

# **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  
Sandra Washington

### **PLANNING STAFF**

David R. Cary: Director  
Geri Rorabaugh: Administrative Officer  
Amy Huffman: Office Specialist

## **August 1, 2018**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 1, 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, AUGUST 1, 2018

Approval of minutes of the regular meeting held July 18, 2018.

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

**CHANGES OF ZONE:**

Page 01 1.1a Change of Zone No. 18020, from O-1 (Office District) to B-4 (Lincoln Center Business District), with landmark overlay, on property generally located at 332 Centennial Mall South.

**Staff recommendation: Approval**

**Staff Planner: Ed Zimmer, 402-441-6360, [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)**

Page 15 1.1b Change of Zone No. 18021, from O-1 (Office District) to B-4 (Lincoln Center Business District), on property generally located at South 16th Street and L Street.

**Staff recommendation: Approval**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

**WAIVER:**

Page 19 1.2 Waiver No. 18003, to waive the 90-foot minimum lot-depth requirement per Section 26.23.140(a) of the Subdivision Ordinance, on property generally located at 2036 N. 63rd Street. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**2. REQUESTS AND 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:**

**CHANGE OF ZONE AND RELATED USE PERMIT:**

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27

4.1a Change of Zone No. 18013, from AGR (Agricultural Residential) to O-3 (Office Park District) and R-3 (Residential), on property generally located at 8435 Firethorn Lane.

**Staff recommendation: Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

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4.1b Use Permit No. 18005, for an approximately 2.74 acre use permit for up to 26,400 square feet of commercial floor area, with waivers to setbacks, lighting design standards, and access off the end of a private roadway, on property generally located at 8435 Firethorn Lane.

**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

**5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**COUNTY SPECIAL PERMIT:**

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59

5.1 Special Permit No. 18025, for the construction of a commercial feedlot, on property generally located at 13350 West Wittstruck Road. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

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

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

\*\*\*\*\*

**Adjournment:**

**PENDING LIST:**

## 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>

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**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  
Change of Zone #18020

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
August 1, 2018

RELATED APPLICATIONS  
CZ #18021

PROPERTY ADDRESS  
332 Centennial Mall South

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from O-1 Office to B-4 Lincoln Center Business District, with Landmark overlay, for the Scottish Rite Temple and associated property, north of L Street between Centennial Mall and S. 16<sup>th</sup> Street, comprising approximately an acre. The property currently operates as an allowed use within the "Civic Services (Clubs/Lodges" use group. This change of zone would allow additional uses, along with adding the protection of Landmark designation for this National Register-listed building. B-4 zoning consistent with the established uses and character of the area.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed change of zone conforms to the intent of the 2040 Comprehensive Plan. Changing the zoning from O-1 to B-4 for this property is consistent with the character of the area. Designating the Scottish Rite Temple as a landmark adds to the recognition and protection of this architecturally significant property within the Capitol Environs District.

**APPLICATION CONTACT**

Mark Hunzeker, (402) 475-1075 or [mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)

**STAFF CONTACT**

Ed Zimmer, (402) 441-6360 or [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The future land use map designates these properties along with the properties to the east and west along the north side of L Street as commercial. The future land use is consistent with the uses the area which are commercial.

## 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. 4.6 - The 400-foot State Capitol is the key historic, architectural, and geographic landmark of the city and surrounding countryside...The community's opportunity to benefit from the Capitol is further enhanced by improvements to its immediate setting, especially to the axial malls which extend from the Capitol in the cardinal directions, such as Centennial Mall.

p. 4.9 Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.

p. 5.3 - Among existing Regional Centers, Downtown Lincoln stands as a unique community resource. Downtown is the County's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, entertainment and governmental uses.

p. 6.3 - Strategies for Greater Downtown: Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.

## ANALYSIS

1. The owners of Scottish Rite Temple have initiated this application in support of their desire to rent out their ballroom for events, to generate revenue for maintenance of the historic building. The B-4 zoning district would allow events that include serving alcohol, by right, without a special permit.
2. The O-1 Office District "is intended to provide a redeveloping area of office uses in the general area of the County-City Building and the State Capitol Building." This zoning district is principally located along Lincoln Mall between those two public buildings and to a large extent the desired redevelopment has occurred. North of the Capitol along Centennial Mall, most of the area is zoned P-Public Use or B-4 Lincoln Center Business District. The Scottish Rite Temple's request and the associated application CZ18021 would rezone these properties in a manner consistent with Centennial Mall as a whole.
3. In addition, this change of zone in conjunction with related CZ#18021 will provide for consistent B-4 zoning on the north side of L Street.
4. Scottish Rite Temple was listed on the National Register of Historic Places in 1986 for its architectural significance as major work of the Lincoln architects Berlinghof and Davis, and as a prime example of Neo-classical Revival architecture in Lincoln. National Register provides recognition and some protection when federal undertakings are involved.
5. Scottish Rite Temple is included within the Capitol Environs District and is identified as a historically significant property in the Environs District Design Standards. Exterior changes to the building are reviewed by the Capitol Environs Commission for their effect of the Capitol and its setting.
6. Lincoln Landmark designation provides an added measure of recognition and the preservation expertise of the Historic Preservation Commission to any design reviews. (None of these processes affect changes to the interior of the Temple.)
7. Historic Preservation Commission (HPC) was scheduled to conduct a hearing and to make a recommendation on this application July 19<sup>th</sup>, but a quorum of members was not available. A special meeting has been scheduled July 31, 2018 to address this application ahead of the Planning Commission hearing of August 1. The results of the HPC meeting will be reported by staff as part of the Planning Commission's meeting on August 1.

**EXISTING LAND USE & ZONING:** Club/Lodge; O-1

## SURROUNDING LAND USE & ZONING

North: Parking Structure; P  
South: Parking Lot & State Office Building; O-1  
East: Commercial; O-1  
West: State Office Building; P

**APPROXIMATE LAND AREA:** 1 acre, more or less

**LEGAL DESCRIPTION:** Lots 7-12, Block 92, and half of the vacate alley adjacent to Lots 7 & 8, Original Lincoln Plat, located in the NW ¼ of Section 25-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

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Ed Zimmer, Planner

Date: July 24, 2018

Owner: Scottish Rite Temple  
P. O. Box 95013  
Lincoln, NE 68509  
[lschumacher@lincolnfed.com](mailto:lschumacher@lincolnfed.com)

Applicant: Ann K. Post  
Contact: Mark Hunzeker  
Baylor Evnen LLP  
1248 O Street, Suite 600  
Lincoln, Nebraska 68508  
(402) 475-1075  
[apost@baylorevnen.com](mailto:apost@baylorevnen.com)  
[mhunzeker@baylorevnen.com](mailto:mhunzeker@baylorevnen.com)

F:\DevReview\CZ\18000\CZ18020 O-1 to B-4 w Landmark.efz.docx



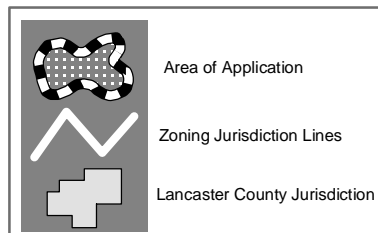
**Change of Zone #: CZ18020 (O-1 to B-4)  
 Historic Landmark Designation  
 Scottish Rite Temple  
 Centennial Mall South & L St**

2016 aerial

**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.25 T10N R06E**



APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION  
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE  
LINCOLN, NEBRASKA

1. NAME

Historic: **Scottish Rite Temple**  
(and/or) Common:  
NeHBS Site: **LC13:D08-013**

2. LOCATION

Address: **332 Centennial Mall South, Lincoln, NE 68508**

3. CLASSIFICATION

<u>Proposed Designation</u>	<u>Category</u>	<u>Present Use</u>		
<input type="checkbox"/> Landmark District	<input type="checkbox"/> District	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Industrial	<input type="checkbox"/> Religious
<input checked="" type="checkbox"/> Landmark	<input checked="" type="checkbox"/> Building(s)	<input type="checkbox"/> Commercial	<input type="checkbox"/> Military	<input type="checkbox"/> Scientific
	<input type="checkbox"/> Structure	<input type="checkbox"/> Educational	<input type="checkbox"/> Museum	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Site	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Park	<input checked="" type="checkbox"/> Other (fraternal order)
	<input type="checkbox"/> Object	<input type="checkbox"/> Government	<input type="checkbox"/> Private Residence	

4. OWNER OF PROPERTY

Name: **Scottish Rite Temple Corporation**  
Address: **PO Box 95013, Lincoln, NE 68509**

5. GEOGRAPHICAL DATA

Legal Description: **Lots 7-12, Block 92, Original Plat, Lincoln (and 1/2 vacated alley adjacent to Lots 7 & 8)**  
Property ID Number: **10-25-114-009-000**  
Number of Acres or Square Feet: **43,400 sq. ft. (1 acre, more or less)**

6. REPRESENTATION IN EXISTING SURVEYS

Title: **Architectural & Historical Survey of Lincoln, NE**  
Date: **on-going**       State     County     Local  
Depository for Survey Records: **History Nebraska & Lincoln/Lancaster County Planning Dept.**  
City: **Lincoln**  
State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?  
 Yes, Date Listed: **1986**  
 No

7. DESCRIPTION AND HISTORY

Condition  
 Excellent     Deteriorated     Unaltered     Original Site  
 Good         Ruins             Altered         Moved, Date:  
 Fair          Unexposed

## 7. DESCRIPTION AND HISTORY, CONT.

### DESCRIPTION:

Lincoln's Scottish Rite Temple is a reinforced concrete, Neo-Classical Revival style building consisting of a principal story atop a tall basement, plus an attic story. The major facades (west and south) are sheathed in vertically tooled Indiana limestone, while buff brick is the exterior material of the north and east sides, the attic, and the east addition.

The Temple's most prominent feature is a colossal order of ten fluted Roman Doric columns on the west front, set in antis (recessed) between blocky end pavilions. The south side is the only other fully developed, limestone-clad facade, with five bays separated by shallow, paired, Roman Doric pilasters. Both the west and the south facades are topped with full classical entablatures. On the west, the frieze above the pavilions has Greek and Latin inscriptions, while above the colonnade the frieze is inscribed "TEMPLE OF THE ANCIENT AND ACCEPTED SCOTTISH RITE OF FREEMASONRY." The south frieze reads "HUMANITY LIBERTY FRATERNITY." Above the cornice is a balustrade of stone balusters and solid pedestals corresponding to the spacing of the columns and pilasters. The attic story is recessed from the north, west, and south facades, masking its buff brick walls behind the baluster when viewed from the west or south. The attic is crowned with an ornate gray terra cotta cornice which closely matches the color of the limestone below.

The windows and doors of the principal, west facade are unaltered, with the exception of the glass and aluminum doorway in the central entrance. That altered doorway and the original double wooden doors on either side of it are topped with carved stone hoods, supported by consoles. The wide steps at the west front span the three central bays and are flanked by elaborate cast iron light standards. The basement windows, which on the west have an even sill level with those of the doorways, are covered with Roman-style wooden grills. Within the colonnade, the main floor windows are very tall, with substantial wooden mullions in a twin-cross pattern, forming sidelights and transoms. The windows above the three central doorways have higher sills than the trio to either side, due to the height of the doors and hoods below. The end pavilions have smaller main floor windows with mullions forming a single cross pattern. There are carved stone swag panels above these pavilion windows.

The southwest corner of the building is notched in plan, isolating the two principal facades as separate blocks. The notch also contains an exterior staircase down to the basement level. Within the recess at the corner, both the west and south faces have swag panels, but only the south face has a window.

The five-bay south facade has a similar window pattern to the west, with basement and main floor windows, but the former are set lower on the wall and the latter are not so tall, creating a greater space between the two floors of windows, marked by a recessed panel. The south basement windows originally were one-over-one sliding sash, while the upper windows followed the twin-cross pattern. All of these windows have been replaced with dark metal sash and dark glass. The basement units are a single fixed pane. The new main floor windows replicate the pattern of the original mullions, but are dark in color and lack the bold projection of the wooden mullions.

The original rear (east) elevation is of buff brick laid in seven-to-one common bond. At center, where it extends windowless to the full height of the attic, the wall has ten projecting vertical piers. The only windows are a pair of small one-over-one sliding sash high on the wall near the south edge.

A tall brick chimney rises from the northeast corner of the attic. The low brick addition east of the original building was constructed in 1923. Its small south windows have been bricked in and a grade-level entrance has been added at the southeast corner. Double-hung sliding sash light the east and north sides.

The buff-brick north side of the original building has three tiers of windows, with glass blocks in the lower level and single cross pattern mullions above. A fire escape enclosed in concrete blocks has been added to this side.

On the interior, the west entrance opens onto a wide stair, flanked by twin flights to the basement. (In general arrangement, the entrance sequence and main hallway of Scottish Rite Temple are very similar to those elements of Berlinghof & Davis' Lincoln High School of 1913.) The Temple's basement level contains a large dining hall, east kitchen, offices, lounge, service areas, and an apartment.

At the head of the stairs on the main floor, a barrel-vaulted hall, twenty feet wide, extends one hundred feet north and south. The hall is paneled in mottled gray marble, including piers and pilasters with stylized Ionic capitals, supporting a plaster entablature. The major interior space is the large Lodge Room, measuring sixty by one hundred feet. Built-in, leather covered benches in three tiers line the walls, except at the center of the north end, where a pair of Greek Doric columns support an entablature and pediment, framing a high-backed bench with three seats. The walls have gray marble wainscoting, above which are shallow, fluted Greek Doric pilasters, separating panels framed in a fret pattern. Above the pilasters is a fully developed entablature and an enriched cornice, which forms a cove for concealed lighting. The ceiling is deeply coffered, with a large rosette in each coffer. Other main floor spaces include offices and lounges on the west side and a small Lodge Room at the south end. The attic level provides small meeting rooms and prop and robe rooms.

The Temple has a high degree of integrity overall, reflecting solid construction and continuous, unchanged use. The conversion of 15<sup>th</sup> Street into the pedestrian Centennial Mall in the late 1960s altered the building's setting, but the setting remains dignified and the Temple's relationship to the State Capitol is emphasized by the Mall.

#### **HISTORY:**

A Masonic lodge was organized in Lincoln as early as 1868 and a lodge of the Ancient Accepted Scottish Rite was organized locally in 1889. By 1916, when the Temple was constructed, there were seventeen distinct Masonic organizations in the city. On April 6, 1916, Lincoln's "Delta Lodge of Perfection No. 4" voted to build a new Scottish Rite Temple. A budget of \$80,000 was set, then increased to \$100,000 when the local Shrine joined the project. Lincoln architects Berlinghof & Davis were hired, along with Olson Construction Company, and by May 1916 the work was underway.

German-born George Berlinghof (1858-1944) was the senior member of the Berlinghof & Davis partnership, having practiced architecture in Nebraska from 1881, six years before the birth of Ellery L. Davis. In addition to major office buildings in Omaha, Berlinghof designed many county courthouses and Carnegie libraries throughout the state and the region. He settled in Lincoln in 1905 and served as architect for the State of Nebraska for several years. Ellery L. Davis (1887-1956) was educated at the University of Nebraska and at Columbia University, then joined Berlinghof as a partner in 1910. Their association continued approximately seven years and produced several of

Lincoln finest buildings of that period, including the Miller and Paine Department Store at 13<sup>th</sup> & O, the Lincoln Commercial Club at 11<sup>th</sup> & P, and Lincoln High School at 21<sup>st</sup> and J.

A report of the building committee of the Temple indicates that Davis (who was a member of the Scottish Rite) was the partner principally responsible for this design (Sunday State Journal, [2-25-1917], A-14). According to the committee report, the drawings were practically complete before the Shrine joined the project, expanding the space requirements. The report explained: "Therefore to save the cost of replanning, the walls were spread out, the building brought to the lot lines on all four sides, and dropped a little deeper into the ground to prevent undue encroachment upon sidewalk space. While this marred to some extent the exterior architectural effect of the building and grounds, the committee believes the long, low, straight classical lines of the Temple will wear well and in the end be eminently satisfactory." The cornerstone was laid August 8, 1916, and the Temple was dedicated on Washington's birthday, February 22, 1917, "with only a few electrical fixtures and a few pieces of furniture...missing."

