

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Tom Beckius: Vice-Chair
Shams Al-Badry
Dick Campbell
Tracy Edgerton
Deane Finnegan
Cristy Joy
Cindy Ryman
Dennis Scheer

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

September 4, 2019

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 4, 2019, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th 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, September 4, 2019

Approval of minutes of the regular meeting held August 21, 2019.

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

COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEMS:

1.1 COMPREHENSIVE PLAN CONFORMANCE 18017, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, a request to declare 0.53
Page acres of City of Lincoln property as surplus, on property generally located at the NW
01 Corner of North 12th and Oak Streets.

Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

1.2a COMPREHENSIVE PLAN CONFORMANCE 19008, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed
Page amendment to the Lincoln Center Redevelopment Plan, to add the Campion
07 Housing Project, on property generally located from 9th to 10th and from L to M Streets.

Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

1.2b STREET AND ALLEY VACATION 19006, to vacate the north 142 feet of the alley adjacent to Lot 3, Block 86, Original Lincoln Subdivision, generally located between
Page 9th and 10th Streets and M and L Streets.
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Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.3 COMPREHENSIVE PLAN CONFORMANCE 19009, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, to amend the City of Lincoln's 6-Year CIP (Capital Improvement Program) for FY 2018/2019 to 2023/2024, by adding the expansion of an existing LES (Lincoln Electric System) substation, on property generally located at 2208 North 56th Street. *** **FINAL ACTION** ***

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Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Kellee Van Bruggen, 402-441-6363, kvanbruggen@lincoln.ne.gov

1.4 COMPREHENSIVE PLAN CONFORMANCE 19010, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to add the Huber Building Redevelopment Project, on property generally located at 803 Q Street.

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Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

1.5 COMPREHENSIVE PLAN CONFORMANCE 19011, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a request to declare City-owned property as surplus, on property generally located at 840 West O Street.

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Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

SPECIAL PERMIT:

1.6 SPECIAL PERMIT 19039, to allow for an expanded home occupation for the sale of firearms, on property generally located at 9700 Raymond Road.

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*** **FINAL ACTION** ***
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.7 SPECIAL PERMIT 363C, to allow for the expansion of a non-conforming parking lot in the front-yard setback, on property generally located at 1551 South 70th Street.

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*** **FINAL ACTION** ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

TEXT AMENDMENT:

1.8 TEXT AMENDMENT 19005, to amend Chapter 27.62 Conditional Uses by amending Section 27.62.040 Household Living Use Group to provide that dwellings are permitted in the B-2 Zoning District when stated as an allowed use as part of a use permit; and repealing Section 27.62.040 of the Lincoln Municipal Code as hitherto existing.

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Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

SPECIAL PERMIT:

- 4.1 SPECIAL PERMIT 19036, to allow for the construction of a large Solar Energy Conversion System, on property generally located from "O' Street to Adams Street and N. 134th St to N. 148th Street. *** FINAL ACTION ***
 Page 95
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

- 4.2 SPECIAL PERMIT 19035, to allow for the construction of a commercial feedlot, on property located at NW 27th Street and Ashland Road. *** FINAL ACTION ***
 Page 127
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

* * * * *

Adjournment

- PENDING LIST:** *Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.*
- Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.*

Planning Department Staff Contacts:

- David Cary, *Director*..... 402-441-6364.. dcary@lincoln.ne.gov
- Stephen Henrichsen, *Development Review Manager*..... 402-441-6374 .. shenrichsen@lincoln.ne.gov
- Paul Barnes, *Long Range Planning Manager*..... 402-441-6372.. pbarnes@lincoln.ne.gov
- Collin Christopher, *Planner* 402-441-6372.. cchristopher@lincoln.ne.gov
- Tom Cajka, *Planner* 402-441-5662.. tcajka@lincoln.ne.gov
- Stacey Groshong Hageman, *Planner*.... 402-441-6361.. shageman@lincoln.ne.gov
- Rachel Jones, *Planner*.. 402-441-7603.. rjones@lincoln.ne.gov
- Dessie Redmond, *Planner*..... 402-441-6373.. dredmond@lincoln.ne.gov
- Andrew Thierolf, *Planner* 402-441-6371.. athierolf@lincoln.ne.gov
- George Wesselhoft, *Planner*..... 402-441-6366.. gwesselhoft@lincoln.ne.gov
- Brian Will, *Planner*..... 402-441-6362.. bwill@lincoln.ne.gov
- Kellee Van Bruggen, *Transportation Planner*..... 402-441-6363.. kvanbruggen@lincoln.ne.gov
- Allan Zafft, *Transportation Planner*..... 402-441-6369.. azafft@lincoln.ne.gov
- Ed Zimmer, *Historic Preservation Planner* . 402-441-6360.. ezimmer@lincoln.ne.gov

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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.

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 21, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Shams Al-Badry, Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Cindy Ryman Yost and Dennis Scheer; (Deanne Finnegan absent). David Cary, Steve Henrichsen, George Wesselhoft, Geri Rorabaugh and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Corr welcomed the two new members, Shams Al-Badry and Cindy Ryman Yost.

Corr requested a motion approving the minutes for the regular meeting held August 7, 2019. Motion for approval made by Campbell, seconded by Scheer and carried 7-0: Al-Badry, Beckius, Campbell, Corr, Joy, Ryman Yost and Scheer voting 'yes'; Edgerton absent at time of vote; Finnegan absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 21, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost and Scheer; Finnegan absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT 19004.**

Item No. 1.1, Text Amendment 19004 was removed from the Consent Agenda and scheduled for separate public hearing at the request of Corr.

TEXT AMENDMENT 19004

AMENDING SECTION 27.67 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.67.040(AI) TO ADD PARKING PROVISIONS FOR AUTOMATIC CAR WASH FACILITIES, REQUIRING 1 SPACE PER 3 EMPLOYEES ON THE LARGEST SHIFT, WITH NO PARKING REQUIRED FOR SELF-SERVICE CAR WASHES, AND REPEALING 27.67.040 OF THE LINCOLN MUNICIPAL CODE HITHERTO EXISTING

PUBLIC HEARING:

August 21, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost and Scheer; Finnegan absent.

Staff Recommendation: Approval

There were no ex parte communications disclosed.

Staff Presentation: George Wesselhoft of the Planning Department explained that this proposal is to amend the parking provisions for automatic car wash facilities. The current requirement is based on the square footage of the building. Staff has found that larger car wash facilities can lead to a number of parking spaces that are required. There are vacuum stations typically provided at these facilities. Even though vehicles can be placed there, those do not count towards parking spaces. There was one letter in opposition. The gentleman referenced a car wash in Village Gardens. There is over 400 feet in the drive for vehicles to wait at that facility. The required parking for that car wash is based on the 1 per 600 square feet of building for B-3 zoning. That facility in question has excess parking. There are 12 additional vacuum spaces that are not counted. Customers are covered by the Access Management Policy; employees are covered by the one space per three employees on the largest shift and anyone can potentially park in a vacuum station. The intent is to create an average, not to cover extreme situations.

Corr is completely on board with changing the parking based on square footage to the number of employees. She questioned how staff arrived at a ratio of one stall per three employees. Wesselhoft replied that staff looked at other cities including Omaha, Council Bluffs and West Des Moines. The one city with an employee standard was West Des Moines. This proposal comes from a private applicant.

Applicant:

1. **Nate Burnett, REGA Engineering, 601 Old Cheney Rd., Lincoln NE**, appeared on behalf of City Ventures, stated that this proposal is specific to 6135 'O' Street, former site of Husker Car Wash. The existing building will be torn down. The internal traffic pattern will be changed due to City concerns. After talking with staff, they agreed to one stall per three employees on

the largest shift. His client typically has two to five employees per shift, with an average of three to four. They internally ask their staff to carpool if necessary. They have a few employees that carpool.

Corr asked if the applicant did any research on the parking requirement of one parking spot to three employees. Burnett believes most still go with the square footage requirement.

Scheer wondered in the event that the three to four employees all drive separately, what is the backup plan for parking?

2. Tehl Keslar, 11282 Arrowhead Drive, Blair NE, believes there are five designated parking spaces on the proposed site plan, which is adequate parking for this location.

Campbell asked the applicant to point out the employee parking spaces on the map. Burnett complied.

Scheer questioned if the vacuum stalls are appropriate for an employee to park. Keslar agreed that would work. There are plenty of parking stalls on the site.

Corr inquired if the applicant has other car wash locations. Keslar replied that the company has one at 48th St. and Leighton Ave. in Lincoln and two in Omaha, Nebraska.

Staff Questions:

Corr wanted to know how Planning staff feels about allowing employees to park in the vacuum stalls. Wesselhoft thinks another way of saying it is, that if staff wasn't aware that the vacuum stalls are backup, this would be different. They can't count towards required parking, but they are okay with it being backup for employee parking. Burnett added that when they initially started talking with Planning staff, they talked about the vacuum stalls being back up stalls.

Campbell stated that at the Jet Splash station, he has never seen the twelve spots full and believes they have many more employees.

TEXT AMENDMENT 19004

ACTION BY PLANNING COMMISSION:

Campbell moved approval, seconded by Beckius.

Corr was concerned about the parking nuances. She now understands how the vacuum spots can be utilized.

Motion for approval carried 8-0: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost and Scheer voting 'yes'; Finnegan absent.

SPECIAL PERMIT 19036

TO ALLOW FOR THE CONSTRUCTION OF A LARGE SOLAR ENERGY CONVERSION SYSTEM, ON PROPERTY GENERALLY LOCATED FROM 'O' STREET TO ADAMS STREET AND N. 134TH STREET TO N. 148TH STREET:

PUBLIC HEARING:

August 21, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Yost and Scheer; Finnegan absent.

The Clerk announced that the public hearing on this item has been delayed until September 4, 2019 due to an error in the published legal description.

COMPREHENSIVE PLAN CONFORMANCE 19007

TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED AMENDMENT TO THE NEBRASKA INNOVATION CAMPUS REDEVELOPMENT PLAN, TO ADD A 3-STORY, APPROXIMATELY 80,000 SQUARE FOOT OFFICE BUILDING PROJECT AND A 6-STORY HOTEL PROJECT WITH APPROXIMATELY 153 GUEST ROOMS, ON PROPERTY LEGALLY DESCRIBED AT OUTLOTS A AND C (TO BE FINAL PLATTED), INNOVATION CAMPUS 2ND ADDITION, GENERALLY LOCATED AT 21ST STREET AND TRANSFORMATION DRIVE

PUBLIC HEARING:

August 21, 2019

Members present: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost and Scheer; Finnegan absent.

Staff recommendation: Conformance with the Comprehensive Plan

There were no ex parte communications disclosed on these items.

Staff Presentation: Dan Marvin of the Urban Development Department stated that this is on the Nebraska Innovation Campus. The blight study was done in February 2010. The Redevelopment Plan was adopted in November 2010. The first Redevelopment Agreement was in July 2012. The plan addresses the old infrastructure that is on this site. The plan added high-speed fiber, along with an innovative way of heating and cooling. The first projects were the rehabilitation of the Industrial Arts Building and the Greenhouse. Phase Two approved an office building. Today's proposal is for a new phase which would amend the Redevelopment Plan to include two projects. First is a three-story, 80,000 square foot office building similar to The Rise office building also on Innovation Campus. The second is a six-story hotel with 153 guest rooms and other ground floor amenities. It will carry a Marriott

Tribute banner. They will partner with the University of Nebraska to house a hospitality program. This will include faculty rooms, management and test kitchens. This will bring approximately 500 students to and from this building on a daily basis. This project will be the first Opportunity Zone project in Lancaster County. Transformation Drive would be extended to Salt Creek Roadway. The site will be re-platted. The project will appear before the Urban Design Committee in September 2019, along with the UNL Architectural Committee. Art will be installed on the four corners of 21st St. and Transformation Drive. The art will be situated on private property, privately funded and the developer will maintain the art. The private investment is about \$26.3 million dollars. Some funds for this project will come from TIF (Tax Increment Financing), which are estimated at \$5 million. The TIF funds are likely to be used for site prep, streetscape, public parking and façade and energy enhancements. The target date for opening of the hotel would be June 2021.

Edgerton believes that TIF funding is all based on the blight study and this is an eligible area. Marvin replied she was correct. Edgerton also pointed out that Marvin stated this relates to the Opportunity Zone. Marvin responded that the two do not overlap. Edgerton is curious as to how long a blight study is in effect for. She thinks this Redevelopment Agreement makes sense, but this area is building up. Marvin stated that TIF lasts for 15 years on each individual project. **Tim Sieh of City Attorney Office** added that the blight is part of a declaration made by City Council that doesn't have a sunset.

Corr assumes from the zoning that this is privately-owned land, not publicly owned by the University of Nebraska. Marvin stated that the land is University owned, but a private project on the land pays the taxes.

Applicant:

1. Tom Huston, 233 S. 13th Street, #1900, Lincoln, NE, appeared on behalf of Nebraska Nova and SDL6, LLC, which is the tenant that leases the ground. This relates to Innovation Campus as it relates to the hotel and the office project. He showed the proximity of the hotel site to the parking spaces. He showed the location of the parking across the street in the short term and the parking structure location at full buildout. He showed the site plan. This will be 6-stories with 155 rooms. The unusual aspect is the fact that it is a Marriott Tribute, it will be a University of Nebraska-branded hotel. This will have rooms for students in the hospitality program. The question is whether or not this proposed amendment is in agreement with the Redevelopment Plan. The master plan include a hotel somewhere on the campus. This focuses on the cost-benefit analysis. The impact on the tax shift and community are researched. Valuation as projected is approximately \$25 million. The tax shift is the \$500,000 per year. The employment will have a beneficial impact, also the educational component. One thing that was changed was an analysis of any impact on the school population. This is not a residential project. They don't foresee this having an impact on the school population. He believes this is consistent with the Comprehensive Plan. He showed a

project area on a map. Ultimately the relationship of this property to all the infrastructure shows a better map.

Campbell inquired if there is a median that needs to be split for the connection to Salt Valley Roadway. Huston isn't sure if the engineering has been done yet, but he doesn't remember a median break at that location.

Huston added that it is a good question, at what point does a blight study become outdated. Each community has a different cap, a percentage of land area that can be blighted. He believes our cap is 35 percent and he thinks we are at around 11 or 12 percent.

Corr stated that the Exhibit 22 as shown by Huston, expands the area a little bit. Huston stated that the fiber capability was added to here recently, along with other improvements. That is why we would like to include all the right-of-way.

No one appeared in support or opposition.

Staff Questions:

Scheer wondered about the Exhibit 22 that Huston referenced. Marvin stated that will be taken care of before this goes to City Council.

Campbell questioned at what point the City works with the developer on the transformation of Salt Creek Drive for right-turn lanes and other items. Marvin stated that staff will have to take a look at this for signalization and other items. He would guess at the low density now, it doesn't meet the caps currently required for a signal.

COMPREHENSIVE PLAN CONFORMANCE 19007

ACTION BY PLANNING COMMISSION:

August 21, 2019

Edgerton moved conformance with the Comprehensive Plan, seconded by Joy.

Edgerton thinks this is an exciting project. We have been excited to see Innovation Campus develop over the years.

Joy in in full support. She just mentored a young lady in the tourism industry. It has been fun to find out about the program and how hospitality is truly affected in Nebraska.

Scheer commented that he will support the motion because the question is conformance with the Comprehensive Plan. He believes there is no question that this is in conformance.

Corr stated this is mixed use, though not always what we see. It is great to see us expanding into tourism.

Motion for Conformance with the Comprehensive Plan carried 8-0: Al-Badry, Beckius, Campbell, Corr, Edgerton, Joy, Ryman Yost and Scheer voting 'yes'; Finnegan absent.

There being no further business to come before the Commission, the meeting was adjourned at 1:44 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, September 4, 2019.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

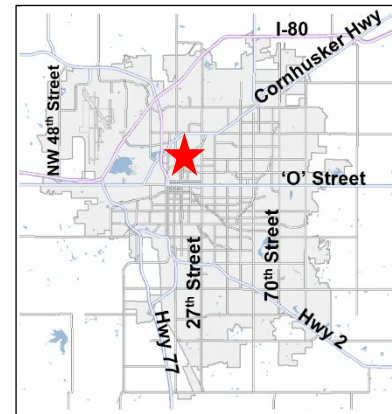
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #18017	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW corner of 12 th & Oak

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus four City-owned parcels northwest of 12th and Oak Streets. An electric substation was previously located on the site, but the parcels are currently vacant. All four parcels are within the floodplain. This request seeks to find conformance with the Comprehensive Plan to declare the parcels as surplus.



JUSTIFICATION FOR RECOMMENDATION

The City has no plans to use this property and therefore it is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies. The conservation easement language to be included with the deed transfer will assure that flood storage will not be negatively impacted by the sale of these parcels.

APPLICATION/STAFF CONTACT

Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan notes that conservation easements should be retained when public land within the floodplain is sold as surplus.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- Page 1.9 The site is shown as Industrial on the Future Land Use Map. It is directly adjacent to Salt Creek, which is identified as Environmental Resources.
- Page 2.8 Natural and environmentally sensitive areas should be preserved within and between neighborhoods.
- Page 3.6 As an LPlan 2040 land use category, “environmental resources” represent an important part of today’s urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. These features help to define the County’s unique sense of place – geographically, culturally, and temporally. The Plan fully recognizes the harmony and connections that exist within and among these features.
- Page 3.9 Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments.
- Page 3.13 These parcels are within the Salt Valley Greenway. The Salt Valley Greenway is important for recreation, transportation, environmental resource preservation, education, and economic development among other benefits.
- Page 3.14 Salt Valley Greenway general strategies
- Continue to use conservation easements to protect greenway areas where it may be desirable to allow compatible land uses such as row crop farming or pasturing.
 - Encourage the retention of linear connections of green spaces wherever possible. Efforts should be made to preserve small stream corridors throughout future developments.
 - Pursue greenways connecting urban and rural areas. Such corridors should follow stream courses and connect valuable natural resource areas.
- Page 11.17 Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.
- Page 12.4 Land Use Plan
- Industrial:* Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.
- Environmental Resources:* Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 0.53 acres northwest of the intersection of N 12th and Oak Streets. The City of Lincoln acquired these parcels between August 1955 and July 1956; construction of an LES substation on the site commenced at that same time. The substation was removed approximately five years ago and the site is currently vacant.
2. The four parcels are completely within the floodplain. Per the Comprehensive Plan policy for surplus properties, conservation easement language will be added to the deed transfer once the land is sold. Prohibited activities within the site will include construction or placement of fill material, cement, buildings, fences, signs, or any other structure, or any other use or practice that would adversely impact flood storage capacity. An at-grade parking lot is an example of something that would likely be permitted so long as it doesn’t impact flood storage.

3. The conservation easement language added to the deed will ensure that flood storage is preserved on the property, which will benefit the surrounding area.
4. LES has identified a 5-foot easement on the north property line and a 10-foot easement on the east property line to be retained at time of deed transfer.
5. Sanitary sewer is not currently available on the site; however, it is unlikely that a use requiring sanitary sewer would be permitted given the deed restrictions.
6. There are no identified wetlands on the site. Given the site's recent status as an electrical substation it is unlikely to include critical habitat.
7. The City has no plans to use this property, so it is appropriate for surplus. There has been no opposition to the sale of the property by any departments or public agencies.
8. There is no specific buyer identified for the site at this time. Once the property is declared surplus it will be added to the list of available properties that is managed by the Urban Development Department.

EXISTING LAND USE & ZONING: Vacant, I-1 Industrial

SURROUNDING LAND USE & ZONING

North:	Industrial	I-1 Industrial
South:	Salt Creek	R-2 Residential
East:	Vacant	I-1
West:	Residential	I-1

APPROXIMATE LAND AREA: 0.53 acres

LEGAL DESCRIPTION: Belmont Addition, Block 23, Lots 29-34

Prepared by

Andrew Thierolf, AICP
Planner

August 26, 2019

Applicant/
Contact: Michelle Backemeyer
Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln

\\FILSRV01\Planning\DevReview\CPC\18000\CPC18017 12th & Oak Surplus.adt.docx



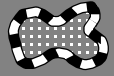


2018 aerial

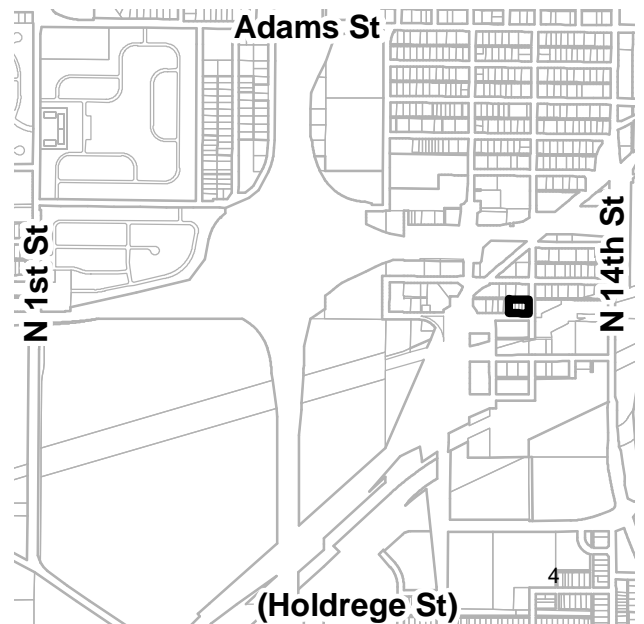
**Comp Plan Conformance #: CPC18017
 Declaration of Surplus Property
 N 12th St & Oak St**

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.14 T10N R06E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



August 5, 2019

David Cary, Director
Lincoln-Lancaster County
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

You previously had received an application from Lincoln Electric System to declare surplus the property located at 12th and Oak Streets. The property has recently been turned over to the City of Lincoln, and we currently have no plans for the property and would like to move forward with the surplus and eventual sale of the property. Watershed Management has requested conservation easement language be retained in the deed when transferring the property as it is currently located in the flood plain.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the September 4, 2019, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dan Marvin, Director, Urban Development Dept.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

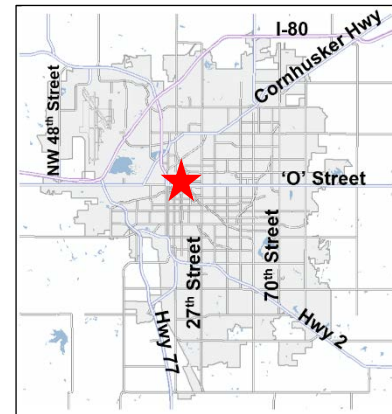
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance 19008	FINAL ACTION? No	DEVELOPER/OWNER Campion Development, Inc
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS SAV 19006	PROPERTY ADDRESS/LOCATION Generally 9 th to 10 th , M to L

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the Campion Redevelopment Project. The Project includes the construction of a seven-story, 340,000 square foot student housing building, including covered parking and other amenities.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan. The Project will remove blighted conditions and expand the housing supply in downtown Lincoln.

APPLICATION/STAFF CONTACT

Ernie Castillo, Urban Development
(402) 441-7855
esastillo@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Project is consistent with the goals in the Comprehensive Plan; specifically, it targets an underdeveloped commercial area to remove blighted conditions and more efficiently utilize existing infrastructure, and strengthens the downtown core, which is a guiding principle mentioned throughout the plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. Lplan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.
- p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.
- p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.
- p. 1.3 Downtown Lincoln is promoted as a vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.
- p. 1.9 The area is shown as Commercial on the Future Land Use map.
- p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.
- p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.
- p. 6.3 Mixed-Use Redevelopment Strategies for Greater Downtown:
- Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Lincoln Center Redevelopment Plan.
 - Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
 - Maintain the urban environment, including a mix of land uses with a major focus on residential uses.
 - Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.
- p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 2.3 New development must provide diverse price points and unit types to accommodate a multi-skilled workforce and culturally-mixed demographics.
- p. 4.1.4 Support creation of housing at higher densities in Downtown, and include housing as a key component of mixed use developments.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.6.20 Catalyst project: M Street Greenway that re-configures the right-of-way to provide a 37-foot linear greenway across Downtown while still accommodating two lanes of vehicle traffic and parallel parking on both sides of the street.
- p. 4.6.23 M Street Greenway amenities may include: linear procession of trees, extended storefront cafes, formal or community gardens, public art, smaller green spaces with benches.
- p. 4.6.29 M Street Greenway identified as a mid-term project: 18 months - 5 years (from the Downtown Master Plan approval date of December 2018)

SOUTH HAYMARKET NEIGHBORHOOD PLAN SPECIFICATIONS:

- p. 2.51 This property lies within the 9th & 10th Street Corridor. Development in this corridor has the potential to create an enhanced transition between South Haymarket and Downtown Proper.
- p. 2.52 Redevelopment in the mixed-use area should increase in height from west to east.
- p. 2.52 On the blocks located north of L Street, commercial and office uses are generally appropriate on the first and possibly second floors with residential uses on the remaining floors above. Active uses are encouraged on the first floor of all buildings.
- p. 2.60 9th Street Streetscape. The planting areas buffer the pedestrians from motorists and create defined spaces along the sidewalks. The right-of-way width for 9th Street is 120 feet, and most sidewalks are 25 feet wide. This streetscape incorporates bump outs, on-street parking and landscaping amenities.
- p. 3.4 This property is shown as Mixed-Use on the Future Land Use Map. The mixed-use land use category describes a combination of residential, commercial or other uses. This mix of uses should be spread both horizontally among blocks and vertically within one building.
- p. 3.15 The South Haymarket Neighborhood Plan encourages the use of painted wall signs, integrated buildings signs, roof signs and projecting signs.
- p. 3.35 9th Street Streetscape. With enhanced landscaping along 9th Street a sense of enclosure would be created along the curb. Improvements should be made at key intersections to increase pedestrian safety. Shortening lane pavement at crosswalks by adding bump outs is one way to appeal to pedestrians.
- p. 3.41 Develop Additional On-Street Parking. The streetscape design elements include sidewalk, street trees, street lighting and on-street parking that can be accommodated within varying widths of right-of-way. These improvements are considered substantial and should be implemented on a block-by-block basis when redevelopment occurs and funds are available (i.e. TIF).

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the Campion Redevelopment Project. The Project includes the construction of a seven-story, 340,000 square foot student housing building, including covered parking and other amenities. The completed structure will include approximately 120 four-bedroom residential units, eight of which will be constructed to accommodate tenants with disabilities. The first and second floors of the completed structure will include approximately six three-bedroom townhomes and eight two-bedroom townhomes along 9th and M Streets, which will screen the two-story 89,000 square foot parking structure also located on the first and second floors. In total, the Project will add 134 dwelling units comprised of 514 beds to the downtown housing market.
2. Approximately 259 covered parking stalls will be available for tenant use. Other amenities that are anticipated to be available to tenants of the building include study rooms, computer facilities, a pool, hot tub, grill area, fitness center, coffee bar, dog park, and pet washing station.
3. The Project is intended to enhance the aesthetics of the Lincoln Center Redevelopment Area, and to encourage 24-hour activity and lively, vibrant streets in Downtown Lincoln. The development of additional housing units in Downtown Lincoln, including ground floor two-and-three bedroom townhomes on 9th and M Streets, along with streetscape enhancements, will ensure that 9th and M Streets are active and retain a street-level, pedestrian orientation.
4. The Project will cause the removal of blight and substandard conditions on the Project Site and in the Lincoln Center Redevelopment Area, and better tie the University of Nebraska campus to Downtown Lincoln.
5. The Project Site extends beyond the specific block to also include adjacent rights-of-way along with 9th and 10th Street right-of-way from L to O Streets. The additional right-of-way is included in the project area to allow for streetscape enhancements in these areas. Details of the streetscape enhancements were not finalized at the time of this staff report but will enhance the pedestrian experience in accordance with the Downtown Master Plan and South Haymarket Neighborhood Plan.
6. The site is highly visible to traffic on 9th and 10th Streets, two of the busiest streets in Downtown Lincoln. The Project is scheduled for Urban Design Committee review on September 3rd.
7. The Project is consistent with the Lincoln Center Redevelopment Plan, which encourages development of additional housing units, and in particular housing served by on-site parking. Additionally, the Project is consistent with the Lincoln Center Redevelopment Plan's stated goal of creating rich pedestrian activity on the streets in Downtown Lincoln, as well as a "green network" incorporating M Street from 7th to 11th Streets. The Project is anticipated to include first and second floor townhomes along 9th and M Streets, and streetscape enhancements, both of which will activate the street and create a street-level, pedestrian orientation.
8. The Project is consistent with the Lincoln-Lancaster County 2040 Comprehensive Plan. The Guiding Principles in Chapter 6 (Mixed Use Redevelopment) encourage targeting underdeveloped and redeveloping commercial areas to remove blighted conditions and more efficiently utilize existing infrastructure. In addition, this type of development strengthens the downtown core, which is a guiding principle mentioned throughout the plan.
9. The Project is consistent with the 2018 Downtown Lincoln Master Plan, which encourages increasing Downtown residential density to drive improvements to retail, restaurants, and to create a more vibrant Downtown. Additionally, the Downtown Master Plan encourages redevelopment on vacant or underutilized parcels.
10. The streetscape enhancements identified with this plan include initial implementation of the Downtown Master Plan M Street Greenway concept between 9th and 10th Streets. At the time of this staff report the implementation timeline for the Greenway concept is still under discussion.
11. The South Haymarket Neighborhood Plan shows this property within the 9th & 10th Street Corridor. Properties within

this Corridor should increase in height and density as a transition from the South Haymarket Neighborhood to the west and Downtown Proper to the east. The proposal for a seven-story building will serve as an appropriate transition within this corridor. The area includes two other seven-story student housing buildings, 8N Lofts and Latitude.

