boundaries



0 0.75 1.5 Miles



## Public Participation

As part of the Master Plan development, a public participation process was used to solicit input from area residents and other interested parties. The public participation process included the following:

- Three open houses in April 2017, September 2017 and January 2018
- Project updates and information on the City's website to post preliminary results and upcoming events
- A series of Three newsletters mailed to over 800 individuals and organizations
- The City, County and the NRD each host open public hearings regarding the Master Plan which provide several opportunities for public input.

The public input and feedback received during this process was used by the project team to formulate and refine the master plan recommendations. Section 1 of the Master Plan provides further details regarding the public participation process.

## Capital Improvement Projects

The results of the geomorphic, hydraulics and hydrology, land use and development, stream corridor, and special areas evaluations formed the foundation for identifying problem areas in the watershed. Potential improvement projects addressing each problem area were evaluated based on design considerations, economic feasibility, and overall efficiency.

The Master Plan includes 4 stream stability capital improvement projects. The general locations of the projects are shown in Figure ES-3, CIP Locations. The dominant process on the Oak Creek main stem is incising, widening and plan form adjustment. The widening and plan form adjustment do not threaten any structures, therefore, no CIPs were developed to address these processes.

Project 1 is a pipe outfall restoration to prevent further undermining of the outfall. Project 2, 3 and 4 are grade control projects to stop channel incision from advancing upstream. These grade controls will hold the profile grade of the channel, thereby reducing the erosion and sediment released. Continued incision can cause erosion and bank failures that could threaten structures.

The total cost for all 4 capital improvement projects is estimated to be approximately \$1.72 million using 2017 material and construction costs. Funding for these Capital Improvement Projects may include, but not be limited to, City stormwater bonds, Lower Platte South Natural Resource District (NRD) funds, and where deemed appropriate by the involved agencies, Lancaster County and Nebraska Department of Transportation (NDOT) funds. Funding for State, Other Agencies, and Private projects are typically the responsibility of the respective entities.

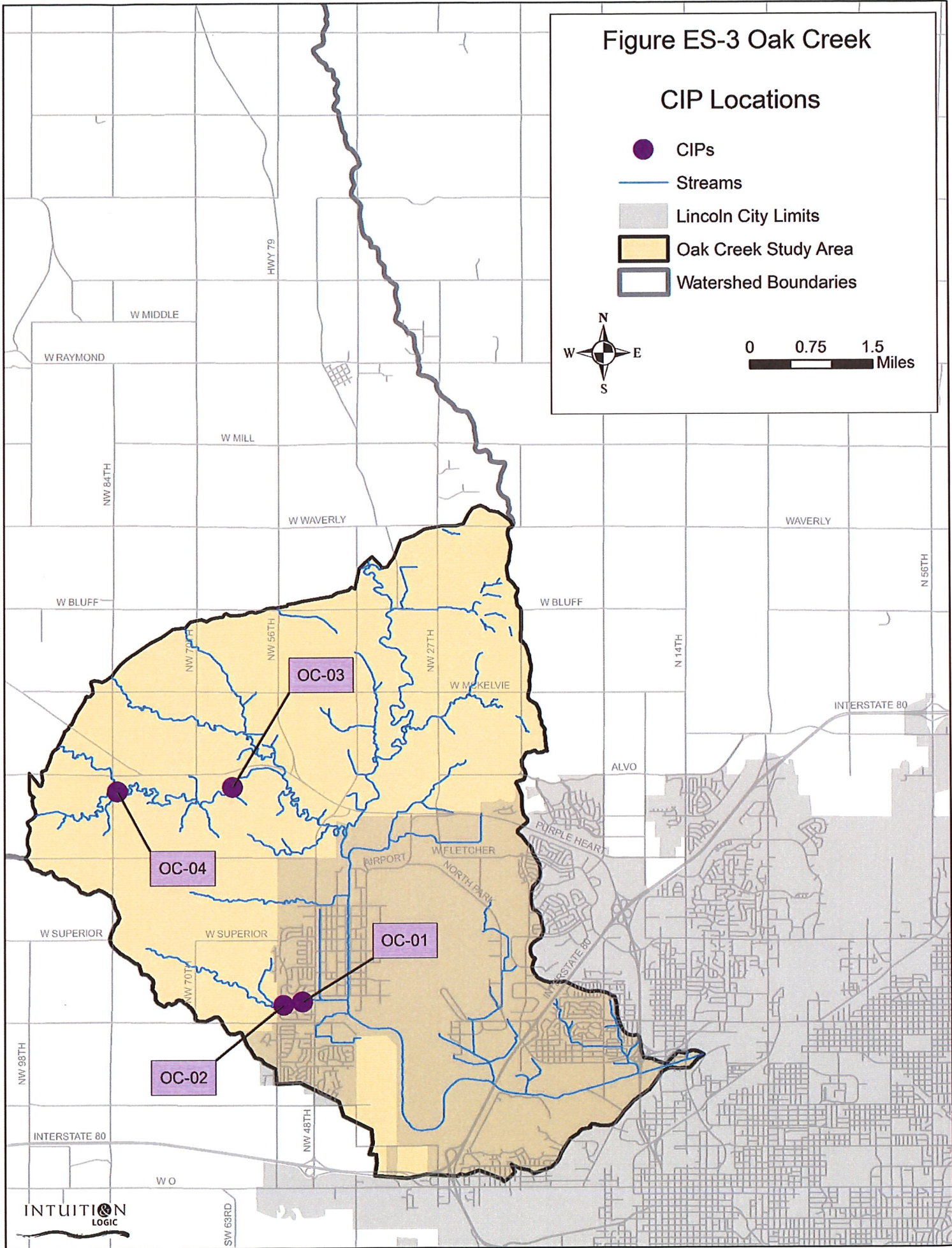
Figure ES-3 Oak Creek

CIP Locations

- CIPs
- Streams
- ▭ Lincoln City Limits
- ▭ Oak Creek Study Area
- ▭ Watershed Boundaries



0 0.75 1.5 Miles



The recommended projects were categorized using the prioritization categories from the Prioritization Methodology Report for Watershed Master Planning Projects, City of Lincoln, Nebraska, 2006. The prioritization methodology was developed for the City of Lincoln to set priorities and implement projects for watershed master planning each year. The prioritization system contains five major categories including flooding impacts, stream stability, water quality, safety factor, and miscellaneous factors. For each project, a ranking worksheet is used to assign points under each category, with the goal of developing an overall score. The projects with the highest point score are considered a higher priority. Table ES-1 lists the results of the estimated project cost and ranking scores for the 4 projects within the Oak Creek study area. Further detail on each project, including the problem description and recommendations are found in Section 8 of this Master Plan.

**Table ES-1 Project Priority, Rank and Cost**

| Project Name | Project Type        | Priority Score | Project Ranking | Project Cost |
|--------------|---------------------|----------------|-----------------|--------------|
| OC 01        | Pipe Outfall Repair | 210            | 3               | \$ 91,000    |
| OC 02        | Grade Control       | 195            | 4               | \$ 80,000    |
| OC 03        | Grade Control       | 310            | 1               | \$ 526,000   |
| OC 04        | Grade Control       | 270            | 2               | \$ 1,023,000 |
| Total        |                     |                |                 | \$ 1,720,000 |

## Summary

The Oak Creek Watershed Master Plan provides the necessary planning tools and improvement projects to address potential stream stability problems in the watershed. This master plan is a reference for the implementation of improvement projects in the Watershed through the City and County Capital Improvement Programs and the NRD's Long Range Implementation Plan, and as a guide for future growth.

By using the detailed study information and applying the Master Plan elements described above, multiple goals will be achieved including:

- Long-term stream stability that protects public infrastructure
- Reduction of future impacts to water quality and stream stability due to urbanization
- Preservation of aquatic and riparian habitat
- Preservation of natural resources and endangered species



## LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | [www.lpsnrd.org](http://www.lpsnrd.org)

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### BOARD OF DIRECTORS' MEETING March 14, 2018

The Board of Directors of the Lower Platte South Natural Resources District met on Wednesday, March 14, 2018 at 2:00 p.m., at the Lower Platte South NRD office, 3125 Portia, Lincoln, Nebraska. Directors present were Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens and Wilson. Stevens called the meeting to order at 2:00 p.m.

Stevens welcomed those in attendance, and the pledge of allegiance was recited. He noted that the public meetings law is posted in the room and that carrying concealed weapons is prohibited at board meetings. He requested all cell phones be put on silent mode. He reminded everyone an audio recording of the meeting can be found on the NRD website. He offered an opportunity for public present to speak to non-agenda items.

Gary Aldridge and Jamie Wenz, Operations Manager 5 City-TV, addressed the Board.

#### ITEM 1. ROLL CALL OF DIRECTORS.

17 Directors were present upon roll call.

#### ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Stevens reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on March 1, 2018.

#### ITEM 3. CONSIDERATION OF DIRECTORS' ABSENCES.

Stevens stated that requests for excused an absences for the March 14, 2018 Board of Directors meeting were received from Mike DeKalb and Gary Hellerich.

It was moved by Spangler and seconded by Landis to approve the requests for excused absences from Mike DeKalb and Gary Hellerich for the March 14, 2018 Board of Directors meeting. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 4. ADOPT REVISED AGENDA

It was moved by Eagan and seconded by Osborn to adopt the Revised Agenda. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 5. RECOGNITION OF STAFF ANNIVERSARIES

General Manager Paul Zillig recognized Doug Cheney, Corrections Crew Supervisor for 10 years of service, Tom Malmstrom, Saline Wetlands Conservation Partnership Coordinator for 15 years of service and Mike Mascoe for 20 years of service to the Lower Platte South NRD.

Trent Henry was introduced as the new Maintenance Technician.

ITEM 6. APPROVE MINUTES OF FEBRUARY BOARD OF DIRECTORS MEETING.

It was moved by Bolte and seconded by Steinkruger to approve the minutes of the February 21, 2018 Board of Directors Meeting. The motion was approved.

AYE: Aldridge, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Stevens, and Wilson

ABSTAIN: Amen, Osborn and Steinkruger

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 7. REPORT OF THE FINANCE AND PLANNING SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Kerkman stated that the Finance and Planning Subcommittee met on March 13, 2018. He indicated that the financial reports for the period July 1, 2017 through February 28, 2018 had been distributed.

It was moved by Kerkman and seconded by Andersen to approve the financial reports for the period of July 1, 2017 through February 28, 2018 and publish the expenditures for February 2018. The motion was approved.

AYE: Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: Aldridge

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

Kerkman moved the Finance & Planning Subcommittee's recommendation that the Board of Directors approve that the expenditure of \$15,900 for the Upper Salt 3-A repairs come from budget code 780350. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 8. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Jacobson stated that the Water Resources Subcommittee met on March 8, 2018. He stated that there was not a quorum present at the subcommittee meeting.

Jessica Kolterman, Lincoln Premium Poultry and Dick Ehrman, Water Resources Specialist addressed the Board

It was moved by Jacobson and seconded by Andersen that the Board of Directors approve the two preliminary well permits for Chris Benes (LPSP-180392 & LPSP-180393), located in Township-13-North, Range-5-East, Section 19, Saunders County (Dwight-Valparaiso-Brainard Special Management Area). The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

Jacobson stated that no action was required on item 8(b) the request for financial assistance from the Village of Malcolm.

It was moved by Jacobson and seconded by Osborn that the Board of Directors approve Change Order No. 2 for the Software Development Agreement with Phoenix Web Group for improving database communications with landowners. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 9. REPORT OF THE RECREATION, FORESTRY & WILDLIFE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Wilson stated that the Recreation, Forestry & Wildlife Subcommittee met on March 13, 2018. She further indicated that item 9(b) would be heard in Closed Session.

Wilson moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors direct staff to hold a public hearing on the acquisition of the five acre Hunter tract located in the Northwest Quarter of Section 11, Township-9-North, Range-5-East, Lancaster County, Nebraska and authorize the General Manager to complete the transfer of the property to the District from the Lincoln Parks Foundation in accordance with the Prairie Corridor on Haines Branch Agreement. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 10. REPORT OF THE URBAN SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Bruce Johnson stated that the Urban Subcommittee met on March 6, 2018.