In 1923 an east, basement-level-wing was added to the Temple, designed by Davis and Wilson and constructed by Olson Construction Co. for an estimated \$12,000. It provided expanded kitchen facilities and a small dining room. In 1973 the latter was converted into a lounge, with a separate east entrance, at an approximate cost of \$64,000. In the 1970s South Fifteenth Street in front of the Temple was converted into part of Centennial Mall, a pedestrian-oriented treatment of the north axis of the State Capitol.

#### 8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance (check and justify)</u>	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture
	<input type="checkbox"/> Education	<input type="checkbox"/> Social/Humanitarian
	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater
	<input type="checkbox"/> Exploration/Settlement	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Invention	

Specific dates: **1916-1917**

Builder/Architect: **Ellery L. Davis/Berlinghof & Davis**

**STATEMENT OF SIGNIFICANCE:**

The Scottish Rite Temple in Lincoln, Nebraska, is locally significant in the area of architecture as a fine example of the Neo-Classical Revival style, demonstrating the work of a master, Ellery L. Davis, Lincoln’s leading architect in the first half of the twentieth century. The period of significance is derived from the original construction date of the building (1916-1917).

Several sizable, noteworthy Neo-Classical Revival style buildings were constructed in and around Lincoln preceding the construction of the Scottish Rite Temple, including the downtown Carnegie Library at 14<sup>th</sup> & N (1900, by Fisher & Lawrie of Omaha, not extant), the Temple Building at 12<sup>th</sup> & R (1913, by John Latenser of Omaha), the First Methodist Church at 50<sup>th</sup> & St. Paul in University Place (1908, by Woods & Corder of Lincoln), the downtown First Church of Christ Scientist at 12<sup>th</sup> & L (1911, by S. S. Beman of Chicago, not extant), and Berlinghof & Davis’ own Lincoln High School at 21<sup>st</sup> & J (1913). To varying degrees, these buildings display the key characteristics of the style: large scale, simplicity of rooflines and wall planes, especially compared to the busier Beaux-Arts Classicism, and unadorned rectangular openings instead of arched or ornately framed fenestration.

Three of these buildings are extant but none are as pure examples of the style as the Scottish Rite Temple. The Temple project afforded Davis a very rare opportunity in Lincoln to achieve the Neo-Classical ideal of executing the principal facades completely in stone. All the other local examples combined stone or terra cotta with brick on the principal facades. The Second U. S. Post Office and Court House (first wing 1904-6, by James Knox Taylor) is also stone, but displays the Beaux-Arts and Renaissance Revival strains of Classicism. Furthermore, the relative simplicity of functions served by the Temple—essentially to provide a single, large meeting room—allowed for a Neo-Classical simplicity of exterior form to a far greater degree than some of the other, more programmatically complex buildings.

Subsequent major Neo-Classical Revival style buildings in Lincoln are largely confined to the University of Nebraska campus and several are design products of the Davis and Wilson partnership. That firm was responsible for scores of buildings in and around Lincoln in the ‘20s and ‘30s and continues today as Davis Design. Among their Neo-Classical Revival designs for the University of Nebraska are the Coliseum (1925), and Morrill Hall (1927), both of which apply stone colonnades and other trim to brick structures.

The Scottish Rite Temple represents Lincoln’s purest, most fully developed Neo-Classical Revival style building. It has a high degree of exterior (and even more unusual, interior) integrity. It is a mature, early work of Ellery L. Davis, who both as junior partner to Berlinghof and in his subsequent association with Wilson designed a large proportion of Lincoln’s best public and commercial buildings between 1910 and the ‘50s.

**9. STANDARDS FOR DESIGNATION (check one(s) that apply)**

- Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Baldwin, Sara Mullin, ed., *Who's Who in Lincoln*, Lincoln, NE.: Robert M. Baldwin, 1928.

Beautiful Lincoln: *Nebraska's Capital City*, Lincoln: Woodruff Printing Co., ca. 1912.

City of Lincoln Building Permit 6733 of 1916 (with associated drawings on-microform). County-City Building, 555 So. 10th St., Lincoln, NE.

Hayes, A. D. & Sam. D. Cox, *History of the City of Lincoln*, Lincoln: State Journal Company, 1889, p.285.

"Lincoln Scottish Rite Cathedral. *State Sunday Journal*. (January 7, 1917), 2C:2-6.

"New Scottish Rite Masonic Temple. 14<sup>th</sup> and L Sts. Local Business Firms Who Assisted In Its Construction and Furnishing," *State Sunday Journal* (February 25, 1917), 14A (full page).

*Place Makers of Nebraska: The Architects*, "Berlinghof & Davis, Architects," accessed July 6, 2018 on-line at [http://www.e-nebraskahistory.org/index.php?title=Berlinghof %26 Davis, Architects](http://www.e-nebraskahistory.org/index.php?title=Berlinghof+%26+Davis,+Architects)

Sawyer, Andrew J., ed., *Lincoln, the Capital City, and Lancaster County, Nebraska*, v.1:14. Chicago: The S. J. Clarke Publishing Co., 1916.

11. FORM PREPARED BY:

Name/Title: **Ed Zimmer, Ph.D./Historic Preservation Planner**

Organization: **Lincoln/Lancaster County Planning Dept.**

Date Submitted: **July 9, 2018**

Street & Number: **555 S. 10<sup>th</sup> St.**

Telephone: **(402) 441-6360**

City or Town: **Lincoln**

State: **NE, 68508**

Email: [ezimmer@lincoln.ne.gov](mailto:ezimmer@lincoln.ne.gov)

Signature:



Property Owner:

FOR HISTORIC PRESERVATION COMMISSION USE ONLY

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED:

LANDMARK/LANDMARK DISTRICT NUMBER:



Aspect: southwest. Photo by D. Murphy, Lincoln, NE, 1976 (DM7604b:18)



Aspect: west. Photo by D. Murphy, Lincoln, NE, 1975 (DM7502-2:13)



View from SW, 2017



Main Stairs, Scottish Rite Temple, 2013



**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  
Change of Zone #18021

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
August 1, 2018

RELATED APPLICATIONS  
CZ #18020

PROPERTY ADDRESS  
330 S. 16<sup>th</sup> Street, 1610 L Street

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a City initiated request by the Planning Department for a change of zone from O-1 Office to B-4 Lincoln Center Business District over three properties at the northeast corner of S 16<sup>th</sup> Street and L Street comprising approximately 0.48 acres. These properties contain commercial uses. This change of zone along with Change of Zone #18020 for the Scottish Rite Temple is consistent with the established uses and character of the area.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed change of zone conforms to the intent of the 2040 Comprehensive Plan. Changing the zoning from O-1 to B-4 for these properties is consistent with the character of the area and will provide for continuous B-4 zoning. The B-4 zoning is primarily most of Downtown whereas O-1 zoning is in the vicinity of the State Capitol and this property is not consistent with the location of other O-1 zoning.

**APPLICATION CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The future land use map designates these properties along with the properties to the east and west along the north side of L Street as commercial. The future land use is consistent with the uses in the area which are commercial.

## 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. 4.6 - The 400-foot State Capitol is the key historic, architectural, and geographic landmark of the city and surrounding countryside...The community's opportunity to benefit from the Capitol is further enhanced by improvements to its immediate setting, especially to the axial malls which extend from the Capitol in the cardinal directions, such as Centennial Mall.

p. 5.3 - Among existing Regional Centers, Downtown Lincoln stands as a unique community resource. Downtown is the County's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, entertainment and governmental uses.

p. 6.3 - Strategies for Greater Downtown: Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.

## ANALYSIS

1. This is a City initiated request for a change of zone from O-1 Office District to B-4 Lincoln Center Business District over three properties at the northeast corner of S. 16<sup>th</sup> Street and L Street comprising approximately 0.48 acres.
2. Related Change of Zone #18020 for the Scottish Rite Temple is a change of zone from O-1 to B-4 with a landmark designation. This change of zone along with the change of zone for the three properties in question provide for a continuous B-4 district on the north side of L Street. Existing uses on the properties include commercial and office.
3. The future land use map in the 2040 Comprehensive Plan designates these properties as commercial. This area is contiguous to the existing B-4 district and areas designated for commercial use in the Comprehensive Plan.
4. B-4 zoning is appropriate in this location. Changing the zoning from O-1 to B-4 for this property along with CZ #18020 for the Scottish Rite Temple is in character with the surrounding area. These properties are commercial in nature. Office is a permitted use in either O-1 or B-4 zoning, so office use will still be allowed. This change of zone is consistent with the Comprehensive Plan and is consistent with the established character of the area. The O-1 district is intended to provide a redeveloping area of office uses in the general vicinity of the County-City Building and the State Capitol Building.

**EXISTING LAND USE & ZONING:** Commercial; O-1

## SURROUNDING LAND USE & ZONING

North: Apartments, Commercial; B-4

South: Parking Lot; O-1

East: Commercial; B-4

West: Scottish Rite Temple; O-1 (subject to CZ#18020 for change to B-4)

**APPROXIMATE LAND AREA:** 0.48 acres, more or less

**LEGAL DESCRIPTION:** Lots 7-9, Block 93, Original Lincoln Plat, located in the NW ¼ of Section 25-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Applicant/Contact:

George Wesselhoft, Planner

555 S. 10<sup>th</sup> Street, Suite 213

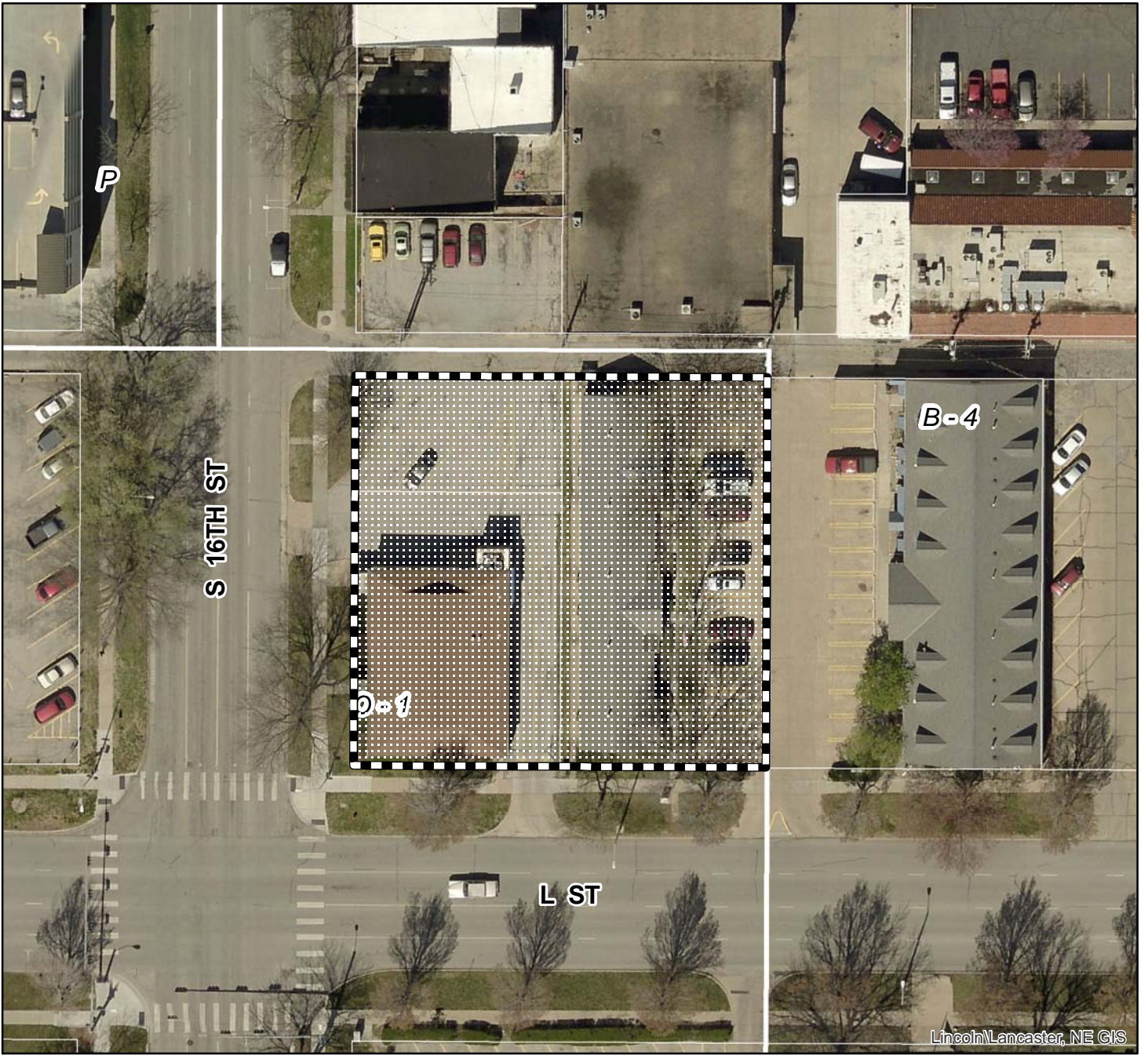
Lincoln, NE 68508

(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

George Wesselhoft, Planner

Date: July 19, 2018

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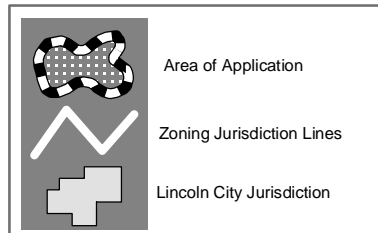
2016 aerial

**Change of Zone #: CZ18021 (O-1 to B-4)  
S 16th St & L St**

**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.25 T10N R06E





**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 Waiver #18003	FINAL ACTION? Yes	OWNER 200 Properties, LLC
PLANNING COMMISSION HEARING DATE August 1, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS 2036 N. 63 <sup>rd</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

Waive the requirement of the Subdivision Ordinance that residential lots shall have a minimum depth of 90 feet to approximately 85-86 feet per Section 26.23.140(a) for Lots 1 and 2 of Final Plat #18021, Bethany Heights 3<sup>rd</sup> Addition.



**JUSTIFICATION FOR RECOMMENDATION**

With the requested waiver, this proposal is an appropriate use of land at this location based on the layout and size of lots elsewhere in the Bethany neighborhood. The proposed 6,034 and 6,868 square foot lots are a similar size to other lots nearby. The requested lot depth waiver is minor as it is only a reduction of approximately 5 feet. The additional density should not have a significant negative effect on surrounding properties.

**APPLICATION CONTACT**

Aaron Impens, (402) 525-6376 or [aaronimpens@gmail.com](mailto:aaronimpens@gmail.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The waiver is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan as it facilitates appropriate residential infill that is compatible with the existing neighborhood.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 7.1-7.2 - Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area.

P. 7.8-7.9 - Infill and redevelopment in existing neighborhoods typically occur through an incremental and organic process over long periods of time.

P. 7.9 - 7.10 - Strategies for Redevelopment in Existing Neighborhoods:

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Retain existing predominately single-family blocks in some existing neighborhoods, in order to maintain the mix of housing types.
- Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

## ANALYSIS

1. This is a request for a waiver of the Subdivision Ordinance Section 26.23.140(a) that residential lots shall have a minimum 90-foot depth. This waiver would apply to Lots 1 and 2 of Bethany Heights 3<sup>rd</sup> Addition (see attached final plat drawing). Without the waiver, this plat could not be approved as shown.
2. The final plat would re-subdivide the property into two lots. The existing house would sit on Lot 2 on the south. Lot 1 would be a new single family residential lot. The depth of the proposed lots is approximately 85-86 feet and would not meet the standard minimum depth for residential lots of 90 feet. Neither lot could be developed independently with a duplex because they would not have sufficient lot area.
3. The proposed lots are located across the streets and adjacent alley from other residential lots developed with single family dwellings. There are numerous examples of the proposed lot layout in the neighborhood and specifically along N. 63<sup>rd</sup> Street where the ends of blocks have been subdivided with smaller sized properties on an east-west orientation. Several adjacent blocks along N. 63<sup>rd</sup> Street have been platted and developed this way with lots less than 90 feet deep. Waiver #04001 associated with Bethany Heights 3<sup>rd</sup> Addition was approved in 2004 for a similar final plat layout immediately to the north across Colby Street.
4. Although they would not meet minimum depth, these lots would meet all other dimensions and Lot 1 would provide a good location for a small house. This waiver would allow for a subdivision that fits within the character and density of this area.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single family residential dwelling; R-2

## SURROUNDING LAND USE & ZONING

North, South, East and West: Single family residential; R-2

## APPLICATION HISTORY

July 1888      The Bethany Heights final plat was approved.