- 12. All five parcels comprising the Project Site are used for commercial purposes or are vacant. The southeast corner of the block, which is not included in the Project Site, is used for a commercial trailer rental business and surface parking.
- 13. The public investment is expected to be approximately \$5.5 million. These public investments will leverage the private investments of approximately \$37.5 million (the project cost will be finalized as construction costs are determined). The Cost Benefit Analysis is attached to this staff report.
- 14. The Project includes an associated application to vacate the alley within the block. That application is discussed with the staff report for SAV 19006.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

North: M Street, Parking, City Building	B-4 Lincoln Center Business District
South: L Street, City-County Parking Structure	B-4 Lincoln Center Business District
East: 10 th Street, Commercial	B-4 Lincoln Center Business District
West: 9 th Street, Commercial	B-4 Lincoln Center Business District

APPROXIMATE LAND AREA: 1.4 acres

Prepared by

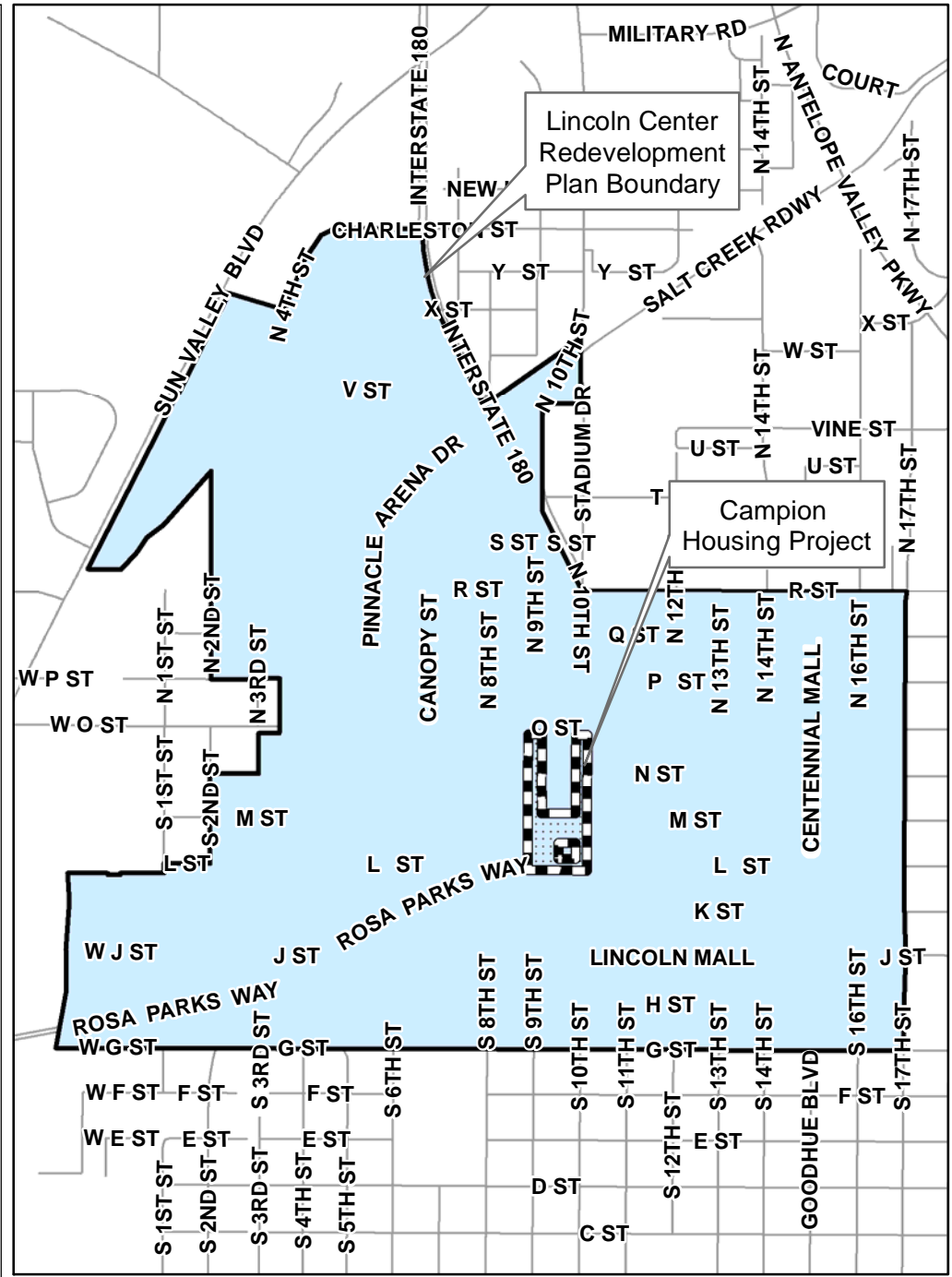
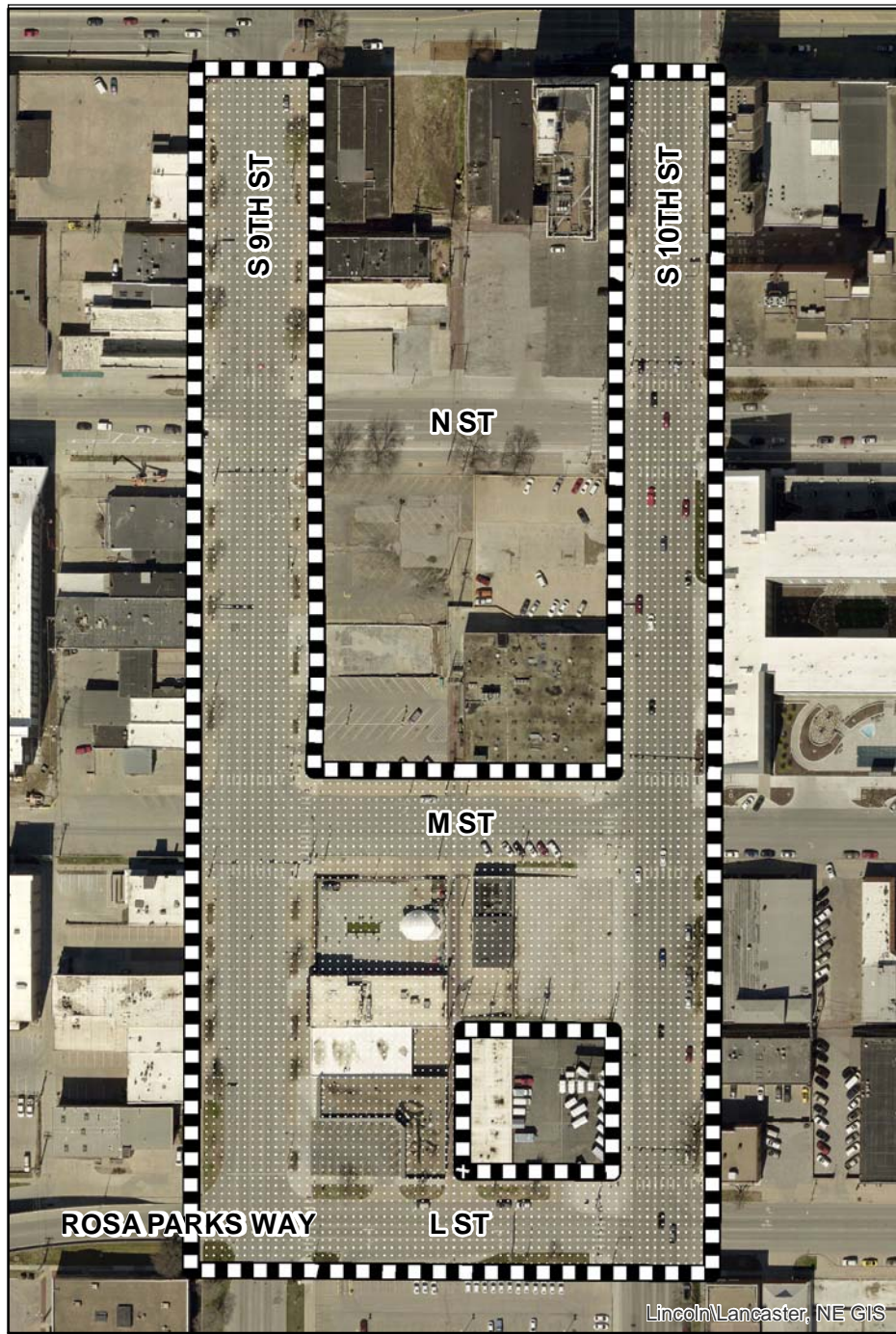
Andrew Thierolf, AICP
Planner
(402) 441-6371 or athierolf@lincoln.ne.gov

August 26, 2019

Applicant: Urban Development Department
City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Ernie Castillo, Urban Development Department
(402) 441-7855
ecastillo@lincoln.ne.gov

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Comprehensive Plan Conformance #19008
Lincoln Center Redevelopment Plan Amendment
Campion Housing Project

2018 aerial



**AMENDMENT TO THE
LINCOLN CENTER REDEVELOPMENT PLAN**

Campion Redevelopment Project

1. Project Description

The Campion Redevelopment Project (the “Project”) involves the redevelopment of a 61,675 square foot site comprised of five parcels located at 322 South 9th Street, 324 South 9th Street, 315 South 10th Street, 900 L Street, and 927 M Street. The project site is more particularly described as follows: Lots 1 through 15, Block 86, Lincoln Original, City of Lincoln, Lancaster County, Nebraska (the “Project Site”). The parcel generally described as 315 South 10th Street is the former site of a service station, but is currently vacant and underdeveloped. An office building and storage garage are located on the parcel identified as 927 M Street, the owner of which plans to relocate the business elsewhere in Lincoln. A single-story office building and parking lot occupy the parcel identified as 900 L Street. The existing tenants of said office building will relocate prior to commencement of construction of the Project. The now vacant Red 9 bar, and its adjacent beer garden, are situated on the parcel at 322 South 9th Street, and a vacant commercial building is located on the adjacent 324 South 9th Street. The Project Site is depicted on the map, below.



Campion Housing Project: Project Area

 Campion Housing Project

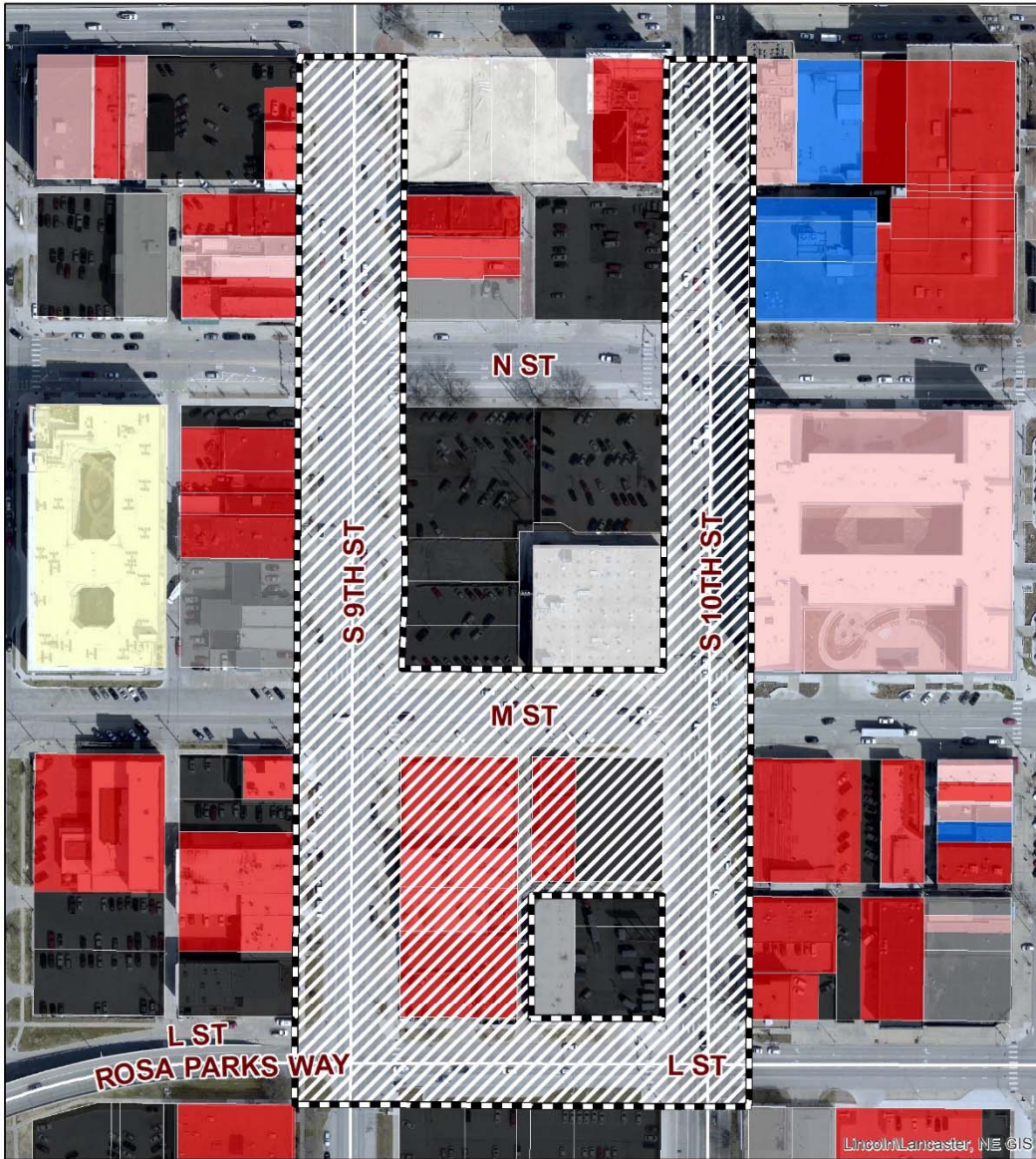


City of Lincoln: Urban Development: Kurt Elder - (402) 441-7874

The Project involves the demolition of all structures on the Project Site, and the construction of a seven-story, 340,000 square foot student housing building, including covered parking and other amenities, on the Project Site. The completed structure will include approximately 120 4-bedroom residential units, eight of which will be constructed to accommodate tenants with disabilities. Additionally, the first and second floors of the completed structure will include around six 3-bedroom townhomes and eight 2-bedroom townhomes along 9th and M Streets, which will screen the two-story 89,000 square foot parking structure also located on the first and second floors. In total, the Project will add 134 dwelling units comprised of 514 beds to the downtown housing market in the City of Lincoln. Approximately 259 covered parking stalls will be available for tenant use. Other amenities that are anticipated to be available to tenants of the building include study rooms, computer facilities, a pool, hot tub, grill area, fitness center, coffee bar, dog park and pet washing station.

The Project is intended to enhance the aesthetics of the Lincoln Center Redevelopment Area and to encourage 24-hour activity and lively, vibrant streets in Downtown Lincoln. The Project will accomplish these goals by replacing the vacant and/or underutilized structures on the Project Site with a new seven-story housing facility designed for suite-style living for students and downtown residents. The development of additional housing units in Downtown Lincoln, including ground floor townhomes on 9th and M Streets, and the installation of a greenway within the public right-of-way of M Street, will ensure that 9th and M Streets are active and retain a street-level, pedestrian orientation, in accordance with the Lincoln Center Redevelopment Plan. The Project will cause the removal of blight and substandard conditions on the Project Site and in the Lincoln Center Redevelopment Area and better tie the University of Nebraska campus to Downtown Lincoln, in furtherance of the purposes set forth in the Lincoln Center Redevelopment Plan. The Project will also be the first development with “M” Street frontage since the adoption of the 2018 Downtown Master Plan and will enhance the “M” Street Greenway as part of that catalyst project.

All five parcels comprising the Project Site are used for commercial purposes or are vacant. Surrounding land uses are predominantly commercial; however, there is light industrial to the west and comparable apartment uses in the vicinity. The southeast quadrant of the city block in which the Project Site is located is used for a commercial trailer rental business and for surface parking. See the current land use map, below.



Campion Housing Project: Current Landuse




City of Lincoln: Urban Development: Kurt Elder - (402) 441-7874

The Project Site is located in the “B-4” - Lincoln Center Business zoning district. The B-4 Lincoln Center Business District provides for a large variety of uses and activities, including retail and office functions, housing, commercial services, institutions and transportation, and is designed to encourage the Lincoln Center Business District to remain the dominant multi-use center and key focal point of business, social, and cultural activity in the City of Lincoln. The land surrounding the Project Site is zoned B-4 Lincoln Center Business District as well. Existing zoning is shown below.



Campion Housing Project: Zoning

 Campion Housing Project
  Zoning

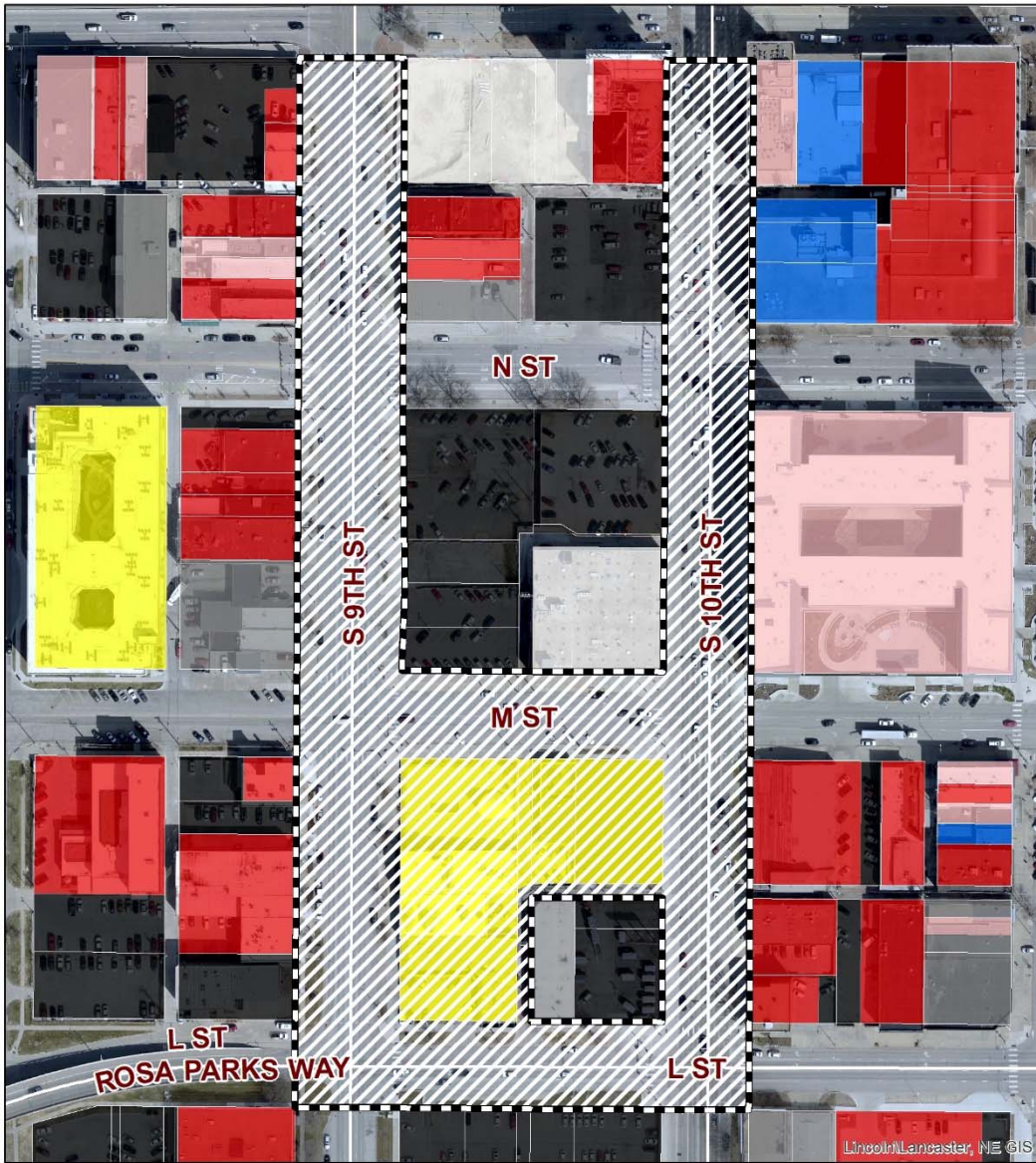


City of Lincoln: Urban Development: Kurt Elder - (402) 441-7874

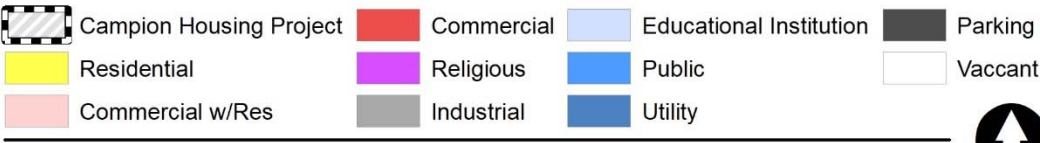
The Project is consistent with the Lincoln Center Redevelopment Plan, which encourages development of additional housing units, and in particular housing served by on-site parking, in Downtown Lincoln. Upon completion, the Project will add 134 dwelling units comprised of 514 beds and 259 parking stalls to Downtown Lincoln. Further, the Project is consistent with the Lincoln Center Redevelopment Plan's stated goal of creating rich pedestrian activity on the streets in Downtown Lincoln, as well as a "green network" incorporating M Street from 7th to 11th Streets, among other spaces. The Project is anticipated to include first and second floor townhomes along 9th and M Streets, and construction of a greenway along M Street, both of which will activate the street and create a street-level, pedestrian orientation consistent with the "M" Street Plan.

The Project is also consistent with the LPlan 2040, the Lincoln-Lancaster County 2040 Comprehensive Plan. The Guiding Principles in Chapter 6 (Mixed Use Redevelopment) of LPlan 2040 encourage targeting underdeveloped and redeveloping commercial areas to remove blighted conditions and more efficiently utilize existing infrastructure.

The Project is consistent with the 2018 Lincoln Downtown Master Plan as well, which encourages increasing Downtown residential density to drive improvements to retail, restaurants, and to create a more vibrant Downtown. Further, the Downtown Master Plan encourages redevelopment on vacant or underutilized parcels. Future land use is shown on the map below.



Campion Housing Project: Future Landuse



City of Lincoln: Urban Development: Kurt Elder - (402) 441-7874



The Project represents a significant private investment in the Lincoln Center Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, demolition, site preparation and grading, streetscape and public area enhancements, public utility and infrastructure improvements, energy efficiency improvements, façade enhancements, and other public improvements in the Lincoln Center Redevelopment Area.

2. Statutory Elements

- **Property Acquisition, Demolition, and Disposal:** The proposed redeveloper currently controls the Project Site. The Project will require demolition of the existing buildings on the Project Site. The businesses operating on the Project Site will be required to relocate as a result of the Project, but the cost of relocation has been factored into the acquisition price negotiated between the redeveloper and the current owners of the Project Site.
- **Population Density:** The Project consists of the construction of approximately 134 2-, 3-, and 4-bedroom student housing units on the Project Site. The increase in population density in the Lincoln Center Redevelopment Area that is expected to occur upon completion of the Project is consistent with the objectives set forth in the Lincoln Center Redevelopment Plan.
- **Land Coverage:** The Project will increase land coverage on the Project Site. The Project consists of demolition of the 4 existing buildings located on the 5 parcels comprising the Project Site, and construction of a new seven-story student housing building in its place. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.
- **Traffic Flow, Street Layouts, and Street Grades:** The Project involves development of a seven-story student housing building on 5 parcels of real estate, several of which are vacant or underutilized. The Project is expected to increase traffic flow generated by tenants of the Project travelling to and from the Project Site. The Project will require vacating the north half of the north-south alley extending between L and M Streets.
- **Parking:** The Project includes construction of approximately 259 on-site parking stalls for the use of the tenants of the Project. The Project will meet or exceed the parking requirements of the B-4 Lincoln Center Business District.
- **Zoning, Building Code, and Ordinances:** The Project Site is currently zoned B-4 Lincoln Center Business District, and the Project

is a permitted use in such district. No subdivision or rezoning of the Project Site will be required as part of the Project. All applicable building code requirements and ordinances will be satisfied.

3. Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$43,000,000, which includes approximately \$5,500,000 in public financing. The project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site. However, funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and City Council.

Tax Increment Financing Analysis

As required by the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2113), the Cost-Benefit Analysis is attached to this Amendment (Campion Redevelopment Project) as the Cost-Benefit Schedule.

**ATTACHMENT TO THE AMENDMENT TO THE LINCOLN CENTER
REDEVELOPMENT PLAN FOR THE
CAMPION REDEVELOPMENT PROJECT**

**COST BENEFIT SCHEDULE
(Campion Redevelopment Project)**

- **Public Tax Revenues:**

Campion Redevelopment Project		Amount
(a) Base Value		\$2,229,700
(b) Estimated New Assessed Value		\$29,523,500
(c) Increment Value	= (b) - (a)	\$27,293,800
(d) Annual TIF Generated (Estimated)	= (c) x 2.005937%	\$547,500
Funds Available	= (d) x 14 years @ 5.0%	\$5,500,000

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$27,293,800 as a result of the private investment for the Project. This will result in an increase in estimated annual property tax collections during the 15 year TIF period of approximately \$547,500, which will be available to finance the costs of construction of the eligible redevelopment improvements related to the Project. The public investment of a sum not to exceed \$5,500,000 in TIF funds will leverage approximately \$37,500,000 in private sector financing. The TIF funds shall be subject to adjustment as the project costs are further defined.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Lincoln Center Redevelopment Area. It would not be economically feasible for the redeveloper to redevelop the Project without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Public investment may assist with the costs of site acquisition, demolition, site preparation and grading, streetscape and public area enhancements, public utility and infrastructure improvements, energy efficiency enhancements, façade enhancements, and other public improvements and enhancements permitted under the Community Development Law in the Lincoln Center Redevelopment Area.

- **Public Infrastructure and Community Public Service Needs Impacts:**

It is not anticipated that the Project will have an adverse impact on existing public infrastructure, nor that the Project will have an adverse impact on City

services, but instead will generate additional revenue providing support for those services.

- ***Employment within the Redevelopment Project Area:***

It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the Project. The Project involves construction of approximately 134 student housing units in downtown Lincoln, which should create an additional pool of part-time employees and an additional customer base for firms locating or expanding in the vicinity of the Project Site and within the Lincoln Center Redevelopment Area as a whole. Further, it is anticipated that the availability of student housing options in downtown Lincoln will attract prospective students to the University of Nebraska, which should have positive long-term effects on employment in the Lincoln Center Redevelopment Area and the City of Lincoln as a whole.

- ***Employment in the City outside the Redevelopment Project Area:***

The Project is not expected to adversely affect employment in the City outside the Lincoln Center Redevelopment Area. Instead, the removal of blight and substandard conditions from the Project Site is expected to attract further development in downtown Lincoln, including additional commercial, retail and residential development, which will both create and support additional jobs in the Lincoln Center Redevelopment Area and in the City of Lincoln as a whole. Further development in downtown Lincoln and the availability of additional jobs should also encourage the student-tenants of the Project to remain in the City of Lincoln long term, increasing the pool of qualified, educated employees. The Project should increase the need for services and products from existing businesses in and around the Lincoln Center Redevelopment Area.

- ***Impacts on the student populations of school districts within the City:***

The Project is not expected to have a material impact on student populations of school districts within the City of Lincoln. The Project includes construction of approximately 134 housing units which are anticipated to be leased primarily to university students and other downtown residents.

- ***Other Impacts:***

The development of the Project Site will eliminate the existence of blight and substandard conditions in the Lincoln Center Redevelopment Area and the City of Lincoln. The Project is consistent with LPlan 2040, the 2018 Lincoln Downtown Master Plan, and the Lincoln Center Redevelopment Plan.

The Project should have a positive impact on private sector businesses in the Lincoln Center Redevelopment Area and in the City, and will attract additional private investment in and around the Lincoln Center Redevelopment Area. In furtherance of the goals of the Lincoln Center Redevelopment Plan, the Project will cause the redevelopment of vacant and underutilized parcels into a seven-story student housing building that will enhance the aesthetics of downtown Lincoln, while retaining active, vibrant streets.

While the use of tax increment financing will defer receipt of a majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be additional revenue generated by the Project from, for example, sales taxes generated by the tenants of the Project, who will purchase goods and services in downtown Lincoln. Upon completion of the 15 year TIF period, the Project will benefit the community through higher property tax revenue.



Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

July 24, 2019

David Cary, Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

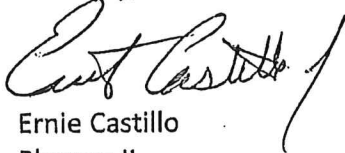
Dear David:

Please find attached one copy of the Campion Housing Project amendment to the Lincoln Center Redevelopment Plan.

Please forward the amendment to the Planning Commission for their earliest consideration and review for Comprehensive Plan conformance. I understand that it should be on August 21, 2019, Planning Commission agenda.