It was moved by Johnson and seconded by Landis that the Board of Directors approve the Watershed Master Plan for the North Salt Creek. The motion was approved

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

It was moved by Johnson and seconded by Osborn that the Board of Directors approve the Watershed Master Plan for the Oak Creek Watershed Basin. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

It was moved by Johnson and seconded by Schmidt that the Board of Directors approve the Watershed Master Plan for the Lynn Creek Watershed Basin. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

Steven Perry of Olmsted & Perry Consulting Engineers, representing the City of Plattsmouth addressed the Board.

It was moved by Johnson and seconded by Spangler that the Board of Directors approve the Community Assistance Program funding for the design component for application for Plattsmouth Lincoln Avenue Drainage Project in the amount, not to exceed 50% of \$23,000.00 The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

Johnson stated that seven bids were received for the Antelope Creek Outlet Repairs. Devin Biesecker, District Engineer answered questions of the Board.

| Bidder                       | Bid          |
|------------------------------|--------------|
| Pat Thomas Construction      | \$29,396.00  |
| Yost Excavating              | \$32,900.00  |
| Gana Trucking & Excavating   | \$53,933.40  |
| Husker Grading               | \$59,512.00  |
| Lipsey Construction          | \$72,835.00  |
| HR Bookstrom Construction    | \$97,350.00  |
| Land Excavation & Demolition | \$123,950.00 |

Johnson moved the Urban Subcommittee recommendation that the Board of Directors approve the low bid from Pat Thomas Construction in the amount of \$29,396.00 for the Antelope Creek Outlet Repair. The motion was approved.

AYE: Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NOT VOTING: Aldridge

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 11. REPORT OF THE LAND RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS.

Spangler stated that the Land Resources Subcommittee did not meet prior to the Board meeting however the review groups had reviewed the applications received.

| County    | First Name         | Practice          | Amount              |
|-----------|--------------------|-------------------|---------------------|
| Butler    | Chris Zetocha      | Terraces          | \$12,566.06         |
| Butler    | Patricia Foral     | Terraces          | \$10,887.06         |
| Cass      | Gary Hall          | Grassed Waterways | \$10,000.00         |
| Cass      | Grant Fiedler      | Terraces          | \$ 15,000.00        |
| Cass      | Debra McNaught     | Terraces          | \$ 15,000.00        |
| Lancaster | Mark Mundt         | Terraces          | \$15,000.00         |
| Saunders  | Agnes M. Poskochil | Terraces          | \$ 15,000.00        |
| Saunders  | George Wonka       | Basins            | \$15,000.00         |
|           |                    | <b>TOTAL</b>      | <b>\$108,453.12</b> |

It was moved by Spangler and seconded by Osborn to approve the eight applications for cost-share assistance for summer conservation work in the amount totaling \$108,453.12. The motion was approved.

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Spangler, Steinkruger, Stevens, and Wilson

ABSTAIN: Schmidt

NAY: None

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 12. CONSIDERATION OF ITEMS REQUIRING CLOSED SESSION

It was moved by Wilson and seconded by Schmidt that the Board of Directors go into closed session at 2:42 p.m. to protect the public interest and develop strategy with respect to negotiations related to the acquisition of the Samani 2 property for the Prairie Corridor on Haines Branch Project. The motion was approved.

AYE: Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: Aldridge

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

It was moved by Steinkruger and seconded by B. Johnson to return to open session at 3:33 p.m. The motion was approved.

AYE: Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Osborn, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: Aldridge

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

Schmidt moved the Recreation, Forestry & Wildlife Subcommittee's recommendation that the Board of Directors direct staff to notify the Samanis of the land acquisition on a willing buyer willing seller basis, hold a public hearing and authorize staff to begin negotiations offering the appraised amount to acquire 20.01 acres described as Lot 19 IT, located in the Northwest Quarter of Section 34, Township-9-North, Range-5-East, Lancaster County, Nebraska in accordance with the Prairie Corridor on Haines Branch Agreement. The motion was approved

AYE: Aldridge, Amen, Andersen, Bolte, Eagan, Jacobson, B. Johnson, C. Johnson, Kerkman, Landis, Ruth, Schmidt, Spangler, Steinkruger, Stevens, and Wilson

NAY: Osborn

NOT PRESENT: Barrett, DeKalb, Hellerich and Svoboda

ITEM 13. PERMIT AND PROGRAM APPROVALS

A report of permit and program approvals was distributed.

ITEM 14. SCHEDULE OF UPCOMING EVENTS AND ACTIVITIES.

A schedule of upcoming events and activities was sent out.

ITEM 15. FOR INFORMATION ONLY.

Various memos were sent out.

Milt Schmidt gave a report of NARD activities.

There being no other business, the meeting was adjourned at 3:40 p.m. The undersigned, the duly elected and acting Secretary of the Lower Platte South Natural Resources District (the "District"), hereby certifies that the foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors of the District held on March 14, 2018, that all of the matters and subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the above minutes were in written form and available for public inspection within ten working days or prior to the next convened meeting, whichever occurred earlier; and, that reasonable efforts were made to provide all news media requesting notification of the meeting and of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Deborah Eagan, Secretary

/dr





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |                                  |
|--|----------------------------------|
| APPLICATION NUMBER<br>Text Amendment #18004        | FINAL ACTION?<br>No              |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018 | RELATED APPLICATIONS<br>SP#18010 |

**RECOMMENDATION: APPROVAL**

### BRIEF SUMMARY OF REQUEST

This is a request to amend Section 27.63.110 Garden Centers and 27.63.810 Farm Winery to allow a dwelling on the same lot as the garden center or winery. It is typical of agricultural uses for a house and farm to be on the same lot.

### JUSTIFICATION FOR RECOMMENDATION

Allowing a dwelling on the same premises as a farm winery or garden center could help to insure these businesses have success.

### APPLICATION CONTACT

Les Meyer, 402-450-4383 or [les.meyer54@gmail.com](mailto:les.meyer54@gmail.com)

### STAFF CONTACT

Tom Cajka, (402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages the retention and expansion of existing businesses.

### ANALYSIS

1. This application is a request to amend Sections 27.63.110 -Garden Centers and 27.63.810-Farm Winery to allow a dwelling on the same premises as a garden center or farm winery.
2. The zoning ordinance only allows one main uses in the AG, AGR, R-2 and R-3 zoning districts. The farm winery, garden center and dwelling are each considered a main use. Therefor a dwelling is not allowed on the same premises as a garden center or farm winery.
3. The applicant requested the change for a farm winery and the Planning Department is requesting the change to garden centers.
4. Other similar uses such as market gardens and heritage centers allow dwellings on the same site.
5. In 2017 Lancaster County Zoning Regulations were amended to allow a dwelling on the same site as a farm winery. A survey of farm wineries done in 2016 found that out of 5 farm wineries, three of them had a dwelling on site.
6. Capitol View Winery want to add a house on the same lot as their winery. Without this text amendment that would not be allowed.

Prepared by

---

Tom Cajka, Planner

Date: March 28, 2018

Applicant: Les Meyer  
2361 Wittstruck Rd.  
Roca, NE 68430  
402-450-4383

Contact: Same as applicant

F:\DevReview\TX\18000\TX18004 farm winery and garden center.tjc.docx

### **27.63.110 Garden Centers.**

Garden centers may be allowed by special permit in the AG, AGR, R-2, and R-3 zoning districts under the following conditions:

(a) In the R-2 and R-3 zoning districts, the land shall be adjacent to the boundary of one of the following districts: B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3;

(b) In the AG and AGR zoning districts, buildings and parking shall be set back at least 100 feet from all exterior lot lines;

(c) In the R-2 and R-3 zoning districts, buildings, parking stalls, and driving aisles shall be set back at least 30 feet from abutting residential lot lines;

(d) Height regulations shall be the same as the zoning district in which it is located;

(e) If a building or parking lot is located on the garden center site adjacent to any residential district, the yards adjacent to said residential district shall be landscaped and screened as required in Section 7.5 titled "Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts" in Chapter 3.50 of the approved Design Standards for Zoning;

(f) Access to the garden center shall be from a street that is designated as an existing or future arterial in the Comprehensive Plan.

(g) The City Council may increase the number of free standing signs per frontage permitted in the AG district under the following conditions:

(1) The owner's main use of the premises for a Garden Center is, or will be operated by two or more tenants/lessees of the owner who have or will have separate and distinct access entrances to the premises along the same frontage; and

(2) No more than one free standing sign shall be located at any such tenant's/lessee's entrance to the premises.

(h) A dwelling for the owner or employee of the garden enter may be on the same premises as the garden center.

### **27.63.810 Farm Winery.**

Farm wineries may be allowed by special permit in the AG Agriculture District under the following conditions:

(a) No farm winery shall manufacture wine in excess of 50,000 gallons per year;

(b) A farm winery must produce a minimum of fifteen percent (15%) of its product from fruit or other agricultural products harvested from the premises following five (5) years of business;

(c) Wines produced at the farm winery may be sold on site at wholesale and retail;

(d) Wines produced at the farm winery may be sold at retail for consumption on the premises;

(e) Sampling of wine at the farm winery shall be permitted in reasonable amounts;

(f) A farm winery may sell retail items as an accessory to wine sales through a tasting or wine sales room;

(g) A farm winery may only serve food prepared off site by a Health Department licensed establishment in association with sampling and/or on premises consumption of wine. A farm winery shall not act in the capacity of a retail food establishment;

(h) Unless waived by the City Council, parking shall be in conformance with Chapter 27.67;

(i) The farm winery shall be licensed under the Nebraska Liquor Control Act as a farm winery.

(j) A dwelling for the owner or employee of the farm winery may be on the same premises as the farm winery.

2-20-2018

City of Lincoln

Planning and Zoning: Attention Mr. Cajka

My name is Les Meyer, my wife Trish and I bought the former Wunderrosa Winery at 2316 Wittstruck Rd. in Roca. We now call it Capitol View Winery and Vineyards.

When we purchased the winery, the former owner lived in one half of the winery building. We purchased 22.187 acres as shown on the survey plot attached. We understood at that time that Lancaster County statutes would apply. Specifically Article 4, 4.005 Permitted Conditional uses. H Farm Winery. Number 9 "The site for the farm winery may be on the same premises as the main residence of the owner or operator." (Resolution No. R-17-0040, May 30, 2017).

We now understand that we fall under the jurisdiction of the City via the three mile buffer zone that would not allow us to build our main residence of the owner or operator on that land.

Our request is asking for a Text Amendment to the City of Lincoln that would allow the language of Lancaster County to prevail.

We understand the need for County and City zoning and appreciate the efforts to protect the landscape. We would have every intention of living in a home to be built on the 22 plus acres as the owners and operators. We would also plan to build a nice home that enhanced the overall look and feel of the total property. It would be our intent to be a good neighbor to all.

Please consider this request for a Text Amendment that would allow us to move forward with our needed plans. We live just two miles south of the Winery. Our plans would be to sell that property and live full time at the winery location.

We thank you for your consideration and would be happy to meet with you and discuss any concerns you might have.



Les Meyer

17801 Prairie Vista Dr. Roca Ne. 68430

402-450-4383



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

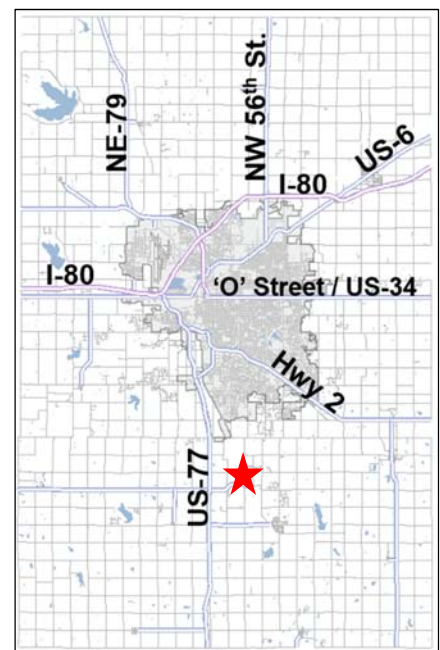
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |                                  |  |
|--|----------------------------------|--|
| APPLICATION NUMBER<br>Special Permit #18010        | FINAL ACTION?<br>No              | DEVELOPER/OWNER<br>Les and Patricia Meyer        |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018 | RELATED APPLICATIONS<br>TX#18004 | PROPERTY ADDRESS/LOCATION<br>2361 Wittstruck Rd. |

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Farm Winery on 22 acres located at the southwest corner of S. 25<sup>th</sup> Street and Wittstruck Road. There is a request to waive the paving requirement for the parking lot. The owner of the winery wants to build a house on the site.