April 2018      The proposed Bethany Heights 3<sup>rd</sup> Addition final plat was submitted to the Planning Department.

**APPROXIMATE LAND AREA:** 0.30 acres, more or less

**LEGAL DESCRIPTION:** Lots 6-7, Block 35, Bethany Heights, located in the SE 1/4 of Section 16-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

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Rachel Jones, Planner

Date: July 24, 2018

Applicant/Owner/Contact: 200 Properties, LLC  
Aaron Impens  
PO Box 22486  
Lincoln, NE 68542  
(402) 525-3676 or [aaronimpens@gmail.com](mailto:aaronimpens@gmail.com)

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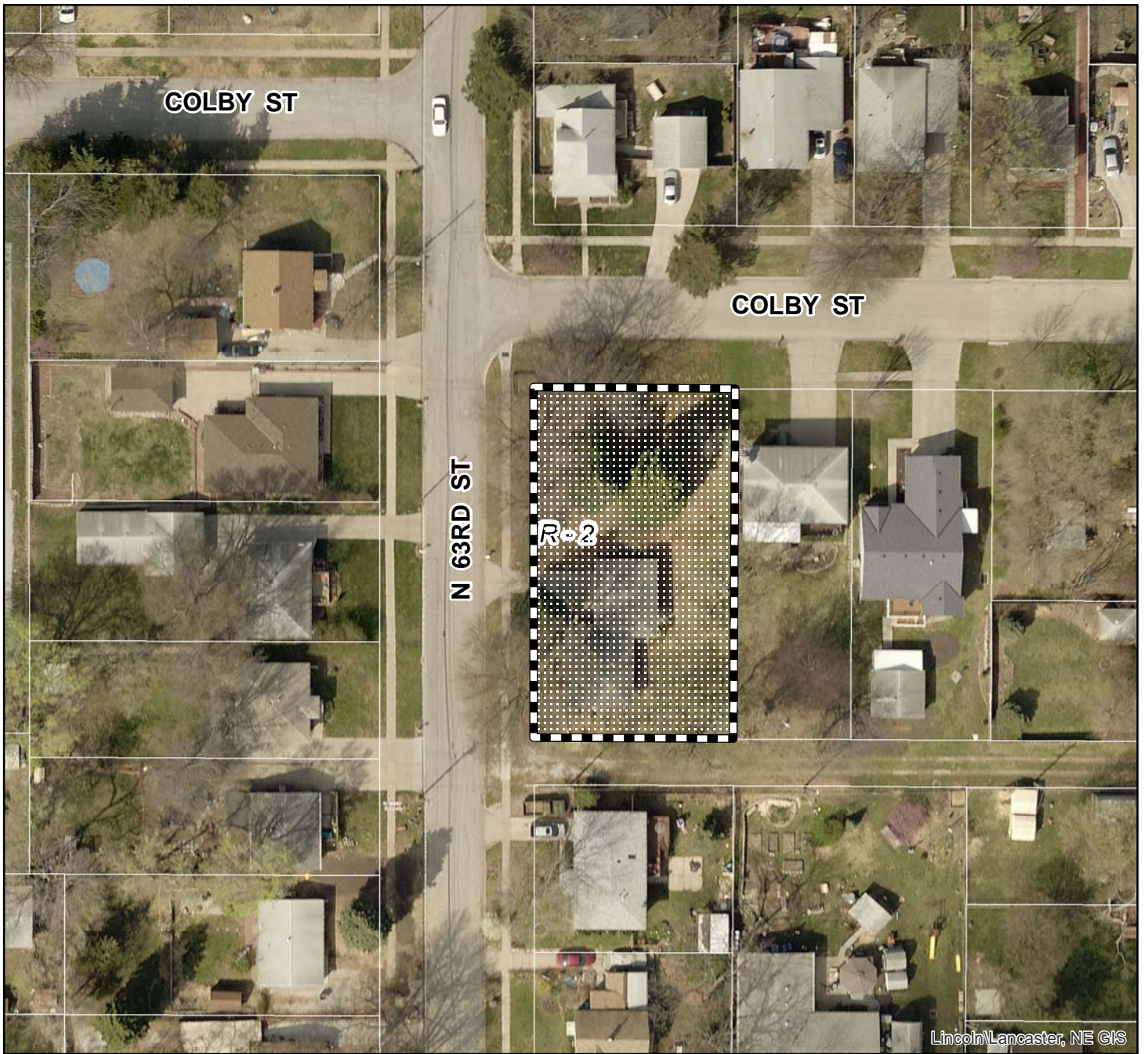
## CONDITIONS OF APPROVAL - WAIVER #18003

### Site Specific Conditions:

1. This approval waives the 90-foot minimum lot depth for residential lots per Section 26.23.140(a) for Lots 1 and 2 of Bethany Heights 3<sup>rd</sup> Addition subject to any conditions.

### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 The clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.



Lincoln/Lancaster, NE GIS

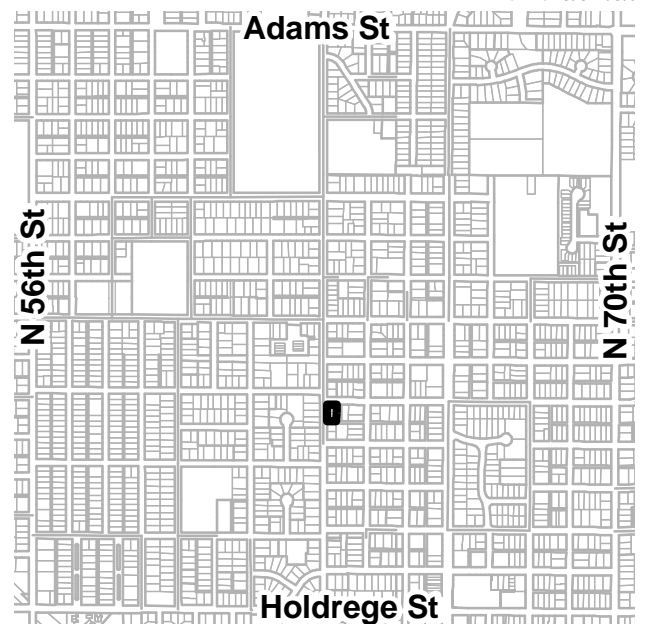
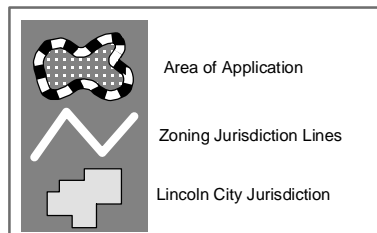
2016 aerial

**Waiver #: WVR18003**  
**N 63rd St & Colby St**

**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.16 T10N R07E**



BETHANY HEIGHTS 3RD ADDITION  
FINAL PLAT

NORTH 63RD STREET

COLBY STREET

ALLEY

(NOT A PART OF THIS PLAT)

BETHANY HTS.  
2ND ADD.

SW Cor., Lot 2,  
Bethany Hts. 2nd Add.  
Fnd. #5 Rebar

35'

35'

70.00'(P&M)

35'

35'

**LOT 1**  
6,034 Sq. ft.

**LOT 2**  
6,868 Sq. ft.

(NOT A PART OF THIS PLAT)  
BETHANY HEIGHTS  
BLOCK 35  
5

(NOT A PART OF THIS PLAT)  
BETHANY HEIGHTS  
BLOCK 35  
4

(NOT A PART OF THIS PLAT)  
BETHANY HEIGHTS  
BLOCK 35  
3

1020.00'(P) 1020.05'(M)

N 00°00'00" W  
150.01'(M)

79.87'(M)

800.00'(P) 800.05'(M)

20'

85.99'(M)  
N 89°50'17" W

S 89°37'42" E  
86.40'(P) 86.44'(M)

Fnd. 3/4"  
Pipe  
(P.O.B.)

69.83'(M)

S 00°21'48" W  
150.17'(M)

80.34'(M)

Fnd. 1"  
Pipe

20' Sanitary Sewer  
Easement

5' Utility Easement

(NOT A PART OF THIS PLAT)  
BLOCK 35

50.00'(P) 49.95'(M)

Fnd. 1"  
Pipe

150'(P)

110.00'(R) 109.98'(M)

50'(P)

150'(P)

50'(P)

Fnd. 1"  
Pipe

150'(P)

50'(P)

50'(P)

150'(P)

Fnd. 1"  
Pipe

NW Cor.,  
Lot 8, Block 45  
Fnd. 1" Pinched Pipe



Scale 1"=20'

**Legend**

- ⊕ = Section Cor. Fnd
- = Cor. Fnd
- = Cor. Set #5
- Rebar w/cap #440
- (M) = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference



Scale: 1"=20'

**200 Properties, LLC**

*June 29, 2018*

*City of Lincoln*

*RE: Bethany Heights 3<sup>rd</sup> Addition – FPPL18021*

*To Whom it may concern:*

*This letter is to request a waiver of the 90-foot lot depth requirement for Lots 1 and 2. Our request is for approval the waiver and allow for two separate buildable lots. Each lot will have a minimum of 6,000 square feet.*

*Thanks for your time and consideration.*

*Sincerely,*

*Aaron Impens  
200 Properties, LLC*



**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 Change of Zone #18013	FINAL ACTION? No	OWNER Phillip Wenta
PLANNING COMMISSION HEARING DATE August 1, 2018	RELATED APPLICATIONS Use Permit #18005 Admin Amendment #18045	PROPERTY LOCATION 8435 Firethorn Lane

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

The applicant is the owner of Lot 1, Firethorn 28<sup>th</sup> Addition. This request seeks to rezone the western two-thirds of the lot from AGR Agricultural Residential to O-3 Office Park, and to rezone the remainder of the eastern one-third, that is not already zoned R-1, from AGR to R-1 Residential. The associated use permit application then seeks to expand the adjacent use permit boundary to include the area proposed for O-3 and to allow for up to 26,400 square feet of office floor area.

An associated administrative amendment to the Firethorn Community Unit Plan (CUP) seeks to amend Special Permit #872i by deleting the area proposed for O-3 zoning from the CUP, and shows the eastern one-third of the lot being included within the CUP and divided into three residential lots.



**JUSTIFICATION FOR RECOMMENDATION**

The Future Land Use Map of the Comprehensive Plan designates the future land use for this property as urban residential. That designation includes the full range of residential uses, including single-family, townhouse, and multiple-family. The subject property is not contiguous to any commercial uses, but is adjacent to O-3 zoning on the north. Firethorn Lane is a private roadway and in part serves the larger office park to the north. A portion of the subject lot is within the Pipeline Planning Area (PPA), a protective buffer delineated along the extent of the natural gas pipeline in South 84<sup>th</sup> Street. The PPA is approximately 350' in width and extends approximately 135' onto the subject lot. Occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities are discouraged within the PPA. O-3 zoning allows uses other than residential land uses, many of which are allowed in the area of the PPA.

**APPLICATION CONTACT**

Brad Marshall, 402-458-5672  
[bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)

**STAFF CONTACT**

Brian Will, 402-441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The future land use for the subject area is identified as Urban Residential. The subject property is also located within the Pipeline Planning Area associated with the pipeline in South 84<sup>th</sup> Street. Separation between residential and from industrial uses is recommended, and commercial uses such as office are recommended as buffers and transitional land uses.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for future urban density residential development in the 2040 Future Land Use Plan.

P. 5.14 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development.

P. 5.17 - There are considerations for industrial uses in regard to the potential impact on adjacent property. In 2005, a Joint Committee of the Board of Health and Planning Commission began to meet regularly to discuss issues of common interest; including industrial land uses that use and store hazardous materials. The Joint Committee developed reports called Use and Storage of Hazardous Materials and Pipelines Carrying Hazardous Materials.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

P. 7.4 - Strategies for Neighborhoods and Housing

- Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.
- Implement procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

P. 10.19 - Pipeline Freight: There are 17 major pipelines in Lincoln and Lancaster County. The majority transport petroleum or natural gas products. One of the lines transports anhydrous ammonia, which is a product used in agricultural production. All of the pipelines are managed by four firms in Lancaster County.

P. 11.23 - Strategy for Natural Gas Service: Land uses with vulnerable populations such as occupied residential structures, childcares, retirement facilities, schools, or hospitals are not recommended to be located within pipeline planning areas. For large high pressure natural gas pipelines, pipeline planning areas are established based upon a formula that takes into consideration the pressure and diameter of the natural gas pipeline. Other uses such as residential garages, commercial and industrial uses, parking lots, open spaces or roads are acceptable uses within pipeline planning areas.

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

**ANALYSIS**

1. This is a request for a change of zone from AGR to O-3 for the approximate western two-thirds of the subject lot, and from AGR to R-1 for the remainder of the lot not already zoned R-1. Currently there is split zoning on the lot, where a triangular-shaped portion of the lot adjacent to Kilkee Road was previously zoned R-1. The property is a 3.46 acre lot developed with a single-family dwelling. The site plan submitted for the associated request, UP#107F, shows 26,400 square feet of office floor area located within two buildings on the portion to be re-zoned O-3. The remainder of the lot which is to be zoned R-1 is shown divided into three residential lots.
2. The minimum lot area for a use permit is two acres. The subject property is 2.74 acres and large enough for a stand alone use permit. There is O-3 zoning adjacent to the subject property on the north. Firethorn Lane and its associated outlot are zoned O-3 and part of the larger Firethorn Office Park use permit.
3. Beyond the O-3 zoning, the subject property is also adjacent to R-1 zoning and the Firethorn community unit plan to the east, AGR zoning over the residential lot to the south, and AGR zoning for the church on the north side of Firethorn Lane.
4. There is a natural gas pipeline in South 84<sup>th</sup> Street, and the associated Pipeline Planning Area (PPA) extends approximately 135' onto the subject lot. The Health Department recommends that no occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities be located within it.
5. A comparison of the allowed uses in the R-1 and O-3 zoning districts shows that most every use allowed in the R-1 is discouraged within the PPA. However, even though the O-3 does allow many of the same uses as the R-1, it allows several more intense uses. Among those more intense uses is office, which is the land use being proposed with the associated use permit. Those uses allowed in the O-3 but that are discouraged within the PPA can be regulated as part of the associated use permit.
6. O-3 zoning is designed as a transitional zoning district. It is intended to create a buffer between residential areas and more intense commercial development. This is done by both limiting the intensity of the uses that are allowed, and by screening/landscaping and setbacks.
7. The Comprehensive Plan encourages infill and redevelopment in manner that is compatible with surrounding development. It also discourages certain land uses within the PPA. The proposed request places the O-3 zoning in the PPA adjacent to the arterial street where office can be located, and R-1 zoning adjacent to other dwellings within the Firethorn CUP. The zoning pattern being requested is consistent with the Zoning Ordinance and the Comprehensive Plan.

**EXISTING LAND USE & ZONING:** AGR Single-family Residential

**ASSOCIATED APPLICATIONS:** A request to amend UP#18005 to increase the use permit in area by 2.74 acres and add 26,400 square feet of office floor area.