If you have any questions, please contact me at 1-7855 or ecastillo@lincoln.ne.gov

Sincerely,



Ernie Castillo
Planner II

Cc: Dan Marvin
Dallas McGee

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

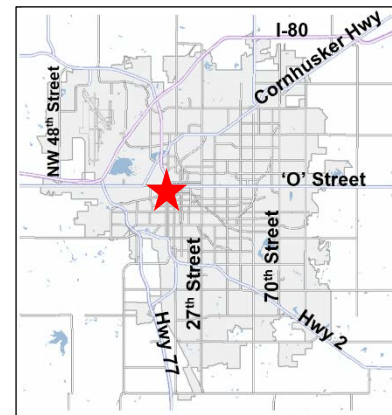
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation 19006	FINAL ACTION? No	AFFECTED OWNERS Voyager Holdings LLC, 927 LLC
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS CPC 19008	PROPERTY LOCATION Block bounded by 9 th and 10 th Streets, between M and L Streets

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate a portion of the alley right-of-way in the block bounded by 9th and 10th Streets and M and L Streets. The alley area is 16' by 142' and extends from M Street south to the middle of the block. The area of the right of way includes approximately 2,272 square feet. The related Comprehensive Plan Conformance 19008 application pertains to an amendment to the Lincoln Center Redevelopment Plan. The amendment is for a proposed 120 4-bedroom residential unit student housing project along with 14 townhomes. This building would be seven stories and include 340,000 square feet. The vacation of the alley right of way is necessary to accommodate the proposed project. Existing alley right of way will be retained from L Street to 10th Street, which abuts the southeast part of the block which is not included in the proposed redevelopment area.



JUSTIFICATION FOR RECOMMENDATION

This portion of the public right-of-way is an alley which serves two abutting owners for which a redevelopment is proposed for the properties. The one remaining property in the southeast part of the block will still have continuous alley access from L Street to 10th Street as that right of way, which is L-shaped, will be retained. This property is not part of the proposed redevelopment. There is no benefit to the general public to retain the alley segment to be vacated as part of the transportation system. With the conditions of approval, vacation of the public right-of-way would accommodate the proposed redevelopment of the area.

APPLICATION CONTACT

Tom Huston, (402) 479-7134 or thuston@clnewilliams.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 6.3 - A major focus for new residential reuse, infill, and redevelopment is in the Greater Downtown area.

p. 6.3 - Strategies for Greater Downtown: Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

P. 10.14 - Local streets and alleys are not shown on the Functional Street and Road Classification plan.

ANALYSIS

1. This is a request by the adjacent owners to vacate a portion of the north-south alley in the block bounded by 9th and 10th Streets and M and L Streets. The area to be vacated is the north 142 feet of the north-south alley and includes approximately 2,272 square feet. Alley right of way will still be retained in the block, providing a continuous connection from 10th Street to L Street. The remaining alley is L-shaped and abuts the property in the southeast corner of this block which is not part of the proposed redevelopment area.
2. The request is to accommodate the redevelopment of the west and north east parts of the block. As part of the project, all the existing structures in the project area will be demolished. A seven-story, 340,000 square foot student housing building, including covered parking and other amenities will be constructed. This will include approximately 120 4-bedroom residential units. Additionally, the first and second floors of the completed structure will include around six 3-bedroom townhomes and eight 2-bedroom townhomes along 9th and M Streets.
3. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
4. The property adjacent to the right-of-way proposed to be vacated is comprised of the north 142 feet of the alley adjacent to Lot 3, Block 86, Original Lincoln Subdivision, all located in the northeast quarter of Section 26-10-6.
5. The existing utilities in the vacation area include LES facilities and a sanitary sewer line. Easements will be retained with deed transfer or in the alternative the developer may relocate the facilities. The sanitary sewer would be relocated into nearby street right of way. The latter alternative will necessitate a surety submitted prior to the transfer of the deed along with an Executive Order for sanitary sewer and paving.
6. The right-of-way vacation will not affect the transportation system and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING

North: Parking, Office; B-4

South: Parking, Industrial; B-4

East: Commercial; B-4

West: Parking, Commercial; B-4

APPROXIMATE LAND AREA: 2,272 square feet (0.05 acres)

LEGAL DESCRIPTION: The north 142 feet of the alley adjacent to Lot 3, Block 86, Original Lincoln Subdivision, all located in the NE ¼ of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Prepared by

George Wesselhoft, Planner

Date: August 22, 2019

Applicant: Campion Development
6371 Marshall Foch Street
New Orleans, LA 70124

Contact: Tom Huston
233 South 13th Street
Suite 1900
Lincoln, NE 68508
(402) 479-7134 or thuston@clnewilliams.com

Affected Owners: Voyager Holdings, LLC
7534 San Mateo Lane
Lincoln, NE 68516

927, LLC
927 M Street
Lincoln, NE 68508

F:\DevReview\SAV\19000\SAV19006 Campion Housing Project.gjw.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION 19006

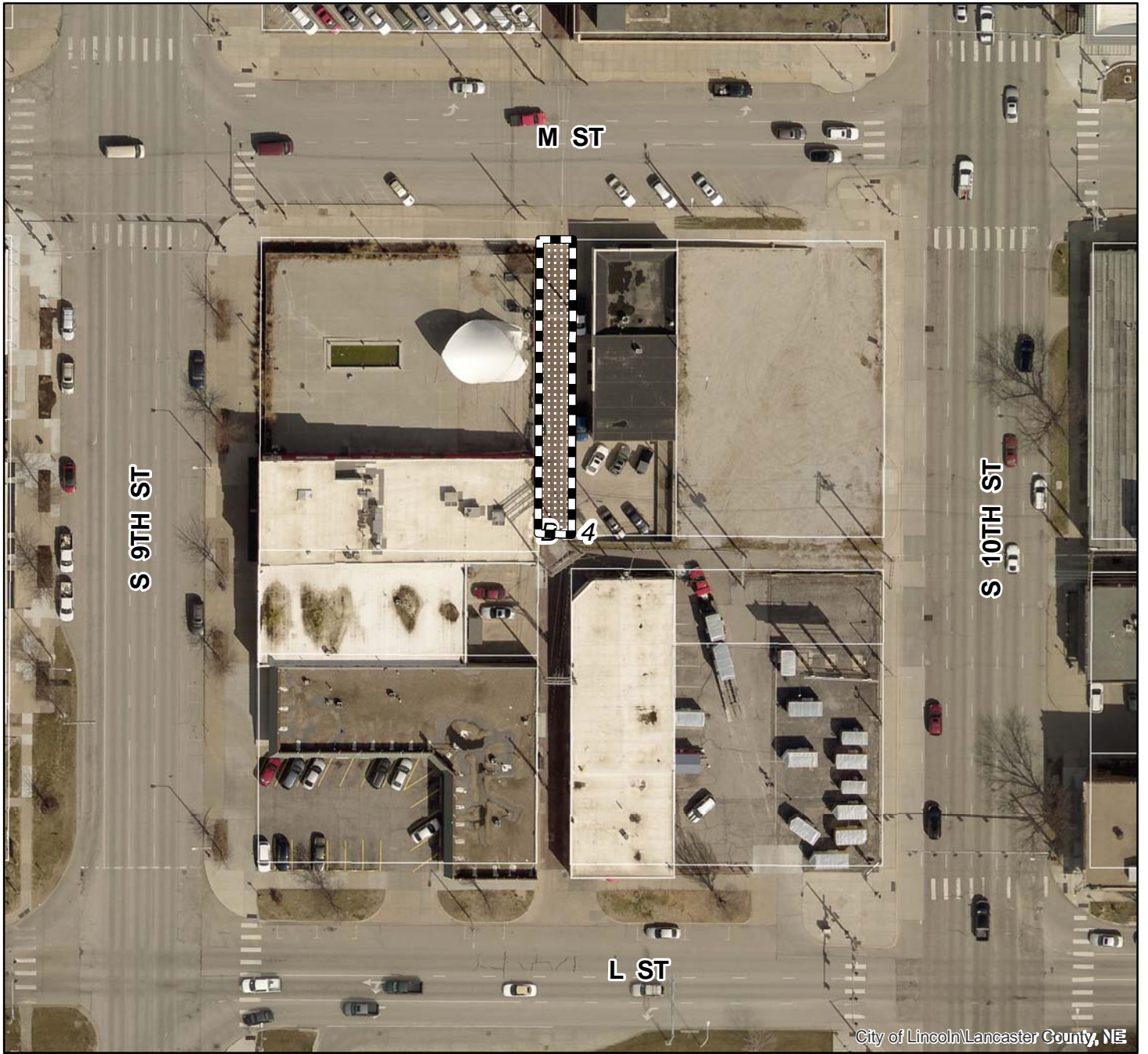
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of blanket utility easement by City with deed transfer for vacation area for LES facilities or in the alternative relocate LES facilities to the satisfaction of LES.
- 1.3 Include retention of utility easement by City with deed transfer for sanitary sewer or in the alternative relocate the sanitary sewer prior to deed transfer with surety in the amount to the satisfaction of Transportation & Utilities Department along with Executive Order for work in the public right of way.

Site Specific Conditions:

The City Council approves associated request:

- 2.1 Comprehensive Plan Conformance 19008 and the Redevelopment Agreement for the Campion Housing Project.



City of Lincoln/Lancaster County, NE

2018 aerial

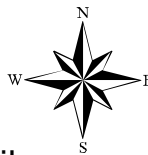
Street and Alley Vacation #: SAV19006
S 9th St & M St

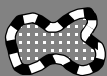


Zoning:

- 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

PDF: F:\Boards\PC\Internet\out\

One Square Mile:
 Sec.26 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



L. BRUCE WRIGHT
ROBERT J. ROUTH
DAVID R. BUNTAIN
SCOTT D. KELLY
TERRY R. WITTLER
MARK A. CHRISTENSEN
RICHARD P. GARDEN, JR.
SHAWN D. RENNER
JOHN C. MILES
THOMAS C. HUSTON
DON R. JANSSEN
SUSAN K. SAPP
KEVIN J. SCHNEIDER
GARY R. BATENHORST
JILL GOSSIN JENSEN
JOHN C. HEWITT
ROCHELLE A. MULLEN
TRENTEN P. BAUSCH
MICHAEL C. PALLESEN
RICHARD P. JEFFRIES
TRACY A. OLDEMAYER
PAMELA EPP OLSEN
TRENT R. SIDDESS
ANDRE R. BARRY
DAVID J. ROUTH
JASON R. YUNGTUM
MEGAN S. WRIGHT
THERESA D. KOLLER
AUSTIN L. MCKILLIP
KEITH T. PETERS
ANDREW R. WILLIS
TARA A. STINGLEY
SEAN D. WHITE
MICHELLE L. SITORIUS

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW

ESTABLISHED 1857

233 SOUTH 13TH STREET
1900 U.S. BANK BUILDING
LINCOLN, NEBRASKA 68508-2095

(402) 474-6900 • FAX (402) 474-5393

www.clinewilliams.com

July 24, 2019

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RENEE A. EVELAND
HENRY L. WIEDRICH
DANIEL W. OLDENBURG
ADAM W. BARNEY
GREGORY S. FRAYSER
JENNIE A. KUEHNER
TRAVIS W. TETTENBORN
BEAU B. BUMP
HEATHER A. CARVER
SHANNON E. FALLON
JODY N. DUVALL
KATIE A. JOSEPH
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JORDAN R. HASAN
JOHN F. ZIMMER, V
MICHAEL L. SHOLES
NATHAN D. CLARK
ALISON K. JANECEK
TAMARA I. KELLEY†
JACLYN L. KLINTOE
SYDNEY M. HUSS
BRITTNEY M. HOLLEY
AMANDA C. CARTER

STEPHEN E. GEHRING
RICHARD A. SPELLMAN†
DAVID O. COLVER†
KIMBRA L. KILLIN†
DONALD F. BURT (INACTIVE)
STEPHEN H. NELSEN (INACTIVE)

DANIEL R. STOGSDILL (1957-2018)

†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA EMAIL: gwesselhoft@lincoln.ne.gov

George Wesselhoft, AICP, LEED AP ND
Planner
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Champion Housing Project – Street and Alley Vacation
Our File No: 24564.001

Dear George:

I represent Champion Development which proposes a housing project on the block generally located between 9th and 10th Streets, south of “M” Street and north of “L” Street. I enclose Planning Department Application Request Forms seeking the vacation of the north 143.5 feet of the north-south alley located south of “M” Street, between 9th and 10th Streets. This alley vacation is required for the construction of the new housing project. The project involves a 7-story structure containing 120 4-bedroom residential units. The first and second floors of the structure include 14 townhomes located at street level along 9th and “M” Streets to screen a parking structure that will contain approximately 259 covered parking stalls.

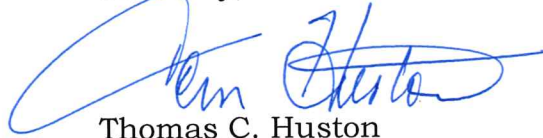
I will have a check in the amount of \$206.00 hand delivered to your attention at the Planning Department as an application fee. That delivery will include an original of this explanatory letter.

Concurrently, the Urban Development Department of the City of Lincoln is submitting an amendment to the Lincoln Center Redevelopment Plan proposing the addition of the project to such Plan, along with the Cost-Benefit Analysis required by the Nebraska Community Development Law.

George Wesselhoft
July 24, 2019
Page 2

If there are any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Huston", with a large, sweeping flourish on the left side.

Thomas C. Huston
For the Firm

Enclosure

cc: Ernie Castillo (via email)

4822-9355-3821, v. 1

CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW

ESTABLISHED 1857

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July 29, 2019

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STEPHEN H. NELSEN (INACTIVE)
DANIEL R. STOGSDILL (1957-2018)

†ATTORNEYS ADMITTED IN COLORADO ONLY

VIA HAND DELIVERY

George Wesselhoft, AICP, LEED AP ND
Planner
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: **Campion Housing Redevelopment Project – Street and Alley Vacation
Petitions**
Our File No: 24564.001

Dear George:

I enclose the following documents:

1. Planning Department Application Request Form. I completed a separate form for each petitioner that is submitting a vacation petition. I also identified Dan Rosenthal as the contact person for ProjectDox;
2. Information Sheet and Petition to Vacate Public Way for Voyager Holdings, LLC which owns the real east located west of the alley to be vacated; and
3. Information Sheet and Petition to Vacate Public Way for 927, LLC which owns the property located east of the alley.

Please confirm that the Planning Department has the check and the requisite documents for a complete submittal. I intend that the submittal meet the August 7th deadline so the matter can be scheduled with the hearing in front of the Planning Commission for September 4th.

12910 PIERCE STREET
SUITE 200
OMAHA, NE 68144-1105
(402) 397-1700

1207 M STREET
P.O. BOX 510
AURORA, NE 68818
(402) 694-6314

416 VALLEY VIEW DRIVE
SUITE 304
SCOTTSDUFF, NE 69361
(308) 635-1020

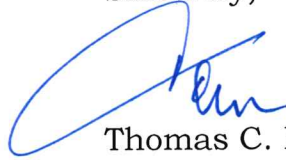
215 MATHEWS STREET
SUITE 300
FORT COLLINS, CO 80524
(970) 221-2637

216 SOUTH INTEROCEAN AVENUE
HOLYOKE, CO 80734
(970) 854-2264

George Wesselhoft
July 29, 2019
Page 2

If there are any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'THC', is written over the word 'Sincerely,'.

Thomas C. Huston
For the Firm

Enclosure

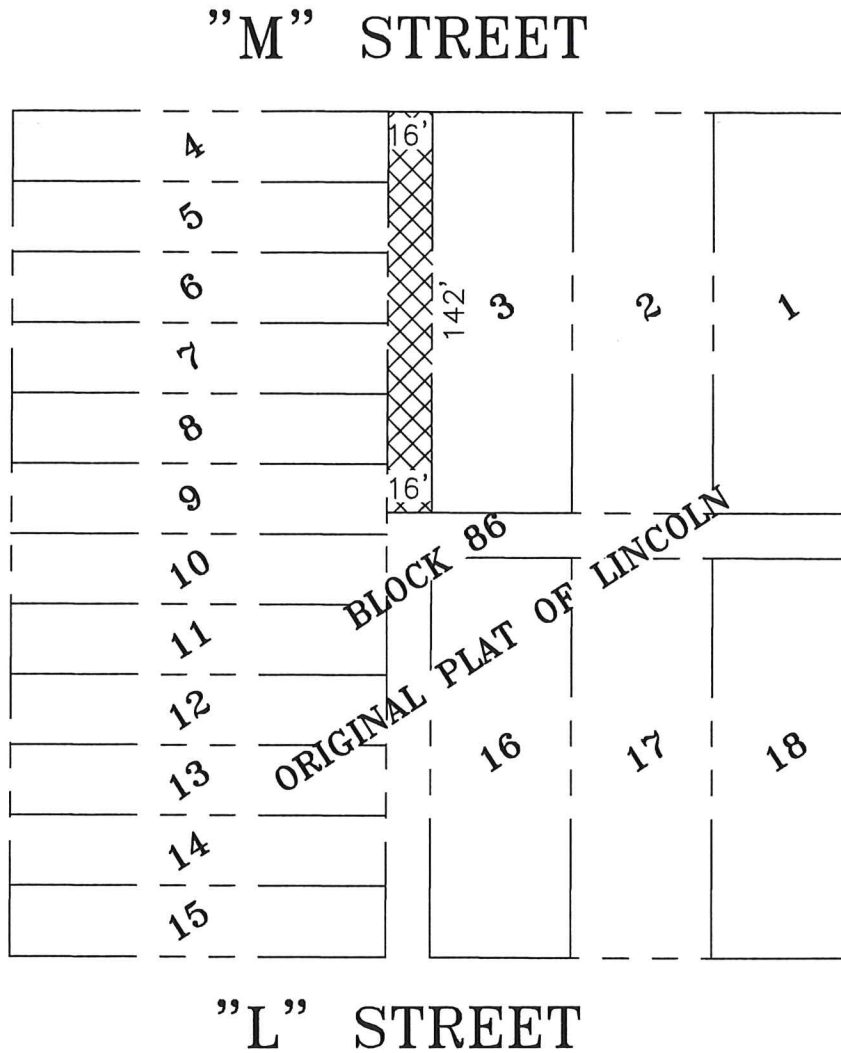
4819-0751-5294, v. 1

Exhibit "A"



NO SCALE
DATE: 8/31/19

9th STREET



10th STREET

"L" STREET

A LEGAL DESCRIPTION FOR PORTION OF THE ALLEY WAY TO BE VACATED, BEING THE NORTH 142 FEET OF THE ALLEY ADJACENT TO LOT 3, BLOCK 86, ORIGINAL LINCOLN SUBDIVISION, ALL LOCATED IN THE NE 1/4 OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

LEGEND



- AREA TO BE VACATED

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY ROAD, STE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- SURVEYING

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

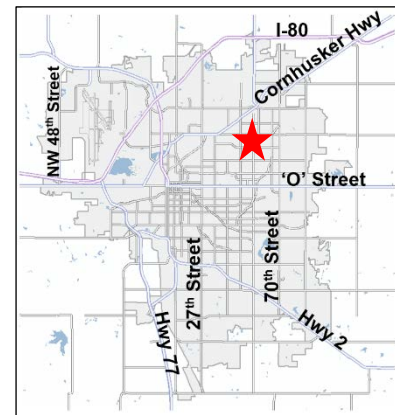
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #CPC19009	FINAL ACTION? Yes	DEVELOPER/OWNER Lincoln Electric System
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2208 North 56 th Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Lincoln Electric System (LES) is requesting a finding of conformance of the Comprehensive Plan for an addition to the Capital Improvement Program (CIP) project 0238 S: Substation Sites. The amendment requested is to include the purchase of land for expansion of LES's existing substation site near North 57th and Garland Streets in Lincoln. LES staff has determined that the acquisition of existing land near the substation is necessary to accommodate any future growth at the site and alleviate safety concerns that are presented as a result of the proximity of single-family dwellings to high voltage electrical equipment. The requested amendment also updates the 2019/20 and 2020/21 budget. The update to the project description requires a finding of conformance with the Comprehensive Plan.



JUSTIFICATION FOR RECOMMENDATION

This project is consistent with the Comprehensive Plan as it supports continued growth.

APPLICATION CONTACT

Emily Koenig, (402) 473-3315 or
ekoenig@les.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This project description update remains consistent with goals in the Comprehensive Plan; specifically related to building substations to support continued growth.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

p. 11.1 The provision of other basic services, (such as water, wastewater, and electricity) is also discussed in this chapter. The need to plan for the extension of these services to new growth areas is one of the primary reasons for comprehensive planning.

p. 11.20 In addition, LES will need to build several new substation sites to serve these new growth areas.

ANALYSIS

1. This is a request to amend the FY 2018/19 - 2021/23 Capital Improvement Program to add the "North 57th and Garland" location to the project description of the project 0238 S: Substation sites. LES proposes to purchase property at 2208 N. 56th Street for future growth and to alleviate safety concerns. A CIP amendment is required due to a change in scope.
2. This project is consistent with the goals in the Comprehensive plan; specifically, to support continued growth.
3. The requested amendment also updates the budget in 2019/20 to \$430,000 and 2020/21 to \$534,000. As this project's budget increase will not affect LES's overall budget, the Planning Commission's action is final, unless appealed to the Lincoln City Council.
4. The City Charter states that capital projects must have a probable life of at least 15 years. This asset will have a life in excess of 15 years so it is considered a capital project.

APPROXIMATE LAND AREA: 0.31 acres

LEGAL DESCRIPTION: COMPREHENSIVE PLAN CONFORMANCE 19009, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, to amend the City of Lincoln's 6-Year CIP (Capital Improvement Program) for FY 2018/2019 to 2023/2024, by adding the expansion of an existing LES (Lincoln Electric System) substation, on property legally described as Lots 19 and 20 and W 1/2 of vacated alley, Block 4, Bond & Colby Tract, located in the SW 1/4 of Section 16-10-7, Lincoln, Lancaster County, Nebraska, generally located at 2208 North 56th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.

Prepared by

Kellee Van Bruggen, Planner II

Date: 8/22/2019

Applicant/Contact: Emily Koenig, 402-473-3315 or ekoenig@les.com

0238 S:Substation Sites

Description:

Purchase land for substation sites as required for supporting continued growth. In this CIP, new sites are needed for substations near these proposed locations:

- SW 56th & K
- 128th & O
- 105th & Pioneers
- North 57th & Garland
- "Wind Project Interconnection"

Group:	Substation
Program:	(None)
Budget Outcome:	
Budget Goal:	
Date Anticipated:	
Rating:	B
Status:	Ongoing
Comp Plan Conformity:	Generally Conforms with Plan

Project Total:\$1,516.00

Prior Appropriations \$0.00

Costs Beyond: \$0.00

6 yr appropriations

<u>Funding Source</u>	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>	<u>2021/2022</u>	<u>2022/2023</u>	<u>2023/2024</u>	<u>6 yr Total</u>
Lincoln Electric System	\$126.00	\$430.00	\$534.00	\$138.00	\$142.00	\$146.00	\$1,516.00

6 yr estimated cost by activity

<u>Activity type</u>	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>	<u>2021/2022</u>	<u>2022/2023</u>	<u>2023/2024</u>
Land Acquisition	X	X	X	X	X	X

0638 S:17th & Holdrege Transformer #2

Description:

Add a 115-12kV, 36 MVA transformer and associated switchgear at the existing 17th & Holdrege Substation. This capacity addition will support growth at University of Nebraska (City Campus), research corridor and the Nebraska Innovation Campus.

Sustainability: Substation transformers are economically evaluated including the life-cycle cost of electrical losses. This allows LES to purchase higher quality transformers with lower electrical losses (lower energy use and reduction of greenhouse gasses) while maintaining lowest overall cost for customers.

Group:	Substation
Program:	(None)
Budget Outcome:	
Budget Goal:	
Date Anticipated:	12/31/2027
Rating:	B
Status:	Continued
Comp Plan Conformity:	Generally Conforms with Plan

Project Total:\$3,350.00

Prior Appropriations \$0.00

Costs Beyond: \$3,344.00

6 yr appropriations

<u>Funding Source</u>	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>	<u>2021/2022</u>	<u>2022/2023</u>	<u>2023/2024</u>	<u>6 yr Total</u>
Lincoln Electric System	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6.00	\$6.00

6 yr estimated cost by activity

<u>Activity type</u>	<u>2018/2019</u>	<u>2019/2020</u>	<u>2020/2021</u>	<u>2021/2022</u>	<u>2022/2023</u>	<u>2023/2024</u>
Construction						X





August 2, 2019

David Cary, Director
Lincoln-Lancaster County Planning Department
County City Building, Ste.
555 South 10th Street
Lincoln, NE 68508

Re: LES Capital Improvement Program

Dear Mr. Cary:

LES respectfully requests issuance of a special report by your department pursuant to Art. XI-B, Sec. 7 of the Lincoln City Charter that the capital purchase discussed herein is in conformance with the Lincoln/Lancaster County Comprehensive Plan. The CIP for FY 2018/19-2023/24 does not include identification of the project contained herein but LES has budgeted for the expenditure of funds for this project. LES now seeks to have the CIP be amended and to have this capital project determined to be in conformance with the Comprehensive Plan.

LES seeks to a finding of conformance of the Comprehensive Plan for an expenditure which has been identified as necessary since the submittal of the CIP in early 2018. The expenditure would have been in category 0238 S: Substation Sites of the CIP and it is to purchase land for expansion of LES's existing substation site near North 57th and Garland Streets in Lincoln. LES staff has determined that the acquisition of existing land near the substation is necessary to accommodate any future growth at the site and alleviate safety concerns that are presented as a result of the proximity of single-family dwellings to high voltage electrical equipment. LES has budgeted \$300,000 in the 2019 Capital Budget for acquisition with no spending as of yet and \$400,000 budgeted in the 2020 Capital Budget in the event the acquisition is not completed in 2019.

LES would appreciate a timely review of this request for your department and placement of this request on the Planning Commission's agenda on September 4, 2019 so that LES may proceed with the project related to the expenditure of these funds.

Thank you for your time and attention to this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Emily N. Koenig".

Emily N. Koenig
Director, Finance & Rates

Enclosure

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

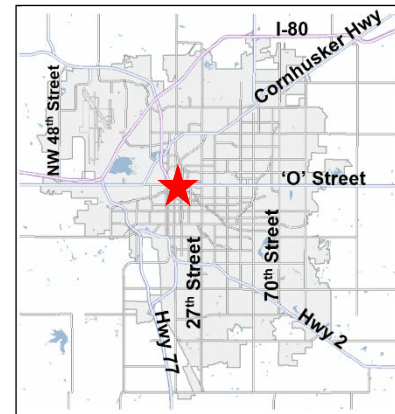
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance 19010	FINAL ACTION? No	DEVELOPER/OWNER Bayer Family Partnership
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 803 Q Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan that identifies the Huber Building Redevelopment Project. The Project includes the renovation and rehabilitation of the Huber Building at the southeast corner of 8th & Q Streets. Upon completion, the building will include approximately 24,599 square feet of commercial use on the first floor and basement, approximately six dwelling units on the second floor, and a roof deck.



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. It will preserve a historic structure and meet the desire for a mix of uses including residential and an active first floor.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

- p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. LPlan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.
- p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.
- p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.
- p. 1.3 Downtown Lincoln is promoted as vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.
- p. 1.9 The area is shown as Commercial on the Future Land Use map.
- p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.
- p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.
- p. 4.6 The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.
- p. 5.4 The City should preserve and enhance Downtown's role as...A major focus for new residential reuse, infill, and redevelopment.
- p. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.
- p. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.
- p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.
- p. 7.9 Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 4.1.1 Residential is the strongest market opportunity in Downtown. Downtown housing enhances the region's competitive edge by helping to retain and recruit both young and highly skilled labor. In addition, more residents will make Downtown more vital and support other sectors, including retail and employment.
- p. 4.1.4 Examine existing incentives, such as the City's TIF Policy and Turnback Tax, and develop ways to support a variety of housing types and price points, (affordable, market rate, senior, for sale, high end/ luxury, townhomes, condos) particularly for middle class families.
- p. 4.1.4 Support creation of housing at higher densities in Downtown, and include housing as a key component of mixed use developments.

- p. 4.4.7 Focus retail recruitment efforts on resident-serving amenities, such as grocery stores and markets, hardware stores, pet stores, and pharmacies.
- p. 4.4.7 Encourage a well-balanced mix of restaurant and retail with offerings for both professionals and college students.
- p. 4.4.7 Encourage small-format and unique spaces for retail that allow for shared use, pop-up shops, retail incubators, and other experiential retail.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-8 Intensify and strengthen Lincoln’s central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

ANALYSIS

1. This is an amendment to the Lincoln Center Redevelopment Plan that identifies the Huber Building Redevelopment Project.
2. The Project is a proposed renovation and rehabilitation of the Huber Building at the southeast corner of 8th & Q Streets. The building is currently used for the Haymarket Theatre and has first-floor retail space. Included in the renovated building will be (approximately):
 - 24,599 square feet of commercial space (floor 1 and basement)
 - 6 residential units with 7,645 square feet total (floor 2)
 - Roof deck
3. The goals of the Project are to enhance Lincoln’s Downtown and Haymarket areas as the mixed-use center of the City, while preserving the valuable character of the existing historic buildings and district. The Project will accomplish these goals through redevelopment of an existing historic building, bringing additional owner-occupied housing to the Haymarket, and incorporating a mix of commercial and housing that will foster 24/7 activity, including a unique roof space which will enhance the activity generated by this development and the overall Haymarket experience.