**JUSTIFICATION FOR RECOMMENDATION**

The request for a farm winery meets all of the requirements of the special permit. The waiver to paved parking is acceptable due to the low traffic and remote location. The associated text amendment is necessary to allow a house on the same premises as the winery.

**APPLICATION CONTACT**

Les Meyer, 402-450-4383  
[Les.meyer@gmail.com](mailto:Les.meyer@gmail.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Farm wineries are an agricultural use that support the goals of the Comprehensive Plan to preserve agricultural land.

**WAIVERS**

1. To allow gravel parking lot. (Recommend Approval)

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

p. 5.4 - Farms are an important part of the history and economy of the region. While agriculture is no longer the primary occupation or major source of income in the County as a whole, agricultural production is still important to the community. It provides opportunities for produce to be sold at the local level and for large scale operations with sales worldwide. Farmers, while working year round, often support their families with accessory home occupations.

p. 5.5 - Continue efforts to preserve the vitality of the county’s agriculture industry through zoning, easements, and other means.

P. 12.3 - this site is shown as agricultural on the 2040 Lincoln Area Future Land Use Plan.

**ANALYSIS**

1. The current owner bought the winery in November 2016 believing that the winery had all proper permits. The winery, previously named WunderRosa Winery, had been operating since 2009.
2. At the time WunderRosa started operations the owners thought they were under County zoning jurisdiction. Under County zoning a farm winery is a conditional use, no special permit is required.
3. The site of the winery came under the City of Lincoln zoning jurisdiction in February 2007, 2 years prior to the start of WunderRosa Winery.
4. The owner of the winery is wanting to build a house on the same site as the winery. This is not allowed because the winery and the house are both a main use and only one main use is allowed on the site. The applicant has also filed an application for a text amendment to the zoning ordinance. In the process of reviewing the application for the text amendment it was discovered that the winery did not have a special permit.
5. The applicant is requesting a waiver to the paving of the parking lot. The site is 22 acres and is located on 2 gravel roads. The nearest paved road is Highway 77, one mile to the west. There are only 3 houses near this farm winery. The closest is approximately 525 feet from the proposed parking lot. Traffic should be minimal with the exception of the occasional large gathering. Due to the location, few nearby houses and low traffic this waiver is appropriate. The County Engineer does not object to the gravel parking lot.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural Winery.

**SURROUNDING LAND USE & ZONING**

|        |  |   |
|--------|--|---|
| North: | AG Agricultural                              | Farm ground and one single family house |
| South: | AG Agricultural                              | Farm ground and 3 single family houses  |
| East:  | AG Agricultural                              | Farm ground                             |
|        | AGX Agricultural in Roca zoning jurisdiction | Farm ground                             |
| West:  | AG Agricultural                              | Farm ground and one single family house |

**APPROXIMATE LAND AREA:** 22 acres, more or less

**LEGAL DESCRIPTION:** Lot 29 Irregular Tract located in the NE ¼ of Section 13, Township 8 North, Range 6 East, Lancaster County, NE

Prepared by

\_\_\_\_\_  
Tom Cajka, Planner

Date: March 26, 2018

Applicant: Les Meyer  
2361 Wittstruck Rd.  
Roca, NE 68430

Contact: Same as applicant

Owner: Same as applicant

F:\DevReview\SP\18000\SP18010 Capitol View Winery.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18010

Per Section 27.63.810 this approval permits a Farm winery with a waiver to paving of the parking lot.

### Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
  - 1.1 Delete the title block in the lower left and corner.
  - 1.2 Remove the proposed lagoon location.
  - 1.3 Show outline of existing gravel parking area for 20 stalls and an overflow parking area. Remove the parking stalls that are shown on the site plan as it appears these were never constructed.
  - 1.4 Show one paved parking stall that meets ADA requirements.
  - 1.5 Make the drawing darker
  - 1.6 Remove the site grading notes.
  - 1.7 Identify any outside seating areas.
  - 1.8 Note on the site plan that the location of the house is conceptual and may be anywhere on the property outside of the AG setbacks.
2. Before receiving building permits provide the following documents to the Planning Department:
  - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

PROPOSED OVERHEAD CONNECTION TO EXISTING ELECTRICAL TOWER

EXISTING POWER POLE

CL WITTSTUCK ROAD

1470.00' (10) COUNTY R.O.W

EXISTING RURAL WATER LINE

PROPOSED NEW POWER POLE

SITE GRADING NOTES

- 1) MAIN BASEMENT/CELLAR FINISH SUBGRADE = 92.0
- 2) GARAGE FINISH SUBGRADE = 101.0
- 3) CRUSH FLOOR FINISH SUBGRADE = 92.3 (0.2% SLOPE TO WEST)
- 4) PORCH FINISH SUBGRADE = 101.5
- 5) GRADE PERIMETER AND PARKING AREA PER SPOT ELEVATIONS
- 6) ENTRANCE DRIVE LONGITUDINAL SLOPE = 2.0%; X-SLOPE = 0.5% MIN.
- 7) PARKING LOT SLOPE = 0.5% AWAY FROM BUILDING
- 8) BUILDING PERIMETER BACKSLOPES AT 6% MAXIMUM
- 9) SLOPE SW OF CRUSH FLOOR AT 4% MAXIMUM

EXISTING CROP LAND

EXISTING CROP LAND

Future Vineyard

Current Vineyard

N

SCALE: 1"=50'

GRADING PLAN  
WUNDERHOSA WINERY

N1/2, NE 1/4,  
SEC 13, T 0N, R 6E  
LANCASTER COUNTY

LEGEND

PROPOSED STRUCTURES

EXISTING STRUCTURES

PROPOSED POWER LINE

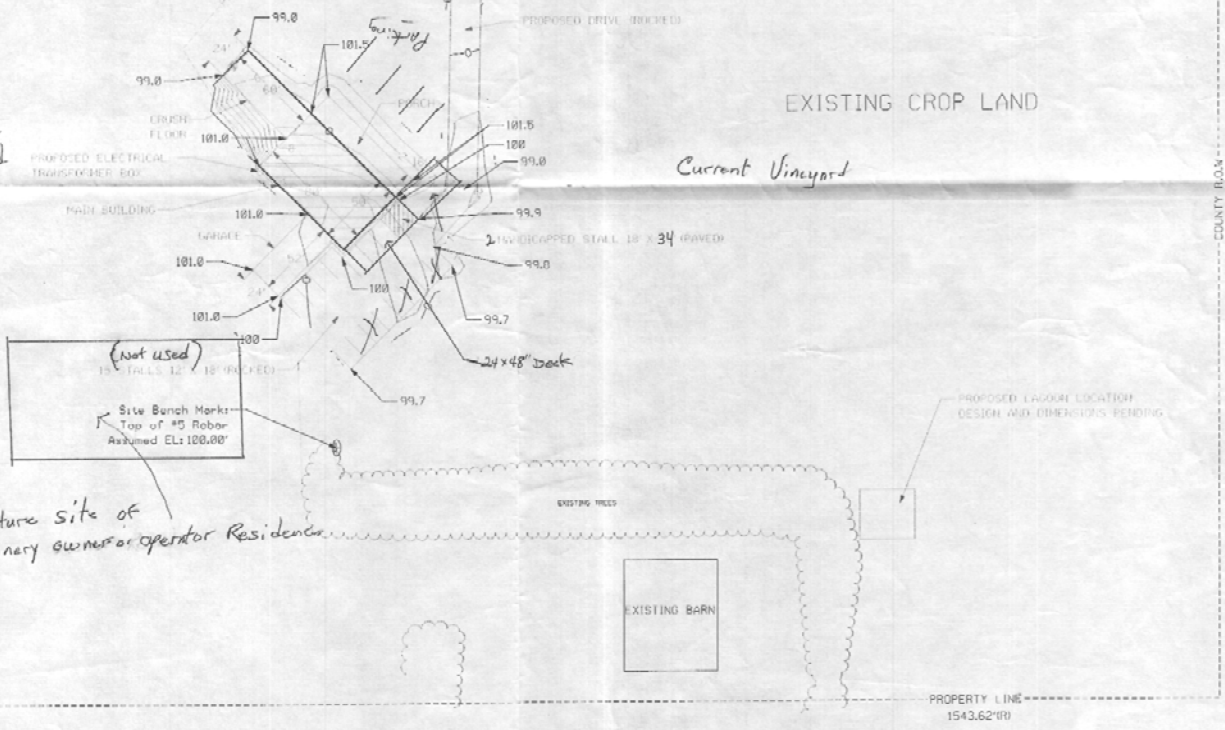
PROPOSED FILL

PROPOSED CUT

SETTLE AGRI-SERVICES  
AND ENGINEERING, INC.

4700 W. Rock Creek Ave.  
Bismarck, ND 58104  
701.783.2100

PROJECT ENGINEER: MATTHEW D. GOELLER





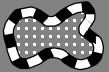


2016 aerial

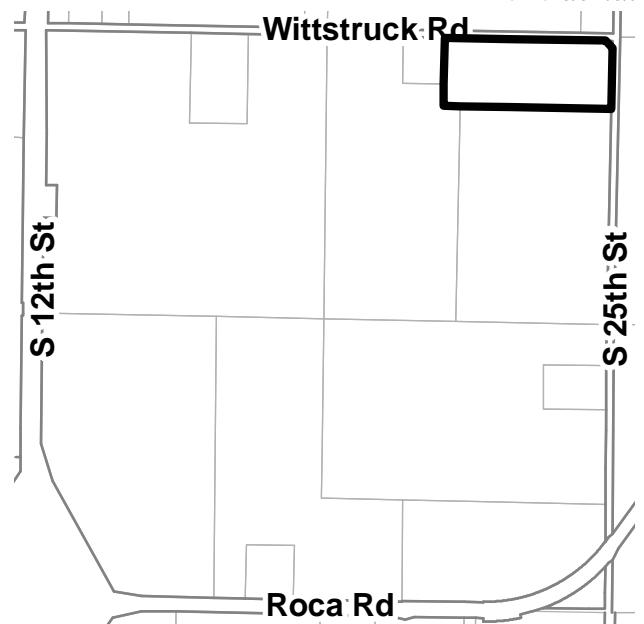
**Special Permit #: SP18010**  
**Capitol View Winery and Vineyards**  
**S 25th St & Wittstruck Rd**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
 Sec. 13 T08N R06E

|   |                               |
|---|-------------------------------|
|  | Area of Application           |
|  | Zoning Jurisdiction Lines     |
|  | Lancaster County Jurisdiction |



3-1-2018

City of Lincoln;

Planning and zoning: Attention Mr. Cajka

My name is Les Meyer, my wife Trish and I bought the former Wunderrosa Winery at 2361 Wittstruck Rd. in Roca. We now call it Capitol View Winery and Vineyards.

When we bought the winery, it was our understanding that all processes had been followed as to permitting, and that we would fall under the jurisdiction of Lancaster County. We now understand that we fall under the jurisdiction of the City of Lincoln via the three mile buffer zone.

At the time we purchased the winery the former owner was living in the back half of the building. We filed with the federal government, the TTB for licensing, we filed with the State of Nebraska who had us work with the Highway patrol, and the State Fire Marshalls office to make sure we had everything in place and that it was done correctly. We filed with Lancaster County and followed their guidance to get permits and believed we had done everything right.

It is now my understanding that we need via this application to get proper permitting in place from the City of Lincoln. We are requesting such permits and also that the City waive the hard surfaced parking requirement. At the time of purchase, I know the former owner had legal counsel view the requirements, and per all closing the only restrictions we were made aware of was that we were required to purchase more land than we needed to meet Lancaster County requirements.