**APPROXIMATE LAND AREA:** 2.74 acres, more or less (area of change of zone)

**SURROUNDING LAND USE & ZONING**

North: Open Space, Religious Assembly	O-3, AGR
South: Residential	AGR
East: Open Space, Residential	R-1
West: S. 84 <sup>th</sup> St, Residential	R-4

**LEGAL DESCRIPTION:** See attached legal description.

Prepared by

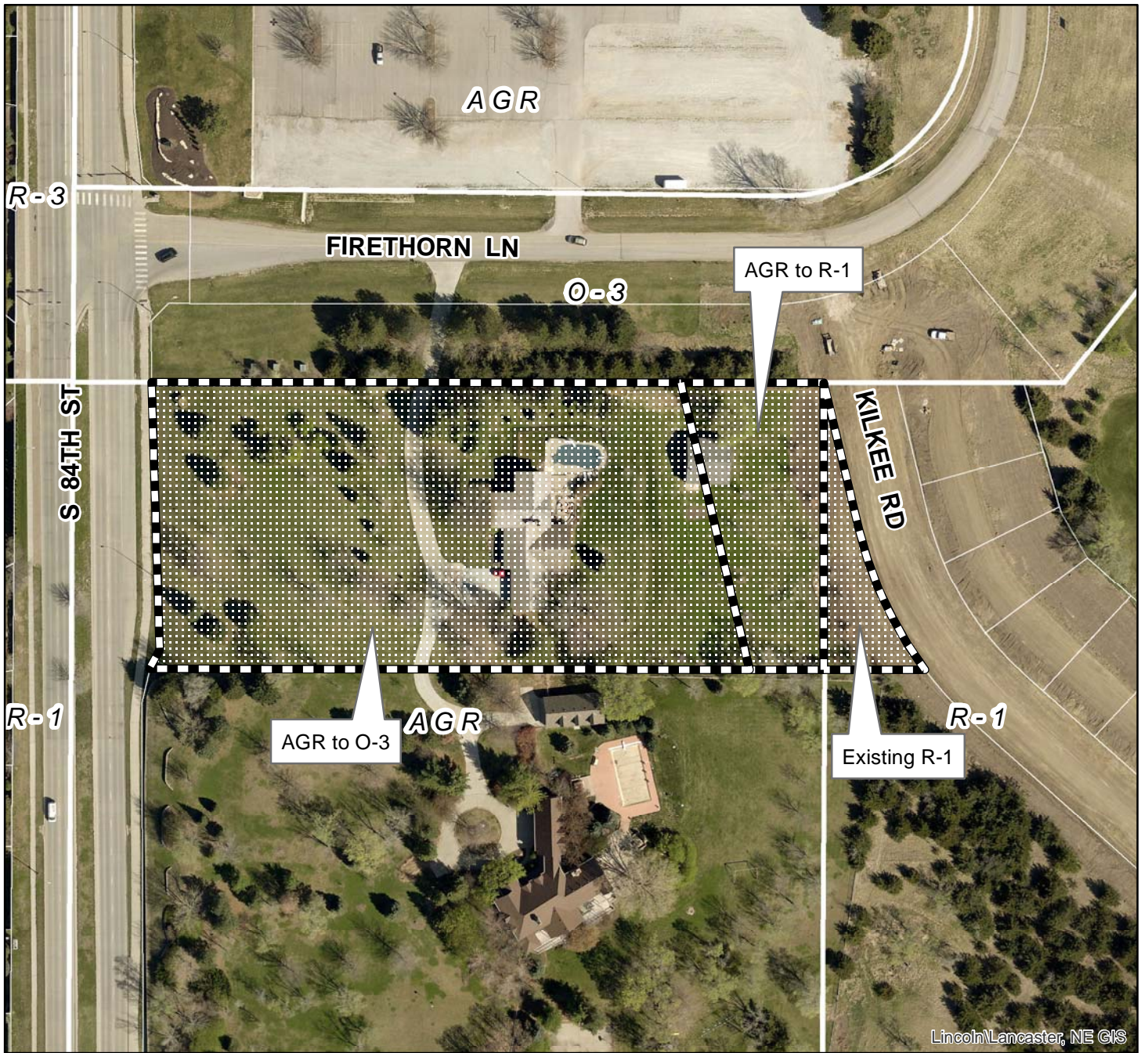
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Brian Will, Planner  
July 11, 2018

Applicant/Contact: Brad Marshall  
Olsson Associates  
601 P Street  
Lincoln, NE 68508  
[bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)  
402-458-5691

Owner: Phillip Wenta  
8235 Firethorn Lane  
Lincoln, NE 68520  
402-309-0858

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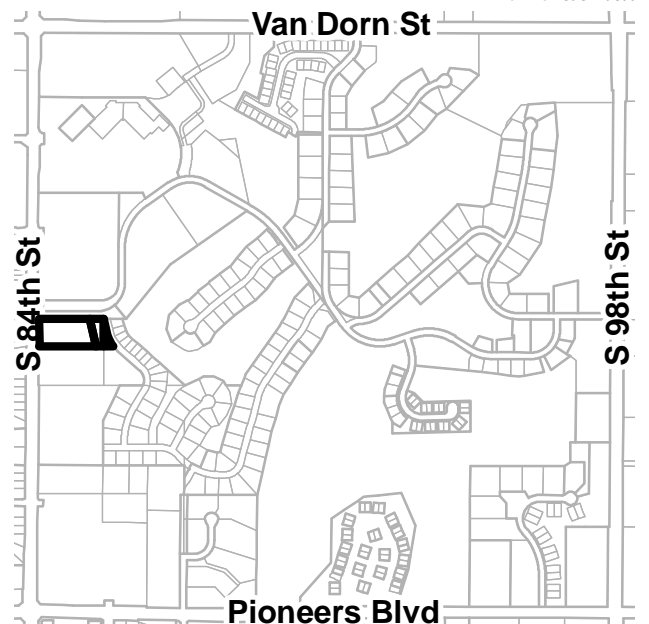
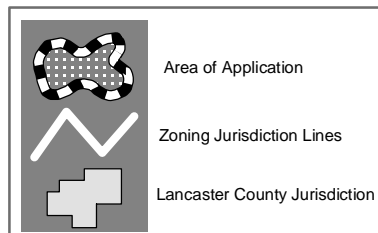
2016 aerial

**Change of Zone #: CZ18013**  
**Firethorn Office Park**  
**S 84th St & Firethorn Ln**

**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.02 T09N R07E





July 3, 2018

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Applications for Amendment to Firethorn Addition Use Permit 107F, Change of Zone to O-3, Administrative Amendment to Firethorn Special Permit 872F, and Change of Zone to R-1  
Olsson Project No. 018-0445

Dear Mr. Cary,

Olsson Associates represents Phillip B Wenta, ("Wenta"), owner of the property legally Lot 1, Firethorn 28<sup>th</sup> Addition or 8435 Firethorn Lane (the "Property"). Wenta requests an amendment to the Firethorn Addition and change of zone from AGR to O-3 for a portion of the property and is legally described and shown on Exhibit "A" enclosed herein ("O-3 Property"). The remaining portion of property is currently included in the Firethorn Special Permit 872F and is requesting a change of zone from AGR to R-1 for the property legally described and shown on Exhibit "B" enclosed herein ("R-1 Property").

The proposed O-3 Property contains office uses showing building locations and associated parking. A portion of the office area is within the Pipeline Planning Area adjacent to S. 84<sup>th</sup> Street. The Pipeline Planning Area extends north-south and encroaches into the Property approximately 142 feet along the western portion of the property. The Pipeline Planning Area justifies non-residential type uses in this area.

The access to the O-3 Property is proposed as a private street. The private street will remain the access to the Wenta and Reckmeyer residences. Today, the Reckmeyer property, located at 8441 Firethorn Lane, shares access and a driveway. Both properties cross Outlot "C" Firethorn 28<sup>th</sup> Addition, which is owned by Firethorn Utility Service Company ("FUSC"), with an existing access easement. For the foreseeable future, Wenta will continue to occupy the residence on the property.

The location of the O-3 zoning is located with access to S 84<sup>th</sup> Street, a major arterial street, and close to public transportation. S. 84<sup>th</sup> Street and Firethorn Lane is a signalized intersection and

the concern of this intersection congestion has been communicated from the residents of the Firethorn area. The applicant proposes to add a west bound right turn lane on Firethorn Lane to help alleviate increased traffic during peak times of traffic. In addition, Allstate, located to the north of this application area, is currently investigating intersection improvements at S 84<sup>th</sup> Street and Rockledge to allow left turns from their property. The Allstate improvements, if constructed, would reduce the number of vehicles at the intersection of S 84<sup>th</sup> Street and Firethorn Lane during peak times.

The O-3 property will be served by public utilities, public water mains and gravity sanitary sewer, located in Firethorn Lane. These utilities are adequately sized to provide service to the proposed office uses.

After meeting with Planning Staff, the applicant has also agreed to zone the eastern portion of the property adjacent to Kilkee Road to R-1. The requested zoning actions will provide similar type of residential lots along Kilkee Road. The R-1 residences will be served by public water mains and the private sanitary sewer system currently owned and maintained by FUSC. The Firethorn Special Permit currently has 99 unallocated dwelling units. The requested application is requesting 3 of the unallocated dwellings to be allocated as "new development".

The development team has met with City staff and FUSC to discuss the proposed applications. In addition, the applicant has met with the Reckmeyers to provide information of the project as a neighbor and discuss the shared driveway plan. The applicant will hold an information meeting to discuss the development plan before Planning Commission meeting.

The grading and drainage plans included in this Use Permit have been updated and enclosed. A drainage study has also been provided, including water quality requirements and forms.

Lastly, an exhibit is being provided to the City staff showing a concept of the possible redevelopment of the acreage lots along S 84<sup>th</sup> street, south of Firethorn Lane. The applicant has considered the future redevelopment of these properties in consideration of the Pipeline Planning Area and Comprehensive Plan. The exhibit is only being provided as a long-range plan for redevelopment and does not represent intent of any adjacent property owners, but to provide Staff a plan to support the applications.

Enclosed find the following documents for the above-mentioned project:

1. City of Lincoln Application for a change of zone from AGR to O-3 for the "O-3 Property"
2. City of Lincoln Application for an amendment to the Firethorn Addition Use Permit 107F for the "O-3 Property"

3. City of Lincoln Application for a change of zone from AGR to R-1 for the "R-1 Property"
4. City of Lincoln Application for an Administrative Amendment to Firethorn Special Permit 872F for the "R-1 Property"
5. Exhibits for the Change of Zones
6. Site Plan
7. Grading and Drainage Plan
8. Drainage Study
9. Water Quality Forms
10. Application fees in the amount of \$2,182

Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Firethorn Addition (107F) and Special Permit (872F) development. If you require further information or have any questions, please do not hesitate to contact me at [bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com) or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

cc: File  
Phil Wenta

### 0-3 LEGAL DESCRIPTION CHANGE OF ZONE

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, FIRETHORN 28TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT 1, FIRETHORN 28TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING 67.76' EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT "C", FIRETHORN 28TH ADDITION; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID OUTLOT "C", ON AN ASSUMED BEARING OF S89°55'27"E, A DISTANCE OF 456.18' TO A POINT; THENCE S13°26'49"E, A DISTANCE OF 254.40' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING ON THE NORTH LINE OF LOT 2, FIRETHORN 28TH ADDITION; THENCE N89°55'44"W, ON THE SOUTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 517.03' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING 67.76' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE N27°38'05"E, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 18.78' TO A WEST CORNER OF SAID LOT 1, SAID POINT BEING 76.36' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N01°44'30"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.86' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 121,853.01 SQUARE FEET OR 2.74 ACRES, MORE OR LESS.

Friday, June 29, 2018

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 USER: mjohnson  
 XREFS: C\_PBASE\_80445

PROJECT NO: 018-0445  
 DRAWN BY: MRJ  
 DATE: JUNE 29TH, 2018

PARCEL 1, CHANGE OF  
 ZONE LEGAL DESCRIPTION



601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT  
 A1



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## R-1 LEGAL DESCRIPTION CHANGE OF ZONE

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, FIRETHORN 28TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF LOT 1, FIRETHORN 28TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING 67.76' EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT "C", FIRETHORN 28TH ADDITION; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID OUTLOT "C", ON AN ASSUMED BEARING OF S89°55'27"E, A DISTANCE OF 456.18' TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING S89°55'27"E, ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 123.42' TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S13°26'49"E, ALONG THE EAST LINE OF SAID LOT 1, SAID LINE ALSO BEING THE WEST LINE OF OUTLOT "A", FIRETHORN 44TH ADDITION, A DISTANCE OF 129.37' TO A POINT OF CURVATURE FOR A TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°30'15", A RADIUS OF 330.00', AN ARC LENGTH OF 135.37' ON A SOUTHWEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 134.43', A TANGENT LENGTH OF 68.65', AND A CHORD BEARING OF S25°11'56"E TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 2, FIRETHORN 28TH ADDITION; THENCE N89°55'44"W, ON THE SOUTH LINE OF SAID LOT 1, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 151.58' TO A POINT; THENCE N13°26'49"W, A DISTANCE OF 254.40' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 31,618.09 SQUARE FEET OR 0.73 ACRES, MORE OR LESS.

Friday, June 29, 2018

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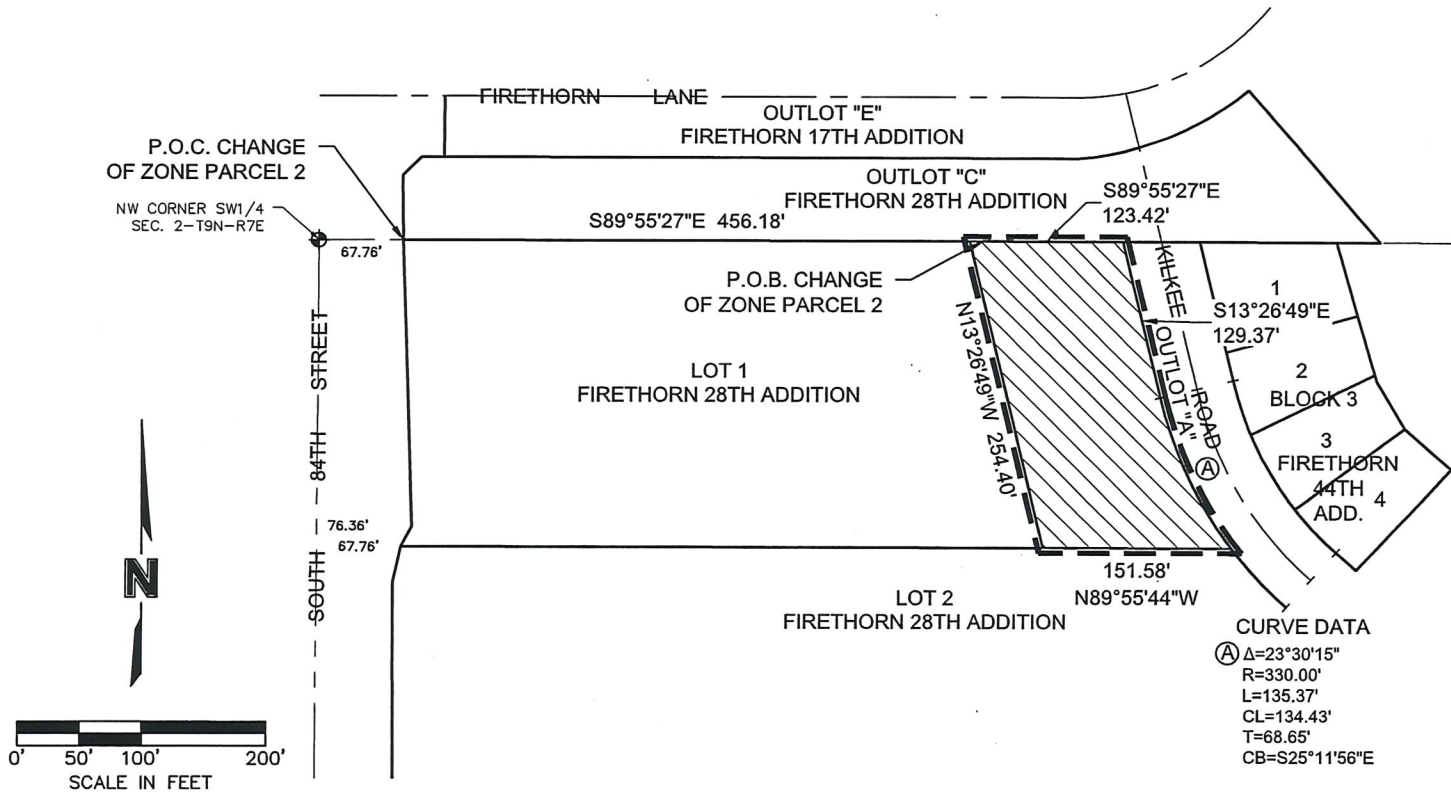
PROJECT NO: 018-0445  
 DRAWN BY: MRJ  
 DATE: JUNE 29TH, 2018

**PARCEL 2, CHANGE OF  
ZONE LEGAL DESCRIPTION**

601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT  
**A2**

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PROJECT NO:	018-0445
DRAWN BY:	MRJ
DATE:	JUNE 29TH, 2108

PARCEL 2, CHANGE OF ZONE EXHIBIT

**MOLSSON**  
 ASSOCIATES

601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT

B2

**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 Use Permit #18005	FINAL ACTION? No	DEVELOPER/OWNER Phillip Wenta
PLANNING COMMISSION HEARING DATE August 1, 2018	RELATED APPLICATIONS CZ#18013 AA#18045	PROPERTY ADDRESS/LOCATION 8435 Firethorn Lane South 84 <sup>th</sup> Street and Firethorn Lane

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a use permit over a 2.74 acre lot to allow 26,400 square feet of commercial floor area. It is associated with CZ#18013 seeking to change the zoning over the western two-thirds of the subject lot from AGR to O-3, and from AGR to R-1 over the eastern one-third. The requests seek to re-zone the western two-thirds of the applicant’s lot from AGR to O-3 to allow office use.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is adjacent to O-3 zoning on the north. Firethorn Lane is a private roadway and in part serves the larger Firethorn office park to the north. A portion of the subject lot is within the Pipeline Planning Area (PPA), a protective zone delineated along the extent of the natural gas pipeline in South 84<sup>th</sup> Street. The PPA is approximately 350’ in width and extends approximately 135’ onto the subject lot. Occupied residential dwellings, hotels, motels, childcare facilities, schools, healthcare facilities, or retirement facilities are discouraged within the PPA. O-3 zoning allows other than residential land uses, many of which are allowed in the area of the PPA. Office is a transitional use from more intensive commercial uses to residential uses, and serves that purpose in this case.