4. The Project is consistent with the Lincoln Center Redevelopment Plan, which encourages development of mixed-use projects that attract and maintain commercial activity and residential developments in the Lincoln Center Redevelopment Area. Further, the Project is consistent with the Lincoln Center Redevelopment Plan's goal of encouraging development that is consistent and complementary to existing land uses, architectural styles, and building materials found in Downtown Lincoln. The Project will cause the removal of blight and substandard conditions in the Lincoln Center Redevelopment Area, and will result in the renovation and rehabilitation of an existing structure in furtherance of the purposes set forth in the Lincoln Center Redevelopment Plan.
5. The Project is consistent with goals in the Comprehensive Plan. The Guiding Principles in Chapter 6 (Mixed-Use Redevelopment) encourage targeting underdeveloped and redeveloping commercial areas to more efficiently utilize existing infrastructure. In addition, this type of mixed-use development and reuse of an historic structure strengthens the downtown core, which is a guiding principle mentioned throughout the plan.
6. The Project is consistent with the 2018 Downtown Master Plan: it is a mixed-use project that adds residential units, has an active first floor use, and preserves an historic structure.
7. The public investment is expected to be approximately \$576,000. These public investments will leverage the private investments of approximately \$1.62 million (the project cost will be finalized as construction costs are determined). Upon completion of the project, the assessed value of the property will increase by an estimated \$2.6 million (from \$1.6 to \$4.2 million). More details can be found in the Cost Benefit Analysis section of the attached redevelopment plan amendment.
8. The Project represents a significant private investment in the Lincoln Center Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, utility and right of way improvements, façade/historic building enhancements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03, and the Community Development Law in the Lincoln Center Redevelopment Area.
9. The building is within the Haymarket Landmark District, so the project requires review from the Historic Preservation Commission. The Commission recommended this project as appropriate for TIF at their August 15th meeting. There were additional design comments (not specifically related to this CPC application) that will be reviewed at the September Historic Preservation Commission meeting.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Retail, Theater

SURROUNDING LAND USE AND ZONING:

North: Q Street, Mixed Use	B-4 Lincoln Center Business District
South: Mixed Use	B-4
East: Mixed Use	B-4
West: 8 th Street, Mixed Use	B-4

APPROXIMATE LAND AREA: 2.3 acres

Prepared by

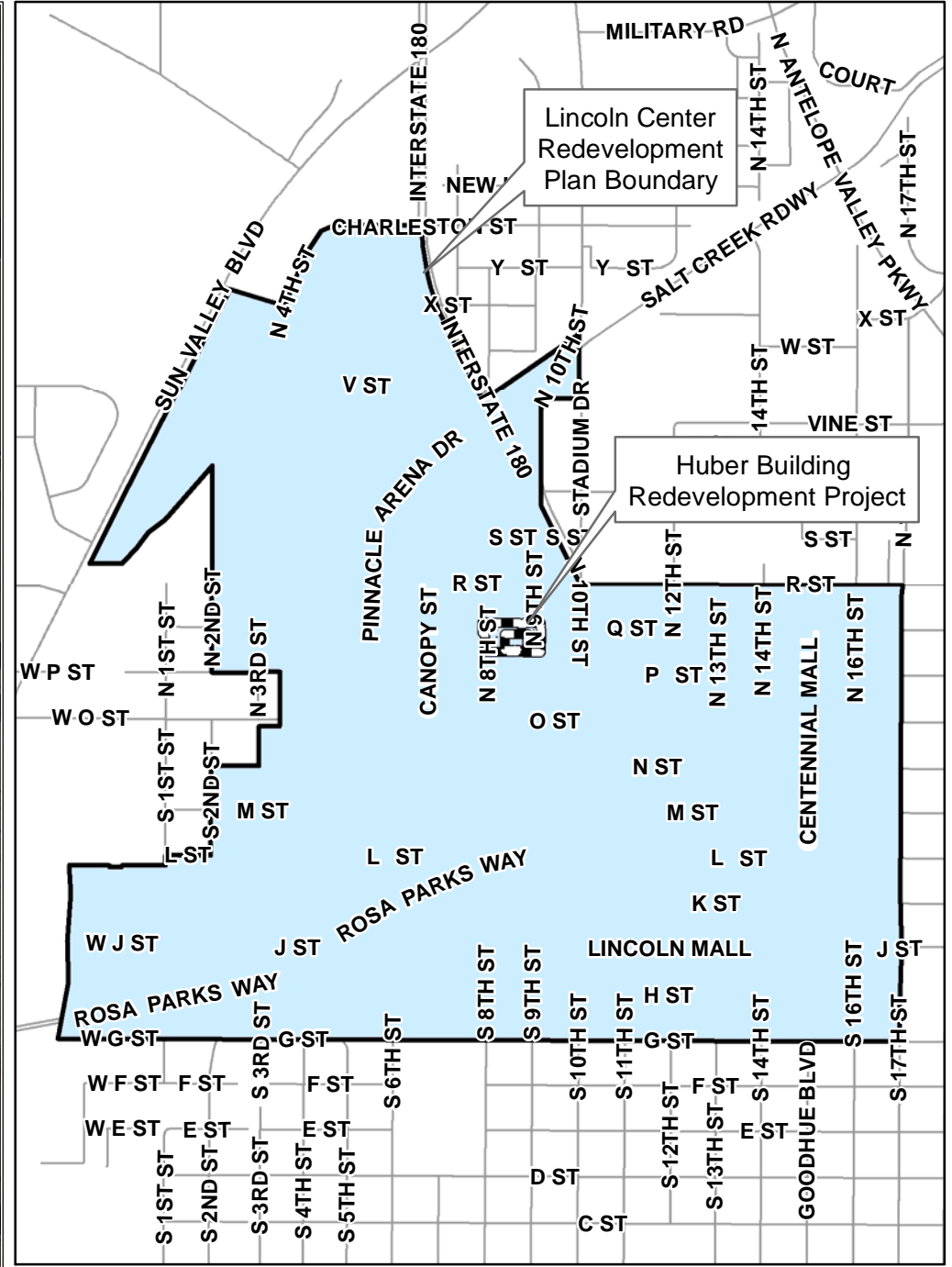
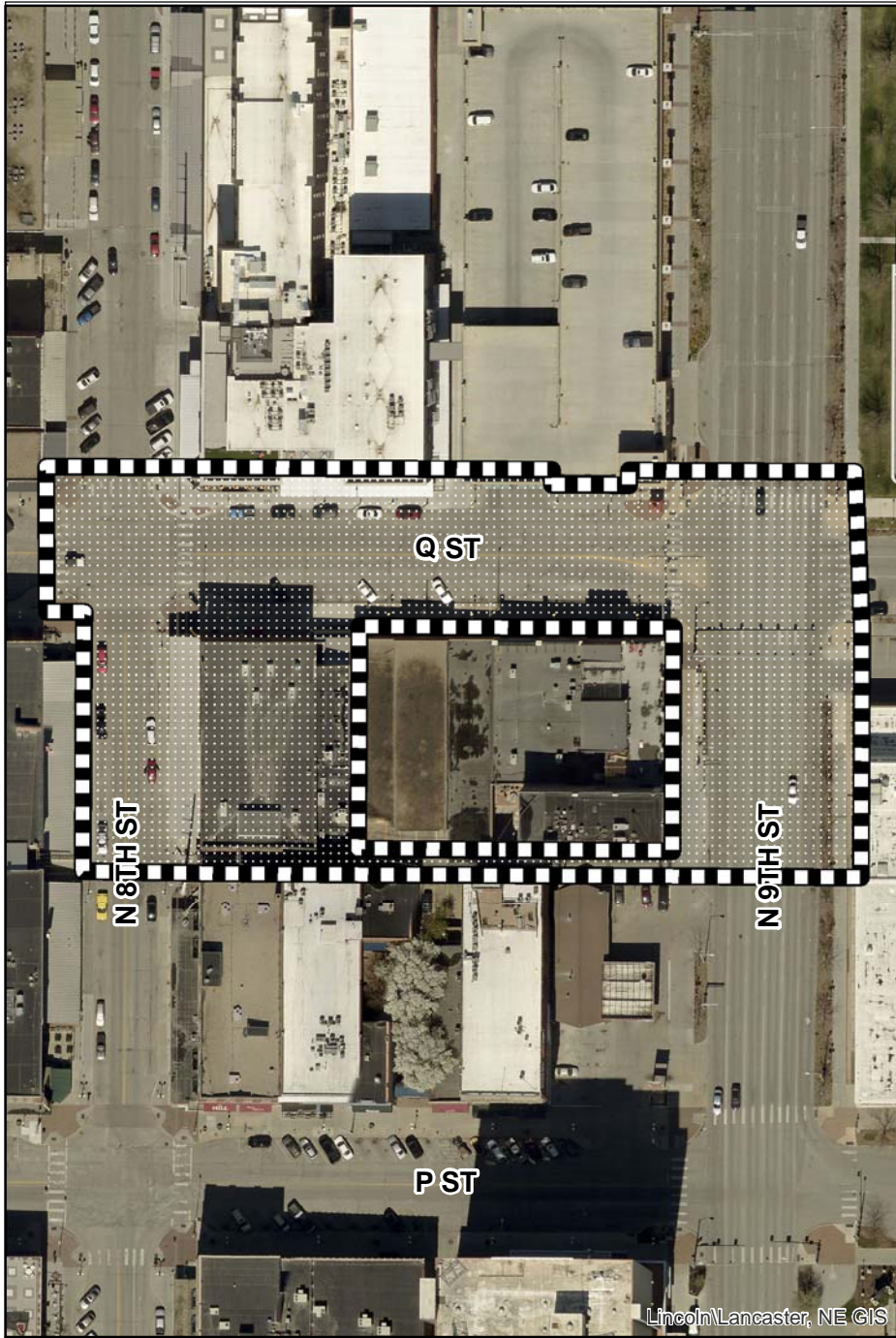
Andrew Thierolf, AICP
 Planner
 (402) 441-6371 or athierolf@lincoln.ne.gov

August 26, 2019

Applicant: Urban Development Department
City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Hallie Salem
(402) 441-7866 or hsalem@lincoln.ne.gov

\\FILSRV01\Planning\DevReview\CPC\19000\CPC19010 Huber Redevelopment Project.adt.docx



Comprehensive Plan Conformance #19010
Lincoln Center Redevelopment Plan Amendment
Huber Building Redevelopment Project

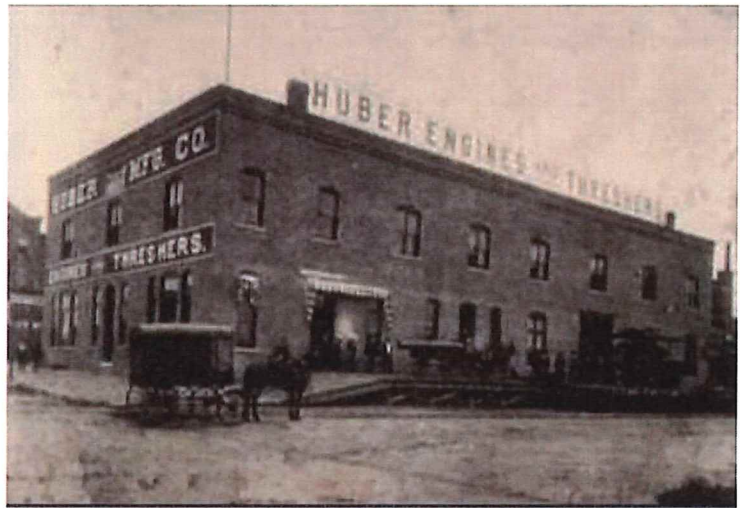
2018 aerial



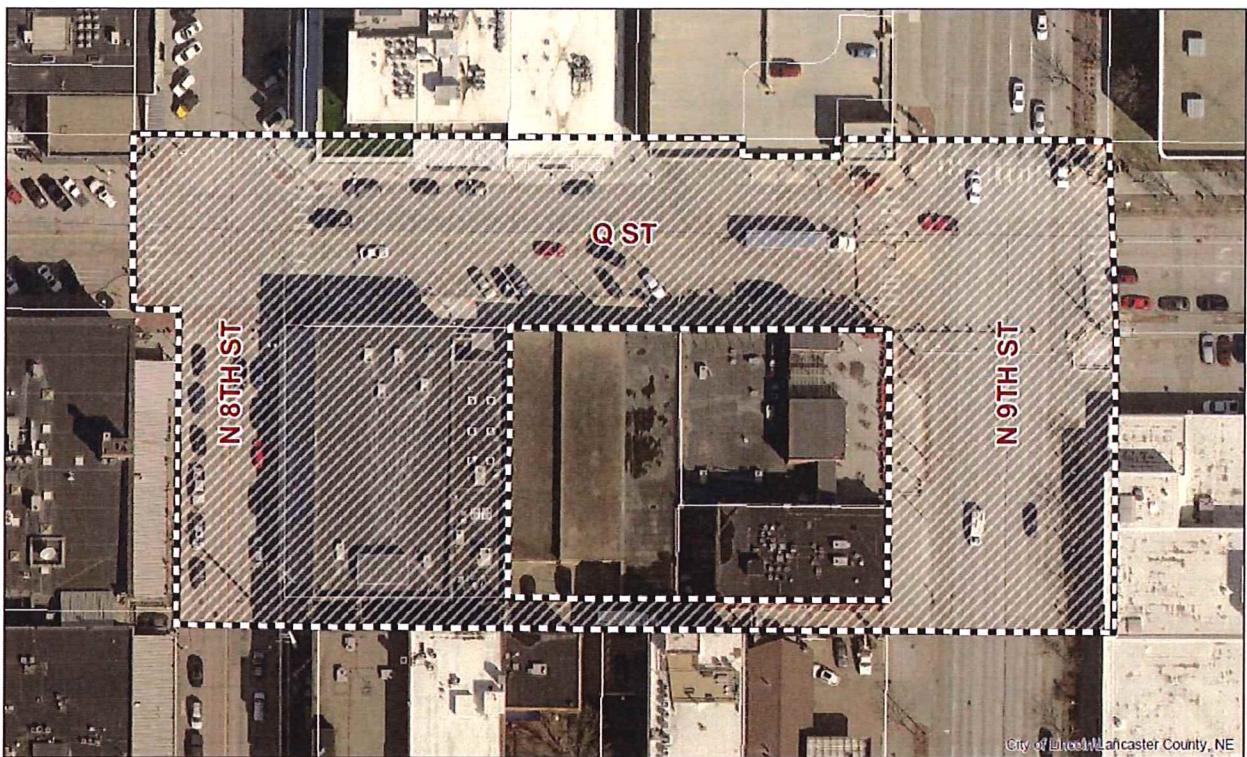
AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN

Huber Building Redevelopment Project

The Huber Building Redevelopment Project (“the Project”) includes the redevelopment of the Huber Building located generally at 803 Q Street and more particularly described as Lots 5 and 6, together with the east 18.45 feet of the North 8th Street right-of-way adjacent to Lot 6, as vacated by Ordinance No. 17335, passed by the City Council on May 4, 1998 all in Block 33, Original Plat of Lincoln, Lancaster County, Nebraska (the “Project Site”). The Project Area will include the Project Site and the adjacent rights of way, including the alley south of the Project Site.



Huber Manufacturing, 801 Q, ca. 1905



HUBER BUILDNG REDEVELOPMENT PROJECT: PROJECT AREA

 Huber Building Redevelopment Project



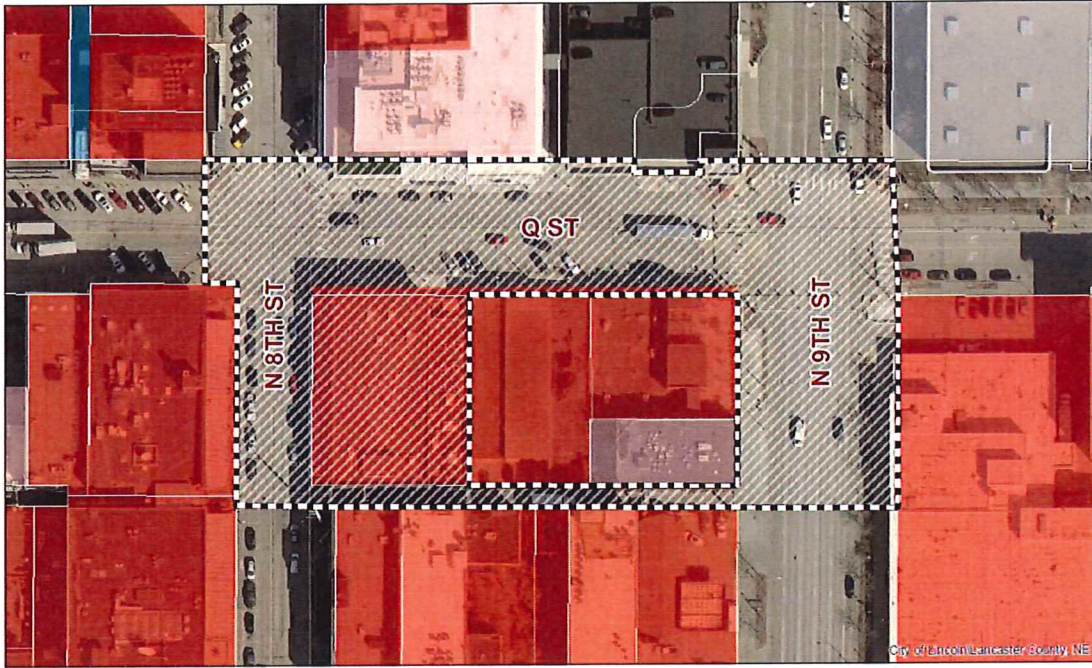


The Project involves the redevelopment and rehabilitation of the existing two-story Huber Building, a contributing building to the Historic Haymarket District. The building was constructed in 1901 for Huber Manufacturing Co. and is Haymarket's most substantial reminder of the farm implement industry. This building has gone through several renovations, including the addition of a more substantial dock on the west side with a ramp and roof and a one-story addition on the east, currently occupied by a restaurant. The project proposes to restore or enhance many of the historic façade features of the building, including tuck pointing of the brick façade and reinstalling windows where openings are currently infilled with glass blocks.





Upon completion of improvements the building is expected to include approximately 24,599 square feet of commercial use on the first floor and basement, approximately 7,645 square feet of residential use on the second floor, and a roof deck. The residential units are intended to be condominium units, bringing additional owner-occupied housing to Lincoln's Haymarket.

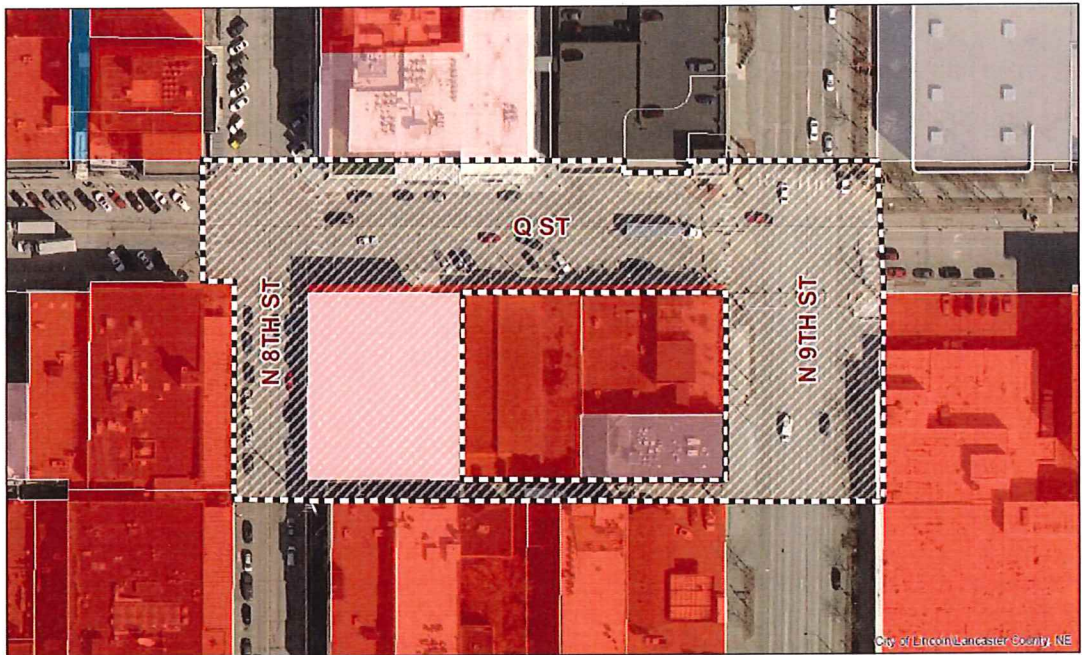
The goals of the Project are to enhance the Lincoln's Downtown and Haymarket area as the mixed-use center of the City, while preserving the valuable character of the existing historic buildings and district. The Project will accomplish these goals through redevelopment of an existing historic building, bringing additional owner-occupied housing to the Haymarket, and incorporating a mix of commercial and housing that will foster 24/7 activity, including a unique roof space which will enhance the activity generated by this development and the overall Haymarket experience.

The mix of proposed uses would fit well with surrounding land uses, which are a mix of commercial and residential with first-floor commercial, as well as public and private parking. See the Current Land Use map and Future Land Use map below.










HUBER BUILDNG REDEVELOPMENT PROJECT: CURRENT LAND USE

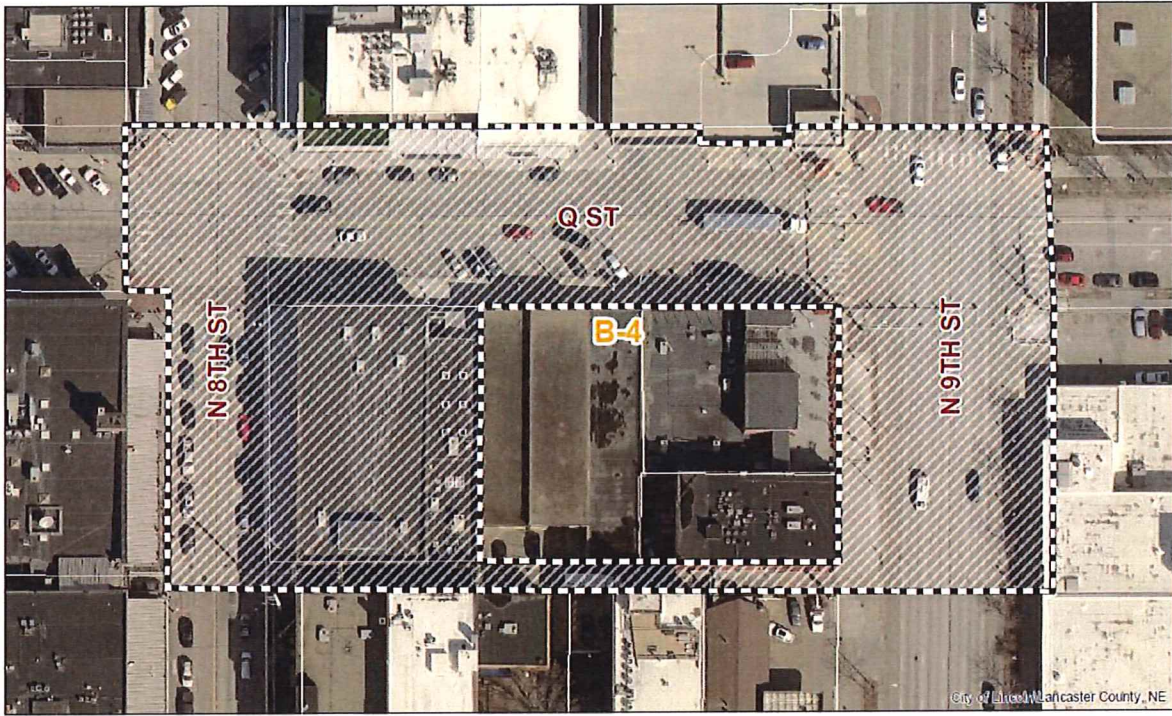
 Huber Building Redevelopment Project
  Commercial w/Res
  Commercial
  Light Industrial
  Parking
  Vacated ROW
 



HUBER BUILDNG REDEVELOPMENT PROJECT: FUTURE LAND USE

 Huber Building Redevelopment Project
  Commercial w/Res
  Commercial
  Light Industrial
  Parking
  Vacated ROW
 

The Project Site is located in the “B-4” Lincoln Center Business District zoned area, which covers much of Downtown. The B-4 District provides for the proposed uses, and is designed to encourage Downtown to remain the dominant multi-use center and key focal point of business, social, and cultural activity in the City of Lincoln.



HUBER BUILDNG REDEVELOPMENT PROJECT: ZONING

 Huber Building Redevelopment Project  Zoning



Section 18-2113, of the Community Development Law requires the City to review the project and find that the proposed land uses and building requirements in the Project Area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the City and its environs, which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. The Project is consistent with the LPlan 2040, the Lincoln-Lancaster County 2040 Comprehensive Plan. One of the overarching goals of LPlan 2040 is to promote downtown Lincoln as a vibrant mixed-use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable environment.

The Project is also consistent with the Lincoln Center Redevelopment Plan by providing a vertical mix of land uses including additional housing to foster 24/7 activity and lively, vibrant streets in the Lincoln Center Redevelopment Area.

The Project is consistent with the 2018 Lincoln Downtown Master Plan, as well, which supports housing as a means to enhance the region’s competitive edge by helping to retain and recruit both young and highly-skilled labor, as well as making Downtown more vital.

One of the community's top priorities in the Downtown Master Plan is increasing residential density to drive and further support retail and other opportunities, creating a more vibrant core. The Plan also supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past.

The Project represents a significant private investment in the Lincoln Center Redevelopment Area. Publicly funded redevelopment activities may include: site acquisition, utility and right of way improvements, façade/historic building enhancements, and other public improvements, enhancements, and expenses as permitted under Neb. Rev. Stat § 18-2117.03, and the Community Development Law in the Lincoln Center Redevelopment Area.

Statutory Elements

Property Acquisition, Demolition, and Disposal: The City does not intend to acquire property, nor would the City use eminent domain if the City did acquire property for this project. The proposed redeveloper currently owns the Project Site. One commercial tenant will be moving at the expiration of their lease and the other will expand their space in accordance with this plan. There are currently no residential tenants, therefore, there are no tenants on site needing relocation. Should relocation assistance be required, all relocation requirements will be followed, as outlined in the Lincoln Center Redevelopment Plan, and TIF funds will be used to relocate businesses.

Population Density: The Project consists of the construction of up to six residential units. As a result, the Project is anticipated to increase population density in the Lincoln Center Redevelopment Area, consistent with objectives of the 2018 Downtown Lincoln Master Plan.

Land Coverage: The Project is not expected to change land coverage on the Project Site, as it will make use of the existing building. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.

Traffic Flow, Street Layouts, and Street Grades: The Project may marginally increase traffic flow resulting from an increase in residents, and customers of the commercial and residential space traveling to and from the Project Site. The Project does not include vacating any streets or alleys.

Parking: The redeveloper desires to use approximately twelve parking stalls from nearby private or public parking facilities.

Zoning, Building Code, and Ordinances: The Project is a permitted use in the B-4 District. No other subdivision or rezoning of the Project Site is expected to be required as part of the Project. The Development Services Center will work with the development to ensure that applicable building code requirements and ordinances will be satisfied.

Proposed Cost and Financing

The estimated total cost to implement the Project is approximately \$2,200,000, which includes approximately \$576,000 in public financing. The project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site.

Cost Benefit Analysis

As required by Nebraska Community Development Law (Neb.Rev.Stat. §18-2113), the City has analyzed the costs and benefits of the proposed Project including:

Tax Revenues

At a current assessed value of \$1,582,300 and estimates of a final assessed value of approximately \$4.2 million, the project is expected to generate approximately \$576,000 in TIF revenue for the construction of public improvements and enhancements related to the project.

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$2.63 million as a result of the private investment in the Project. This will result in an increase in estimated annual property tax collections during the 15-year TIF period of approximately \$52,808 which will be available to finance the costs of construction of the public improvements related to the Project. The public investment will leverage approximately \$1.62 million in private sector resources. The TIF funds shall be subject to further adjustment as project costs are defined.

The City will forgo approximately 15.78 percent of these annual collections or approximately \$8,333 per year over 14 or more years to support the project. The tax increment gained from this redevelopment project area would not be available for use as City general tax revenues over that time, but be used toward bond repayment. After the 15 year period or the debt has been retired, the increase in annual taxes paid will be split among the taxing jurisdictions according to the tax levy; the current tax levy is shown below.

**Tax District 1, Property Tax Allocations
as a Percentage of All Allocations, 2018**

Description	Percentage
Lancaster County	13.29
Public Building Commission	.85
City of Lincoln	15.78
Lincoln Public Schools	61.03
Educational Service Unit 18	.75
Lower Platte South NRD	1.56
Railroad Trans. Safety District	1.11
Southeast Community College	4.52
LC Agricultural Society	.07
LC Agricultural Society JPA	.14
Lanc Co Correctional Facility JPA-Co	.37
Lanc Co Correctional Facility JPA-Linc	.55

Public Infrastructure and Community Public Service Needs Impacts

The Project will have a positive impact on existing public spaces. TIF increment will be used to preserve and maintain the historic façade of the building on the Project Site, maintaining the history of the City of Lincoln and building the character of Lincoln’s Haymarket as a unique area attractive for employers and residents. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services after the 15-year period.

Employment within the Project Area

With the change in use from second-floor commercial to residential, the Project is not expected to have a net increase in employment. The Project will generate employment within the Project Area boundaries, with management and maintenance of the housing units. Current estimates for new employment in the Project Area is 1.5 FTEs. The Project will create expanded housing opportunities for area employers and employees.