First if we had to pave or concrete the entire area that would be seen as parking, we would have to close down, we just could not do that. And second you have to take gravel roads in every direction to get to our property. Coming off of Soltillo it is two miles of gravel, and from hiway 77 it is one mile of gravel. There are currently 2 spots of parking for handicap access.

We respectfully request permitting approval for our farm winery, with the waiving of the paved parking requirement,

Attached are what we could find as drawings of the property from the original owner that we have drawn in a few details that will be described in an accompanying document, plus a copy of the survey plat, and the drawing the TTB required for our Federal approval. Please advise if there is anything else we can do to help with this process.



Les Meyer

2361 Wittstruck Rd. Roca Ne.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |                              |   |
|--|------------------------------|---|
| APPLICATION NUMBER<br>Special Permit #09022C       | FINAL ACTION?<br>No          | DEVELOPER/OWNER<br>BAM Properties, LLC                                |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018 | RELATED APPLICATIONS<br>None | PROPERTY ADDRESS/LOCATION<br>3201 Yankee Hill Road, Lincoln, NE 68516 |

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for an amendment to Special Permit #09022B for a waiver to reduce the west setback to 0 feet on Lot 1 in Wilderness Place Addition. If granted, this request will allow for expansion of the car display area for the existing Anderson Auto Group dealership.

**JUSTIFICATION FOR RECOMMENDATION**

This amendment will allow for the expansion of the existing auto dealership to the abutting west properties while adhering to the intent of the approved plan and the existing pattern of vehicle sales and services along Yankee Hill Road between S. 33<sup>rd</sup> Street and S. 30<sup>th</sup> Street. The waiver to reduce the west setback is justifiable because the abutting west properties will function as part of the dealership premises.



**APPLICATION CONTACT**

Jeremy Williams, Design Associates  
(402) 474-3000  
jeremy@daoflincoln.com

**STAFF CONTACT**

Dessie E. Redmond, Planner  
(402) 441-6373  
dredmond@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This amendment would be in keeping with the intent of the previously approved plan and would be supported by the Comprehensive Plan.

**WAIVERS**

1. Reduce the west yard setback to 0' on Lot 1. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Strive for predictability for neighborhoods and developers.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.6 - The Wilderness Hills Commercial center is designated as a Community Center on Map 5.1: Existing and Proposed Commercial Centers.

P. 5.7-5.8 - Strategies for Commercial Centers

- Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback.
- Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

## ANALYSIS

1. The site is located at 3201 Yankee Hill Road and is zoned H-4 General Commercial and operates under a Planned Service Commercial Special Permit. Andersen Auto Group dealership is an existing car dealership located on the site. There is also a fuel station (and associated car wash) that was granted authority to sell alcoholic beverages for consumption off premises. Surrounding uses include auto dealerships to the east, vacant land to the west, multi-family to the south and a retirement community on the north side of Yankee Hill Road.
2. With the future expansion, the dealership will be located in two different zoning districts. Currently, it is in the H-4 and will expand into the B-2 zoning district with an approved Planned Unit Development (PUD). The PUD permits motorized vehicle sales and repair/service on Lot 20 and Outlot H and also has a waiver to reduce the east setback to 0'.
3. Although the automobile dealership is under its own special permit for Planned Service Commercial it will function as part of the Community Center as established by the abutting Use Permit for Wilderness Hills Commercial Center.
4. The Comprehensive Plan encourages integrated mixed-use centers such as this. Such centers should contain a mix of residential, office, service and retail uses.
5. There are other automobile dealerships in this general vicinity including two to the east, which are located in the R-3 PUD with H-4 overlay. There is one at the northeast corner of S. 27th Street and Yankee Hill Road and two others about 3/4 of a mile north at S. 27th Street south of Pine Lake Road. These three locations are zoned H-4 with Planned Service Commercial Special Permits.

6. The requested west setback reduction would be between the existing dealership and the proposed expansion on Lot 20 and Outlot H abutting to the west. The setback waiver will allow the dealership to function as a single premises without negatively affecting neighbors.
7. Lincoln Electric System (LES) has an existing easement and facilities in the requested setback area. Any construction within the easement area must be coordinated with LES.
8. There is a Pipeline Planning Area (PPA) located along Yankee Hill Road. Motor vehicle sales, service, and repair uses are allowed within the PPA.

**CONDITIONS OF APPROVAL:** See attached

**SURROUNDING LAND USE & ZONING:**

North: Residential health care facility (retirement community); R-3  
South: Multi-family; R-5  
East: Auto dealership; R-3 PUD with H-4 overlay  
West: Vacant (future expansion area); B-2

**APPLICATION HISTORY:** See attached

**APPROXIMATE LAND AREA:** 6.78

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** Southeast District 2

**LEGAL DESCRIPTION:** Wilderness Place Addition, Lot 1

Prepared by:

---

Dessie E. Redmond, Planner  
(402) 441-6373

Date: April 2, 2018

Applicant/Contact: Jeremy Williams, Design Associates  
1609 N Street  
Lincoln, NE 68508

Owner: BAM Properties, LLC  
3201 Yankee Hill Road  
Lincoln, NE 68516

F:\DevReview\SP\18000\SP09022C Wilderness Place.dr.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #09022C

Per Section 27.63.470 this approval grants a waiver to reduce the west setback to 0' on Lot 1 in the Wilderness Place Addition.

### Site Specific Conditions:

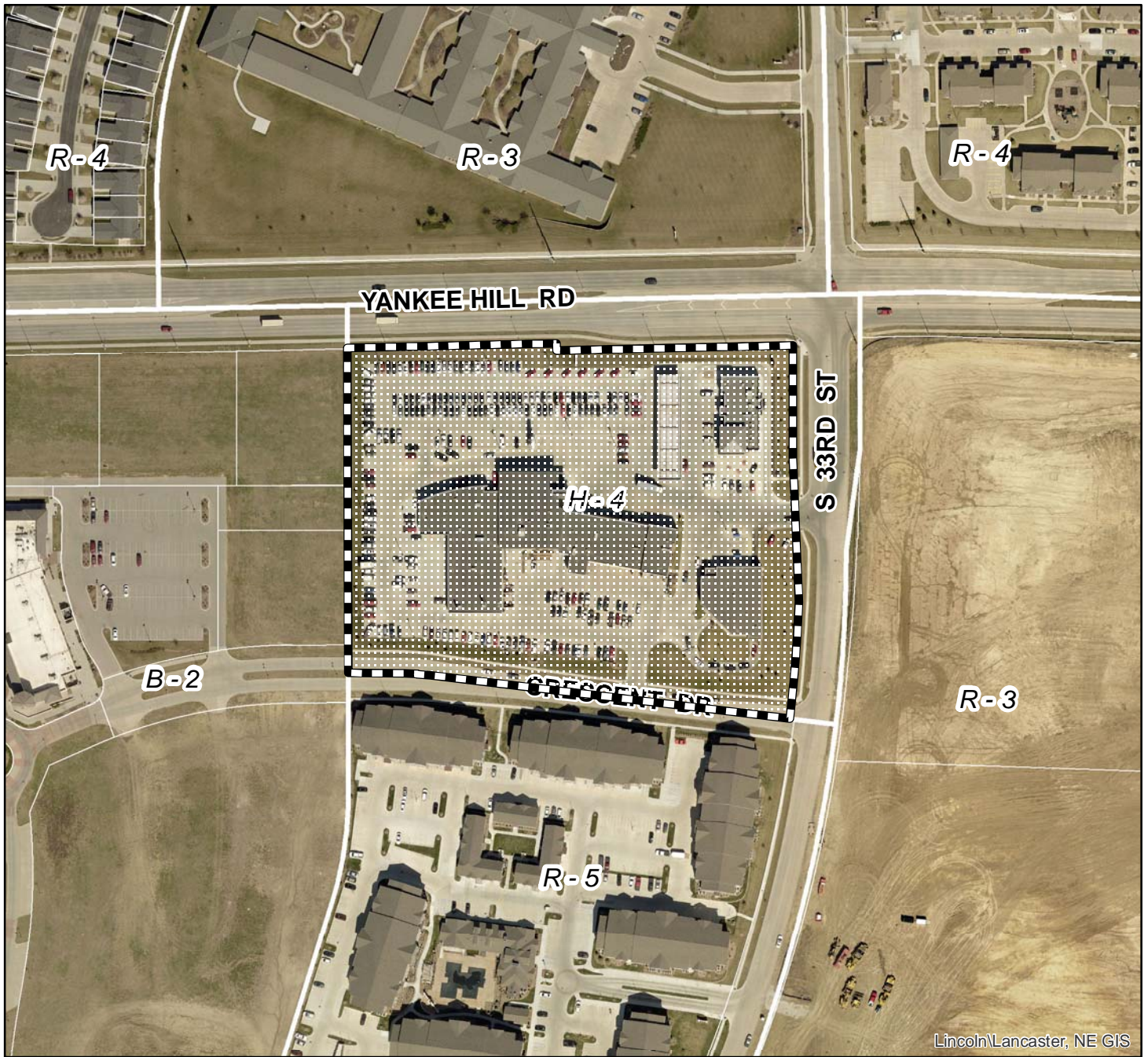
1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1. Update the Site Plan to reflect all changes made by Special Permits #09022A and #09022B.
  - 1.2. Revise the waiver note to state "LMC 27.72.040 - A waiver to reduce the west setback to 0 feet. Lincoln Electric System (LES) has an existing easement and facilities in the requested setback area. Any construction within the easement area must be coordinated with LES."

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1. Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.2. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 2.3. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 2.5. The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 2.6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

## APPLICATION HISTORY

|                   |   |
|-------------------|---|
| June 28, 2004     | Special Permit (SP) #1999 for Wilderness Hills Community Unit Plan, which originally included this area as R-5 Residential and designated this area as multifamily was approved. Use Permit(UP) #154, the Wilderness Hills Commercial Development, to the west of this site, was also approved at this time.  |
| January 12, 2005  | SP#1999A was approved which modified setbacks from SP#1999.   |
| November 7, 2005  | UP#154A approved Wilderness Hills Commercial Center located adjacent to this special permit adjusted the front yard setback from 50' to 0' along all private roadways, and adjust the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road.  |
| June 7, 2006      | Preliminary Plat for Wilderness Hills, 1st Addition, which abuts this SP to the east was approved.  |
| June 14, 2006     | Administrative Amendment (AA) #06033 to UP #154A and AA#06032 to SP#1999A were approved to show the removal of a 1.2 acre pocket park due to the dedication of a conservation easement.   |
| October 7, 2009   | Planning Commission approved SP#09022 for Planned Service Commercial that allowed for an auto dealership on the west side of the property and less intensive retail and office uses on the east side of the property adjacent to S. 33rd Street. (This special Permit was contingent on the approval of the change of zone from R-5 Residential to H-4 Highway Commercial which was approved in November of 2009).  |
| November 16, 2009 | City Council approved Change of Zone (CZ)#09025 from R-5 Residential (Multifamily) to H-4 General Commercial district to facilitate the development of an auto dealership which was regulated by the special permit listed above.   |
| December 22, 2009 | The Planning Director approved AA#09058 to SP#09022 to remove 6.77 acres from the northeast corner and to reduce the number of units, which was originally approved for a total of 881 units, to a total of 501 units.  |
| July 27, 2010     | The Planning Director approved AA#10016 to SP#09022 to reduce a 100' use setback along the east property line to a 50' green space with additional landscaping on the corner between the driveway on Crescent Drive and the driveway on S. 33rd Street. This reduction facilitated the development of a car wash/service repair building that was part of the dealership. This amendment retained the use restriction that no convenience store, gas pumps, fast food restaurants or car washes were to be permitted on the eastern half of Lot 1 unless they were incidental and accessory to the auto dealership. |
| August 21, 2013   | The Planning Commission approved with conditions amendment #09022A to the existing SP for a Planned Service Commercial Development by revising the use restrictions to allow convenience stores, gas pumps, fast food restaurants and car washes as permitted uses for the development.   |
| April 30, 2014    | The Planning Director approved AA#14028 to SP#09022A for Planned Service Commercial for a minor reduction in setback of 5' for a free standing sign along S. 33 <sup>rd</sup> Street.   |
| June 12, 2014     | The Planning Commission approved with conditions amendment #09022B to the existing SP for Planned Service Commercial for authority to sell alcoholic beverages for consumption off the premises at Andy's Express generally located at 8511 S. 33 <sup>rd</sup> Street.   |