**APPLICATION CONTACT**

Brad Marshall, 402-458-5672 or bmarshall@olssonassociates.com

**STAFF CONTACT**

Brian Will, 402 441-6362 or bwill@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Surrounding land uses include single-family dwellings and a church. The Comprehensive Plan encourages redevelopment in a manner that is consistent and compatible with surrounding land uses that can meet the requirements of the Zoning and Subdivision Ordinances, and limits negative impact upon neighboring properties. Placing office uses within the PPA while locating residential lots on the eastern portion of the property adjacent to other dwellings are consistent with these goals.

**WAIVERS:**

- |  |                      |
|--|----------------------|
| 1. Adjust front yard setback from 20’ to 6’              | Denial               |
| 2. Light trespass across lot lines                       | Conditional Approval |
| 3. Allow a driveway access off the end of a private road | Denial               |

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

-The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.

-LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

-Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

-Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

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.

-Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

-Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

-Provide flexibility to the marketplace in siting future commercial and industrial locations.

-Strive for predictability for neighborhoods and developers.

-Encourage and provide incentives for mixed uses in future developments.

P. 5.14-5.16 - Strategies for Commercial Infill

-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.

-Develop infill commercial areas to be compatible with the character of the area.

-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

P. 5.17 - There are considerations for industrial uses in regard to the potential impact on adjacent property. In 2005, a Joint Committee of the Board of Health and Planning Commission began to meet regularly to discuss issues of common interest; including industrial land uses that use and store hazardous materials. The Joint Committee developed reports called Use and Storage of Hazardous Materials and Pipelines Carrying Hazardous Materials.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

## ANALYSIS

1. The subject property is Lot 1, Firethorn 28<sup>th</sup> Addition, a 3.46 acre lot located southeast of the intersection of South 84<sup>th</sup> Street and Firethorn Lane. The owner is proposing office development on the western two-thirds of the lot, and single-family residential on the remainder. This request is associated with CZ#18013 seeking to change the zoning of the subject area from AGR to O-3 for the office area, and from AGR to R-1 for the residential portion. This request seeks a use permit over the western 2.74 acres to allow for 26,400 square feet of office floor area.
2. The site is adjacent to O-3 zoning on the north associated with the Firethorn Office Park, R-1 zoning to the east associated with the Firethorn Community Unit Plan, and AGR zoning to the south. A natural gas pipeline exists on South 84<sup>th</sup> Street, and the associated PPA extends from between 130' to 140' onto the subject property.
3. Occupied residential dwellings, hotels, motels, childcare facilities, schools, healthcare facilities, or retirement facilities are discouraged within the PPA. While some of these uses are also allowed in the O-3 district, it also allows uses several uses that are not discouraged in the PPA including office, the use being proposed by this request.
4. Access to the property is via Firethorn Lane, a private roadway that intersects with South 84<sup>th</sup> Street at a signalized intersection. This property and the neighboring lot to the south previously had direct onto South 84<sup>th</sup> Street. Those access rights were purchased as part of the widening of South 84<sup>th</sup> Street. There is an access easement to allow both properties access to Firethorn Lane. The south lot has an access easement to Firethorn Lane which also provided for shared maintenance costs between the owners involved.
5. An important consideration in this proposal is its impact upon the adjacent dwelling to the south. That property is not included with this project and is not being redeveloped at this time, and could remain 'as-is' for many years. Additionally, its access is modified with this proposal, and the character of the approach to the home will change from residential to office. The impact should be minimized, and those measures designed to enhance compatibility should become part of the use permit for this request.
6. Several waivers have been requested:
  - A. Adjust front yard setback from 20' to 0' - The site plan shows the parking lots adjacent to the outlot for the private roadway. A cross-section for the roadway submitted after the original site plan shows the parking set back 6' from the outlot. Full build-out of the office area will result in the house being demolished, so there is the land area to provide the required front setback which is typical for most office parks.
  - B. Allow light trespass across lot lines - The Design Standards limit the amount of light trespass this is allowed across lot lines. In this case, and integrated lighting plan will be designed for the whole office area, so light trespass across the internal lot lines is not an issue. This does not include light trespass across the perimeter lot lines.
  - C. Allow driveway access off the end of a street - Access off the end of a street is prohibited. It makes the future extension more difficult by delaying the required driveway realignment. The driveway should be aligned now to prevent future conflict.
7. The proposed plan shows the existing driveway across the subject lot being replaced with a private roadway between two office buildings. The use of R-T Residential Transition zoning district standards would suggest placing the building nearer the roadway with the parking behind the buildings. Those criteria are: A - Have a two and one-half inch in twelve inch pitched roof or steeper; B - A non-reflective exterior siding material which is or simulates wood, stucco, brick, or stone; C - Have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock; D - No air conditioners on the roof. This would have the effect of creating a more gradual transition to the neighboring residential use, and helps preserve the aesthetic of the current drive entrance to the neighboring dwelling while allowing for the possibility of future redevelopment.
8. The site plan shows the neighboring lot to the south taking access off the end of the private roadway. This is not allowed, and alignment of the roadway and driveway needs to be revised to allow the drive to intersect with the side of the roadway at an appropriate angle. Also, the owner to the south shares maintenance costs for some portion of the existing shared driveway. The increased traffic will result in increased maintenance costs. As a

result, acknowledgement from the adjacent owner should be provided with respect to this use permit and the impact upon access.

9. An alternative to limit the impact upon the neighboring lot and drive entrance is to reroute the driveway. The driveway could be rerouted to the east across the subject property to Kilkee Road.
10. The grading and drainage plan that was submitted was complete, but corrections are required. Submission of a revised grading and drainage plan is included as a recommended condition of approval.
11. Firethorn Lane is a private roadway with local roadway status, and intersects with South 84<sup>th</sup> Street at a signalized intersection. Other lots adjacent to the south that are similarly impacted by the PPA, and may also request commercial zoning in the future as well. However, the impact of the potential increased traffic upon the adjacent street network is not known. The Public Works and Utilities (PW&U) notes that the location of this project's intersection with Firethorn Lane is too close to South 84<sup>th</sup> Street. They recommend that the intersection be moved east to line-up with the church driveway, or provide a traffic study to demonstrate the proposed location is acceptable. This is an important factor given the concept plan provided by the applicant which shows a potential future redevelopment plan for the area that includes more than 100,000 square feet of office floor area.
12. Office buildings, especially those meeting the R-T criteria, are a compatible transition for residential areas. Re-zoning portions of tracts which are impacted by the PPA to allow office, commercial, or other non-residential uses is not uncommon. However, in this case it seems unlikely the neighboring property will similarly redevelop in the near future. Redevelopment on this subject property needs to be done in a manner that minimizes impact upon surrounding uses to the extent feasible.
13. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

**EXISTING LAND USE & ZONING:** AGR Single-family Residential

**SURROUNDING LAND USE & ZONING**

North: Open Space, Religious Assembly	O-3, AGR
South: Residential	AGR
East: Open Space, Residential	R-1
West: S. 84 <sup>th</sup> St, Residential	R-4

**APPROXIMATE LAND AREA:** 2.74 acres more or less

**LEGAL DESCRIPTION:** See attached description.

Prepared by

---

Brian Will, Planner  
July 12, 2018

Applicant/Contact: Brad Marshall  
Olsson Associates  
601 P Street  
Lincoln, NE 68508  
[bmarshall@olssonassociates.com](mailto:bmarshall@olssonassociates.com)  
402-458-5691

Owner:

Phillip Wenta  
8235 Firethorn Lane  
Lincoln, NE 68520  
402-309-0858

## CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a use permit for up to 26,400 square feet of commercial floor area, with a waiver to allow light trespass across internal lot lines.

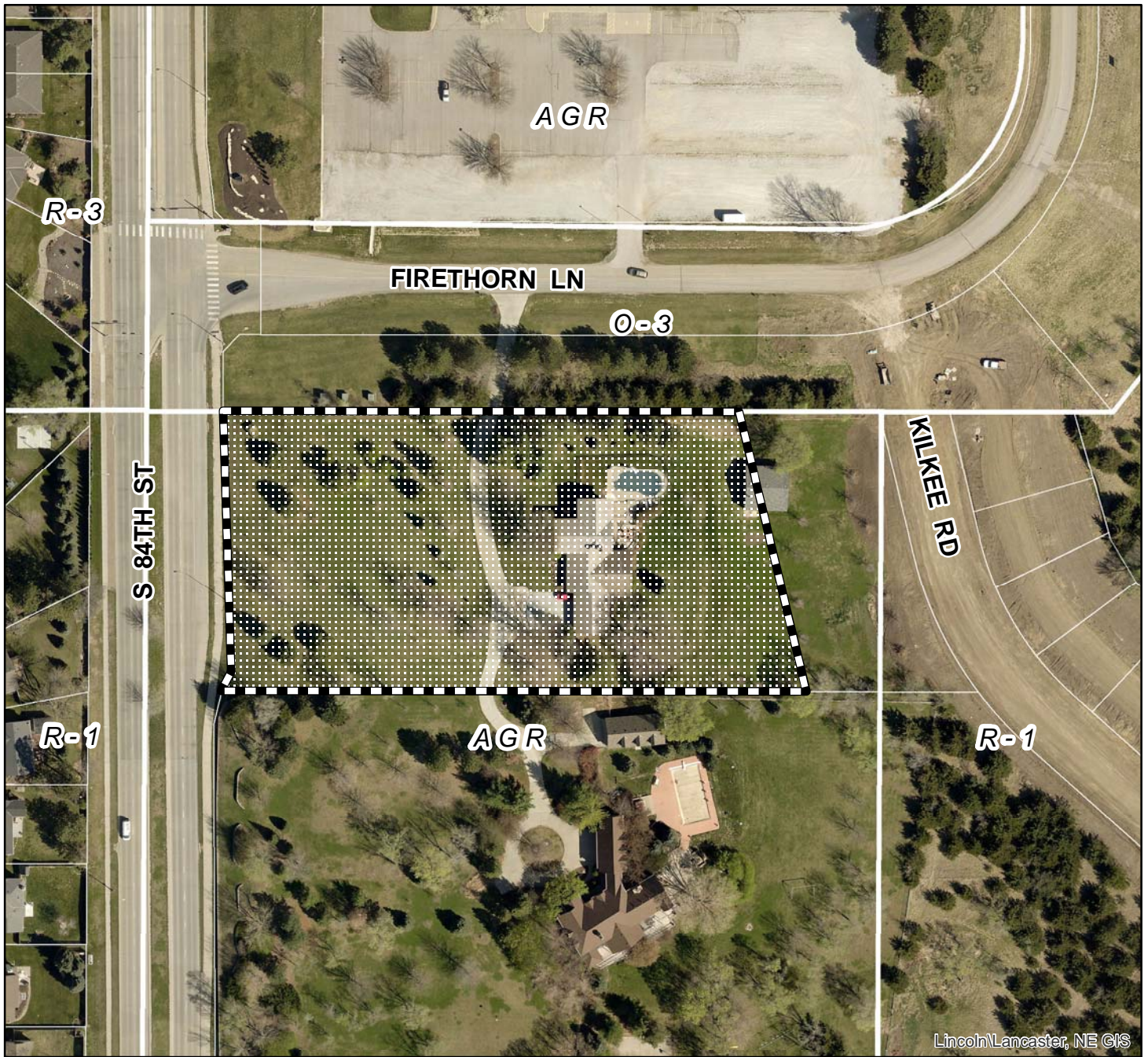
### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone #18013
2. Before a final plat is approved 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:
  - 2.1 Make the following revisions to Sheet 1a of 4:
    - 2.1.1 Label the roadway as 'Private' and provide a name for it.
    - 2.1.2 Show the required 20' front yard setback between the outlot and parking lot.
    - 2.1.3 Add a note that states "Screening and landscaping to be provided per Design Standards."
    - 2.1.4 Add a note which states that "Parking to be provided in compliance with the Zoning Ordinance."
    - 2.1.5 Remove the parking from the side yard near the north lot line.
    - 13.1.6 Revise the plan set to only include the appropriate portion of Lot 1, Firethorn 28<sup>th</sup> Addition by deleting the remainder of the Firethorn Office Park Use Permit #107.
    - 2.1.7 Add a note which states "Residential dwellings, hotels, motels, childcare facilities, schools, healthcare facilities, or retirement facilities are prohibited within the delineated Pipeline Planning Area.
    - 2.1.8 Identify future utility easements to the satisfaction of Lincoln Electric System.
    - 2.1.9 Add a note which states "Direct access to South 84<sup>th</sup> Street will be relinquished at the time of final plat."
    - 2.1.10 Add a note which states "Setbacks for parking and buildings as per the Zoning Ordinance unless otherwise noted."
    - 2.1.11 Add the dimensions for the private roadway, and provide a standard roadway cross-section.
    - 2.1.12 Show the existing house to remain during Phase I and show the minimum 20' setback dimension to the house from the east line of the outlot.
    - 2.1.13 Show access to the private roadway being provided to the adjacent dwelling other than off the end of the roadway, or provide a new driveway for the house to the south to Kilkee Road. For either option provide written consent of the owner to the south.

- 2.1.14 Revise the site plan to either show the buildings adjacent to the private roadway with the parking relocated behind them, or the neighboring property owner's driveway routed to the east to Kilkee Road across the subject property.
- 2.1.15 Add a note that states "The office buildings will comply with the R-T zoning district criteria if shared driveway use continues."
- 2.1.16 If shared driveway use continues, the roadway alignment must be revised so the driveway does not take access of the end of the roadway.
- 2.2 Revise the grading plans and related documentation to the satisfaction of the Public Works and Utilities Department.
- 2.3 Realign the street intersection to align with the church driveway to the north or submit a traffic study for review by Public Works and Utilities and make the changes to the site plan as determined by Public Works and Utilities.
- 3. Before a final plat is approved provide the following documents to the Planning Department:
  - 3.1 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:**

- 4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
  - 4.2 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.
  - 4.3 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.
  - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.5 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.