Employment in the City outside the Project Area

Approximately 139,267 persons were employed in 8,759 total establishments in the City of Lincoln, Metropolitan Statistical Area, according to the 2015 Census, County Business Patterns, North American Industry Classification System. The 2017 median household income for Lancaster County was \$55,747, according to the 2013 – 2017 American Community Survey 5-Year estimates.

The Project is not expected to adversely affect employment in the City outside the Lincoln Center Redevelopment Area. The current tenant has relocated outside the project area, but within the City limits. The impact is an estimated net increase of 1.5 FTEs to the City.

Instead, the improvements to the Project Site and preservation of the building is anticipated to enhance the aesthetics of downtown Lincoln and Historic Haymarket and increase residential density. As a result, it is anticipated that the Project will support

current retail and services in the area, which will support jobs in the Lincoln Center Redevelopment Area and the City of Lincoln as a whole.

Impact on student populations of School Districts

This project is not anticipated to impact the student population of Lincoln Public Schools.

Other Impacts

The Project supports the intent of the 2018 Downtown Lincoln Master Plan, which calls for an increase in high-density, mixed-use and residential development and active first-floor uses.

While the use of tax increment financing will defer the majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be revenue generated by the Project from, for example, sales taxes generated by the commercial and residential tenants of the Project, as well as income taxes paid by those working in the project area during the construction period. Upon completion of the 15-year TIF period, the Project will benefit the community through higher property tax revenue.

Finding of Need for TIF

Section 18-2116 of the Community Development Law requires the City Council to make the following findings before authorizing the use of Community Development Financing:

- the redevelopment project and plan as proposed would not be economically feasible without the use of Tax Increment Financing; and,
- the redevelopment project as proposed would not occur in the Community Development area without the use of Tax Increment Financing.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the Lincoln Center Redevelopment Area. It would not be economically feasible for the redeveloper to construct the Project improvements without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing.

Project Schedule and Implementation

Following the approval of the Plan Amendment, the following steps will occur in the implementation of the project:

- The City will negotiate redevelopment agreement with the developers and submit to City Council for approval.
- Following agreement approval, the City may issue and sell Community Improvement Financing bonds or notes to fund the public improvements related to the project.

- Construction drawings of public and private improvements will be reviewed.
- TIF-funded public improvements will be competitively bid, as needed and required by the Purchasing Department.
- The private and public improvements and enhancements will be constructed.
- Reimbursement for eligible public improvements and enhancements will occur when invoices have been approved and increment is received.

August 7, 2019

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the proposed Huber Building Redevelopment Project amendment application attached, which proposes to amend the Lincoln Redevelopment Plan to create a new project area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the September 4, 2019 public hearing. We request that the amendment also be scheduled at City Council for introduction on September 23, 2019 and public hearing on September 30, 2019.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,



Hallie Salem
Downtown Redevelopment Manager

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

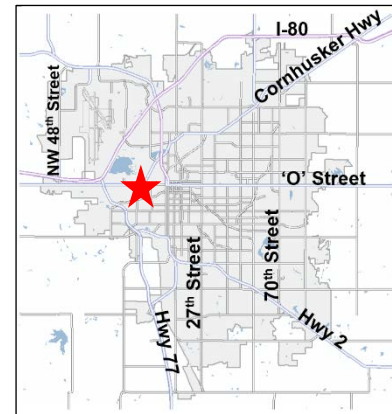
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #19011	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Directly east of 840 W O Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to surplus a City-owned parcel directly east of 840 W O Street. The parcel is vacant and within the floodplain. This request seeks to find conformance with the Comprehensive Plan to declare the parcel as surplus.



JUSTIFICATION FOR RECOMMENDATION

The City has no plans to use this property and therefore it is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies. The conservation easement language to be included with the deed transfer will assure that flood storage will not be negatively impacted by the sale of these parcels.

APPLICATION/STAFF CONTACT

Michelle Backemeyer
Urban Development Dept
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan notes that conservation easements should be retained when public land within the floodplain is sold as surplus.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- Page 1.9 The site is shown as Commercial on the Future Land Use Map.
- Page 2.8 Natural and environmentally sensitive areas should be preserved within and between neighborhoods.
- Page 3.6 Freshwater wetlands are areas that have hydric (i.e., water-bearing) soils, are frequently if not regularly moist, and are home to water tolerant plants.
- Page 3.7 Pursue stormwater management practices that consider both water quality and quantity approaches near freshwater wetlands. Buffer areas should be encouraged at their perimeters to decrease the effects of adjacent future uses.
- Page 3.9 Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments.
- Page 11.17 Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.
- Page 12.4 Land Use Plan
Commercial: Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 0.38 acres directly east of 840 W O Street. The application letter indicates that the adjacent car dealer would like to use the property for an expansion.
2. The parcel is completely within the floodplain. Per the Comprehensive Plan policy for surplus properties, conservation easement language will be added to the deed transfer once the land is sold. Prohibited activities within the site will include construction or placement of fill material, cement, buildings, fences, signs, or any other structure, or any other use or practice that would adversely impact flood storage capacity. An at-grade parking lot or car display area is an example of something that would likely be permitted so long as it doesn't impact flood storage.
3. The conservation easement language added to the deed will ensure that flood storage is preserved on the property, which will benefit the surrounding area.
4. The National Wetlands Inventory (NWI) shows a freshwater emergent wetland across the entire parcel and the adjacent NW Roundhouse Dr. The NWI viewer from US Fish and Wildlife Service indicates that this wetland was delineated using color infrared imagery from 1981. Based on analysis of historical imagery, it appears there was a wetland on the site as of 1993. At some point between 1993 and 1997, NW Roundhouse Dr. was constructed. Road construction and associated grading appear to have removed the wetland. Imagery from 1997 to 2018 show that wetland features have likely been absent from the site for over 20 years.
5. The site was originally railroad right-of-way, and was deeded to the City of Lincoln in 1995, likely for the construction of NW Roundhouse Dr.
6. LES has identified a 10-foot easement on the east property line and a 15-foot easement on the south property line to be retained at time of deed transfer.
7. Lincoln Transportation and Utilities notes that the parcel will not be permitted direct access to O Street.

8. The City has no plans to use this property, so it is appropriate for surplus. Given the unique shape of the parcel, its best chance of utilization is if the adjacent property owner were to purchase it. There has been no opposition to the sale of the property by any departments or public agencies.
9. The site is located in the H-3 Highway Commercial zoning district. LMC 27.62.100 includes several conditions for motor vehicle sales in the front yard, particularly a 12-foot setback with landscape screening. This parcel has front yards along both O Street and NW Roundhouse Dr. If the motor vehicles sales area of the adjacent property is expanded to this parcel, it will need to meet the conditions of LMC 27.62.100. The existing car dealer at 840 W O Street is in the same zoning district and needs to meet the conditions as well. These conditions are part of the existing zoning on the site and are not specifically related to this surplus application.

EXISTING LAND USE & ZONING: Vacant, H-3 Highway Commercial

SURROUNDING LAND USE & ZONING

North: P Street, Industrial	I-1 Industrial
South: O Street, Industrial	I-1 Industrial
East: NW Roundhouse Dr, City Recycling Drop-Off Site	H-3 Highway Commercial
West: Car Dealer	H-3 Highway Commercial

APPROXIMATE LAND AREA: 0.38 acres

LEGAL DESCRIPTION: Lot 301 IT, SW 1/4 of 22-10-06

Prepared by

Andrew Thierolf, AICP
Planner

August 26, 2019

Applicant/
Contact: Michelle Backemeyer
Urban Development Department
555 S 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or
mbackemeyer@lincoln.ne.gov

Owner: City of Lincoln



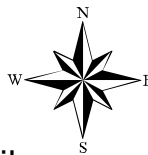
City of Lincoln Lancaster County, NE

2018 aerial




**Comp Plan Conformance #: CPC19011
Declaration of Surplus
NW Roundhouse Dr & W O St**

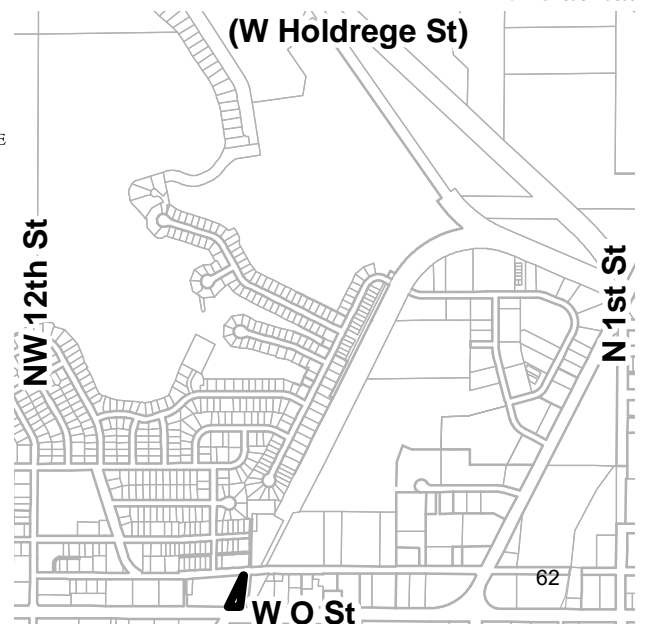
Zoning:

- 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.22 T10N R06E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



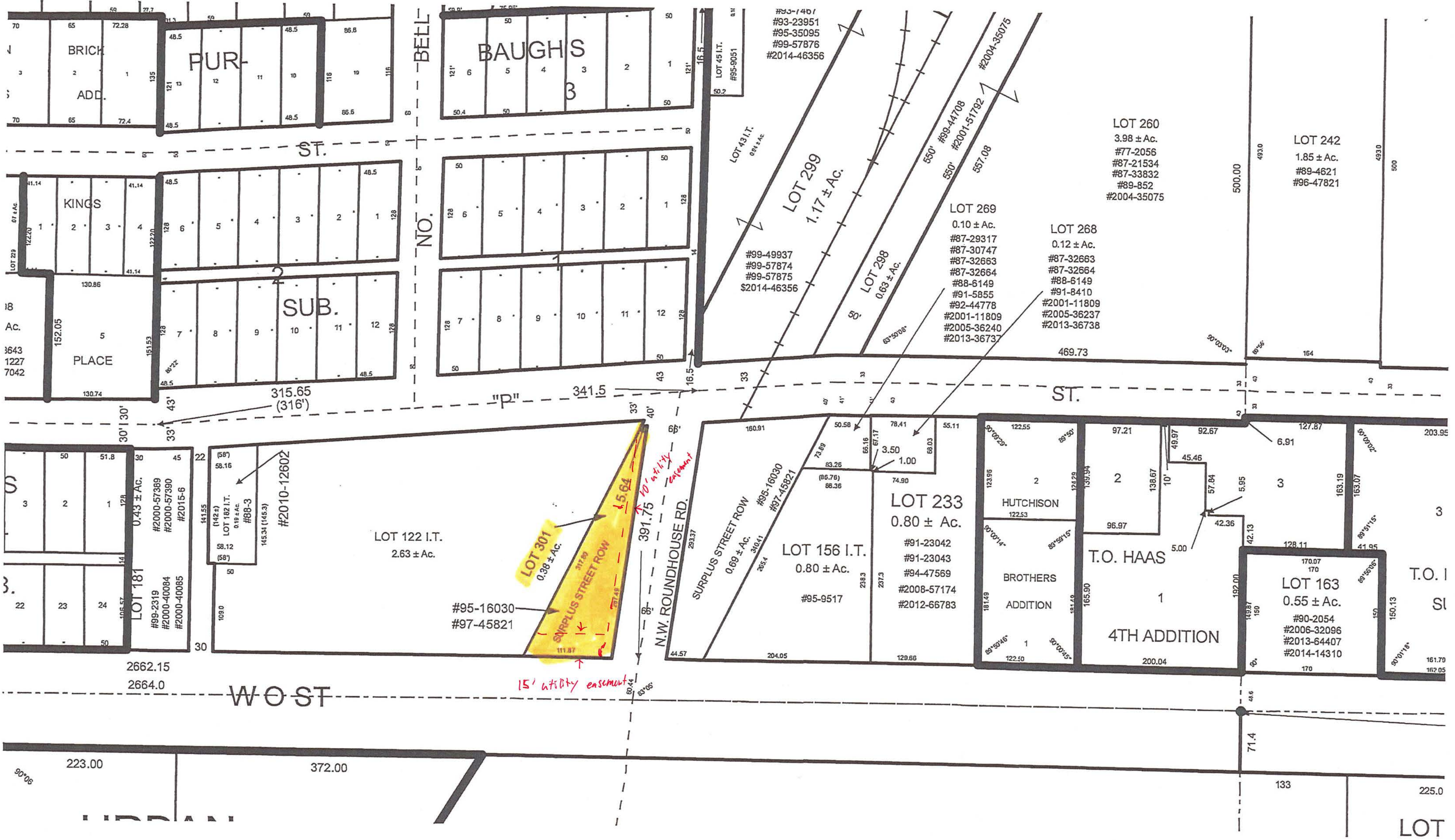
Department Review Status Report

Project Name: CPC19011

Workflow Started: 08/07/2019 3:28 PM

Report Generated: 08/26/2019 08:58 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications	Brec Wilshusen	bwilshusen@allophone.net	No Review Required		
	Black Hills Corp	Randy Kreifels	randy.kreifels@blackhillscorp.com	Recommend Approval		
	Charter Communications					
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	The LLCHD does not object to the approval of this application.	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Recommend Approval		
	LES	LES Reviews	edreviewer@les.com	Corrections Required	8/16/2019 See requested easements JL	
	Long Range Manager	Paul Barnes	pbarnes@lincoln.ne.gov	Recommend Approval		
	Lower Platte South NRD	Tracy Zayac	tzayac@psnrd.org	Recommend Approval	No comments.	
	Planner Review	Andrew Thierolf	AThierolf@lincoln.ne.gov			
	Planning Dept	Brenda Thomas	bthomas@lincoln.ne.gov	No Review Required		
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval	Access from or onto "O" St will not be permitted	
	LTU - Watershed Management	Ben Higgins	bhiggins@lincoln.ne.gov	Corrections Required	Need to have deed restriction due to being in a floodplain	
	Urban Development - Real Estate	Michelle Backemeyer	mbackemeyer@lincoln.ne.gov	Recommend Approval	No comments at this time.	
	Windstream					
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov	Recommend Approval	See mark-ups on application letter. Complaint will be filed against adjacent property owner for their current illegal use of this property and zoning violations on their own property with regard to vehicles for display. RER 8-15-2019	
Army Corps of Engineers						
Nebraska Game and Parks Commission						
US Fish and Wildlife Service						



LOT 301
0.38 ± Ac.

LOT 300
0.43 ± Ac.

LOT 122 I.T.
2.63 ± Ac.

LOT 181
#99-2319
#2000-40084
#2000-40085

LOT 182 I.T.
0.19 ± Ac.
#88-3

LOT 12602
#2010-12602

LOT 233
0.80 ± Ac.
#91-23042
#91-23043
#94-47569
#2008-57174
#2012-66783

LOT 156 I.T.
0.80 ± Ac.
#95-9517

LOT 163
0.55 ± Ac.
#90-2054
#2006-32096
#2013-64407
#2014-14310

LOT 299
1.17 ± Ac.
#99-49937
#99-57874
#99-57875
#2014-46356

LOT 298
0.63 ± Ac.

LOT 269
0.10 ± Ac.
#87-29317
#87-30747
#87-32663
#87-32664
#88-6149
#91-5855
#92-44778
#2001-11809
#2005-36240
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LOT 260
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#87-21534
#87-33832
#89-852
#2004-35075

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#96-47821

August 7, 2019

David Cary, Director
Lincoln-Lancaster County
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the property located east of and adjacent to 840 West "O" Street. The Urban Development Department received a request from the adjacent property owner who is interested in purchasing the property for expansion purposes. The City has no current or future use for the property. There has been no opposition to the surplus of the property by any other departments or public agencies.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the September 4, 2019, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,



Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dan Marvin, Director, Urban Development Dept.

attachments

interoffice
MEMORANDUM

Michelle Backemeyer

to: FIELD(1)
from: Michelle Backemeyer, Urban Development/Administration
subject: Declaration of Surplus Property - Lot 301, Irregular Tract, SW 1/4 of Section 22-10-6, LLCN, adjacent to 840 West "O" Street
date: July 15, 2019

The Urban Development Department has received a request to declare surplus the property legally described as Lot 301, Irregular Tract located in the SW 1/4 of Section 22-10-6 as shown on the attached map. The property is located adjacent to Winners Circle Auto Center at 840 West "O" Street. The adjacent property owner is interested in purchasing the property in connection with a new building to be constructed on the site and for future development purposes.

In order to sell the property, it must first be declared surplus, and this notification is a requirement of the surplus process. Please respond by email to mbackemeyer@lincoln.ne.gov or by interoffice mail within 10 days or less as to any comments, including easement requirements, or objections your department or agency may have in declaring this parcel surplus. If we have not received a response during this time period, we will assume you have no objections. Thank you for your prompt attention to this matter.

Michelle R. Backemeyer

From: Paul Zillig <pzillig@lpsnrd.org>
Sent: Tuesday, July 16, 2019 9:34 AM
To: Michelle R. Backemeyer
Subject: RE: Parcel at West "O" & West side of NW Roundhouse Road

Michelle:

The LPSNRD does not have any interest in this property.

Thanks

Paul

From: Michelle R. Backemeyer [mailto:MBackemeyer@lincoln.ne.gov]
Sent: Monday, July 15, 2019 2:58 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; Kerry P. Eagan <KEagan@lancaster.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; Jeffrey Bliemeister <lpd1782@cjis.lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; Miki M. Esposito <MEsposito@lincoln.ne.gov>; Paul Zillig <pzillig@lpsnrd.org>; Micheal D. Despain <MDespain@lincoln.ne.gov>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov
Cc: 'brendon.schmidt@nebraska.gov' <brendon.schmidt@nebraska.gov>; 'todd.wicken@nebraska.gov' <todd.wicken@nebraska.gov>; Pat Leach <PLeach@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>
Subject: RE: Parcel at West "O" & West side of NW Roundhouse Road

See attached memo and map on a request to surplus the property adjacent to 840 West "O" Street on the West side of NW Roundhouse Road. If anyone has an interest in the property, please contact me as soon as possible. Thank you.
CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Michelle R. Backemeyer

From: Lynn Johnson
Sent: Monday, July 15, 2019 3:07 PM
To: Michelle R. Backemeyer
Subject: RE: Parcel at West "O" & West side of NW Roundhouse Road

Hi Michelle. Thank you for your message. Parks and Recreation does not have an interest in the subject property. Thanks! Lynn

From: Michelle R. Backemeyer
Sent: Monday, July 15, 2019 2:58 PM
To: Chad E. Blahak <cblahak@lincoln.ne.gov>; Lynn Johnson <ljohnson@lincoln.ne.gov>; Kerry P. Eagan <KEagan@lancaster.ne.gov>; 'swieska@lps.org' <swieska@lps.org>; 'john.jensen@unl.edu' <john.jensen@unl.edu>; Jeffrey Bliemeister <lpd1782@cjis.lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; Miki M. Esposito <MEsposito@lincoln.ne.gov>; 'Paul Zillig' <pzillig@lpsnrd.org>; Micheal D. Despain <MDespain@lincoln.ne.gov>; Wayne B. Mixdorf <WMixdorf@lincoln.ne.gov>; Shana Sprackling <ssprackling@les.com>; jason.jackson@nebraska.gov
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See attached memo and map on a request to surplus the property adjacent to 840 West "O" Street on the West side of NW Roundhouse Road. If anyone has an interest in the property, please contact me as soon as possible. Thank you.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

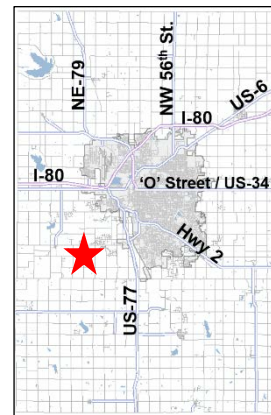
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19039	FINAL ACTION? Yes	DEVELOPER/OWNER Shad Stutheit
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 9700 Raymond Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for Expanded Home Occupation under Article 13.032 of the Lancaster County Zoning Regulations to allow firearm sales from the residence and a waiver to allow sales of a product not manufactured, processed, treated or assembled on the premise. The area for the home occupation is within the existing house.



JUSTIFICATION FOR RECOMMENDATION

The request meets the conditions of Article 13.032, except for selling an item that is not manufactured, processes, treated or assembled on site. The selling of firearms will have minimal traffic and the area of the home occupation is a small area in the home. There is no new construction and there should be minimal impact to adjacent property owners.

APPLICATION CONTACT
Shad Stutheit (402) 560-5051
skguns@yahoo.com

STAFF CONTACT
Tom Cajka, (402) 441-5662 or
tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages accessory home businesses.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.5 Continue to encourage and permit accessory home businesses.

ANALYSIS

1. This is a request for special permit for an Expanded Home Occupation. The use is to allow firearm sales out of the residence.
2. The Lancaster County Zoning Regulations were amended in September 2009 to allow Expanded Home Occupation by special permit. The intent was to allow small family owned businesses to operate out of their homes. The business is to be accessory to the residential use of the property and operated by the family occupying the residence. This condition makes it more likely that the business will be a "good neighbor." The business should not detract from the peace and enjoyment of surrounding properties.
3. The proposed business is for selling firearms. The applicant has been operating, contrary to zoning, the business

out of his home for about the last 10 years. The applicant's letter states that he buys firearms wholesale and sells them retail. The purchaser picks up the firearm at the house. The purchaser must pass a background check.

4. Per the applicant's letter the Bureau of Alcohol, Tobacco and Firearms recently performed an audit and found Mr. Stutheit to be in compliance with all regulations except local zoning.

5. The county special permit conditions related to this expanded home occupation are as follows:

a. On-site sales shall be limited primarily to products grown, manufactured, processed, treated or assembled on the premise.

The applicant is selling firearms that he does not make on premise. A waiver to this condition is needed. Due to minimal traffic and minimal impact on neighbors, the waiver is reasonable.

b. Except for a Family as defined by this Resolution, no more than two (2) persons participate in the home occupation on the premises.

There will be no persons involved in the operation that do not live on site.

c. The lot area shall be ten (10) acres or larger.

The lot is 17.67 acres.

d. Driveways and parking areas shall be provided with an all-weather (gravel or rock) surface to minimize dust.

No parking areas are required. The applicant's letter states that sales are made only 2 to 4 times per month. The transaction normally involves only one vehicle coming to the house.

e. No more than 50% of the floor area of the residence may be used for said business when the home occupation is located within the residence.

The County Assessor lists the house at 1,648 sq. ft. The area used for the home occupation is 200 sq. ft.

f. The total floor area for all buildings used for said business shall not be more than 10,000 square feet.

The total floor area used for the business is 200 sq. ft.

g. Outside area used for work area, storage or other business activity and parking shall not exceed 15,000 square feet.

There is no outside business related activity.

h. All outside business related activity shall be located at least 200 feet from all premise property lines and shall be visually screened from public streets and adjacent property lines.

There is no outside business related activity.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Single family residence

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground
South:	AG-Agriculture	Farm ground
East:	AGR-Agriculture Residential	Farm ground and acreage lots
West:	AG-Agriculture	Farm ground and acreage lots

APPROXIMATE LAND AREA: 17.67 acres, more or less.

LEGAL DESCRIPTION: Lot 19 I.T. in Section 35, Township 12 North, Range 7 East; Lancaster County, NE.

Prepared by

Tom Cajka, Planner

Date: August 26, 2019

Applicant: Shad Stutheit
9700 Raymond Road
Lincoln, NE 68517
402-560-5051
skguns@yahoo.com

Contact: Same as applicant

Owner: Same as applicant

F:\DevReview\SP\19000\SP19029 Snell Dairy Storage.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19029

Per Article 13.032 this approval permits Expanded Home Occupation for selling of firearms with a waiver to allow the sale of a product not manufactured, processed, treated or assembled on the premise. The area of the Expanded Home Occupation is limited to 200 square feet. NO show room or display area is allowed. No gun manufacturing is allowed on site.

Site Specific Conditions:

1. Before beginning operations 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 Label the aerial as Site Plan and Special Permit #19039.
 - 1.2 Add the legal description to the site plan.
2. Before starting the operation 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.



City of Lincoln/Lancaster County, NE

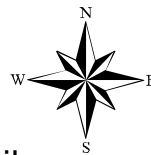
2018 aerial

Special Permit #: SP19039
N 98th St & Raymond Rd




Zoning:

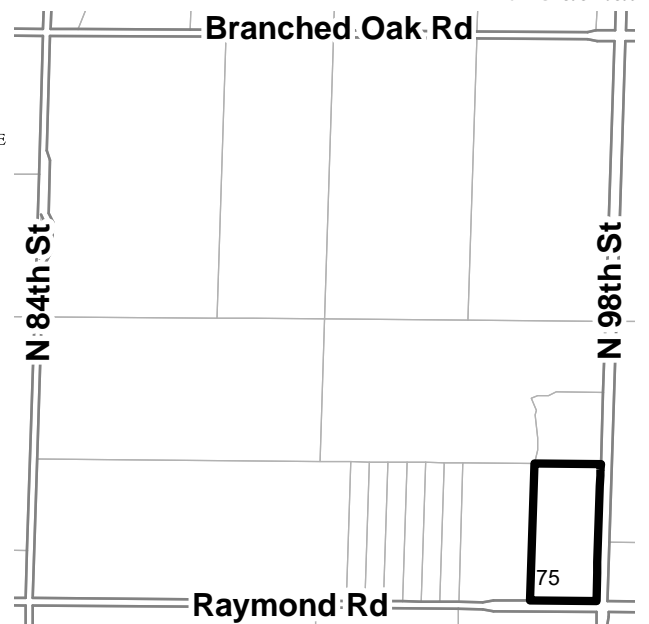
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

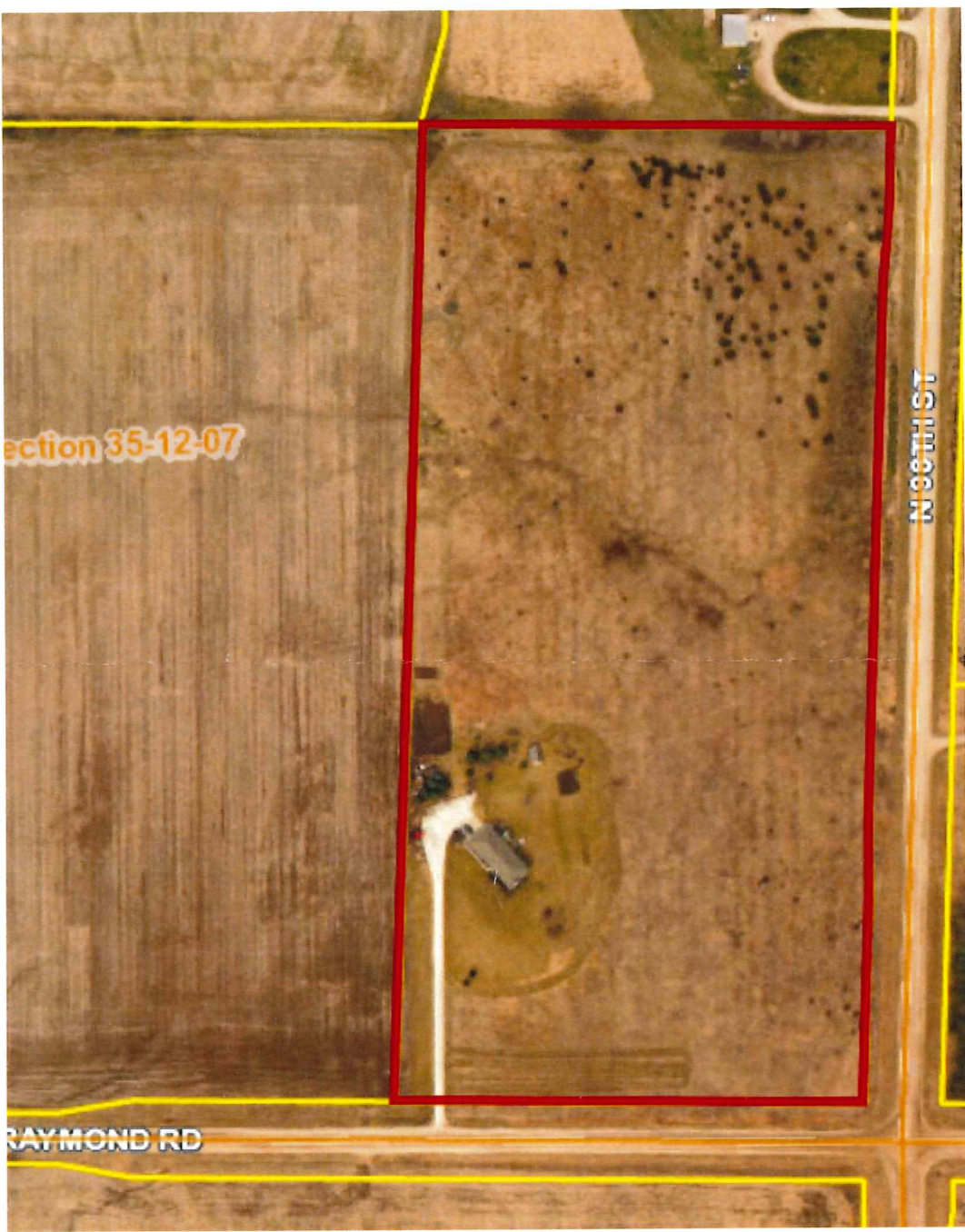
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One Square Mile:
 Sec.35 T12N R07E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





RECORDED
JUL 1 2 2019
COUNTY OF...
STATE OF...