2016 aerial

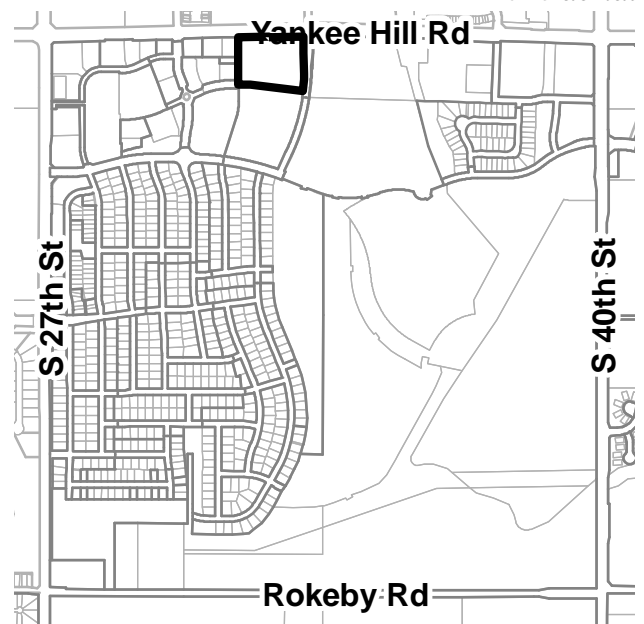
**Special Permit #: SP09022C**  
**Wilderness Place**  
**S 33rd St & Yankee Hill Rd**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
 Sec.30 T09N R07E

|   |                               |
|---|-------------------------------|
|  | Area of Application           |
|  | Zoning Jurisdiction Lines     |
|  | Lancaster County Jurisdiction |



**LEGAL DESCRIPTION**

A TRACT OF LAND COMPRISED OF PART OF OUTLOT A, WILDERNESS HILLS ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 30, THENCE S88°49'38"W ON THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 192.62 FEET, THENCE S01°14'22"E A DISTANCE OF 70.00 FEET TO THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE POINT OF BEGINNING, THENCE S00°09'12"E A DISTANCE OF 156.07 FEET, THENCE S07°28'38"E A DISTANCE OF 197.90 FEET, THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1966.50 FEET AND AN ARC LENGTH OF 161.95 FEET, BEING SUBTENDED BY A CHORD OF 504.30°28"4"E A DISTANCE OF 161.91 FEET, THENCE N83°07'49"W A DISTANCE OF 489.11 FEET, THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET AND AN ARC LENGTH OF 38.40 FEET, BEING SUBTENDED BY A CHORD OF N89°16'22"W A DISTANCE OF 38.38 FEET, THENCE N89°24'57"W A DISTANCE OF 78.23 FEET TO THE WEST LINE OF SAID OUTLOT A, THENCE N00°30'34"W ON THE WEST LINE OF OUTLOT A, A DISTANCE OF 448.90 FEET TO THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, THENCE N88°49'38"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 289.89 FEET, THENCE S01°16'03"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 9.98 FEET, THENCE N88°49'38"E ON THE SOUTH RIGHT OF WAY OF YANKEE HILL ROAD AND THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 326.01 FEET TO THE POINT OF BEGINNING SAID TRACT CONTAINS 6.77 ACRES MORE OR LESS.

# WILDERNESS PLACE

## SPECIAL PERMIT #09022C

**GENERAL SITE NOTES**

- 1 PARKING LOT LIGHTING, IF PROVIDED, WILL BE IN ACCORDANCE WITH THE CITY OF LINCOLN AND L E S STANDARDS
- 2 ANY RELOCATION OF EXISTING L E S FACILITIES WILL BE AT DEVELOPER'S EXPENSE
- 3 THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE
- 4 LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET
- 5 ALL PAVING RADII ARE TO BE 30 FEET UNLESS OTHERWISE NOTED
- 6 ALL INTERSECTION ANGLES SHALL BE 90 UNLESS OTHERWISE NOTED
- 7 ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM
- 8 SIDEWALKS ARE TO BE CONSTRUCTED ALONG BOTH SIDES OF CRESCENT DRIVE AND 33RD STREET
- 9 ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE 4' FT WIDE & LOCATED IN PUBLIC R O W OR PUBLIC ACCESS EASEMENTS
- 10 DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH THE CITY OF LINCOLN SIGN CODE INDIVIDUAL SIGNS WHICH MEET THE ZONING REQUIREMENTS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLANS AND THAT NO ADMINISTRATIVE AMENDMENT WILL BE REQUIRED
- 11 DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD FROM ALL LOTS IS HEREBY RELINQUISHED
- 12 RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, THIS SHEET
- 13 LANDSCAPING AND MAINTENANCE OF STREET MEDIANS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR HOME OWNERS ASSOCIATION
- 14 LOTS & USE
- 15 LOTS 1 CAR-DEALERSHIP OR COMMERCIAL USE
- 16 LOCATION AND LAYOUT OF BUILDINGS MAY BE CONSTRUCTED ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN
- 17 ALL LANDSCAPING AND SIGNAGE WILL BE LOCATED OUTSIDE OF THE CRITICAL RIGHT TRIANGLE LOCATION AND SPECIES OF LANDSCAPE TREES AND SHRUBS MAY CHANGE WITHIN THE GUIDELINES OF THE CITY OF LINCOLN PARKS DEPARTMENT, AND THE DESIGN STANDARDS FOR ZONING.
- 18 LANDSCAPE PLAN TO BE PROVIDED AT TIME OF BUILDING PERMIT
- 19 SIGN "A" MAY BE LOCATED 25 FEET FROM THE FRONT LOT LINE OF S 33RD STREET, AS SHOWN ON THE SITE PLAN THE SIGN SHALL BE NO TALLER THAN 18 FEET ABOVE GRADE AND SHALL HAVE A SIGN AREA OF NO MORE THAN 100 SQUARE FEET INCLUDING THE GASOLINE PRICE SIGNS

**SITE SPECIFIC NOTES**

- 1 EYES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS, ETC. MAY ENCRoACH OVER THE SETBACK LINES ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES
- 2 ALL AUTOMOBILE SERVICE USES IN THE AREA OF THE SPECIAL PERMIT, SUCH AS SERVICE STATIONS, QUICK LUBE AND TIRE STORES ARE TO BE LOCATED AT LEAST 30 FEET FROM EAST AND SOUTH PROPERTY LINE
- 3 THIS SPECIAL PERMIT WILL COMPLY WITH THE DESIGN STANDARDS OF USE PERMIT 154C WILDERNESS HILLS COMMERCIAL CENTER AND WILL BE REVIEWED AND APPROVED FOR COMPLIANCE BY THE PLANNING DIRECTOR PRIOR TO BUILDING PERMIT APPROVAL HOWEVER, THE NORTHFRONT FACADE SHALL NOT BE REQUIRED TO COMPLY WITH THE REQUIREMENT THAT AT LEAST 35% OF THE FACADE SHALL BE MASONRY OR STONE VENEER AS THE PRIMARY BUILDING MATERIAL SAID NORTHFRONT FACADE OF THE AUTO DEALERSHIP BUILDING ONLY, SHALL BE SIMILAR IN DESIGN TO THE FRONT FACADE AS SHOWN ON RESOLUTION PC-01179 THE SERVICE STATION WILL MEET THE DESIGN REQUIREMENTS OF THE OFFICE AND OUTPARCEL DESIGN CRITERIA
- 4 LANDSCAPING SHALL BE IN SUBSTANTIAL COMPLIANCE WITH THE ATTACHED LANDSCAPE PLAN AND ALL OTHER LANDSCAPING ON THE SITE SHALL BE PER THE LINCOLN DESIGN STANDARDS

**WAIVER**

LMC 27.72.040 - A WAIVER TO REDUCE THE SIDEYARD SETBACK TO 0' ADJACENT TO THE B-4 ZONING OF WILDERNESS HILLS COMMERCIAL



PROPOSED REVISIONS 3/14/2018

**PLANNING COMMISSION APPROVAL**

THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_

CHAIR

**BENCHMARKS**

1. NORTHWEST CORNER OF THE SECTION 30 AT THE INTERSECTION OF 27TH STREET AND YANKEE HILL RD ELEV: 1291.02
2. WEST 1/4 CORNER OF THE SECTION 30 ELEV: 1275.32

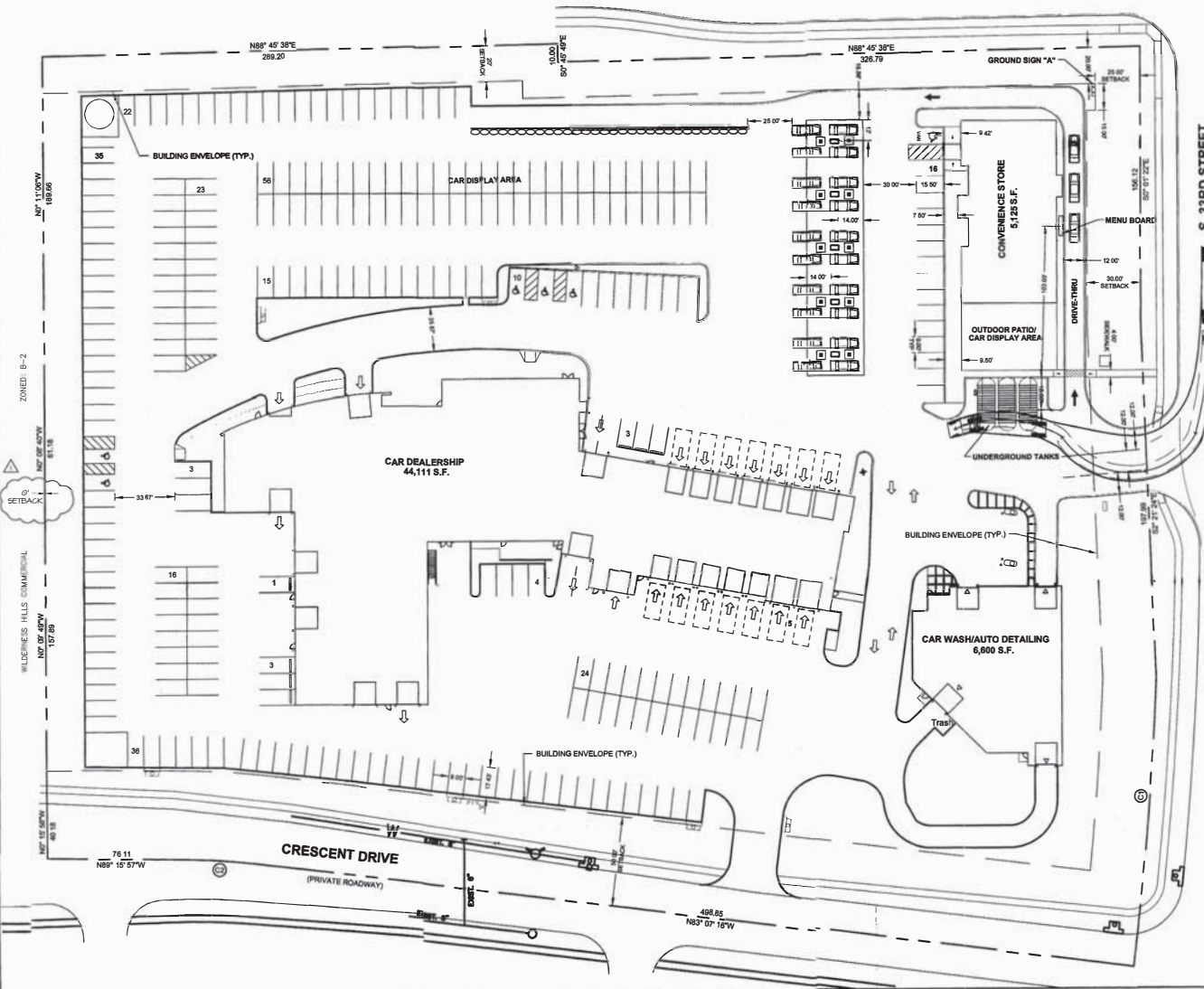
| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
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WILDERNESS PLACE  
SPECIAL PERMIT #09022C  
SITE PLAN

LINCOLN, NEBRASKA

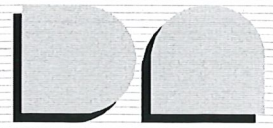
drawn by  
checked by  
approved by  
project no.  
drawing no.  
date

SHEET  
1 OF 2



# Design Associates

of Lincoln, Inc.