2016 aerial

**Use Permit #: UP18005**  
**Wenta Tract Use Permit**  
**S 84th St & Firethorn Ln**

**Zoning:**

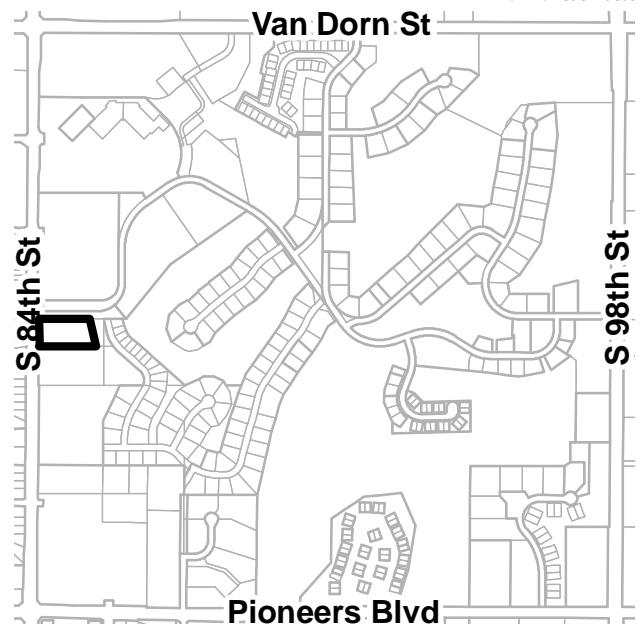
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.02 T09N R07E**

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





July 3, 2018

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

Re: Applications for Amendment to Firethorn Addition Use Permit 107F, Change of Zone to O-3, Administrative Amendment to Firethorn Special Permit 872F, and Change of Zone to R-1  
Olsson Project No. 018-0445

Dear Mr. Cary,

Olsson Associates represents Phillip B Wenta, ("Wenta"), owner of the property legally Lot 1, Firethorn 28<sup>th</sup> Addition or 8435 Firethorn Lane (the "Property"). Wenta requests an amendment to the Firethorn Addition and change of zone from AGR to O-3 for a portion of the property and is legally described and shown on Exhibit "A" enclosed herein ("O-3 Property"). The remaining portion of property is currently included in the Firethorn Special Permit 872F and is requesting a change of zone from AGR to R-1 for the property legally described and shown on Exhibit "B" enclosed herein ("R-1 Property").

The proposed O-3 Property contains office uses showing building locations and associated parking. A portion of the office area is within the Pipeline Planning Area adjacent to S. 84<sup>th</sup> Street. The Pipeline Planning Area extends north-south and encroaches into the Property approximately 142 feet along the western portion of the property. The Pipeline Planning Area justifies non-residential type uses in this area.

The access to the O-3 Property is proposed as a private street. The private street will remain the access to the Wenta and Reckmeyer residences. Today, the Reckmeyer property, located at 8441 Firethorn Lane, shares access and a driveway. Both properties cross Outlot "C" Firethorn 28<sup>th</sup> Addition, which is owned by Firethorn Utility Service Company ("FUSC"), with an existing access easement. For the foreseeable future, Wenta will continue to occupy the residence on the property.

The location of the O-3 zoning is located with access to S 84<sup>th</sup> Street, a major arterial street, and close to public transportation. S. 84<sup>th</sup> Street and Firethorn Lane is a signalized intersection and

the concern of this intersection congestion has been communicated from the residents of the Firethorn area. The applicant proposes to add a west bound right turn lane on Firethorn Lane to help alleviate increased traffic during peak times of traffic. In addition, Allstate, located to the north of this application area, is currently investigating intersection improvements at S 84<sup>th</sup> Street and Rockledge to allow left turns from their property. The Allstate improvements, if constructed, would reduce the number of vehicles at the intersection of S 84<sup>th</sup> Street and Firethorn Lane during peak times.

The O-3 property will be served by public utilities, public water mains and gravity sanitary sewer, located in Firethorn Lane. These utilities are adequately sized to provide service to the proposed office uses.

After meeting with Planning Staff, the applicant has also agreed to zone the eastern portion of the property adjacent to Kilkee Road to R-1. The requested zoning actions will provide similar type of residential lots along Kilkee Road. The R-1 residences will be served by public water mains and the private sanitary sewer system currently owned and maintained by FUSC. The Firethorn Special Permit currently has 99 unallocated dwelling units. The requested application is requesting 3 of the unallocated dwellings to be allocated as "new development".

The development team has met with City staff and FUSC to discuss the proposed applications. In addition, the applicant has met with the Reckmeyers to provide information of the project as a neighbor and discuss the shared driveway plan. The applicant will hold an information meeting to discuss the development plan before Planning Commission meeting.

The grading and drainage plans included in this Use Permit have been updated and enclosed. A drainage study has also been provided, including water quality requirements and forms.

Lastly, an exhibit is being provided to the City staff showing a concept of the possible redevelopment of the acreage lots along S 84<sup>th</sup> street, south of Firethorn Lane. The applicant has considered the future redevelopment of these properties in consideration of the Pipeline Planning Area and Comprehensive Plan. The exhibit is only being provided as a long-range plan for redevelopment and does not represent intent of any adjacent property owners, but to provide Staff a plan to support the applications.

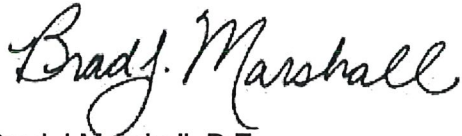
Enclosed find the following documents for the above-mentioned project:

1. City of Lincoln Application for a change of zone from AGR to O-3 for the "O-3 Property"
2. City of Lincoln Application for an amendment to the Firethorn Addition Use Permit 107F for the "O-3 Property"

3. City of Lincoln Application for a change of zone from AGR to R-1 for the "R-1 Property"
4. City of Lincoln Application for an Administrative Amendment to Firethorn Special Permit 872F for the "R-1 Property"
5. Exhibits for the Change of Zones
6. Site Plan
7. Grading and Drainage Plan
8. Drainage Study
9. Water Quality Forms
10. Application fees in the amount of \$2,182

Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Firethorn Addition (107F) and Special Permit (872F) development. If you require further information or have any questions, please do not hesitate to contact me at [bmarschall@olssonassociates.com](mailto:bmarschall@olssonassociates.com) or (402) 458-5672.

Sincerely,



Brad J Marshall, P.E.

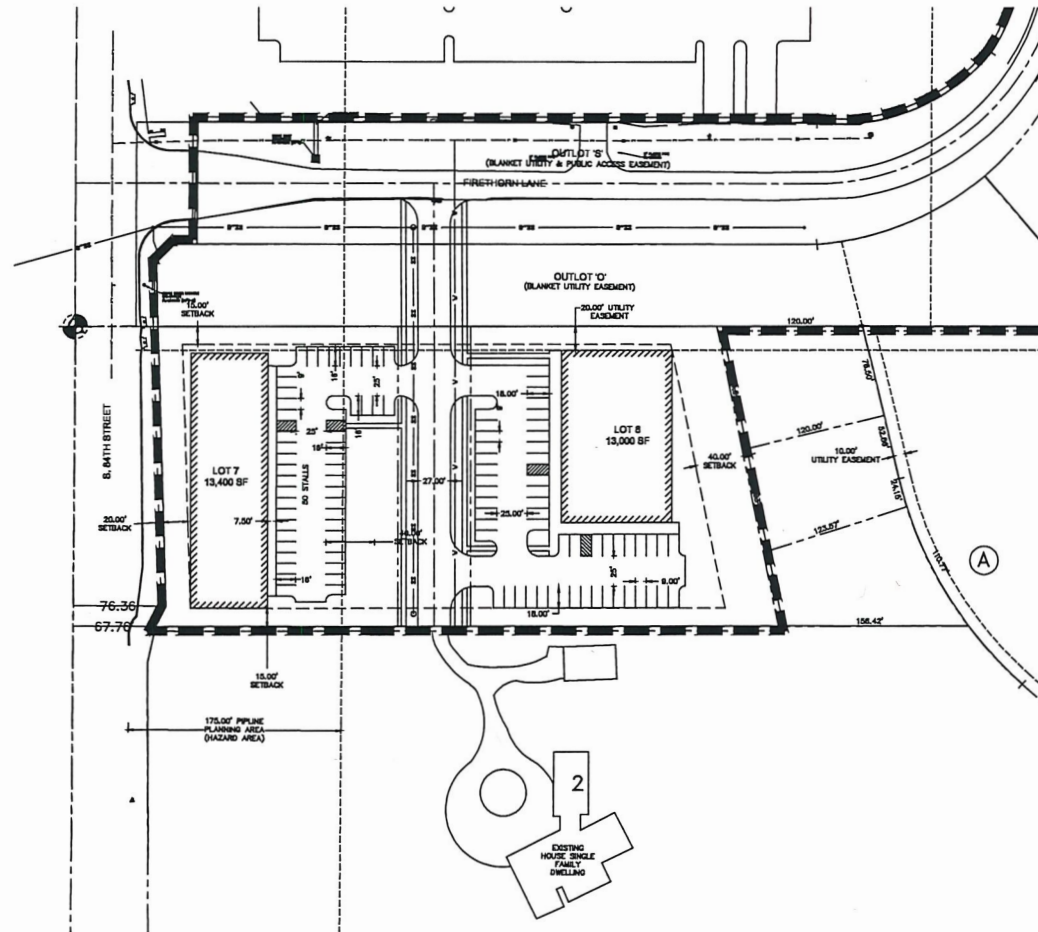
cc: File  
Phil Wenta

# FIRETHORN ADDITION

ADMINISTRATIVE AMENDMENT TO THE PRELIMINARY PLAT/C.U.P. & USE PERMIT  
SITE PLAN

**ENGINEER & PREPARER**  
OLSSON ASSOCIATES  
801 P STREET, SUITE 200  
LINCOLN, NE 68501  
PHONE: 474-8311

**OWNER & DEVELOPER**  
FIRETHORN INVESTMENT, A NEBRASKA GENERAL PARTNERSHIP  
RICHARD TENDERSCHUP, MANAGING PARTNER  
8301 FIRETHORN LANE  
LINCOLN, NE 68502  
PHONE: (402)488-4834



FILE: P:\2017\2022-0227\2017-0443\17-0443.dwg  
 DATE: 11/21/2017 11:00am  
 USER: Mark  
 C:\Users\Mark\AppData\Local\Temp\17-0443.dwg



NO.	DATE	REVISION OR DESCRIPTION
1	11/21/2017	PRELIMINARY SITE PLAN
2	11/21/2017	REVISIONS
3	11/21/2017	REVISIONS
4	11/21/2017	REVISIONS
5	11/21/2017	REVISIONS
6	11/21/2017	REVISIONS
7	11/21/2017	REVISIONS
8	11/21/2017	REVISIONS
9	11/21/2017	REVISIONS
10	11/21/2017	REVISIONS
11	11/21/2017	REVISIONS
12	11/21/2017	REVISIONS
13	11/21/2017	REVISIONS
14	11/21/2017	REVISIONS
15	11/21/2017	REVISIONS
16	11/21/2017	REVISIONS
17	11/21/2017	REVISIONS
18	11/21/2017	REVISIONS
19	11/21/2017	REVISIONS
20	11/21/2017	REVISIONS

**SITE PLAN**

FIRETHORN ADDITION ADMINISTRATIVE AMENDMENT  
TO THE PRELIMINARY PLAT/C.U.P. & USE PERMIT

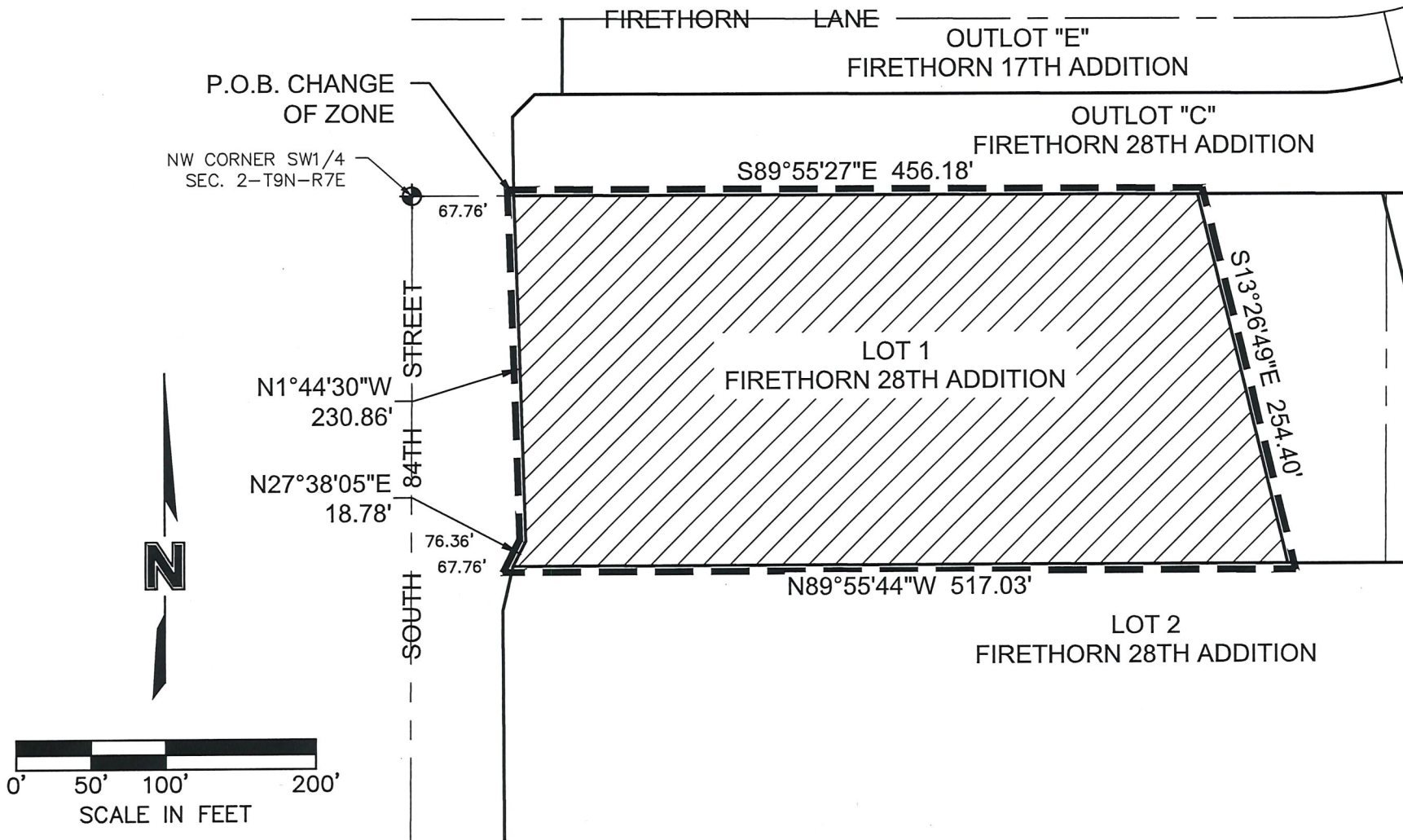
LINCOLN, NEBRASKA

1967

Drawn by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_  
 Designated by: \_\_\_\_\_  
 Prepared by: \_\_\_\_\_  
 Date: 11/21/2017

**SHEET**  
18 of 4

DWG: F:\2018\0001-0500\018-0445\40-Design\Survey\SRVY\Final Plats\Drawings\018-0445\_COZ.dwg  
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 DATE: Jul 12, 2018 10:15am  
 XREFS: C\_PBASE\_80445



PROJECT NO: 018-0445  
 DRAWN BY: MRJ  
 DATE: JULY 12TH, 2018

PARCEL 1, USE PERMIT AND  
 CHANGE OF ZONE EXHIBIT



601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT  
 B1

**LEGAL DESCRIPTION  
USE PERMIT AND CHANGE OF ZONE**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, FIRETHORN 28TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF LOT 1, FIRETHORN 28TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., SAID POINT BEING 67.76' EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF OUTLOT "C", FIRETHORN 28TH ADDITION; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID OUTLOT "C", ON AN ASSUMED BEARING OF S89°55'27"E, A DISTANCE OF 456.18' TO A POINT; THENCE S13°26'49"E, A DISTANCE OF 254.40' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING ON THE NORTH LINE OF LOT 2, FIRETHORN 28TH ADDITION; THENCE N89°55'44"W, ON THE SOUTH LINE OF SAID LOT 1, SAID LINE BEING THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 517.03' TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING 67.76' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE N27°38'05"E, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 18.78' TO A WEST CORNER OF SAID LOT 1, SAID POINT BEING 76.36' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N01°44'30"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.86' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 121,853.01 SQUARE FEET OR 2.74 ACRES, MORE OR LESS.