Tom J. Cajka

From: Basile, John J. <John.J.Basile@usdoj.gov>
Sent: Wednesday, August 14, 2019 12:54 PM
To: Tom J. Cajka
Subject: RE: Zoning issue - 9700 Raymond Road - LCC19010

Tom –

Thank you for the email and your concerns. They are appreciated and valid. All of this is the result of a compliance inspection of Mr. Stutheit's Federal firearms license. While I cannot discuss the results of the compliance inspection, I can say that Mr. Stutheit is not in jeopardy of losing his license as a result of failure to comply with the Code of Federal Regulations. His license to deal in firearms requires him to comply with all state and local law/ordinances.

As far as the background check goes. Each Federal firearms licensee must ensure that he/she is not transferring a firearm to someone who is prohibited to possess a firearm. In order to ensure they comply with that law, they have two options: 1) conduct a NICS (Brady Law) check and receive a "Proceed" response from the FBI, this is done by either phoning the FBI or conducting an online check. 2) If the purchaser maintains a valid concealed handgun permit or a Nebraska Firearms Purchase Certificate, those permits qualifies as an exemption to conducting the NICS check. The background check varies in time, however; most take just minutes to conduct.

Hopefully this answers your questions satisfactorily. If not, please don't hesitate to contact me.

John Basile

Area Supervisor
Bureau of Alcohol, Tobacco, Firearms & Explosives
Kansas City Field Division, Omaha II
Office: 202-648-6646
Cell: 307-287-9200

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Controlled Unclassified Information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of ATF or the Department of Justice without express authorization is strictly prohibited.

From: Tom J. Cajka <tcajka@lincoln.ne.gov>
Sent: Wednesday, August 14, 2019 12:08 PM
To: Basile, John J. <John.Basile@atf.gov>
Subject: RE: Zoning issue - 9700 Raymond Road - LCC19010

Mr. Stutheit has applied for a special permit to allow him to sell firearms out of his house. The special permit must be approved by the Lincoln-Lancaster County Planning Commission. There is a hearing set for September 4, 2019. In Mr. Stutheit's letter he says that he is in compliance with all regulations except for local zoning. Can you confirm this? With the recent press related to guns I'm sure the question of background checks will come up. Would you explain to me what the background check involves? How long does the background check take?

I would like to request a special permit under the expanded home business section per Lancaster county zoning regulations. The reason for the request is follow the legal requirements of obtaining this permit so that I can sell firearms out of my residence. The ATF (Alcohol, Tobacco, and Firearms) requires that I follow all state, county and local laws. It has come to my attention that I need a permit to continue this business under county zoning regulations.

The business is out of my home residence and takes up approximately 200 sq. ft of my home. I have operated this business out of my current residence for approximately 10 years. Previously I had this business in Waverly out of my home residence. When I move to my current residence 10 years ago I contacted the proper Lancaster county offices and asked if any special permits were needed for me to operate my business. I was informed at the time that I did not need any special permits.

My business consists of me purchasing firearms from wholesalers, like a Scheels or Cabelas, and then selling them at retail. 95% of the time an individual contacts me because they want to purchase a firearm but don't necessarily want to go to a big box store. I purchase the firearm and receive it from my wholesaler through UPS or FedEx. I follow all federal guidelines by logging the firearm into my ATF log book. I then contact the purchaser and they come to my residence to receive the firearm. They fill out all federal forms, are background checked, or provide their Nebraska Firearm Purchase Certificate. I then log their information into my log book according to all federal guidelines. This whole process on average takes 5-10 minutes. On average, this process might happen 2-4 times per month. Parking and traffic should not be an issue due to the infrequency of the transfer process. 99% of the time there is only one extra vehicle at my place of business per transaction.

The ATF has recently performed an audit at my residence and has found me in compliance with all regulations except for not being properly zoned as a business. This is the reason that I am requesting the special permit so that I can continue selling firearms. Thank you for your consideration.

Shad Stutheit
S & K Guns & Tackle
9700 Raymond Rd
Lincoln NE 68517



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

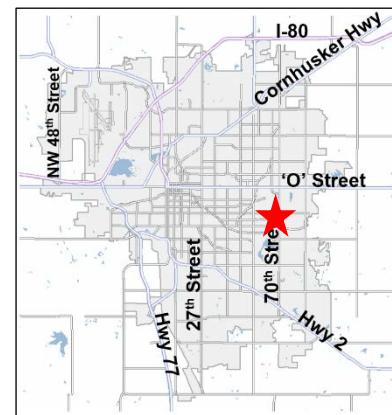
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 363C	FINAL ACTION? Yes	OWNER First Lutheran Church
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1551 South 70 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request per Section 27.63.280 for Expansion of a Nonconforming Use to accommodate the expansion of a parking lot for an existing church. The request is for a reduction of the front yard setback for the R-1 District from 30 feet to 16 feet. The property in question is located just south of the Clock Tower Shopping Center on the west side of S. 70th Street. The size of the property is 3.02 acres. The extent of the new parking area that necessitates the Special Permit is limited to five stalls. These five stalls will be located in line with existing parking that faces S. 70th Street.



JUSTIFICATION FOR RECOMMENDATION

The nonconforming condition is caused by parking in the front setback area which was approved in 1993 as part of Special Permit No. 363B. The proposed parking lot expansion should not significantly impact surrounding properties and is consistent with the Comprehensive Plan. The request is to build in line with the existing parking facing S. 70th Street and subject to conditions including a double row of landscaping that will not be detrimental to the neighborhood.

APPLICATION CONTACT

Randall L. Milbrath, (402) 392-0133 or rmilbrath@rdgusa.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages development in neighborhoods which respects the street pattern and development standards of the area. In this case, the church is an existing use in an established R-1 neighborhood. The proposed parking lot expansion with the conditions of approval will be compatible with the Comprehensive Plan.

WAIVERS

1. Reduction of the front yard setback from 30 feet to 16 feet. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

ANALYSIS

1. This is an application to allow the expansion of a nonconforming parking lot for a church into the front yard setback. The property in question is 3.02 acres in size and is located just south of the Clock Tower Shopping Center on S. 70th Street. The zoning is R-1 and the front yard setback required is 30 feet. The proposed parking would be setback 16 feet from the front property line along S. 70th Street instead of the required 30 foot front yard. This reduction of 14 feet from required front yard is to allow for expanded parking that would create stalls in closer proximity to the front entry. This parking expansion is part of a larger expansion and renovation project for the church. The extent of the parking that necessitates the Special Permit is limited to five stalls.
2. The property is zoned R-1 Residential. The zoning was converted from A-1 Single Family to R-1 Residential during the 1979 Zoning update. Prior Special Permits include SP363 approved by City Council in 1966 to use an existing building for a nursery school and SP363A and SP363B most recently in 1993 for authority to expand the existing church in excess of maximum permitted lot coverage for churches in the R-1 Residential District. This is now a defunct Special Permit requirement, the maximum permitted lot coverage for churches, however the 1993 Special Permit allowed for the parking in the front yard setback. This existing parking that is in the front yard setback is considered non-standard and may remain, but any new parking that is desire to be added would need a Special Permit for Expansion of Nonstandard use. Otherwise, a church is permitted conditionally in the R-1 District. The only condition is that the required side and rear yards shall be fifteen feet or the same as the district the use is located in, whichever is greater. A parking lot as incidental to the church would be permitted in R-1 zoning but would otherwise have to conform to the setback requirements.
3. Additional landscaping has been consistently requested to counter the effect of the reduced front yard setback for parking lots in residential districts as part of special permits. The Design Standards require parking lots to have a 90% screen from the ground to 3 feet above the ground, and so one of the conditions of approval is for double the requirement along S. 70th Street.
4. The parking summary provided as part of the site plan indicates a total stall count pre-construction of 187 and a post construction stall count of 172. The required parking for the church is 1 stall per 50 square feet of largest assembly area which at 5,523 square feet, 111 spaces are required. So the parking provided will exceed the minimum required.
5. A nonstandard use is defined by LMC 27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum requirements for the district in which it is located. The existing parking for the Church with encroachment into the front setback area was approved in 1993 as part of Special Permit No. 363B. Specifically, five existing parking stalls to the south of the entrance off S. 70th Street are within the 30 foot front yard. The only condition pertinent to this prior Special Permit in terms of parking location was that all stalls were to be located outside of the public right-of-way.
6. LMC §27.63.280 provides the following criteria shall be given specific consideration:

(a) Effects on adjacent property, traffic, city utility service needs;

There will be no significant impact. The expanded parking lot will not affect adjacent properties and would still allow for future 10 foot widening of the right of way of S. 70th Street. The width of the existing right of way is approximately 94 feet. The widening of S. 70th Street is not proposed at this time.

(b) Density of land use zoning for the subject property and adjacent property;

There will be no significant impact. Only five additional parking stalls would encroach into the front yard setback

with the parking expansion part of an existing church use.

(c) The degree of hardship upon the applicant which would be caused by failure to grant.

While the applicant could legally expand the parking lot without front yard encroachment, not granting the Special Permit would prevent building in line with the existing nonconforming parking lot facing S. 70th Street.

7. The special permit is warranted because the parking lot expansion is limited to five parking stalls and will not be located any closer to the 70th Street right of way line than the existing parking. It will not negatively affect any neighbor as it is not close to any side or rear yards. The double landscaping requirement which has been applied to other parking lot setback reductions in residential zoning districts will offset the aesthetic impact.
8. The proposed setback for the parking from the front property line is set at 16' to allow for a future widening of the S. 70th Street right of way by 10' and still allow for the standard 6' green space setback.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church; R-1

SURROUNDING LAND USE & ZONING

North: Clock Tower Commercial Center; B-2
South: Single Family Attached: R-4
East: Office; O-3
West: Single Family Attached; R-4

APPROXIMATE LAND AREA: 3.02 acres

LEGAL DESCRIPTION: Lot 152 Irregular Tract located in the NE 1/4 of Section 33-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

George Wesselhoft, Planner

Date: August 22, 2019

Owner/Applicant: First Lutheran Church
1551 South 70th Street
Lincoln, NE 68506
(402) 488-0919
pastordan@flclincoln.org

Contact: Randall L. Milbrath
900 Farnam Street
Omaha, NE 68102
(402) 392-0133
rmilbrath@rdgusa.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT 363C

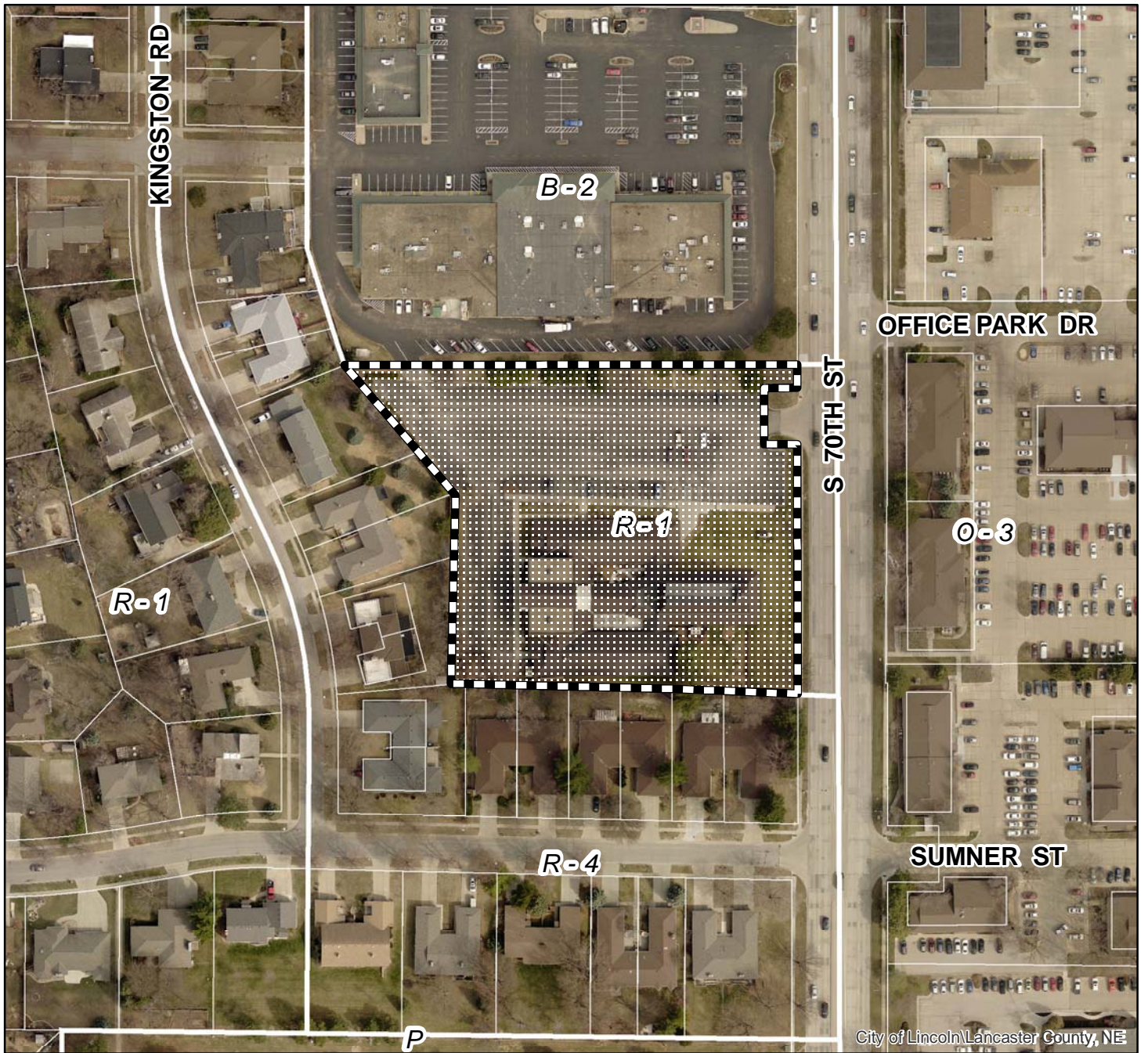
Per Section 27.63.280 this approval permits the expansion of a nonconforming parking lot with a reduction of front yard setback from 30 feet to 16 feet.

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 2 copies with all required revisions and documents as listed below:
 - 1.1 Identify a 16 foot front setback from the property line in lieu of showing a 10 foot setback.
 - 1.2 Show angled parking for the new parking lot area instead of 90 degree parking.
 - 1.3 Add a double row of understory landscaping for the entire length of the parking lot edge along S. 70th. Street.
 - 1.4 For the 3 new internal landscape islands add a minimum of 1 shade tree per island or in the alternative, plant the islands with native landscaping
 - 1.5 Provide Zoning District setback information for R-1 as part of Site Plan Notes.
 - 1.6 Identify any utilities within the proposed parking and landscaped area.
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 occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



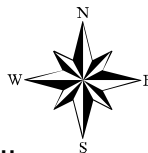
2018 aerial

Special Permit #: SP363C
S 70th St & Sumner St

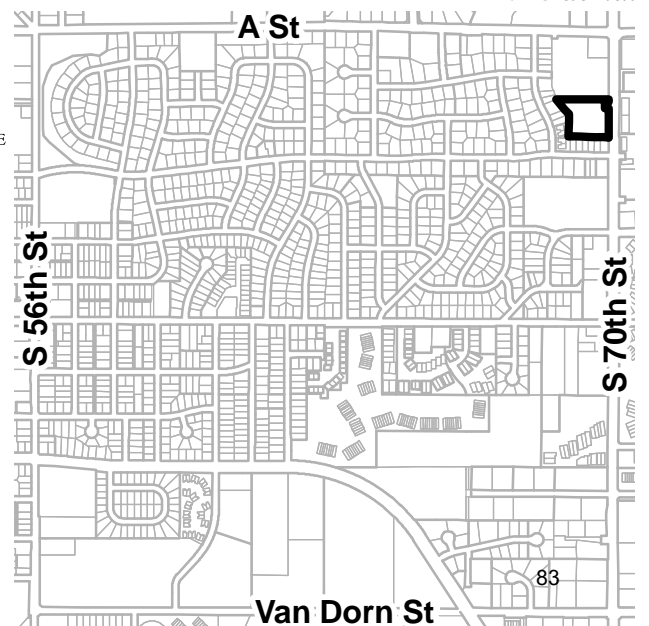
Zoning:

- 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.33 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



July 24, 2019

Planning Department
City of Lincoln
555 S. 10th St, Ste 213
Lincoln, NE 68508

RE: First Lutheran Church
RDG Planning & Design No. 3001.895.00, File No. 2.00

Greetings,

First Lutheran Church is writing to request a new special permit be granted to allow expansion of a nonconforming and nonstandard use for parking in the front yard setback. This new permit would be an extension to an existing special permit allowing for parking in the front yard setback. The proposed parking would maintain a 16-foot setback from the front property line to provide for future 10-foot widening of the right-of-way along 70th Street while allowing a standard six-foot green space setback with double the required landscaping. The expanded parking would create stalls closer in proximity to the front entry for those assembled to worship and minister. A new, ADA compliant front entry and covered drop-off is currently under construction along with a myriad of other facility improvements to better serve the needs of the entire community of First Lutheran Church. This parking extension would further the mission of the church to provide a welcoming facility for all.

Sincerely,

RDG Planning & Design

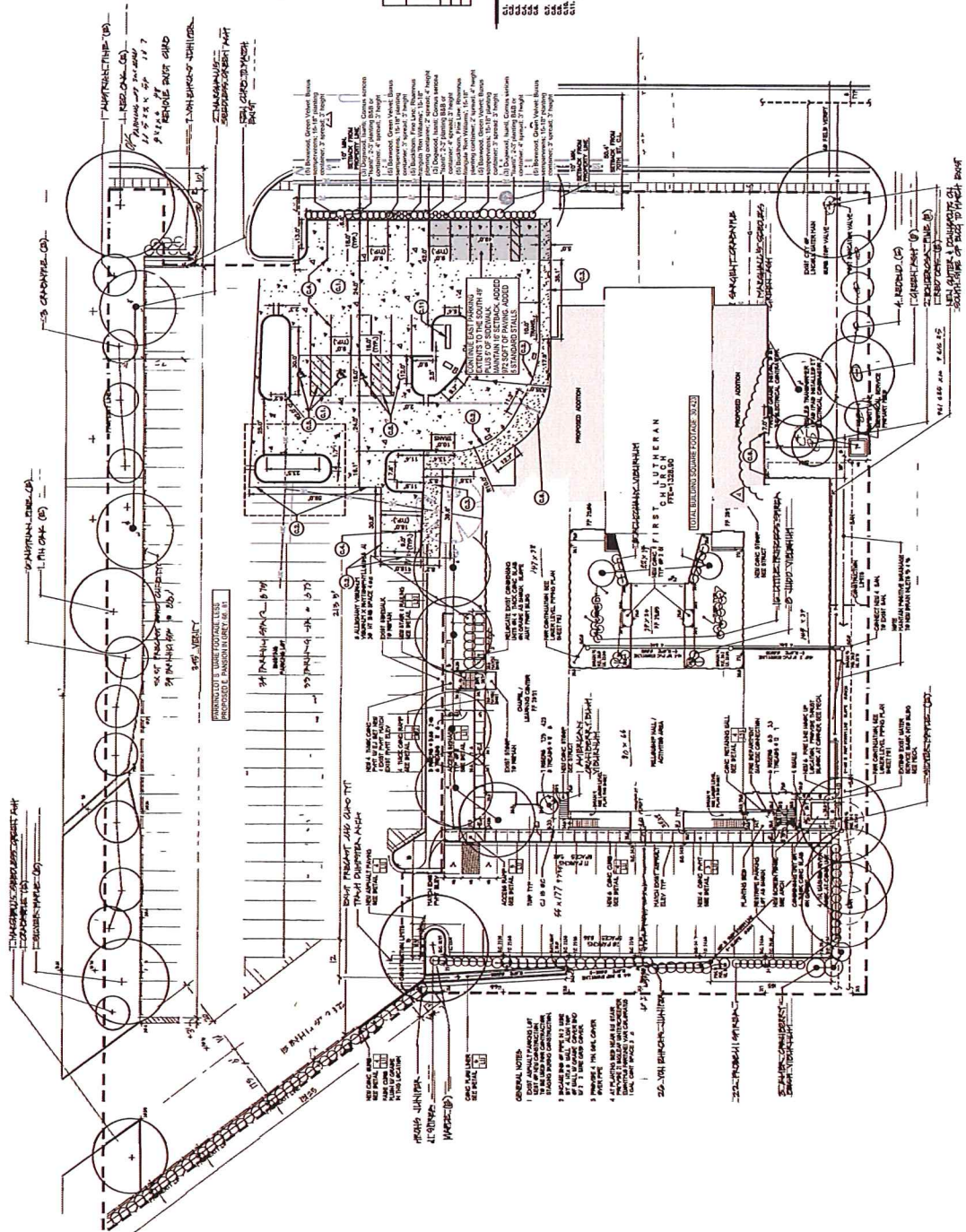


Joe Kptulak



Randall L. Milbrath, AIA

JWK/RM



LEGEND

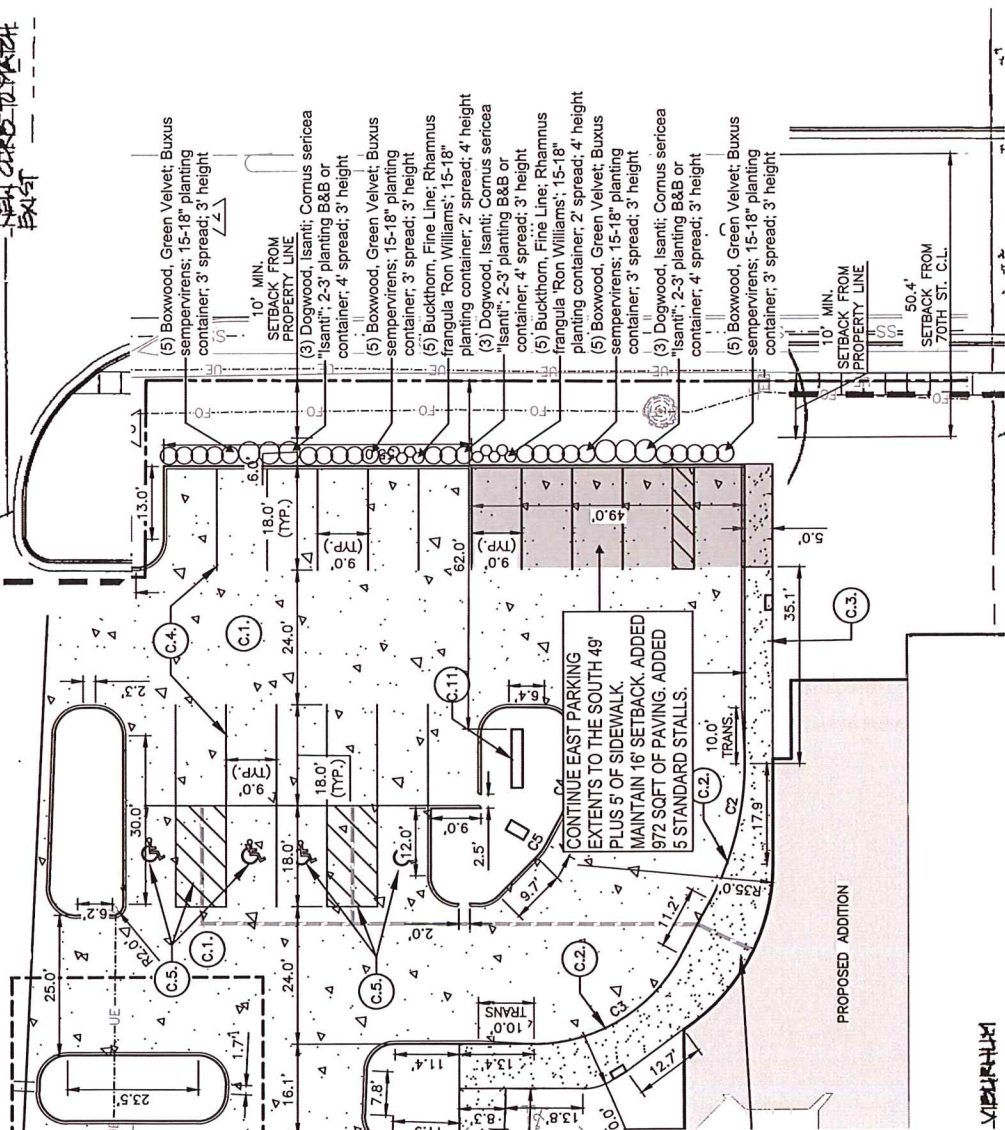
- PROPOSED 4' WALL FENCE
- PROPOSED 4' WALL FENCE
- PROPOSED 4' WALL FENCE
- PROPOSED ADA ACCESSIBLE DRIVE

PARKING SUMMARY	
STALL TYPE	PRE-CONSTRUCTION STALLS
STANDARD STALLS	170
HANDICAP STALLS	0
TOTAL STALLS	170

SITE PLAN KEY NOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MINNEAPOLIS ORDINANCES AND THE MINNEAPOLIS ZONING ORDINANCES.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINNEAPOLIS ZONING ORDINANCES AND THE MINNEAPOLIS CONSTRUCTION REGULATIONS.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINNEAPOLIS CONSTRUCTION REGULATIONS AND THE MINNEAPOLIS ZONING ORDINANCES.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINNEAPOLIS CONSTRUCTION REGULATIONS AND THE MINNEAPOLIS ZONING ORDINANCES.
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10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MINNEAPOLIS CONSTRUCTION REGULATIONS AND THE MINNEAPOLIS ZONING ORDINANCES.

LYON ENTRANCE WALKWAY
 ZIMMERMAN'S
 SEEDLESS GREEN TACT
 SEED CURB TO MATCH
 EXIST



LEGEND

- PROPOSED 6" P.C.C. PAVEMENT W/ INTEGRAL CURB
- PROPOSED 5" P.C.C. SIDEWALK
- PROPOSED 4' TALL HANDRAIL
- PROPOSED A.D.A. ACCESSIBLE ROUTE

PARKING SUMMARY		
STALL TYPE	PRE-CONSTRUCTION STALLS	POST-CONSTRUCTION STALLS
STANDARD STALLS	179	164
HANDICAP STALLS	8	8
TOTAL STALLS	187	172

(C) SITE PLAN KEY NOTES

- C.1. CONSTRUCT 6" P.C.C. PAVEMENT WITH INTEGRAL CURB.
- C.2. CONSTRUCT THICKENED EDGE PAVEMENT PER DETAIL ON THIS SHEET.
- C.3. CONSTRUCT 5" P.C.C. SIDEWALK PER CITY OF LINCOLN STANDARDS.
- C.4. CONSTRUCT 4" WHITE PERMANENT PAINTED PAVEMENT MARKING (TYP.).
- C.5. CONSTRUCT ADA COMPLIANT PAVEMENT MARKING AND SIGNAGE. SEE DETAILS ON SHEET.
- C.6. PROPOSED STRUCTURAL STOOP, VERIFY LOCATION, DIMENSIONS, AND CONSTRUCTION REQUIREMENTS WITH ARCHITECT.
- C.7. CONSTRUCT CAST-IN-PLACE RETAINING WALL. REFER TO ARCHITECT AND STRUCTURAL PLANS.
- C.8. DROP CURB FROM 6" TO 0" IN 6'-0".
- C.9. CONSTRUCT CURB WALL PER CITY OF LINCOLN STANDARDS.
- C.10. CONSTRUCT 4' TALL HANDRAIL ON TOP OF WALL. REFER TO ARCHITECT PLANS FOR DETAILS.
- C.11. RELOCATED MONUMENT SIGN. A SEPARATE SIGN PERMIT SHALL BE OBTAINED BY OWNER/CONTRACTOR PRIOR TO SIGN RECONSTRUCTION.

REQUIRED PARKING AT 1 STALL PER 50 SF OF LARGEST ASSEMBLY AREA: 5,523 SF/50 = 111 STALL



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 Text Amendment #19005	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Currently, dwellings are allowed as a conditional use in the B-2 zoning district, the condition being that they are prohibited from being located on the first story. This request proposes to remove the prohibition on first story dwellings in the B-2 zoning district when allowed as part of a use permit.

JUSTIFICATION FOR RECOMMENDATION

The applicable conditional use section actually applies to the O-2, B-1, B-2 and B-3 zoning districts, but only the B-2 will be affected by the proposed amendment. The rationale for the amendment is that the O-2, B-1 and B-3 zoning districts are intended for the city's older commercial areas which are often linear and typically lack depth. As a result it is appropriate to preserve the first story for commercial uses.

The B-2 zoning district is intended to allow for neighborhood shopping centers in the newer suburban parts of the city. It is a transitional zoning district designed with use regulations, screening and setbacks so it can be sited adjacent to residential developments. With a minimum five acre area requirement, these centers are large enough to accommodate a range of uses, and the prohibition on first story residential is not warranted.

APPLICATION CONTACTS

Mike Eckert	Matt Langston
Civil Design Group	Olsson
8535 Executive Woods	601 P Street
Lincoln, NE 68512	Lincoln, NE 68502

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This will facilitate mixed-use development, and make it easier to develop dwellings near or as part of neighborhood commercial centers. Higher density residential uses located within developing or redeveloping commercial centers, along with an increase in mixed-use development are consistent with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- Pg 5.2 - Guiding Principles - Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

Pg 5.7 - Strategies for Commercial Centers - Include higher density residential uses within and/or adjacent to all Commercial Centers except for Highway Oriented Commercial Areas.