ARCHITECTS • PLANNERS • ENGINEERS

March 14, 2018

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10th Street, Ste. 213  
Lincoln, NE 68508

Re: Amendment to Special Permit #09022A  
Planned Service Commercial

Dear Mr. Cary:

On behalf of BAM Properties, LLC, owner of Lot 1, Wilderness Place Addition we submit this application for an Amendment to Special Permit #09022A for Planned Service Commercial. With this amendment we are requesting a waiver to reduce the side yard setback (LMC 27.72.040) to 0' adjacent to the B-2 zoning of Wilderness Hills Commercial to the west.

This adjacent property was recently acquired by BAM Properties, LLC for expansion of the existing Anderson Auto Group dealership. Prior to acquisition, CZ16036A was approved to change the use to change the land use to Motorized Vehicle Sales/Motorized Vehicle Repair/Services and a waiver to reduce its adjacent side yard setback to 0' also.

Included with this submittal is the following information:

Special Permit Amendment Application  
Special Permit Amendment Filing Fee - \$988.00  
This cover letter and the site plan will be uploaded to ProjectDox.

Please feel free to contact us (402) 474-3000 if we can provide any additional information or answer any questions that will assist in the review of this application.

Sincerely,

A handwritten signature in black ink that reads "Jeremy Williams". The signature is fluid and cursive.

Jeremy Williams, P.E.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|   |                                 |  |
|---|---------------------------------|--|
| APPLICATION NUMBER<br>Comprehensive Plan Conformance<br>#CPC18008 | FINAL ACTION?<br>No             | DEVELOPER/OWNER<br>N/A                 |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018                | RELATED APPLICATIONS<br>TX18005 | PROPERTY ADDRESS/LOCATION<br>City-wide |

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

The LED Street Light project will lower energy consumption, reduce maintenance costs, and upgrade the street lighting system to light emitting diode (LED) technology through a comprehensive Energy Savings Performance Contract (ESPC) authorized under Nebraska Revised Statutes Chapter 66, Sections 1062 through 1066. Other critical benefits of LED street lighting conversion include improved vehicular safety and area security. This CPC is an amendment to the Capital Improvement Program (CIP) to include this project and requires a finding of conformance with the Comprehensive Plan.

This project is related to Text Amendment TX18005 City Street Light Conversion Project.



**JUSTIFICATION FOR RECOMMENDATION**

This project is justified as it promotes the conservation and efficient use of energy. This project is identified as Action Strategy: Energy #1 Convert to LED street lights in the Lincoln Environmental Action Plan.

**APPLICATION CONTACT**

Frank Uhlarik, (402) 441-7588 or fuhlarik@lincoln.ne.gov

**STAFF CONTACT**

Kellee Van Bruggen, (402) 441-6363 or kvanbruggen@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This project is consistent with goals in the Comprehensive Plan; specifically related to energy consumption and conservation. The project is also consistent with the Lincoln Environmental Action Plan which is an effort completed through the Cleaner Greener Lincoln Program that is referenced in the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- p. 11.2 Promote the conservation and efficient use of energy in all areas.
- p. 11.3 Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.
- p. 11.4 The City is also moving forward with a plan to engage Energy Savings Performance Contractors (ESPCs) to design, procure and construct energy and utility conservation measures for municipal buildings and utility operations. Projects executed under the ESPC model are intended to be financed by the energy and utility savings generated as a result of the facility or operations improvements.
- p. 11.4 Municipalities across the country are increasingly converting streetlight systems to Light Emitting Diode (LED) technology in efforts to improve energy efficiency and other safety and aesthetic factors. The City's design standards for municipal lighting were modified in 2016 to require all new and replacement streetlights to meet minimum efficiency ratings of LED technology. The City will also be determining the most cost-effective means of converting all streetlights to LED over the next several years in consideration of all safety, aesthetic and energy savings impacts for the various products available.

## ANALYSIS

1. This is a request to amend the FY 2016/17 - 2021/22 Capital Improvement Program to add the LED Streetlight Conversion Project. The project will be added to FY 17/18 which is the current budget year.
2. This project will lower energy consumption, reduce maintenance costs, and upgrade the street lighting system through a comprehensive Energy Savings Performance Contract.
3. This project is consistent with the goals in the Comprehensive plan; specifically, to promote the conservation and efficient use of energy in all areas.
4. This project is consistent with the goals outlined in the Lincoln Environmental Action Plan which is an effort through the Cleaner Greener Lincoln Program. Converting the City's street lights to LED technology will save on energy and maintenance costs and will reduce greenhouse gas emissions.
5. A resolution with a continued public hearing will be before the City Council on April 16, 2018. The resolution authorizes the City to enter into energy financing contracts which is directly related to this project.
6. Funding for this project is shown as Other Financing (OF) in the amount of \$12.5 million. For this project OF is identified as Internal Balances.
7. The City Charter states that capital projects must have a probable life of at least 15 years. These assets will have a life in excess of 20 years so they are considered capital projects.

**APPROXIMATE LAND AREA:** City-wide

**LEGAL DESCRIPTION:** COMPREHENSIVE PLAN CONFORMANCE NO. 18008, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a request to add a project to the Fiscal Years 2016/17 - 2021/22 Capital Improvement Program to update city-wide street lights to LED through Energy Savings Performance Contract, Lincoln, Lancaster County, Nebraska.

Prepared by

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Kellee Van Bruggen, Planner

Date: 3/29/18

Applicant: Frank Uharik

Contact: Frank Uharik

F:\DevReview\CPC\18000\CPC LED Street Lights.docx

0939 LED Street Lights

**Description:**

This project is part of an effort to reduce energy consumption, reduce maintenance costs, and upgrade the street lighting system to light emitting diode (LED) technology through a comprehensive Energy Savings Performance Contract (ESPC). Other critical benefits of LED street lighting conversion include improved vehicular safety and area security.

Other Financing will be from Internal Balances.

|                              |                          |
|------------------------------|--------------------------|
| <b>Group:</b>                | (None)                   |
| <b>Program:</b>              | (None)                   |
| <b>Budget Outcome:</b>       |                          |
| <b>Budget Goal:</b>          |                          |
| <b>Date Anticipated:</b>     |                          |
| <b>Rating:</b>               |                          |
| <b>Status:</b>               | Continued                |
| <b>Comp Plan Conformity:</b> | In Conformance With Plan |

Project Total:\$12,500.00

Prior Appropriations \$0.00

Costs Beyond: \$0.00

**6 yr appropriations**

| <u>Funding Source</u> | <u>2016/2017</u> | <u>2017/2018</u> | <u>2018/2019</u> | <u>2019/2020</u> | <u>2020/2021</u> | <u>2021/2022</u> | <u>6 yr Total</u> |
|-----------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|
| Other Financing       | \$0.00           | \$12,500.00      | \$0.00           | \$0.00           | \$0.00           | \$0.00           | \$12,500.00       |

**6 yr estimated cost by activity**

| <u>Activity type</u> | <u>2016/2017</u> | <u>2017/2018</u> | <u>2018/2019</u> | <u>2019/2020</u> | <u>2020/2021</u> | <u>2021/2022</u> |
|----------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Other                |                  | X                |                  |                  |                  |                  |

## LED STREETLIGHT CONVERSION PROJECT

### Introduction

The City of Lincoln Streetlight Conversion project will lower energy consumption, reduce maintenance costs, and increase safety by upgrading the street lighting system to light emitting diode (LED) technology through a comprehensive Energy Savings Performance Contract (ESPC) authorized under Nebraska Revised Statutes Chapter 66, Sections 1062 through 1066. In May of 2017 the City issued an RFQ/RFP to pre-qualified ESPC firms for proposals for conversion of the City's street lights to LED technology. Interviews took place in July of 2017 and Schneider Electric (Schneider) was selected to partner with the City. A Technical Energy Audit (TEA) summarizing the specifications, costs and savings projections for the street light LED conversion project (the project) has been completed by Schneider. Throughout the development of the TEA, Schneider worked with both City staff and members of Lincoln Electrical System (LES) to develop the scope of work and final specifications. Schneider will be responsible for the complete turnkey procurement, construction, commissioning and warranty service required for the project in coordination with LES and the City.

### Project Highlights and Benefits

The proposed ESPC project with the City of Lincoln will achieve the following benefits:

- ***Rapid and comprehensive conversion of existing older inefficient street lighting technology to LED fixtures reduces energy use, lowers maintenance, and increases safety.***
- ***Reduced energy and maintenance costs*** across nearly 27,000 street light fixtures creates a projected savings of \$871,037 per year. In addition, this conversion project reduces ongoing capital costs in the amount of \$306,025 per year. Capturing those three funding streams produces \$1,177,062 annually for a ***simple payback of 10.40 years.***
- ***Use of internal financing lowers interest costs and can be repaid with existing funding streams. After the financing term, the community continues to benefit from infrastructure improvements along with even greater savings on assets with a service life in excess of 20 years.***
- ***Energy Savings Performance Contract will guarantee design, procurement, construction, and commissioning costs. Annual energy and maintenance savings are also guaranteed in line with the analysis and projections included.***
- ***Implementation of goals in the Lincoln Environmental Action Plan:*** energy conservation, reduced greenhouse gas emissions, improved energy resilience, and saving taxpayer dollars through the LED conversion project.

### Project Details and Financial Summary

The project will be funded through internal borrowing from various cash reserve accounts which will be paid back by the annual savings from reduced energy and maintenance costs and also future avoided capital costs. The City of Lincoln is in negotiations with Schneider regarding the scope and fee for this project and would like finalization of the contract and notice to proceed in order to begin conversion by early summer 2018. The project is anticipated to be completed within  $\pm 12$  months of notice to proceed.

Luminaires Evaluated and Recommended

| Fixture Type                                 | Scope  | Quantity |
|--|--|----------|
| Roadway, High Mast, Turnpike                 | Replacement of roadway and turnpike HID luminaires with new LED luminaires (typically one per pole but two per pole in some cases). Replacement of high mast luminaires (108) on state highways within the City limits. Waiting final approval by State as of Feb. 12, 2018. | 16,396   |
| Post Top, Decorative Replacements            | Conversion of decorative (post top and others) street lights to LED. The majority of these will be full replacement of the luminaire but in some cases the manufacturer offers a specific retrofit kit that is approved by LES.  | 8,605    |
| Retrofit Kits, Replacement Lamps, Wall Packs | Replacement of wall-mounted fixtures with new LED fixtures. Retrofit select Post Top fixtures (e.g. "Acorn") with LED retrofit kits. Replace HID lamps in select fixtures with LED lamps.  | 1,798    |
| Total Luminaires or Fixtures:                |  | 26,799   |

Annual Funding Streams for Conversion Payback

|  | Energy Savings   | Maintenance Savings | Avoided Capital  |  |
|--|------------------|---------------------|------------------|--|
| Roadway, High Mast, Turnpike                 | \$303,863        | \$303,195           | \$149,512        |  |
| Post Top, Decorative Replacements            | \$48,503         | \$159,124           | \$123,239        |  |
| Retrofit Kits, Replacement Lamps, Wall Packs | \$23,103         | \$33,249            | \$33,274         |  |
| <b>TOTAL</b>                                 | <b>\$375,469</b> | <b>\$495,568</b>    | <b>\$306,025</b> | <b>\$1,177,062 =<br/>10.4 years<br/>simple payback</b> |



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

|  |                                  |
|--|----------------------------------|
| APPLICATION NUMBER<br>Text Amendment # TX18005     | FINAL ACTION?<br>No              |
| PLANNING COMMISSION HEARING DATE<br>April 11, 2018 | RELATED APPLICATIONS<br>CPC18008 |

**RECOMMENDATION: APPROVAL**

### BRIEF SUMMARY OF REQUEST

A text amendment is proposed to Chapter 3.100 of the City’s Design standards to allow LES and other contractors to bid on the design, installation, and maintenance of street lights. This text amendment is related to the Comprehensive Plan Conformance (CPC)18008 LED Street Light project.