Thursday, July 12, 2018

F:\2018\0001-0500\018-0445\40-Design\Survey\SRVY\Final Plats\Documents\COZ-Legal\_updated1.docx

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 USER: mjohnson

PROJECT NO: 018-0445  
 DRAWN BY: MRJ  
 DATE: JUNE 29TH, 2018

**PARCEL 1, USE PERMIT AND  
CHANGE OF ZONE LEGAL  
DESCRIPTION**



601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311  
 FAX 402.474.5160

EXHIBIT  
**A1**

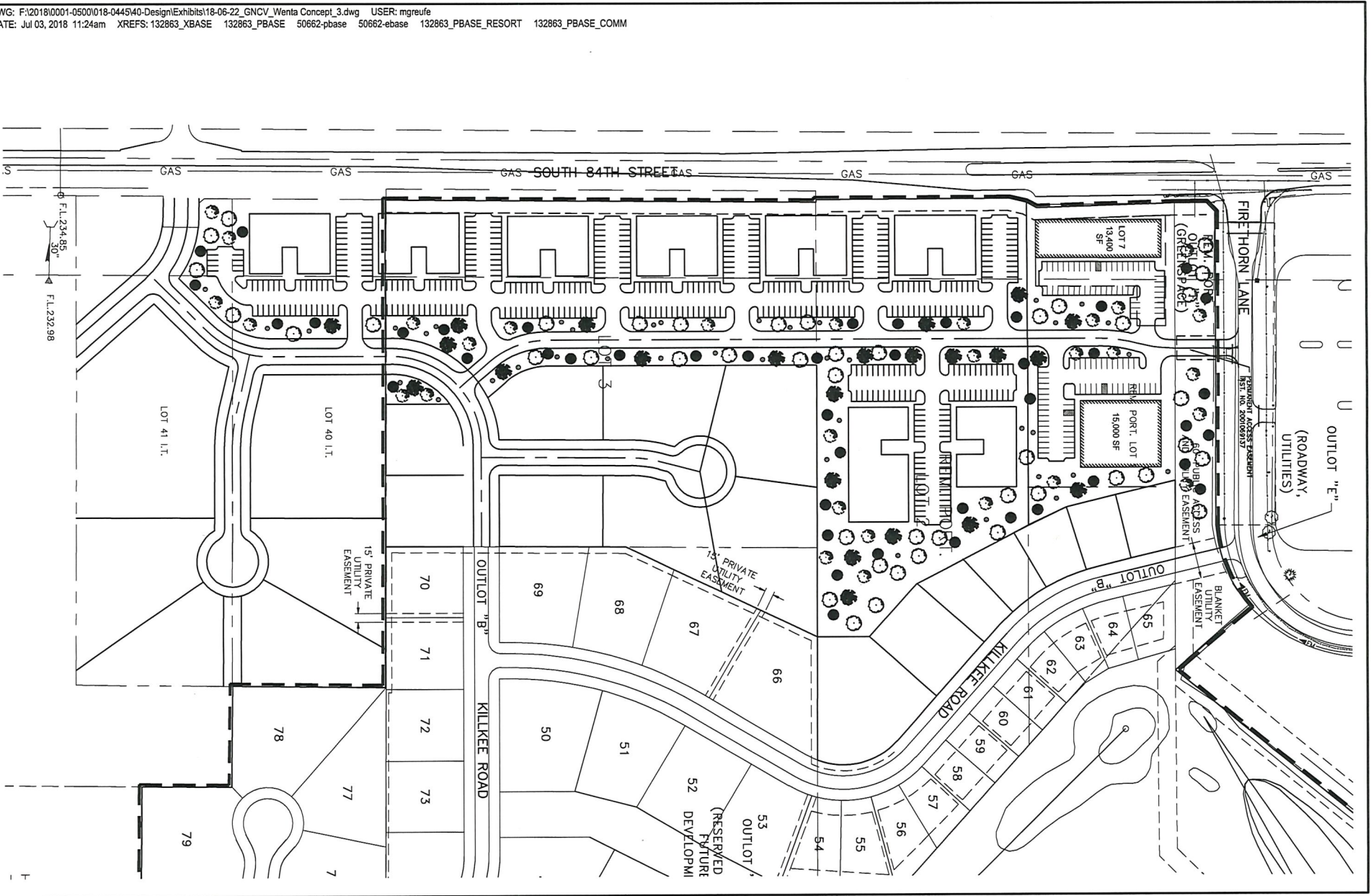
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 DATE: 07/03/18

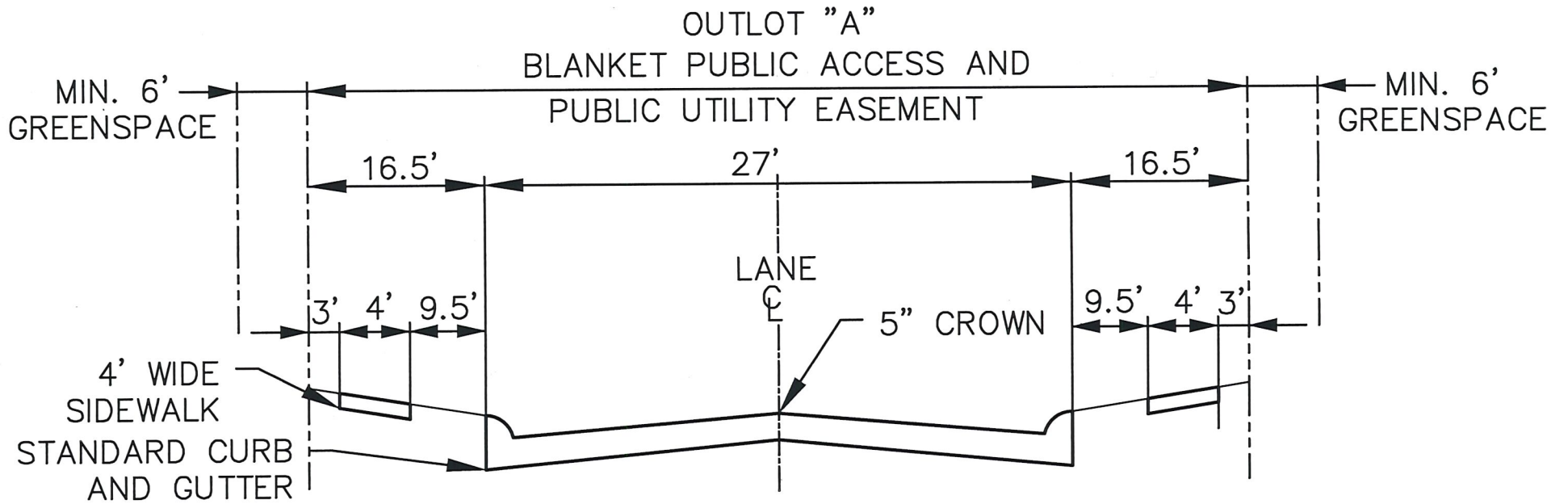
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 DATE: Jul 03, 2018 11:24am XREFS: 132863\_XBASE 132863\_PBASE 50662-pbase 50662-ebase 132863\_PBASE\_RESORT 132863\_PBASE\_COMM

**FIREHORN ACREAGE LOT BUILD OUT**

**OLSSON ASSOCIATES**  
 601 N. Second, Suite 200  
 P.O. Box 6400  
 Lincoln, NE 68506  
 TEL: 402.474.6311  
 FAX: 402.474.5100

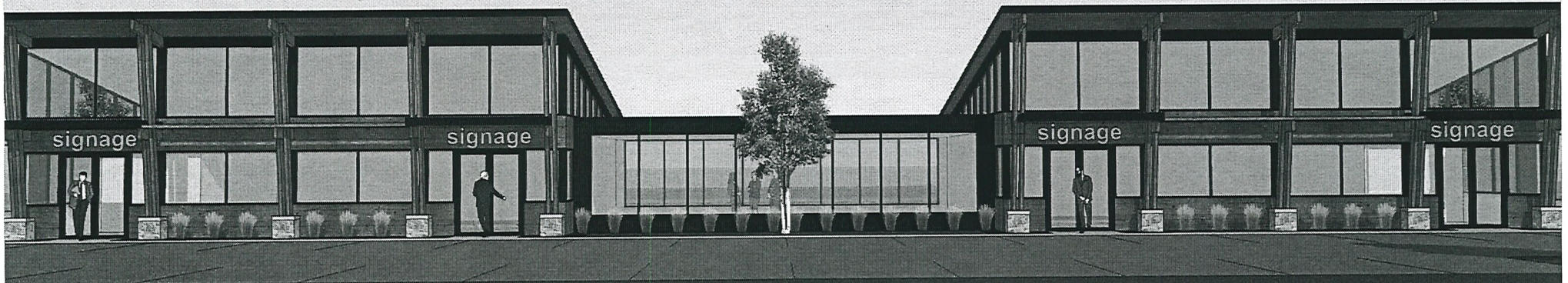
EXHIBIT  
**1**

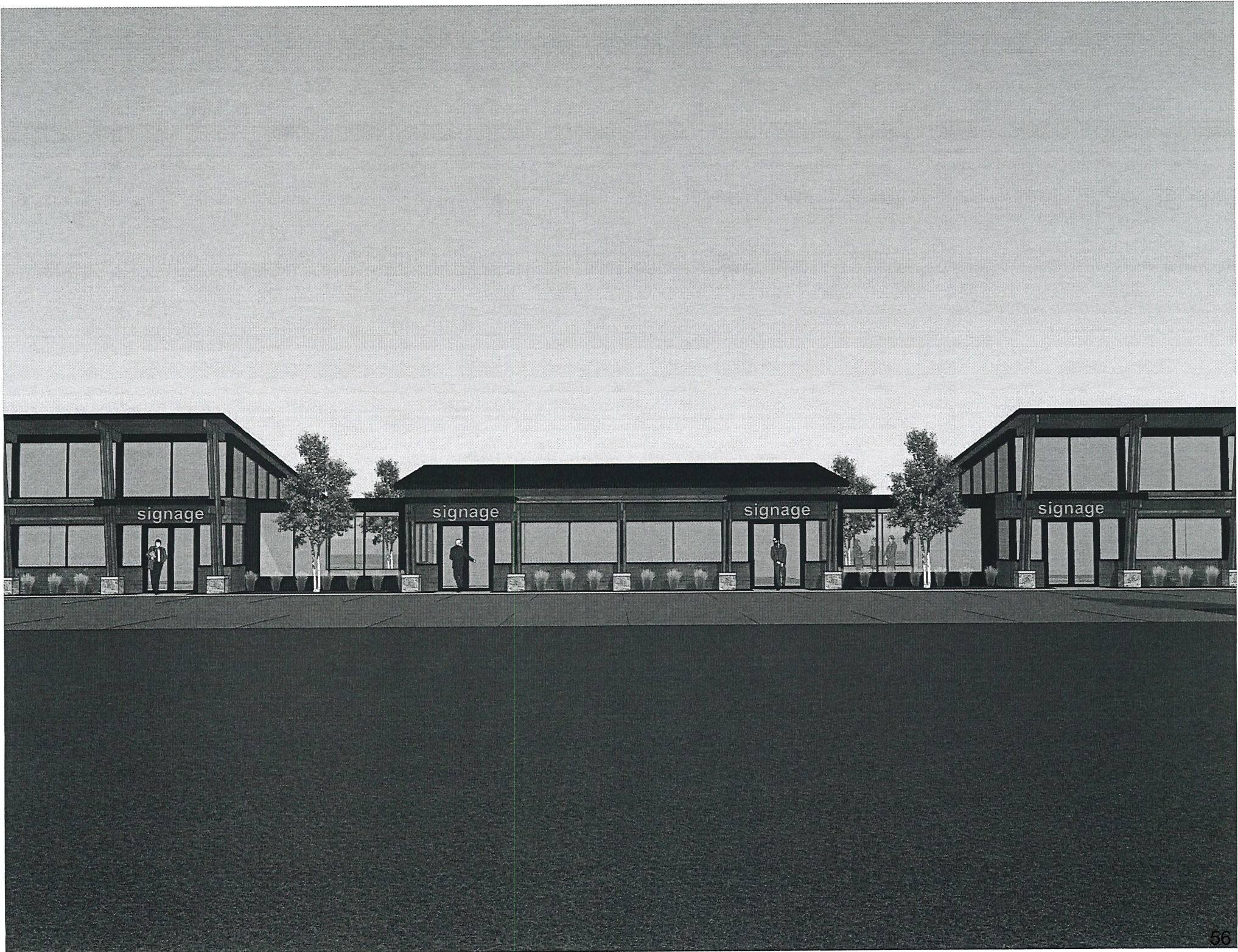




**PRIVATE ROADWAY TYPICAL CROSS SECTION**  
 NOT TO SCALE

FOR REFERENCE (4)









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

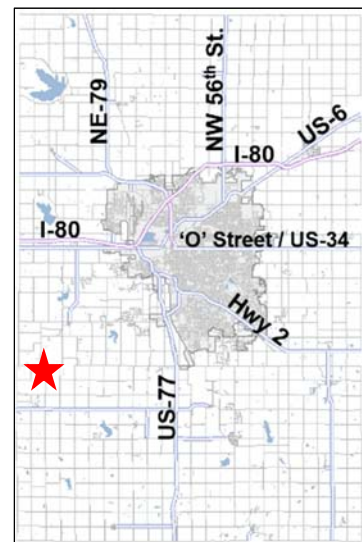
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508  
As revised per Planning Staff July 12, 2018

APPLICATION NUMBER Special Permit #18025 Randy Essink Poultry	FINAL ACTION? Yes	DEVELOPER/OWNER Randy Essink
PLANNING COMMISSION HEARING DATE June 20, 2018	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 13350 W. Wittstruck Rd.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Commercial Feedlot for up to 190,000 chickens in four buildings. The area of the special permit is approximately 20 acres within a 75 acre lot. The special permit area is in the northern 1,300 feet of the lot.



**JUSTIFICATION FOR RECOMMENDATION**

This application is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The commercial feedlot is an agricultural use. Traffic generated by this operation will be minimal. There are few houses nearby that would be impacted. Nebraska Department of Environmental Quality does not object to this application. The nearest house should not be negatively impacted by the proposal as it is approximately ¼ mile from the site.

**APPLICATION CONTACT**

Randy Essink, (402) 310-1874  
[essinkdrywall@gmail.com](mailto:essinkdrywall@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 identifies the area of application as agricultural. A commercial feedlot is a type of agricultural land use. A goal of the Comprehensive Plan is for more diversified agribusiness ventures and to preserve land for agricultural purposes.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

- P. 3.11- Agricultural lands refers to land-about 90.3% of the county- utilized for growing crops, raising livestock, or producing other agricultural products.
- P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.
- P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.
- P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

**ANALYSIS**

1. This is a request for a special permit under Article 13.035 of the Lancaster County Zoning Regulations for a Commercial Feedlot. The proposal is for 4 barns each housing 47,500 chickens for a total of 190,000 chickens. Each barn will be 63’ x 600’ in size.
2. Article 13.035 does not have specific conditions for commercial feedlots other than a statement from Nebraska Department of Environmental Quality addressing anti-pollution controls is required. Although there are no specific conditions listed, Article 13.002 offers guidance to the Planning Commission in reviewing special permits; “The Planning Commission shall hold a public hearing and shall consider the effect of such proposed building or uses upon the character of the neighborhood, traffic conditions, public utility facilities, the Comprehensive Plan and other matters relating to the public health, safety and general welfare.”
3. Traffic will be minimal. On average the operation will generate 1.4 semi-trucks per day. The County engineers does not object to this application. The County Engineer does note that due to the sharp roadway bends along West Wittstruck Rd near the entrance, semi-truck traffic entering and exiting this site shall be via West Wittstruck Rd. going west to SW 142<sup>nd</sup> St.
4. The current parcel is 75 acres. The special permit is for a 20 acre area within the 75 acre lot. The site plan shows the proposed 20 acre parcel.
5. This site is shown as agriculture in the Comprehensive Plan, a feedlot is an agricultural use.
6. There are 7 dwellings within one mile of the proposed site and 4 dwellings within one-half mile of the site. The nearest house is approximately one-quarter mile north of the barns.
7. The Lincoln-Lancaster County Health Department notes that the applicant will need to comply with Lancaster County Air Pollution Control Resolution R-13-0073, Section 11. Section 11 specifically states that is shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. They do not object to this application.
8. The Lancaster County Zoning Regulations requires that any commercial feedlot have a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.
9. Nebraska Department of Environmental Quality (DEQ) has inspected the site. DEQ has determined that this facility is not required to construct a livestock waste control facility or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System permit.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural                      Farm ground

**SURROUNDING LAND USE & ZONING**

North:	AG Agricultural	Farm ground and two dwellings
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground

West: AG Agricultural Farm ground and two dwellings

**APPROXIMATE LAND AREA:** 20 acres, more or less

**LEGAL DESCRIPTION:** A portion of the West 1/2 of the SE 1/4 located in the SW 1/4 of Section 7-8-5, Lancaster County, Nebraska.