- Discourage single use centers. Office parks should include supporting retail and residential components, while shopping centers should include supporting office and residential uses.
- Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
- Redevelop existing commercial strips for residential mixed use and/or transit oriented development where appropriate.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.

Pg 5.11 - Neighborhood Centers - Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger, however the goals of Neighborhood Centers are to be diverse and not simply one store. Examples include Lenox Village at S. 70th Street and Pioneers Boulevard, and Coddington Park Center at West A Street and Coddington Avenue. These smaller centers will not include manufacturing uses. Neighborhood Centers may be considered a "Mixed Use Redevelopment Node" if they generally Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. 5.12 Lincoln/Lancaster County Comprehensive Plan - 2016 Update conform to the strategies listed in the Mixed Use Redevelopment chapter.

Pg 5.12 - Mixed-use Office Centers - Mixed Use Office Centers are intended to provide a high quality office environment with some supportive retail, service, and residential uses. Centers are designed to encourage office uses to locate together, rather than to be dispersed on single sites, in order to maximize transportation access and to have enough mass to support retail and services within the center. Office uses benefit from the mix, and employees are more satisfied with the work environment when residential and retail uses are within walking distance.

Pg 6.3 - Mixed-use Redevelopment Approach - The Mixed Use Redevelopment Approach presented below seeks to fulfill three objectives: 1. To provide flexibility to the marketplace in siting future mixed use redevelopment locations; 2. To offer existing neighborhoods, present and future residents, developers, other businesses, and infrastructure providers a level of predictability as to where such mixed use redevelopment concentrations might be located; and 3. To encourage and provide incentives for residential mixed use in redeveloping commercial and industrial areas.

ANALYSIS

1. The proposed text amendment was submitted jointly by Civil Design Group and Olsson, who worked closely with the City to develop the proposed amendment. It proposes to remove the prohibition on first story dwellings in the B-2 zoning district, and then permit dwellings on the first story when stated as an allowed use as part of the use permit. Currently, dwellings are allowed as a conditional use in the B-2, the condition being that they are prohibited from being located on the first story.
2. The applicable conditional use section actually applies to the O-2, B-1, B-2 and B-3 zoning districts, but only the B-2 will be affected by the proposed amendment. The rationale for the amendment is that the O-2, B-1 and B-3 zoning districts are intended for the city's older commercial areas which are often linear and typically lack depth. As a result it is appropriate to preserve the first story for commercial uses.
3. The B-2 on the other hand is intended to allow for neighborhood shopping centers in the newer suburban parts of the city. It is a transitional zoning district designed with use regulations, screening and setbacks so it can be sited adjacent to residential developments. With a minimum five acre area requirement, these centers are large enough to accommodate a range of uses, and the prohibition on first story residential is not warranted.

4. The B-2 zoning district is also a 'use permit' district. As a result the City has site plan review authority which helps ensure an appropriate internal site layout and mix of uses. This also helps maintain compatibility among land uses both internal to the development and on neighboring properties.
5. If approved, first-story residential would be allowed in those use permits where residential is specifically stated as an allowed use. For new use permits, dwellings will simply need to be stated as an allowed use as part of the initial use permit approval.

Existing B-2 use permits, those where dwellings were allowed as part of the original approval, will benefit from this amendment. However, of the existing B-2 use permits throughout the city, there are only a few that would meet this criteria as most were originally approved with only commercial development in mind. In those cases where dwellings are not included as an allowed use, the use permit would have to be amended to take advantage of this proposed change.

One example of an existing use permit proposing to take advantage of this amendment is UP#133 for West Van Dorn Plaza. It was originally approved in 2005 for up to 40,000 square feet of commercial floor area. UP#133A which is now in process seeks to reduce the commercial floor area to 24,000 square feet and add 39 dwelling units. If this amendment is approved by the City Council, first story residential is planned.

6. There have been other B-2 developments that later wanted to add first story residential units. Those had to be rezoned to B-2 PUD to allow it, but if this text amendment is approved rezoning to PUD can be avoided.
7. Mixed-use development is encouraged by the Comprehensive Plan. It is both appropriate in the newly-developing parts of the city, as well as areas experiencing redevelopment. Removing the limitation enhances the ability of developers to incorporate residential uses into B-2 centers.
8. There are several projects in process or under discussion that otherwise would be appropriate for B-2 Planned Neighborhood zoning, except first story dwellings are proposed or under consideration. The issue has been raised on several occasions over the last year or so, and the notion of a text amendment has been discussed previously.
9. This amendment can facilitate mixed-use development, and enhance the range of compatible uses allowed in the B-2 zoning district. It is consistent with the other requirements of the Zoning Ordinance and the goals of the Comprehensive Plan.

Prepared by

Brian Will
August 21, 2019

Applicants/
Contacts:

Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
402-434-8494
meckert@civildg.com

Matt Langston
Olsson
601 P Street
Lincoln, NE 68502
402-458-5013
mlangston@olsson.com

PROPOSED TEXT AMENDMENT

Change of Zone #19005

The intent of this text amendment is to allow dwellings on the first floor in the B-2 zoning district when stated as an allowed use as part of a use permit. The proposed text to be modified/added is as follows:

TITLE 27 Zoning

Chapter 27.62 – Conditional Uses

27.62.040 Household Living Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

a. Dwellings are allowed in the O-2, B-1, ~~B-2~~, and B-3 zoning districts under the following conditions:

1. Dwellings shall only be permitted above or below the first story of a building;
2. The first story of the building shall be used for a non-dwelling use allowed in the district, except that first floor dwellings shall be permitted in buildings that were originally constructed for a residential use prior to November 1, 1997. The first floor non-dwelling use shall not:
 - A. be an accessory use to the residential use;
 - B. be a parking lot or garage;
3. The first story of the building shall not have more than twenty percent of its height below grade.

~~b. Dwellings are permitted in the B-2 zoning district when stated as an allowed use as part of a use permit.~~

~~b c.~~ The main use of a lot for a single-family dwelling and an accessory dwelling is allowed in the R-1 through R-4 zoning districts under the following conditions:

ORDINANCE NO. _____

1 AN ORDINANCE amending Lincoln Municipal Code Chapter 27.62 Conditional
2 Uses by amending Section 27.62.040 Household Living Use Group to provide that dwellings are
3 permitted in the B-2 zoning district when stated as an allowed use as part of a use permit; and
4 repealing Section 27.62.040 of the Lincoln Municipal Code as hitherto existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 27.62.040 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.62.040 Household Living Use Group.**

9 A building or premises may be used for the following use types as a permitted conditional
10 use in the designated zoning districts and in compliance with the conditions of approval applicable
11 for that use type.

12 (a) Dwellings are allowed in the O-2, B-1, ~~B-2~~, and B-3 zoning districts under the following
13 conditions:

- 14 (1) Dwellings shall only be permitted above or below the first story of a building;
15 (2) The first story of the building shall be used for a nondwelling use allowed in
16 the district, except that first floor dwellings shall be permitted in buildings that
17 were originally constructed for a residential use prior to November 1, 1997.

18 The first floor nondwelling use shall not:

- 19 A. be an accessory use to the residential use;
20 B. be a parking lot or garage;

1 (3) The first story of the building shall not have more than twenty percent of its
2 height below grade.

3 (b) Dwellings are permitted in the B-2 zoning district when stated as an allowed use as part of
4 a use permit.

5 (c) The main use of a lot for a single-family dwelling and an accessory dwelling is allowed in
6 the R-1 through R-4 zoning districts under the following conditions:

7 (1) The area of the lot must meet the required minimum lot area per family for two-
8 family dwellings as set forth in Table 27.72.020(a) for the zoning district the
9 lot is located in.

10 (2) The accessory dwelling shall comply with the following requirements:

11 (i) The total square footage of the accessory dwelling shall not exceed the
12 lesser of 40% of the total square footage of the main building or 800 square
13 feet.

14 (ii) The cumulative area of a detached accessory dwelling and any other
15 accessory buildings on the lot shall not exceed the R-1 through R-8
16 maximum allowable area for accessory buildings on single-family
17 residential lots or tracts in Table 27.72.120(d).

18 (iii) The accessory dwelling shall have no more than one bedroom.

19 (3) The owner of the lot is required to live on the property but may reside in either
20 the main building or in the accessory dwelling.

21 (4) The accessory dwelling shall share utility connections with the main building.

1 (5) The accessory dwelling shall comply with the height regulations of the district
2 the dwelling is located in, provided that such accessory dwelling shall be no
3 taller than the main building.

4 (6) The accessory dwelling shall meet the required setbacks for the main building,
5 provided that any detached accessory dwelling shall be set back at least 60 feet
6 beyond the front lot line, except for corner lots.

7 (7) One parking stall is required for the accessory dwelling in addition to the
8 required parking for the single-family dwelling use of the main building.

9 (8) The property shall be subject to a deed restriction stating that the accessory
10 dwelling shall not be sold separate from the main building.

11 Section 2. That Section 27.62.040 of the Lincoln Municipal Code as hitherto
12 existing be and the same is hereby repealed.

13 Section 3. This ordinance shall be published, within fifteen days after the passage
14 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on
15 the official bulletin board of the City, located on the wall across from the City Clerk's office at
16 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
17 passage and such posting to be given by publication one time in the official newspaper by the City
18 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
19 or after its posting and notice of such posting given by publication as herein and in the City Charter
20 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2019:

Mayor

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

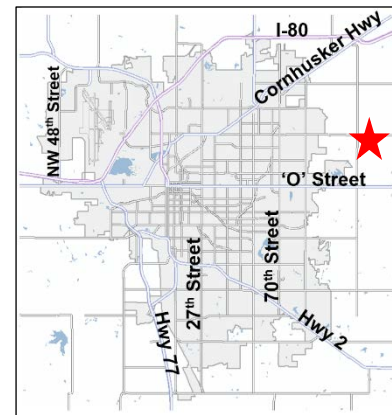
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19036	FINAL ACTION? Yes	DEVELOPER/OWNER Salt Creek Solar
PLANNING COMMISSION HEARING DATE September 4, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N. 134 th St. to N. 148 th St. from Holdrege St. to Adams St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Large Solar Energy Conversion System (SECS) for up to 230 megawatts on approximately 1,100 acres with associated waivers to setbacks.



JUSTIFICATION FOR RECOMMENDATION

The proposed Large Solar Energy Conversion System provides for alternative, renewable source of energy, which is supported and promoted by the 2040 Comprehensive Plan. The project meets all conditions of the special permit. The proposed vegetative buffer and increased setback from the property line to the solar panels should help mitigate any impact to non-participating properties.

APPLICATION CONTACT

Colin Snow 240-437-2685
colin@rangerpower.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed project meets the goals of the Comprehensive Plan to promote renewable energy sources. This area is in Tier II and III and shown to remain undeveloped for the next 20 to 40 years.

WAIVERS

1. Reduce all setbacks to 50 feet for non-participating property without residence.
2. Reduce all setbacks to 50 feet for participating property with a residence.
3. Reduce all setbacks to zero for participating property without a residence.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P.1.4 - The importance of building sustainable communities – communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised - has long been recognized. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens.

P.1.5 - The economy provides opportunities for local food production and sales, renewable energy production, and the benefit of natural resources produced in the area and integrates them into the land use pattern.

P.2.6 - Agriculture is still a major factor in Lancaster County's economy with about 90 percent of the land area of the county being used for agricultural production.

P.3.3 - Environmental resources reside within a broad range of settings that should be considered as policy and development decisions are made.

P.3.11- Preserve agricultural land within Tier I and Tier II areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.

P.5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P.5.2 - Strive for predictability for neighborhoods and developers.

P.5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land.

P.7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P.7.2 - Encourage acreages to develop in appropriate areas and preserve farmland.

P.7.12 - LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue.

P.11.2 - Promote renewable energy sources.

P.11.3 - Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.

P.11.4 - Energy from renewable resources such as solar, geothermal, and wind technologies generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources.

P.11.7 - Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass, and geothermal energy.

P.11.7 - Continue to encourage and expand wind and solar access to buildings and other land uses.

P.11.22 - Continue to include, and increase where feasible, renewable sources of energy, such as wind and solar energy, in future planning of LES facilities and partnerships.

P.12.8 - Tier II shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II should remain in its current use in order to allow for future urban development.

P.12.9 - Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential-beyond 44 years.

ANALYSIS

1. This application is for a Large Solar Energy Conversion System with a capacity of up to 230 megawatts alternating current (MWac). The panels will utilize photovoltaic technology to convert solar energy into electricity. The panels use anti-reflection materials to retain as much of the solar spectrum as possible. The panels use a single-axis tracking panel technology which allows the panels to follow the sun throughout the day.
2. The panels are fixed to the ground with steel I-beam posts. The posts are driven into the ground below the frost level. No concrete is used to secure the posts. The estimated useful life of the solar panels is roughly 25-40 years.
3. The project is located on 12 contiguous leased properties covering approximately 1,100 acres. The project area is roughly bounded by 148th Street on the east, 128th Street on the west, Havelock Avenue on the north and "O" Street on the south. No properties are adjacent to either "O" Street or Havelock Avenue.
4. The project area includes outlots of three Community Unit Plans (CUP). Two of the CUP's, Stevens Creek Ridge and Stevens Creek Pointe, are developed. The third, Native Prairie Vista has yet to be constructed (see attached site plans). The outlots in all three CUP's are designated for farming use to continue. Other uses in conformance with the AG District may be allowed on the outlots.
5. The project is adjacent to a Lincoln Electric System substation at 12855 Adams Street. This eliminates the need for lengthy and costly new overhead transmission lines. A new substation will be built on the north side of Adams Street across from the LE Wagner substation. The new substation will interconnect with the LES Wagner Substation with high voltage generation tie line.
6. The project area is in both Tier 2 and Tier 3, with the majority in Tier 3. Infrastructure planning for Tier II can reach beyond the Plan's 24 year time horizon to 44 years and further. Tier III is for growth beyond 44 years.
7. A small portion of the proposed project is within the future East Beltway Corridor. In the event Salt Creek Solar constructs solar panels within the corridor they agree to remove any solar panels at their sole expense should the State require such removal for construction of the East Beltway.
8. The project area mainly contains farm ground, but also contains native grasslands, wetlands and flood plain. The project will avoid these environmentally sensitive areas.
9. The Lower Platte South Natural Resource District notes that they have a flood pool easement within the project area. The easement area is located approximately half way between "O" Street and Holdrege St on the west side of N. 148th Street. No solar panels are allowed with this easement.
10. Lincoln-Lancaster County Health Department notes that the proposed interconnection substation could be a source of noise pollution and that the interconnection substation will need to comply with Lincoln Municipal Code 8.24- Noise Control Ordinance.
11. The proposed project could power up to approximately 30,000 homes. The project could be built in phases.
12. The applicant notes that they have engaged in community outreach through meetings individuals and an open house. An open house on the project was held at Southeast Community College on July 22, 2019. No formal presentation was given at the open house, but there were several representatives of Ranger Power there to answer questions.
13. The applicant submitted a Property Value Impact Study. The study included research and analyses of eight existing solar facilities. The facilities are located in Michigan, Minnesota, Indiana, Illinois, North Carolina and Virginia. The study looked at impact of a solar farm to value of adjacent properties. The study concluded that there is no measurable and consistent difference in property values for properties adjacent to solar farms when compared to similar properties locationally removed from their influence. The report summary is attached. The full report can be found at <https://www.lincoln.ne.gov/asp/city/pats/> and entering SP19036 in the Application Number box.
14. The 2040 Comprehensive Plan supports renewable energy sources and alternative fuels. Renewable energy generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources. Solar has the potential to reduce energy consumption and greenhouse gas emissions by reducing the amount of fuel required to produce a unit of energy output.
15. The special permit requires the following conditions be met.
 - a. The system uses photovoltaics to convert solar energy into electricity.

The applicant's letter states that the panels will use photovoltaics technology to convert solar energy into electricity.

- b. On-site transmission lines shall, to the maximum extent practicable, be placed underground.

The applicant's letter states that the majority of lines will be underground.

- c. Where said use is adjacent to residential zoned land, park land, school property, or major entryways or corridors into the city, town, or village, visual screening through setbacks, berming, and other techniques may be required by the Planning Commission as appropriate and necessary to address the site-related impacts of the Solar Energy Conversion System on adjacent property and major entryways or corridors.

The project area is not adjacent to residential, parks, schools or a major entryway. Although there is no residentially zoned land in the project area, there are two acreage developments with houses and a third development that is not developed. The applicant has proposed landscaping next to these houses and to other non-participating properties. The landscaping will consist of one deciduous tree every 100 linear feet and three evergreen or ornamental tree per 100 lineal feet. Trees on the approved Lincoln Plant Material List shows most trees have a mature height of 15 to 25 feet. The areas shown for landscaping are sufficient to help soften the impact to non-participating properties. The landscaping will be more of a visual relief than a screen to the solar panels. In addition there are several areas of mature tree masses that will also help with screening and softening of the solar panels.

A previously approved commercial solar energy conversion system, SP#15004, approved located between Interstate 80 and W. Holdrege Street east of NW 84th Street did not require screening along Interstate 80, an entryway corridor. That site was reviewed by Urban Design Committee (UDC) and the UDC decided no screening was needed along Interstate 80. There was a condition that screening be provided to the residential use to the west of the project at a rate of 70% from the ground to 8 feet above the ground along the west boundary where panels are within 500 feet of the west boundary.

- d. Each Solar Energy Conversion System facility shall have a decommissioning plan outlining the means, procedure, and costs of removing the machines and all related supporting infrastructure and a bond or equivalent enforcement resource to guarantee removal and restoration upon discontinuance, decommissioning, or abandonment.

A Decommissioning Plan is included with this application. The Plan states that all equipment, support structures, electrical equipment and fences will be removed. The site will be restored to preconstruction conditions.

Salt Creek Solar will provide a decommissioning cost estimate prior to commencing construction and each five years thereafter. The applicant is proposing to post a financial surety after the 15th year when the net decommissioning cost (cost less salvage value) can be determined based on then-current market conditions.

- e. Must meet setback requirements of the district unless adjusted by the Planning Commission.

The applicant is requesting that the setbacks be 50 feet for all sides to non-participating properties without a residence and 100 feet for non-participating properties with a residence. The setback to participating properties is 50 feet. The setbacks in the AG District are 50 feet for front yard, 60 feet for side yard and 100 feet for rear yard.

- 12. The proposed special permit request is supported by the Comprehensive Plan and meets the conditions of the special permit. The vegetative buffering and 100 feet setback should provide adequate protection for non-participating properties. The Property Value Impact Study concludes that the solar panels will not devalue adjacent properties.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Ag-Agriculture

Farm ground and multiple acreage lots

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground
South:	AG-Agriculture I-1-Industrial	Farm ground mini-storage
East:	AG-Agriculture	Farm ground and acreages
	AGR-Agricultural Residential	Acreage lots
West:	Ag-Agriculture	Farm ground and LES substation.

APPROXIMATE LAND AREA: 1,100 acres, more or less

LEGAL DESCRIPTION: See attached

Prepared by

Tom Cajka, Planner

Date: August 15, 2019

Applicant: Salt Creek Solar, LLC
500 S. 4th Street
Eagle, NE 68347
240-437-2685

Contact: Salt Creek Solar, LLC
500 S. 4th Street
Eagle, NE 68347
240-437-2685
colin@rangerpower.com

Owner: See attached list

F:\DevReview\SP\19000\SP19036 Salt Creek Solar.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19036

Per Section 27.63.830 this approval permits a Large Solar Energy Conversion System with a waiver to reduce setbacks as shown:

1. Reduce all setbacks to 50 feet for non-participating property without residence.
2. Reduce all setbacks to 50 feet for participating property with a residence.
3. Reduce all setbacks to zero for participating property without a residence.

Site Specific Conditions:

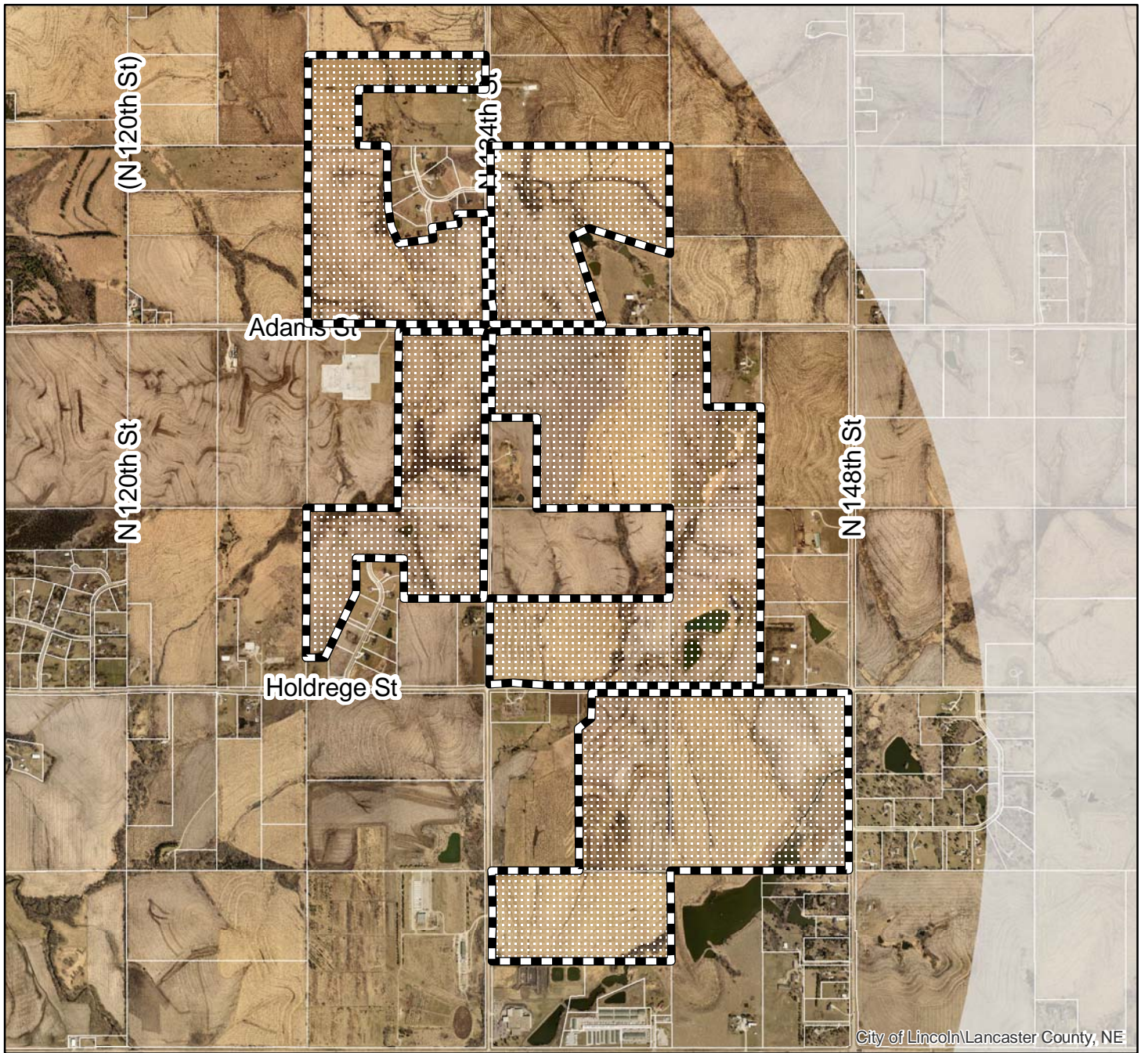
1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Add a note that no solar panels shall be located within the Lower Platte South Natural Resource District flood pool easement. Identify the flood pool easement on the site plan.
 - 1.2 Identify the 100 year floodplain and any minimum flood corridors on the site plan to the satisfaction of Lincoln Transportation and Utilities Watershed Management.
 - 1.3 Add a note that no solar panels shall be located within the 100 year floodplain or any minimum flood corridor.
 - 1.4 Submit an administrative amendment for SP 1870A, SP1883A and SP17026 to amend the purpose of the outlots.
 - 1.5 Add the following note to the site plan, "The vegetative buffer shall be provided at the rate of one deciduous tree every 100 lineal feet and 3 evergreen or ornamental trees every 100 lineal feet. The trees shall have a minimum mature height of 15 feet. At least two-thirds, but no more than three-quarters of the ornamental/evergreen tree requirement shall be made up of evergreen trees."
 - 1.6 Identify participating properties that are not project parcels.
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.
 - 2.2 Submit a landscape plan.
3. Within 15 years of approval of this special permit provide the City of Lincoln with a surety for Net Decommissioning Cost.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.

- 4.2 All privately-owned improvements, including landscaping and vegetative buffering, shall be permanently maintained by the Permittee.
- 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.

PROPERTY OWNER LIST										
NO.	PID NO.	PARCEL ID NO.	ZONING DISTRICT	OWNER	OWNER ADDRESS	SITE ADDRESS	LEGAL DESCRIPTION	ACRES		
1	2309300002000	113221	AG	Otley Louda Solar Farm, LLC	538 CRESTONE AVE SALIDA, CO 81201	13990 ADAMS ST, LINCOLN, NE 68527	S9, T10, R8, 6th Principal Meridian, LOT 14 SW	121.22		
2	2316400001000	113300	AG	CARSON, GERALD G & BONNIE J	14230 HOLDREGE ST LINCOLN, NE 68527	14230 HOLDREGE ST, LINCOLN, NE 68527	S16, T10, R8, 6th Principal Meridian, LOT 5 SE	78.49		
3	2316300002000	113299	AG	GRIFFITH, DANIEL LEE	13990 ADAMS ST LINCOLN, NE 68527		S16, T10, R8, 6th Principal Meridian, LOT 3 SW	75.55		
4	2321100005000	113384	AG	GRIFFITH, DANIEL LEE	13990 ADAMS ST LINCOLN, NE 68527		S21, T10, R8, 6th Principal Meridian, LOT 40 NW	76.78		
5	2317406004000	147582	AG	CIRCLE K HOLDINGS LLC	Attn: C/O GERRY A KRIESER 3410 FIRETHORN TER LINCOLN, NE 68520		STEVENS CREEK RIDGE 4TH ADDITION, OUTLOT B, PT LYING IN TD 37	74.52		
6	2308405002000	135888	AG	CIRCLE K HOLDINGS LLC	Attn: C/O GERRY A KRIESER 3410 FIRETHORN TER LINCOLN, NE 68520	13000 ADAMS ST, LINCOLN, NE 68527	STEVENS CREEK POINTE FIRST ADDITION, OU TLOT A	114.9		
7	2316100005000	113295	AG	OTLEY, EDWIN SCOTT CO-TRUSTE & RUTH ANN THOMPSON CO-TRUSTEE	2400 N 134 ST LINCOLN, NE 68527-9521		S16, T10, R8, 6th Principal Meridian, LOT 16 NW	133.21		
8	2321200001000	113388	AG	STEVENS CREEK K LLC	Attn: GERRY KRIESER 3410 FIRETHORN TER LINCOLN, NE 68520		S21, T10, R8, 6th Principal Meridian, LOT 22 & 23 NE	154.25		
9	2316200003000	146259	AG	BOZARTH, CAROL L REVOCABLE TRUST	14401 ADAMS ST LINCOLN, NE 68527		S16, T10, R8, 6th Principal Meridian, LOT 24 NE	58.37		
10	2317406003000	147581	AG	CIRCLE K HOLDINGS LLC	Attn: C/O GERRY A KRIESER 3410 FIRETHORN TER LINCOLN, NE 68520		STEVENS CREEK RIDGE 4TH ADDITION, OUTLOT B, PT LYING IN TD 35	78.13		
11	2308200003000	113197	AG	ANDERSON, BRUCE E	4101 N 134 ST LINCOLN, NE 68527	4101 N 134TH ST, LINCOLN, NE 68527	S8, T10, R8, 6th Principal Meridian, LOT 36 NE	43.38		
12	2321300001000	113389	AG	EDWIN SCOTT OTLEY & RUTH ANN THOMPSON TRUST	2400 N 134 ST LINCOLN, NE 68527	2400 N 134 ST LINCOLN, NE 68527	S21, T10, R8, 6th Principal Meridian, LOT 46 SW	78.82		
TOTAL								1087.62		



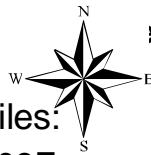
City of Lincoln/Lancaster County, NE

2018 aerial

Special Permit #: SP19036
N 134th St & Holdrege St

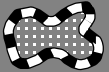


Five Square Miles:

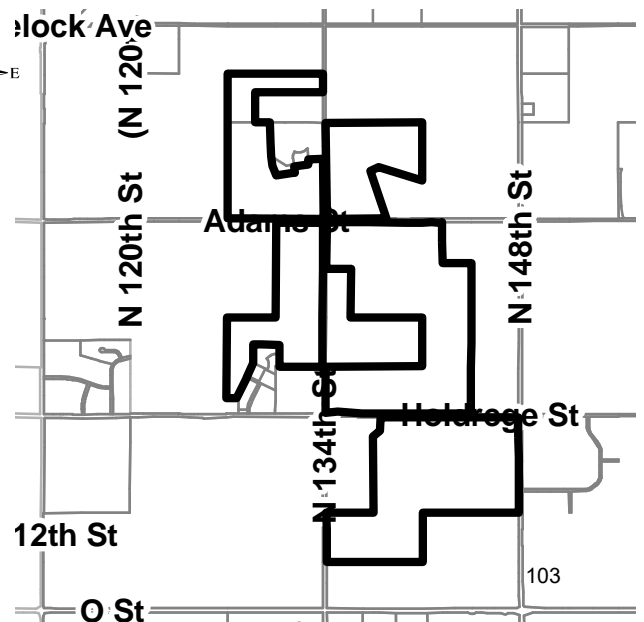
- Sec.08 T10N R08E
- Sec.09 T10N R08E
- Sec.17 T10N R08E
- Sec.16 T10N R08E
- Sec.21 T10N R08E