### JUSTIFICATION FOR RECOMMENDATION

The text amendment will allow for other contractors to bid on work, but all such contracts shall be awarded to LES if it is determined that any bid or proposal from LES is determined to be in the best interests of the City.

### APPLICATION CONTACT

Chris Connolly, (402) 441-7281,  
cconnolly@lincoln.ne.gov

### STAFF CONTACT

Kellee Van Bruggen, (402) 441-6363 or  
kvanbruggen@lincoln.ne.gov

### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This project is consistent with goals in the Comprehensive Plan; specifically related to energy consumption and conservation. The project is also consistent with the Lincoln Environmental Action Plan which is an effort completed through the Cleaner Greener Lincoln Program that is referenced in the Comprehensive Plan.

### KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- p. 11.2 Promote the conservation and efficient use of energy in all areas.
- p. 11.3 Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.
- p. 11.4 The City is also moving forward with a plan to engage Energy Savings Performance Contractors (ESPCs) to design, procure and construct energy and utility conservation measures for municipal buildings and utility operations. Projects executed under the ESPC model are intended to be financed by the energy and utility savings generated as a result of the facility or operations improvements.
- p. 11.4 Municipalities across the country are increasingly converting streetlight systems to Light Emitting Diode (LED) technology in efforts to improve energy efficiency and other safety and aesthetic factors. The City’s design standards for municipal lighting were modified in 2016 to require all new and replacement streetlights to meet minimum efficiency ratings of LED technology. The City will also be determining the most cost-effective means of converting all streetlights to LED over the next several years in consideration of all safety, aesthetic and energy savings impacts for the various products available.

**ANALYSIS**

1. The City will be converting all street lights throughout the City to standard LED lights to reduce cost and conserve energy. This project would be completed by engaging an energy service company (ESCO).
2. Currently, Lincoln Electric System (LES) is the only entity authorized to prepare or approve designs for all City-owned street lights and to install, operate, and maintain City-owned street lights. This is embodied in Chapter 3.100 of the City's Design Standards for Outdoor Lighting.
3. It may be cost effective to allow private contractors to bid on the design and installation of City-owned street lights. This proposal reserves the ability of the City to award such contracts to LES if it is determined to be in the best interest of the City. LES will continue to review the design of all improvements.
4. This text amendment language has been coordinated between City staff and LES. Changes proposed by LES have been reflected in this amendment.
5. This text amendment is consistent with the Comprehensive Plan.

Prepared by

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Kellee Van Bruggen, Planner

Date: 3/29/18

Applicant: Chris Connolly

Contact: Frank Uhlarik

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**LAW DEPARTMENT**

555 South 10th Street Suite 300 Lincoln, NE 68508  
402-441-7281 lincoln.ne.gov

Jeffery R. Kirkpatrick, City Attorney Ernest R. (Rick) Peo III, Chief Assistant  
Jessica A. Kerkhofs, Chief Prosecutor Tonya L. Peters, Police Legal Advisor

CIVIL DIVISION  
Don W. Taute  
Steven J. Huggenberger  
Margaret M. Blatchford  
Jocelyn W. Golden  
Christopher J. Connolly  
Timothy S. Sieh  
Elizabeth D. Elliott  
Abigail F. Littrell

PROSECUTION DIVISION  
Patrick A. Campbell  
Christine A. Loseke  
Connor L. Reuter  
Rob E. Caples  
Marcee A. Brownlee

March 9, 2018

Attn: Paul Barnes  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

**Re: Design Standards amendments**

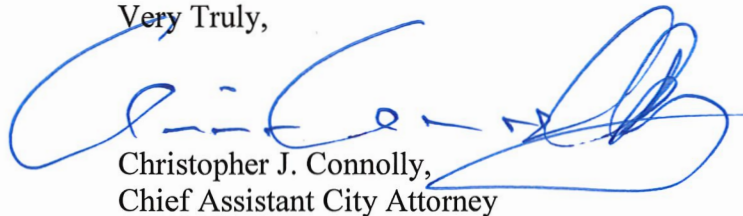
Dear Paul:

The City of Lincoln has begun the process of engaging an energy service company (ESCO) for a project that will convert the City's street lights to LED. Currently, Section 6 of Chapter 3.100, Design Standards for Outdoor Lighting, call for LES to design, install, and maintain all street lights. The Administration believes that other contractors should be allowed to bid for such work.

Attached is Chapter 3.100 with the amendments being requested. Under the proposal, design, installation, and maintenance would be opened up to other contractors, but all such contracts *shall* be awarded to LES if it is determined that any bid or proposal from LES is determined to be in the best interests of the City. This means that an LES bid or proposal could be awarded without being the lowest, most responsive bid proposal. Factors other than price could result in LES being awarded the contract.

On behalf of the Administration, I am requesting that the amendments to the Design Standards be approved.

Very Truly,



Christopher J. Connolly,  
Chief Assistant City Attorney

## Chapter 3.100

### DESIGN STANDARDS FOR OUTDOOR LIGHTING

*The Building and Safety Department is assigned responsibility for administration of these design standards.*

#### Section 1. GENERAL PROVISIONS

All outdoor luminaires shall be installed in conformance with the provisions of this chapter and the applicable provisions of the City of Lincoln regulating the installation of such fixtures.

No illumination source shall exceed initial output of 4050 lumens unless it is within a cutoff or full cutoff luminaire, except for luminous tube lighting such as neon, cold cathode and fiber optic cable, or as specified for Class II or Class III lighting, or as otherwise provided in this chapter.

All fixtures greater than 4050 lumens, except as specifically provided for in this chapter, shall be cutoff or full cutoff and mounted level in the horizontal and vertical axis with the central part of the beam directed vertically downward.

The installation of any mercury vapor luminaires for use as outdoor lighting is prohibited.

#### Section 2. MATERIALS AND METHODS OF INSTALLATION

The City of Lincoln encourages the use of quality materials, methods and designs. It is not the intent of this chapter to prevent the use of any design, material or method of installation not specifically forbidden; provided, any such alternate has been approved. The Building and Safety Department may approve any such proposed alternate if manufacturers' documentation provides satisfactory evidence that the proposed alternate is equivalent to the applicable requirements of this chapter.

#### Section 3. DEFINITIONS

The following terms and definitions shall apply in the enforcement and interpretation of this chapter:

**Class I lighting (General)** shall mean all outdoor lighting used to illuminate outdoor areas other than areas described for Classes II through IV.

**Class II lighting (Accent/Decorative)** shall mean all outdoor lighting used for accent or

decorative effects. Examples of Class II lighting include, but are not limited to, the illumination of landscape features, flags, pennants or banners, fountains, statues, art work, and building walls.

**Class III lighting (Street Lighting)** shall mean all outdoor lighting used to illuminate public streets or highways and private roads subject to public access easement.

**Class IV lighting (Outdoor Recreational Facilities)** shall mean all outdoor lighting used to illuminate outdoor recreational facilities.

**Class V lighting (Salt Creek Tiger Beetle Environs)** shall mean all outdoor lighting used to illuminate the area within the Salt Creek Tiger Beetle environs (this is a holding class for anticipated Federal Standards).

**Cutoff and Full-Cutoff** shall mean outdoor light fixtures shielded or constructed by the manufacturer so as to comply with the former Illuminating Engineering Society of North America (IESNA) luminous classification system definition for cutoff and full cut-off outdoor lighting fixtures as found in the IESNA Lighting Handbook, 9th edition, or the new IESNA TM-15-07 Luminaire Classification System for Outdoor Luminaires, as more particularly set forth in Addendum A for IESNA TM-15-11: Backlight, Uplight and Glare (BUG) Ratings. Under the BUG Ratings, an outdoor light fixture with a Backlight Rating of 3, Uplight Rating of 1, and Glare Rating of 3 shall be considered equal to cutoff, and an outdoor light fixture with a Backlight Rating of 3, Uplight Rating of 0, and Glare Rating of 3 shall be considered equal to full cutoff.

**Display Area** shall mean the area used for the outdoor display of merchandise for sale including aisles between the display.

**Field Angle** shall mean the angle of the cone of light from reflector lamps or flood luminaires encompassing the central part of the beam out to the angle where the intensity is 10 percent of maximum.

**Foot-candle (abbreviated fc)** shall mean a unit of measure of illumination (number of lumens per area) or how much light is on a surface. A foot-candle is defined as one lumen per square foot.

**Glare** shall mean the amount of direct or indirect artificial light (measured with the meter vertical at 5 feet above ground level and rotated in a horizontal plane so it is facing the brightest source) in excess of the vertical foot candle limits allowed by Section 9 of this chapter.

**IESNA** shall mean Illuminating Engineering Society of North America.

**Illuminance** shall mean the amount of light falling onto a unit area of a horizontal surface (luminous flux per unit area) measured in lumens per square foot (foot-candles) at 3 feet above ground level.

**Light trespass** shall mean the amount of direct or indirect artificial light (measured with the meter horizontal and facing upwards at 3 feet above ground) in excess of the horizontal foot candle limits allowed by Section 9 of this chapter.

**Lumen** shall mean a unit of light emitted from a source. Where used in this chapter, lumen shall mean the “initial” manufacturer published amount emitted from the light source. (Example: a LED lamp equivalent to a 100 watt incandescent lamp has approximately 1700 lumens of light output.)

**Luminaire** shall mean a complete manufactured and UL listed lighting unit consisting of a light source, together with the parts designed to distribute the light, to position and protect the light source and to connect the light source to the power supply. (Roadway luminaires are exempt from UL listing.)

**Mounting height** shall mean the distance from finished grade to the bottom most portion of any light emitting source, (e.g. LED, surface of lens).

**Nit** is a unit of luminance equal to one candela per square meter.

**Outdoor recreational facilities** shall mean public, or private facilities designed and equipped for the outdoor conduct of sports, leisure time activities, and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to, fields or stadiums for softball, baseball, football, soccer, golf courses, driving ranges and other “field sports,” and courts for tennis, basketball, volleyball, handball and other “court sports.”

**Parking area** shall mean an area, other than a street, designed or used primarily for parking of vehicles. This includes both “required” and “surplus” parking areas for residential, commercial and industrial uses, and inventory storage areas for automobile dealerships, but not display areas.

**Person** shall mean any natural person, firm partnership, association, corporation, company, or organization of any kind.

**Private** shall mean an area, street or facility that is not available for use by the general public.

**Public** shall mean an area, street or facility, whether publicly or privately owned, that is available for general public use, either free or for remuneration.

**Residential** shall mean an area or development in which the land use is zoned or used for single family, two-family or multi-family dwelling units. It shall include public streets and private roads within such areas.

## **Section 4. CLASS I LIGHTING (GENERAL)**

### **4.1 Requirements**

- A. Exterior lighting for outdoor vehicle display area shall not exceed an average maintained illuminance of 20 foot-candles.

If any portion of the outdoor auto display area is within 500 feet of residential zoning, the average maintained illuminance shall not exceed 20 foot-candles and the luminaires shall be full cutoff for the entire outdoor vehicle display area.

- B. Outdoor areas under lighted canopies, such as gas pump islands and ATM bays, shall not exceed an average maintained illuminance of 20 foot-candles.

If any portion of the canopy area is within 500 feet of a residential zoning district, the average maintained illuminance shall not exceed 20 foot-candles and the luminaires shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy for the entire canopy area.

- C. Outdoor areas under lighted marquees (canopies attached to buildings and overhanging public property) shall not exceed an average maintained illuminance of 4 foot-candles.

- D. Class I lighting in residential zoning districts shall not exceed an average maintained illuminance of 4 foot-candles. All other Class I lighting, including but not limited to lighting of entrance ways, dining areas, display of merchandise other than vehicles and outdoor work areas shall not exceed an average maintained illuminance of 6 foot-candles.