Prepared by

---

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

Date: June 8, 2018

Applicant: Randy Essink  
355 West 1<sup>st</sup> St.  
Cortland, NE 68331  
402-310-1874

Contact: Jordan Kingsley  
Nutrient Advisors  
449 E. Deere St.  
West Point, NE 68788  
402-372-2236

Owner: ~~Denton Storage LLC~~  
~~2825 Porter Ridge Rd.~~  
~~Lincoln, NE 68516~~  
~~402-314-7682~~  
~~[bruce-deb-pester@yahoo.com](mailto:bruce-deb-pester@yahoo.com)~~

Same as applicant

F:\DevReview\SP\17000\SP17018 Heetderks Farm.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #18025

Per Article 13.035 this approval permits a Commercial Feedlot for up to 190,000 chickens.

### 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 Add the title "Randy Essink Commercial Feedlot. Special Permit #18025 to the site plan.
  - 1.2 Add a legal description to the site plan.
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 County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



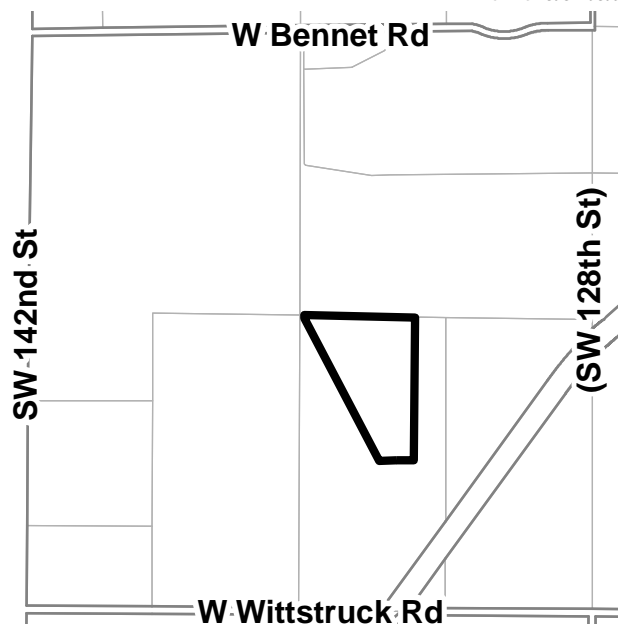
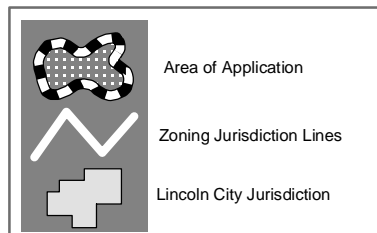
2016 aerial

**Special Permit #: SP18025**  
**SW 142nd St & W 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.07 T08N R05E

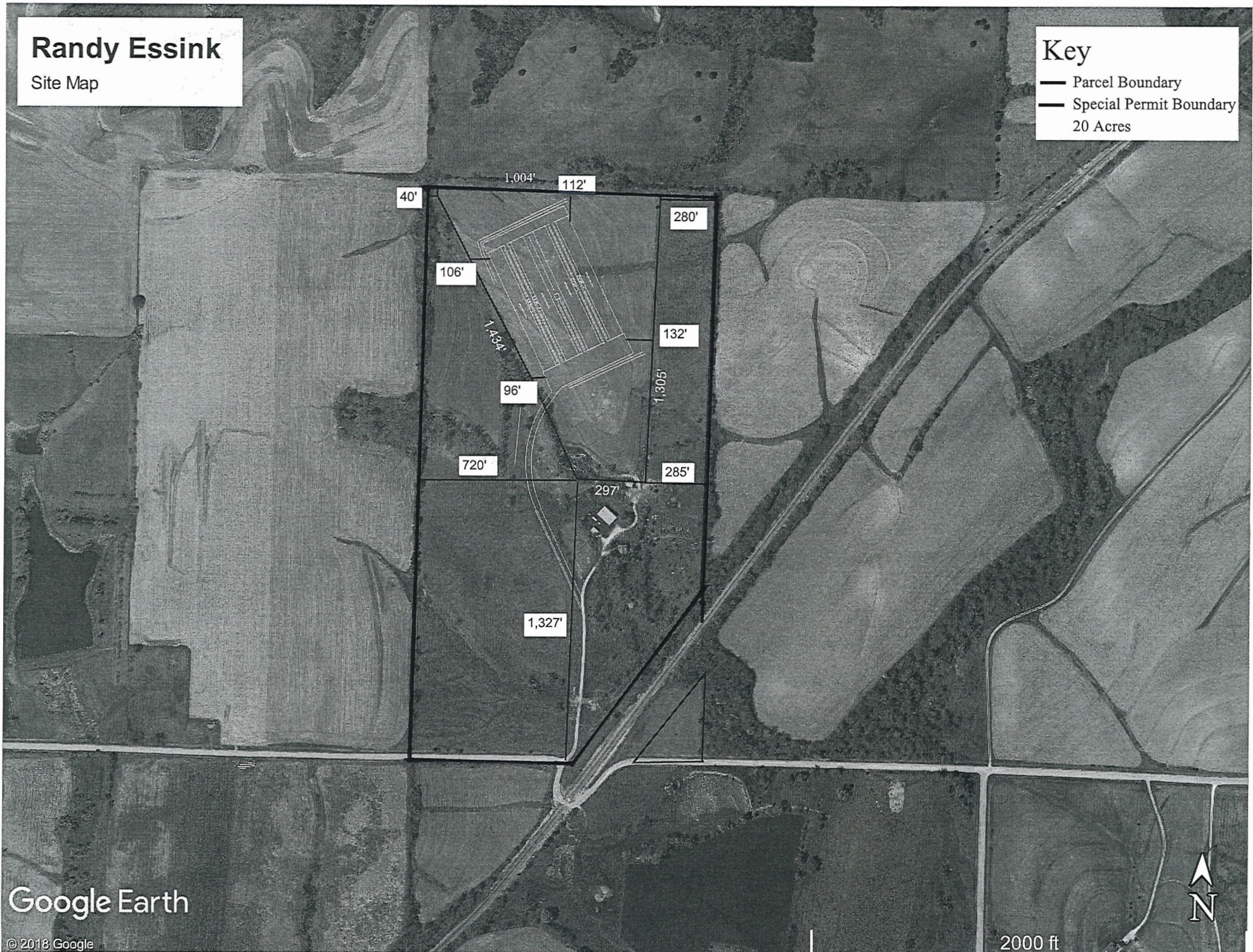


# Randy Essink

Site Map

## Key

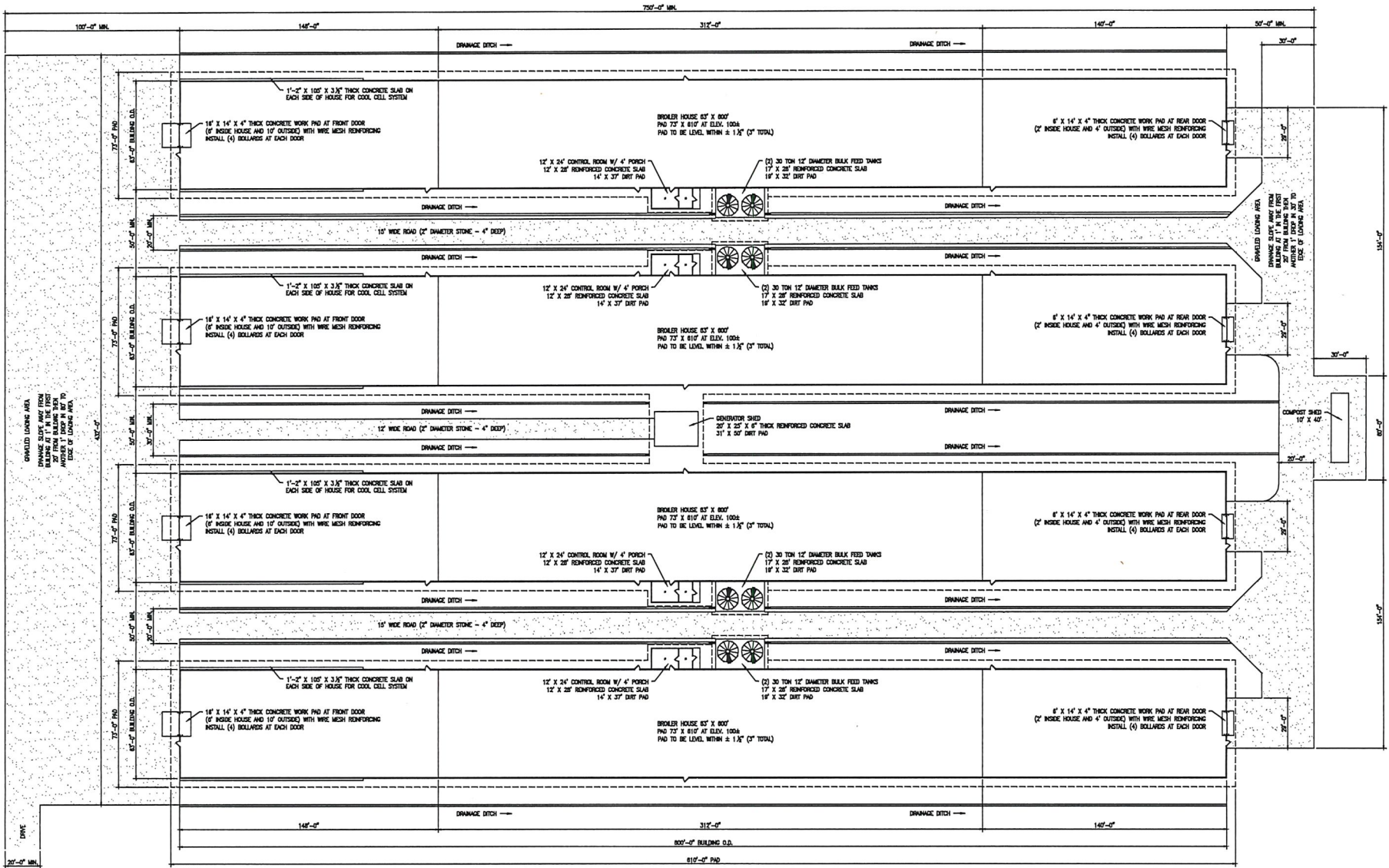
- Parcel Boundary
- Special Permit Boundary  
20 Acres



Google Earth

© 2018 Google

2000 ft



TITLE: 63' x 600' TUNNEL VENT. BROILER HOUSE  
 SHEET: LPP - (4) HOUSE SITE PLAN  
 DATE: 11/11/17  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

NO.	DATE	DESCRIPTION
1	11/11/17	ISSUED FOR PERMIT

QC SUPPLY  
 111 N. MAIN ST.  
 SAUNDERS, N.C. 28084  
 PHONE (703) 335-3177  
 FAX (703) 335-8825

THE BUYER IS THE SOLE PROPERTY OF QC SUPPLY  
 AND THE BUYER SHALL BE RESPONSIBLE FOR THE  
 NUMBER WITHOUT RETURN FROM QC SUPPLY.  
 QC SUPPLY DOES NOT WARRANT THE ACCURACY OR  
 COMPLETENESS OF THE INFORMATION, AND THE  
 BUYER SHALL BE RESPONSIBLE FOR THE INFORMATION  
 USED BY ANY PERSON NOT EMPLOYED BY QC SUPPLY.

## Lincoln-Lancaster County Health Department

Animal confinement feeding operations are addressed under County Resolution R-13-0073 –Lancaster County Air Pollution Control Resolution. Specifically, Section 11(b) – Odor Nuisances Prohibited states that it shall be unlawful to cause or permit odorous emissions from animal confinement and feeding operations. Such emissions shall not be a violation where: (1) The owner or operator has employed all reasonable techniques to minimize odor; (2) The operation is in compliance with all applicable regulations adopted by the state and zoning regulations of the County; (3) The complaint is filed by a person other than a person in lawful possession of the land claimed to be affected by the odor; and (4) The complaint is filed by a person who acquired lawful possession of the affected land after the owner or operator began lawful operation.

The Lincoln-Lancaster County Health Department (LLCHD) met with the Nebraska Department of Environmental Quality (NDEQ) to discuss this proposed animal confinement feeding operation. NDEQ staff advised that the applicant will be obtaining a construction/operating permit in accordance with Nebraska Administrative Code Title 130 – Livestock Waste Control Regulations. This regulation requires the permit holder to submit a nutrient management plan which addresses the proper management and handling of animal waste from such operations. Non-compliance with the nutrient management plan would be grounds for the LLCHD to initiate enforcement action under County Resolution R-13-0073.

# NEBRASKA

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Pete Ricketts, Governor

Randy Essink  
Randy Essink Livestock  
PO Box 76  
Cortland, NE 68331-0076

MAY 29 2018

RE: Randy Essink Livestock Concentrated Animal Feeding Operation  
NDEQID: 111275  
Program ID: LWC 2-1087  
Subject: **Construction & Operating or NPDES Permit Not Required**  
NW 1/4, SE 1/4, Section 07, Township 08N, Range 05E, Lancaster County

Dear Mr. Essink:

Your proposed concentrated animal feeding operation (CAFO) is not required to construct a livestock waste control facility (LWCF) or obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) Permit for CAFOs. This determination is based on the May 23, 2018 inspection conducted by Kevin Franzluebbers from the Nebraska Department of Environmental Quality (Department), according to the Livestock Waste Management Act and Title 130, *Livestock Waste Control Regulations*.

While your operation is exempt from the Title 130 permitting requirements described above, please be aware that any construction activity that disturbs a land area of one (1) acre or more must still obtain coverage under the Construction Storm Water General Permit Number NER160000, which authorizes storm water discharges from construction sites (Title 119). This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. Application for permit coverage can be made by accessing the following website: <https://ecmp.nebraska.gov/DEQ-CSW>.

At the time of the inspection, the Department considered your operation a large CAFO that proposed the following:

Livestock Species	Maximum No. of Head Capacity	Existing or Proposed?
Chickens (Broilers)	190,000	Proposed

Type of Structure	Number of Each Type	Existing or Proposed?
Dry Litter Barns	4	Proposed

If you desire to receive a Construction and Operating Permit for your operation, please refer to the minimum application requirements outlined in Title 130, Chapter 4, 001. These include, but are not limited to, the submission of a Nutrient Management Plan and a \$200 application fee. It may take the Department up to 110 days from the receipt of a complete application to approve or deny the application.



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Please remember, you are responsible for complying with any Natural Resources District, county or local zoning requirements and for preventing any discharge of livestock waste to waters of the State. If you plan to expand or modify the operating style of your operation in the future, you must request an inspection by the Department prior to starting construction or modifications. Failure to request an inspection could result in late fees or other penalties. Enclosed is a copy of Title 130 for your information. If you have any questions, please contact Kevin Franzluebbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake Onken", with a long horizontal flourish extending to the right.

Blake Onken, Supervisor  
Agriculture Section  
Water Permits Division  
[blake.onken@nebraska.gov](mailto:blake.onken@nebraska.gov)

Enclosure  
cc: Nutrient Advisors



May 14, 2018

Lincoln/Lancaster County Planning Commission  
555 S 10<sup>th</sup> St, Ste 213  
Lincoln, NE 68508

Subject: Special Use Permit Request

To whom it may concern,

Please accept this application and request for a special use permit on behalf of Randy Essink. The purpose of this permit is to take a portion of land out of crop production and construct four barns for broiler chickens. Each building will house approximately 47,500 chickens. The buildings will roughly be 63' wide by 600' long with 50' pathways between buildings. In front of the building there will be 50' rock for semi- trucks to be able to maneuver and turn around to load and unload chickens. There will be approximately 1.4 trucks per day that serve the site. All trucks will be covered to help eliminate dust, odor, and for the health and safety of the birds. There will also be maintenance building for housing tools, equipment, and a backup generator. The manure produced from the chickens will be applied to fields listed in the Nutrient Management Plan in place of commercial fertilizer. The manure will be removed once a year and applied to the fields in a timely manner. No waivers are requested.

Sincerely,

Jordan T. Kingsley

Nutrient Advisors

Enclosures