- E. All Class I lighting levels shall be reduced to an average maintained illuminance level of 4 foot-candles after business hours.

- F. Illuminance level shall not exceed 4 foot-candles average maintained on parking surface for off-street parking.

## **Section 5. CLASS II LIGHTING (ACCENT/DECORATIVE)**

### **5.1 Requirements**

- A. Luminaires used to illuminate buildings, flags, artwork or other landscape features may have lamps exceeding an output of 4050 lumens and be non-cutoff in design and aimed upward, but the field of angle of the lamp may not extend beyond the surface to be illuminated, or the luminaire must have shielding to provide the same limiting effect.

- B. All Class II lighting must be selected, installed and aimed so that the amount of light trespass and glare beyond the area intended to be lighted is minimized or eliminated.

## Section 6. CLASS III LIGHTING (STREET LIGHTING)

### 6.1 General Requirements

- A. ~~LES shall be consulted in the preparation~~prepare or approve of all designs for all lighted streets.
- B. ~~LES shall will install and/or~~ operate and maintain City of Lincoln street lighting for all lighted streets.
- C. Bids and proposals from all qualified contractors, including LES, for all construction and installation of street lights shall be accepted by the Purchasing Agent.
- D. ~~LES shall be awarded any contract for construction or installation of street lights in the event the bid or proposal of LES is determined to be in the best interests of the City. The Purchasing Agent, after consulting with the Mayor, shall have the final determination of whether any bid or proposal of LES is in the best interests of the City.~~establish, encourage, promote and employ energy conservation measures in the design, operation and maintenance of these street lighting systems.
- ~~A.E.~~ LES shall establish, encourage, promote, and employ energy conservation measures in the design, operation, and maintenance of City street lighting systems where and when appropriate.
- ~~B.F.~~ Only light emitting diode (LED) sources or an equivalent or higher efficiency source shall be used.
- ~~C.G.~~ Street lighting may exceed trespass and glare standards.
- ~~D.H.~~ All luminaires for street lighting shall be mounted level in the horizontal and vertical axis.

### 6.2 Design Requirements

Street lighting design shall be done in accordance with the IESNA “AMERICAN NATIONAL STANDARD PRACTICE FOR ROADWAY LIGHTING”, latest edition, except as specifically provided in this section.

### **6.3 Standard Street Lighting**

LES ~~or other contractor engaged by the City~~ may install/~~replace and maintain~~, “standard lighting” in any area where the City Council has not provided for “ornamental street lighting.” Informal petitions signed by affected property owners or requests by the Mayor, City Council, Police Department or Public Works Department will precipitate investigation by LES Street Light Engineering to design and order the installation of justifiable lighting.

The standard street light shall normally consist of a wood pole and bracket with a LES approved roadway luminaire. Wiring will be underground in areas with an underground source and overhead in areas with an overhead source. Whenever directed by the Public Works Department, wiring shall be installed underground.

For local residential streets, poles shall generally be placed at street intersections and mid-block with normal interval spacing of 240 feet.

For all other streets, the street lights intensity will be designed to 70% illuminance or higher and 100% of uniformity of IESNA recommended practices.

### **6.4 Ornamental Street Lighting**

Ornamental Lighting shall be constructed in areas designated by the City Council as “Ornamental Lighting Districts” or authorized by mayoral “Executive Order” and shall be of a design specified to provide illumination in accordance with these standards. Such systems are to be served by underground wiring and design/construction will consist of a metal, concrete or fiberglass Standard (pole).

For local residential streets the standard street luminaire will be a LES approved light emitting diode (LED) post top luminaire, or a LES approved luminaire source of equal or greater efficiency, mounted generally 20 feet above grade. The units shall be located at all intersections and at approximate mid-block normal interval spacing of 240 feet.

For all other streets, the street lights intensity will be designed to 70% illuminance or higher and 100% of uniformity of IESNA recommended practices. The City Council authorizes the City Engineer or subdivision developer (in the case of “Executive Order” areas) to advertise for equipment and installation-construction bids for ornamental lighting. LES is responsible for inspecting and monitoring work done by contractors and maintaining the lighting after its installation.

### **6.5 Supplemental Streetscape Lighting**

Supplemental streetscape lighting shall be for decorative purposes only and are not intended to light the street. No supplemental streetscape light shall exceed 4050 lumens unless it is within a cutoff luminaire.

## **6.6 Existing Street Lighting (replacement)**

LES will replace existing street lighting if it has been determined that maintenance of the existing system is no longer economically feasible. LES will replace the system with standard components equivalent to those currently being installed. Requests for special lighting equipment requires specific action by property owners/developers and approval by the LES Engineering staff.

If an existing wood pole (bracket style) area desires ornamental lighting, the property owners in that area shall pay the difference between such “standard street lighting” and “ornamental residential street lighting.”

## **6.7 Arterial Street Lighting**

“Permanent” arterial lighting consists of metal, concrete or fiberglass poles specifically designed to support bracket mounted roadway luminaires, generally served with underground wiring. The roadway illuminance will be designed to 70% or higher and 100% of uniformity of IESNA recommended practices.

“Temporary” arterial lighting may consist of wood utility poles supporting bracket mounted fixtures served overhead. Such systems will be converted to permanent at such time as roadway improvement factors, capital improvement funds and system age priorities permit.

## **6.8 Street Light Maintenance**

LES will responsibly maintain street lighting in a manner recognizing public safety and convenience needs of such systems.

The principal objective is to keep as many lights as possible functioning properly and responding promptly to “light-out” call-ins.

Lighting which becomes unreliable and maintenance prone will be replaced as expeditiously as possible, within budget limitations.

## **Section 7. CLASS IV LIGHTING (OUTDOOR RECREATIONAL FACILITIES)**

### **7.1 Requirements**

- A. Except, as noted in this section hereinafter, recreational facilities shall be lighted in accordance with the IESNA RP-6 standards for “SPORTS AND RECREATIONAL AREA LIGHTING,” latest edition, including standards for illuminance and uniformity ratio.
  
- B. Glare Control

1. The luminaires shall meet, when installed and aimed, IES “Cutoff” type luminaire designation as defined in the IESNA Lighting Handbook, 9th edition.
2. Sports flood luminaires shall have a maximum aiming angle up from nadir (the point 90 degrees down from horizontal) of seventy-two (72 degrees) above nadir or two times the mounting heights out from the pole the fixture is mounted on, whichever is less.

C. Time of Operation

1. Outdoor recreational and sports facilities, except golf driving ranges, may remain lighted past 12:00 midnight to complete recreational and sports activities that are in progress and under illumination at 12:00 midnight and still be in conformance with this chapter, i.e., activities in progress may complete after 12:00 midnight, but they cannot start under illumination after 12:00 midnight, However, in no case shall the illumination stay on past 12:30 a.m.

Lighting for golf driving ranges shall be off between 11:00 p.m. and sunrise.

**Section 8. CLASS V LIGHTING (SALT CREEK TIGER BEETLE ENVIRONS)**

These requirements will be developed by the United States Fish and Wildlife Service and amended into this code when available.

**Section 9. LIGHT TRESPASS AND GLARE**

- A. All lighting except, Class III (street lighting) or as otherwise exempted elsewhere in this chapter, shall meet the requirements for luminaire, shielding, placement and aiming to minimize light trespass and glare such that:
1. No more than 2.0 foot-candles is measured on a vertical plane located at the property line of the adjacent property.
  2. The glare measurements from a zero setback property line that is adjacent to a public street, private road, or an outlot not reserved for future development shall be no more than 2.0 foot-candles measured in a vertical plane located ten feet (10') from the zero setback property line and parallel to said property line.
  3. Light trespass from a non-residential use abutting, or across the alley from, a residential district shall not exceed 0.5 foot-candle at the residential property line measured on a horizontal plane.

- B. Exterior building surfaces shall not exceed an average surface brightness of 750 nits.
- C. Signs are regulated for surface brightness by Chapter 27.69 of the LMC. Sign illumination shall be included in the measurement of light trespass.

**Section 10. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE**

- A. The application for a building permit involving outdoor lamps (except Class III lighting) that exceed 4050 lumens shall include evidence that the proposed work will comply with this chapter. Single-family and two-family dwellings are exempt from the requirements of this section. The submission shall contain, but not be limited to, four complete sets of the following:
  - 1. The location of the site where the outdoor luminaires or outdoor light fixtures will be installed;
  - 2. Plans showing the location, type and the mounting heights of all fixtures, both existing and proposed, on the premises, including point-by-point lighting level (initial and maintained) printouts with calculation areas delineated and average values and initial horizontal and vertical values at 20 foot intervals across all property lines.
  - 3. A description of the outdoor light fixtures including, but not limited to, manufacturer's catalog cuts, ITL photometric report with candela distribution, drawings, and shielding information.
  - 4. Justification for light loss factors (LLF) utilized by the calculations for the light levels submitted.
- B. The above required plans and descriptions shall be sufficiently complete to enable the City to readily determine whether compliance with the requirements of these design standards will be met. At a minimum, the plans shall show point-by-point horizontal foot-candle levels (initial and maintained) for all areas of the project subject to these Design Standards for Outdoor Lighting. The plans shall also include horizontal and vertical foot-candle levels at twenty foot intervals at all property lines. These horizontal and vertical levels shall be taken at the heights required by this code. If such plans and descriptions cannot enable the City to make a determination of compliance with the requirements of these design standards by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.
- C. Submittal and drawings shall be signed by a professional engineer licensed in Nebraska, a lighting designer certified by the National Council on Qualifications

for the Lighting Profession (NCQLP) or by the licensed electrical contractor that is performing the work. This engineer, lighting designer or contractor shall certify that the submitted design meets these design standards. Submittal must contain the name of the company that prepared the drawings and the name, title and telephone number of the person that performed the design work.

- D. All projects resubmitted for approval shall include a written description of all changes and comments keyed and attached to the plan check comments.
- E. Plans and calculations are not required when an electrical contractor submits an application for an electrical permit; however, the contractor or associated engineer or lighting designer shall certify that the intended work meets these design standards.

### **Section 11. INSTALLATION**

The owner or contractor of record (except Class III lighting) shall install the approved outdoor luminaires or outdoor light fixtures in conformance to the listing, manufacturer's installation specifications, and all applicable local and state electrical codes. An electrical permit and inspection by the City of Lincoln Department of Building and Safety is required.

### **Section 12. PERMANENT EXEMPTIONS**

- A. Nonconformance. All outdoor luminaire existing and legally installed prior to the adoption of Resolution (TX No. 16003) are exempt from the requirements of this chapter, except that when existing luminaires are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this chapter, unless it is part of a larger set of the same fixtures, being replaced with the same type of fixture, and no other fixture in that set has been replaced in the past 3 months.
- B. Fossil Fuel Light. All outdoor light fixtures producing light directly by combustion of fossil fuels (such as kerosene lanterns and gas lamps) are exempt from the requirements of this chapter.
- C. Holiday Decorations. Lights used for holiday decorations are exempt from the requirements of this chapter.
- D. Other Uses. Airport lighting which is required for the safe and efficient movement of aircraft during flight, take off, landing, taxiing, loading, unloading, and servicing areas is exempt from the provisions of this chapter. All other outdoor lighting at airport facilities shall comply with the provisions of this chapter. These standards also shall not apply to correctional facilities, heliports, hospital emergency entrances, outdoor workers governed by OSHA standards, or other uses for which lighting standards are preempted by federal or state regulations.

- E. This chapter shall not apply to portable temporary lighting used by law enforcement, utilities or emergency services personnel.

**Section 13. TEMPORARY EXEMPTIONS**

- A. General. Temporary exemptions are required to be approved for any situation that is not allowed by this chapter where temporary lighting is required including, but not limited to, search lights, construction, parades, special civic or public events, special business events, grand openings of businesses, etc: The exemption shall be permitted on the premises for no more than two occasions and for no more than a combined total of ten days in any calendar year.

*(Resolution A-89741; May 23, 2016: prior Resolution A-89620; April 11, 2016: New Chapter 3.100 adopted by Resolution No. A-85023, 9-15-08).*