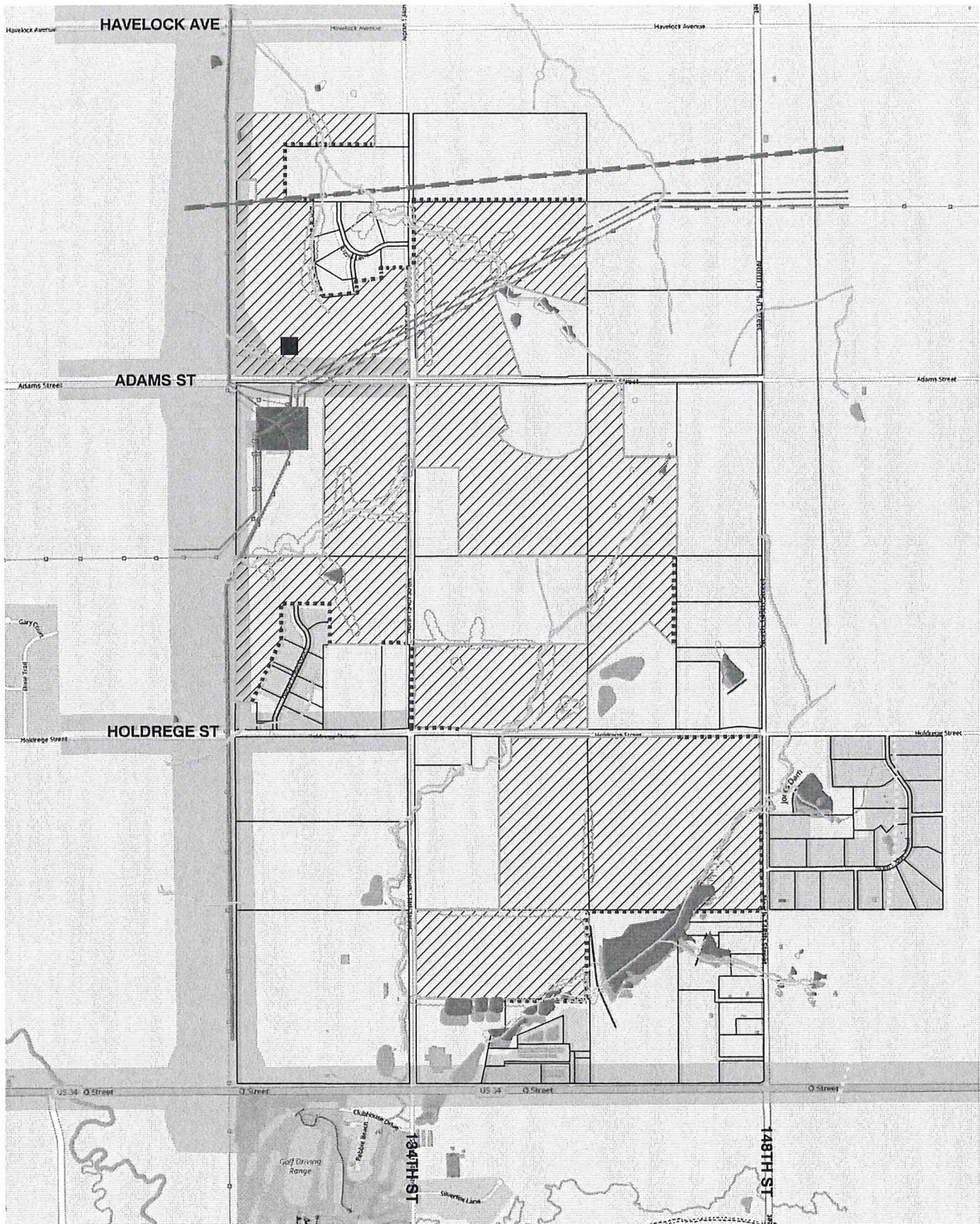


Zoning:

- 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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





<p>SALT CREEK SOLAR A RANGE POWER PROJECT</p>	<p>LEGEND</p> <p>N</p>	<p>— Project Parcel</p>	<p>— Overhead Transmission Line</p>	<p>— 50' Setbacks</p>	<p>--- Extraterritorial Jurisdiction Line</p>
		<p>— Gas Line</p>	<p>--- NHD Waterway</p>	<p>--- 100' Setbacks</p>	<p>■ Proposed Project Substation</p>
<p>■ Beltway Corridor Protection</p>	<p>--- NWI Wetlands</p>	<p>--- Existing Vegetation</p>	<p>▨ Vegetative Buffering</p>	<p>▨ Project Area</p>	
<p>■ LES Wagener Substation</p>	<p>■ NHD Water Body</p>				

David C. Levy

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www.bairdholm.com
Also admitted in California and Iowa

August 27, 2019

VIA ELECTRONIC MAIL

Mr. Tom Cajka
City of Lincoln
Planning Department
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

Re: Salt Creek Solar - Decommissioning Estimate

Dear Mr. Cajka:

Here is the decommissioning estimate you requested. The following table is a summary of the net estimated cost to decommission a Ranger Power 239 MWac utility-scale solar project in Michigan that is set to begin construction before the end of 2019. We are using this estimate here because the size and other aspects of the projects are very similar, but the Michigan project is much farther along in development, hence the costs are much better known than for the Salt Creek project.

The estimates below are based on 2017-2018 prices, with no market fluctuations or inflation considered. We did not scale these numbers from 239 MWac to 230 MWac, so they are probably a few percent higher than they would be for Salt Creek, all else equal.

We present two estimates below – one using salvage value, which is a conservative method, and one using re-sale. Early in the life of a project, Salt Creek Solar could re-sell the panels for much more than the salvage value. Revenue from the used panels at \$0.20 per watt could raise \$47,800,000 as resale. While the salvage value leaves a bit of a gap, resale would create a substantial net positive value that far exceeds the cost to decommission. A current sampling of reused solar panels indicates a wide range of pricing depending on age and condition (\$0.20 to \$0.60 per watt), so we have taken a conservative estimate of the value of solar panels at \$.20 per watt.

DECOMMISSIONING ESTIMATE

Item	Salvage Cost/Revenue	Resale Cost/Revenue
Decommissioning Cost	\$8,399,126	\$8,399,126
Potential Revenue – salvage value of panel components and recoverable materials	\$6,472,900	N/A
Re-sale value of solar panels	N/A	\$47,800,000
Net Decommissioning Cost (Value)	\$1,926,226	(\$39,400,874)

As we have discussed, the amount that municipalities typically require in a bond or letter of credit is the net decommissioning cost. Of course, all of these numbers, the decommissioning expense, the offset via salvage or resale, and thus the net number, will change over time. That is why we propose that Salt Creek Solar would update this estimate and post the decommissioning security in Year 15. The resale approach also supports our discussion at our meeting in June about the fact that there is no need to require decommissioning security early in the project's life because the assets are worth far more than the cost to decommission them. That said, in 15 years, the salvage value approach will be much more pertinent, and that is likely the approach that would determine the amount of the decommissioning bond.

One may argue that the resale value will decline to nothing or nearly nothing prior to Year 15 and thus the City should still require a bond sooner. However, a solar facility produces energy at very little cost over time, after the very large up-front investment of course. The fuel is free and the maintenance cost is relatively little.

Thus, the motivation for the developer, or a successor investor or lender is to continue to operate the facility for as long as possible. The facility likely will have a long term power purchase agreement and thus a guaranteed resale value for the energy, and there is an open market in the Southwest Power Pool if there is not a contracted buyer. Thus, the facility has substantial value for at least fifteen years and it would be economically unwise to stop using it. The developer has already made the capital investment, the plant keeps producing and there is a market for the output. For this reason and given the resale value earlier in the facility's life, taking a bond in Year 15 is appropriate and warranted.

Mr. Tom Cajka
August 27, 2019
Page 3

Please let us know if you have questions or need anything else regarding the decommissioning estimate. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'DCL' with a long horizontal stroke extending to the right.

David C. Levy



PROPERTY VALUE IMPACT STUDY

For Proposed Lincoln, Nebraska Solar Facility

ADJACENT PROPERTY VALUES A STUDY OF EIGHT EXISTING SOLAR FACILITIES

Located in Lapeer County, Michigan; Chisago County, Minnesota; Marion County, Indiana; LaSalle County, Illinois; Bladen, Cumberland, Rutherford and Wilson Counties, North Carolina; and Isle of Wight County, Virginia

PREPARED FOR:

Ranger Power
Paul Harris, Vice President
20 Jay Street, Suite 900
Brooklyn, NY 11201

SUBMITTED BY:

CohnReznick, LLP
Valuation Advisory Services
200 S Wacker Drive, Suite 2600
Chicago, IL 60606
(312) 508-5900

July 19, 2019

Andrew R. Lines, MAI
Patricia L. McGarr, MAI, CRE, FRICS

EXECUTIVE SUMMARY

The purpose of this real estate impact study is to determine whether existing solar farm uses have had any measurable impact on the value of adjacent properties.

According to the Solar Energy Industries Association (SEIA) statistics, utility-scale, solar photovoltaic ("PV") installations over the next six years through 2024 represent the largest percentage of deployment of solar PV installations for the United States in total and on an annual basis. The pipeline for Utility PV, as of quarter-end Q4 2018, includes a capacity of 66.229 gigawatts ("GW") combined from contracted projects (including those under construction) as well as announced but pre-contract sources. This new capacity would almost double the current operational capacity. With the increase of utility-scale solar installations across the country, solar projects have become a common and understood feature of the landscape, and will continue to do so with the projected additional capacity to come online in the coming years.

We have included several established solar farms in our study, focusing on similar rural and suburban areas with neighboring residential homes, that are comparable to the proposed solar farm location in Nebraska. Solar farms with a variety of output capacities have been studied because of their proximity to residential properties. We have studied the sales of property located adjacent to the solar farms in order to see if proximity to this use results in any consistent and measurable impact on property values.

Study Features

Our study includes research and analyses of eight existing solar facilities and the property value trends of the adjacent land uses, including agricultural, single family and residential properties; review of published studies, and discussions with market participants, summarized as follows:

- Solar Farm 1 (DTE's Lapeer Michigan Solar Projects) is a two-farm project, the Demille Solar Farm and the Turrill Solar Farm, located in the City of Lapeer, Michigan. Demille is a 27.4 MW solar farm that is situated on approximately 170 acres of land and is surrounded by agricultural land uses and some residential uses. Turrill is a 19.6 MW solar farm situated on approximately 200 acres. We found four adjoining properties that qualified for a paired sales analysis.
- Solar Farm 2 (North Star Solar Farm) is located near the City of North Branch, in unincorporated Chisago County, Minnesota. This is a 100 MW solar farm that is situated on approximately 1,000 acres of land and is surrounded by agricultural land uses and some residential uses. We found five adjoining properties that qualified for a paired sales analysis.
- Solar Farm 3 (Dominion Indy Solar Farm III) is located in a suburban, yet rural area outside of Indianapolis, in Marion County, Indiana, on a parcel totaling 134 acres. The solar farm has a capacity of 11.9 MW DC of power and the surrounding uses consist of agricultural land to the east, west and south, and a single-family subdivision to the north. We found ten adjoining properties that qualified for a paired sales analysis.

Disclaimer: This report is limited to the intended use, intended users (Ranger Power and others stated in the report as it relates to an evaluation of an application for a solar use in the City of Lincoln, Nebraska), and purpose stated within. No part of this report may be reproduced or modified in any form, or by any means, without the prior written permission of CohnReznick, LLP.

- Solar Farm 4 (Grand Ridge Solar Farm) is located near the City of Streator in LaSalle County, Illinois, in a primarily rural area, on two contiguous parcels totaling 160 acres. The solar farm has a capacity of 23 MW of power and the surrounding uses consist of agricultural land, some with homesteads, and single family homes. We found one adjoining property that qualified for a paired sales analysis.
- Solar Farm 5 (Innovative Solar 42) is located near the City of Fayetteville in Bladen and Cumberland Counties, North Carolina on 414 acres. The solar farm has a capacity of 71 MW of power and the surrounding uses consist of agricultural land, forests, and single family homes. We found one adjoining property that qualified for a paired sales analysis.
- Solar Farm 6 (Rutherford Solar Farm) is located near the city of Forest City in Rutherford County, North Carolina in a primarily rural area, on a 489-acre parcel of land. The solar farm has a capacity of 61 MW of power and the surrounding uses consist of agricultural land, vacant land, and single family homes. We found one adjoining property that qualified for a paired sales analysis.
- Solar Farm 7 (Elm City Solar Facility) is located in the City of Elm City in Wilson County, North Carolina, in a primarily rural area, on 354 acres. The solar farm has a capacity of 40 MW of power and the surrounding uses consist of forest, industrial, vacant, and single family homes. We found one adjoining property that qualified for a paired sales analysis.
- Solar Farm 8 (Woodland Solar Farm) is located near the City of Windsor in unincorporated Isle of Wight County, Virginia, in a primarily rural area, on 204 acres. The solar farm has a capacity of 19 MW of power and the surrounding uses consist of agricultural land, forest land, and single family homes. We found one adjoining property that qualified for a paired sales analysis.
- We performed a paired sales analysis for each adjoining property that fit the criteria for analysis that were adjacent to the solar farms we studied. The sales adjacent to solar farms, or Test Areas, were compared to comparable agricultural land sales or single family home sales not adjacent to solar farms within the same county or geographical area as the studied solar farms, or Control Areas.
- **We analyzed 24 adjoining property sales in Test Areas and 81 comparable sales in Control Areas, collectively, for these identified solar facilities, over the past five years.**

Disclaimer: This report is limited to the intended use, intended users (Ranger Power and others stated in the report as it relates to an evaluation of an application for a solar use in the City of Lincoln, Nebraska), and purpose stated within. No part of this report may be reproduced or modified in any form, or by any means, without the prior written permission of CohnReznick, LLP.

Methodology

The basic premise of this comparative analysis is that if there is any impact on the value of adjacent properties, by virtue of their proximity to a solar farm, it would be reflected by such factors as the range of sale prices, differences in unit sale prices, conditions of sale, and overall marketability. When comparing these factors for properties near the solar farm to properties locationally removed from the solar farm, we would expect to see some emerging and consistent pattern of substantial difference in these comparative elements – if, in fact, there was an effect.

Results

With regard to their impact on nearby property values, our studies of facilities of various sizes demonstrate that there is no measurable and consistent difference in property values for properties adjacent to solar farms when compared to similar properties locationally removed from their influence. This is supported by our interviews with local real estate brokers who have stated that there is no difference in price, marketing periods or demand for the homes directly adjacent to the solar farm facilities in Michigan, Illinois, Indiana, Minnesota, North Carolina, and Virginia. We performed two Before and After Analyses, in which we compared sales that occurred prior to the announcement and subsequent development of the solar farm project with sales that occurred after completion of the solar farm project for one solar farm in Indiana and one in Minnesota both adjoining and non-adjoining properties.

We have also reviewed studies prepared by other real estate valuation experts that specifically analyzed the impact of solar facilities on nearby property values. These studies found little to no measurable and consistent difference in value between the Test Area Sales and the Control Area Sales attributed to the proximity to solar farms and are generally considered a compatible use. Considering all of this information, we can conclude that since the property values of the Adjoining Property Sales (Test Area Sales) for the existing solar farms analyzed were not adversely affected by their proximity to solar farms, that properties surrounding other solar farms operating in compliance with all regulatory standards will similarly not be adversely affected, in either the short or long term. We have also interviewed market participants, including County and Township Assessors (with solar facilities in their districts), to give us additional insight as to how the market evaluates farm land and single family homes located adjacent to solar farms. Local assessors have noted that there is no evidence of negative property value impacts due to proximity to a solar farm, and local brokers have noted that there has been no effect on pricing, marketing time, nor conditions of sale.

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Salt Creek Solar, LLC

Special Permit Application

*Salt Creek Solar Project
Lincoln, NE*

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Appendix A: Site Plan

Appendix B: Property List and Owner Permission

1 Introduction

Salt Creek Solar, LLC (“Salt Creek Solar”) is pleased to submit this Large Solar Energy Conversion System Special Permit application for the Salt Creek Solar Project (“Project”) within the City of Lincoln (“City”), Lancaster County, Nebraska. The Project, which has a nameplate capacity of up to 230 megawatts alternating current (MWac), will utilize photovoltaic technology to convert solar energy into electricity. The Project is located on approximately 1,100 acres of land in the agricultural (“AG”) zoning district within the City's extraterritorial zoning jurisdiction (“ETJ”).

Salt Creek Solar has engaged in substantial community outreach, including a large, public open house and numerous individual conversations with surrounding and participating landowners. Salt Creek Solar intends to continue this outreach during the permitting process, with a particular focus on adjacent, non-participating landowners.

The Project meets the applicable zoning requirements except setback requirements, which Salt Creek Solar proposes to modify to better reflect the particular type of project and the surrounding area, and to focus on protecting non-participating landowners while making the most efficient use of participating property. This is in response to the community input Salt Creek Solar has received.

The developer for the Salt Creek Solar Project, Ranger Power LLC (“Ranger Power”), is an experienced utility-scale solar development company committed to working closely with landowners and communities to bring new investment and clean energy to the Midwest. Ranger Power has developed and received permits to move forward with several similar utility-scale solar facilities across the Midwest, including a 239 MWac project in Michigan, a 199 MWac project in Indiana and three facilities totaling 347 MWac in Illinois. The Ranger Power team has developed more than 3,500 MWac of utility-scale renewable energy projects throughout the United States and currently has approximately 4,000 MWac of solar energy projects under development in the Midwest.

Solar power is a renewable energy source with several attractive features, including utilizing the predictable, unlimited, and free energy from the sun, providing clean energy with no emissions, and producing power during the day when demand is high. According to the Solar Energy International Association website, one MWac of energy provides power for approximately 130 homes in Nebraska. At this level of generation, the up to 230 MWac Project would power up to approximately 30,000 homes. In addition, a utility-scale solar development creates both temporary construction jobs and permanent maintenance and operations jobs. Solar projects generate tax revenues for communities, which they can use to invest in new roads, bridges, schools, or to offset existing tax rates. Solar development allows landowners to retain agricultural land within their families for future generations.

This application describes the Project and Salt Creek Solar, the Project's compliance with the Special Permit requirements, a site description and plan, the proposed built conditions, a decommissioning plan, identifies the participating properties, and includes the City's application form for the Special Permit.

Salt Creek Solar looks forward to presenting the project to the Lincoln-Lancaster County Planning Commission.

2 Special Permit Compliance Overview

The Project is located on 12 contiguous leased properties in the eastern portion of the City (all within the ETJ) and will interconnect at the Lincoln Electric System ("LES") Wagener Substation at 128 Street and Adams Street.

Section 27.63.830 of the Lincoln Municipal Code defines “Commercial Solar Energy Conversion System” and provides for such a project as a special permitted use in AG Districts. This ordinance also identifies the requirements for a Commercial Solar Energy Conversion System in the AG Districts. Salt Creek Solar has designed the Project to comply with these conditions, as described in Table 1, with one exception: Salt Creek Solar is proposing different setbacks than the Lincoln Municipal Code requires because given the nature of the Project and the fact that much of the surrounding land is agricultural, the Code's requirements do not fit well here.

Special Permits: 27.63.830 Solar Energy Conversion System		
No.	Conditions Summary*	Addressed in Application Section(s):
i.	Photovoltaic system to convert solar energy into electricity	Site Description and Location, Proposed Built Conditions
ii.	On-site transmission lines underground where practicable	Proposed Built Conditions
iii.	Visual buffering for site related impacts	Proposed Built Conditions, Appendix A
iv.	Decommissioning Plan for end of useful life	Decommissioning Plan Overview
v.	Commission Setback requirements	Proposed Built Conditions, Appendix A

*See Lincoln Municipal Code for full condition description¹.

Table 1 – City of Lincoln Solar Energy Conversion System Special Permit Conditions

3 Site Description and Location

The Project is located in Lincoln's ETJ in Lancaster County, Nebraska, in an area roughly bounded by 148th Street on the east, 128th Street on the west, Havelock Avenue on the north and O Street to the south. The Project is sited adjacent to existing electrical infrastructure, eliminating the need for lengthy and costly new overhead transmission lines. The Project is located between the major load centers of Lincoln and Omaha, promoting grid reliability and security, and providing power to large load centers during high-demand, on-peak hours. All participating parcels lie to the east of the East Beltway Corridor and are within the ETJ line to the east. A small portion of the proposed Project is within the defined East Beltway Corridor and in the event Salt Creek Solar constructs solar panels within this area, it agrees it will remove any solar panels, at its sole expense should the City of Lincoln or the State of Nebraska require such removal for construction of the East Beltway in the future.

¹ Source: <http://online.encodeplus.com/regis/lincoln-ne/doc-viewer.aspx?secid=12141>

Overall, the Project encompasses approximately 1,100 acres, although due to the constraints noted below, the actual developed land will result in a smaller footprint. Salt Creek Solar has acquired the rights necessary to develop, construct and operate the Project through lease agreements from private property owners. A list of participating parcels is in Appendix B.

The Project area is zoned Agriculture (“AG”). The Project parcels primarily feature cultivated agricultural land, but they also contain a limited amount of wooded areas, wetlands, creeks or streams, and other constraints such as transmission lines and natural gas lines. The Project is sited to avoid these constraints and is set back from adjacent roadways and non-participating property lines. To the extent practicable, existing vegetation will remain in place and will be utilized as a natural buffer. Where existing vegetation does not exist, the Project will implement and maintain vegetative buffering as noted in the section below and as shown in Appendix A. For a site overview see Figure 1 and a detailed view in Appendix A.

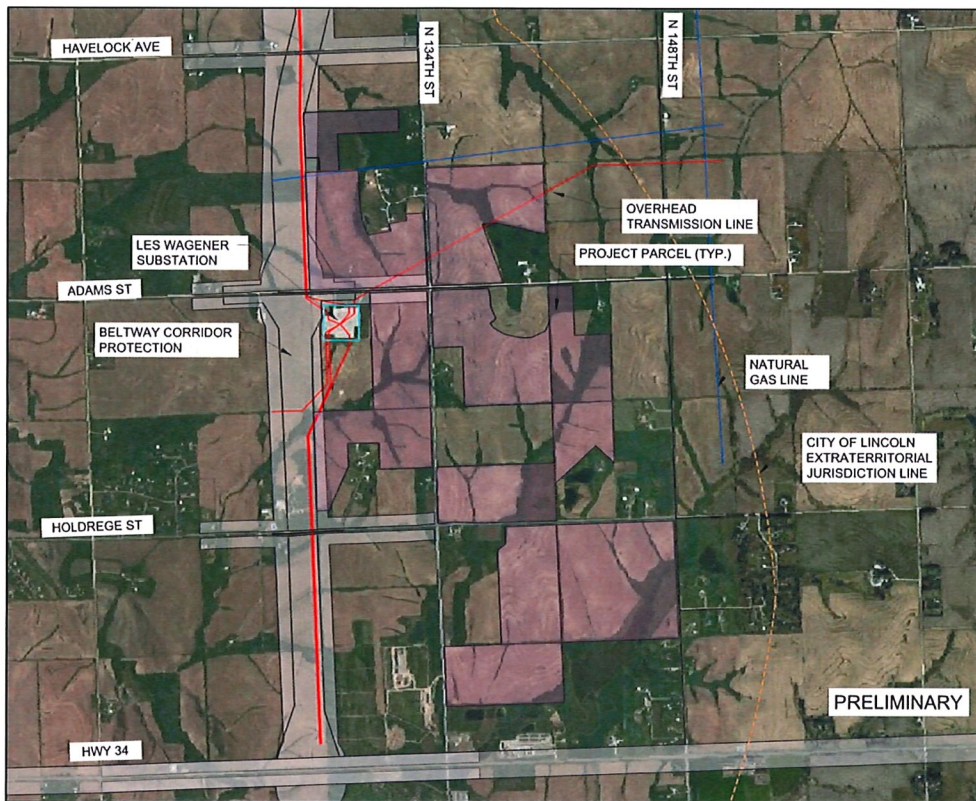


Figure 1 – Project Site Overview

4 Proposed Built Conditions

The Project will consist of a self-powered single-axis tracking solar panel system on North-South oriented racking which is supported by steel piles driven into the ground. Final equipment selection will be determined prior to the start of construction, but the major features of the Project based on current design are:

- Solar PV panels to generate up to 230 MWac of solar power;
- Single-axis steel trackers and racks to support the PV panels, allowing for east-west rotation (see 3);
- H-shape steel piles or similar to support panels, racks and miscellaneous equipment (e.g. combiner boxes);
- DC electrical combiner boxes and cable management system;
- Underground electrical conduit and cabling collection system (consistent with the Ordinance's requirement);
- Skids or concrete foundation pads each supporting an inverter, a medium voltage transformer, and associated data collection equipment for metering and monitoring;
- On-site interior and perimeter access roads;
- Perimeter fencing at least 6 feet in height, in accordance with applicable electrical codes and safety standards (See Figure 2 for expected and typical perimeter fence appearance);
- Interconnection substation (which will be outside of the PV Project fencing but will be separately fenced with barbed wire) and high voltage generation tie line to the LES Wagener Substation;
- General environmental protections for stormwater, erosion control and other measures as required by federal, state and local regulations;
- Vegetative buffers will be along Project parcel boundaries adjacent to non-participating residences where existing vegetative buffers do not exist and further clarified in Appendix A. The Project will also use vegetative buffers along project parcel boundaries where a non-participating residence's property boundary is separated from a project property boundary by a roadway;
- Vegetative buffers will be maintained by the Project and a final vegetative buffer plan will be submitted to the City prior to construction. The Project's vegetative buffers will be focused on non-participating residences.
- Proposed solar panel location setback and maximum height requirements are set forth in Table 2 and further clarified in the site plan in Appendix A. No solar panel will be located closer than 100 feet to the property line of a non-participating property containing a residence. This exceeds the Lincoln Municipal Code's requirements in most cases. The setbacks in the Code assume a front yard, side yard and rear yard in an urban or suburban, mainly residential context. Given the rural nature of the Project location and the surrounding land, Salt Creek Solar believes the following proposals are more appropriate for the Project and more protective for the surrounding residents, particularly owners of residences on

non-participating properties. The primary emphasis in this proposal is to afford maximum reasonable protection to adjacent, non-participating landowners and arterial streets.

Property Line Setback Proposals	
Non-Participating Property with a Residence	100 Feet
Non-Participating Property without a Residence	50 Feet
Participating Property with a Residence	50 Feet
Participating Property without a Residence	0 Feet
Public Roadway	50 Feet

Table 2 - Setback & Max Height Requirements



Figure 2 – Project Fence



Figure 3 - Single Axis Solar Tracker Example²

² Source: <https://cleantechnica.com/2019/01/15/nextracker-rolls-bifacial-solar-dice-for-750-megawatts/>

5 Decommissioning Plan

Section 27.63.830 requires that *“Each Solar Energy Conversion System facility shall have a decommissioning plan outlining the means, procedure, and costs of removing the machines and all related supporting infrastructure and a bond or equivalent enforcement resource to guarantee removal and restoration upon discontinuance, decommissioning, or abandonment.”*³ The Salt Creek Solar Decommissioning Plan (Plan), below, outlines a typical program for decommissioning the Project at the end of its life cycle. This Plan describes the general measures and procedures for Salt Creek Solar to fully decommission the site, including dismantling equipment, recycling/salvaging project materials and restoring the site. Before commencing decommissioning activities, Salt Creek Solar will verify the decommissioning requirements with City, County, state and/or federal agencies and submit a revised plan for approval if necessary.

Decommissioning will occur at the end of the Project's useful life. The costs for removal of the Project (net of any estimated salvage value) and site restoration, will be determined by a mutually agreed upon third party engineer as described below, and Salt Creek Solar will post financial security for decommissioning according to the schedule in the below Financial Assurance section. Salt Creek Solar proposes to provide a decommissioning cost estimate prior to commencing construction and each five years thereafter.

DECOMMISSIONING PLAN

Overview

The Project area will be restored to its prior designated use upon project decommissioning. All site activities described below shall commence after the site has been de-energized and secured. Because decommissioning activities are not expected to occur for many years, and regulatory requirements may change, any applicable permitting or regulatory requirements would be reviewed with appropriate agencies prior to decommissioning activities to ensure compliance.

General Environmental Protections

During decommissioning and restoration activities, general environmental protection measures will be implemented as required. Many activities during decommissioning will be comparable to the construction phase, including the use of heavy equipment on site, preparing staging areas, and restoring constructible areas around all Project infrastructure.

Pre-dismantling Activities

Prior to engaging in decommissioning activities, the Plan shall be updated in accordance with applicable requirements at the time of decommissioning. Decommissioning and restoration activities will be performed in accordance with all relevant statutes in place at the time of decommissioning and in accordance with the Project's other environmental permits. At the end of the Project's useful

³ Source: Lincoln Municipal Code (<http://online.encodeplus.com/regs/lincoln-ne/doc-viewer.aspx?secid=12141#secid-12141>)

life, it will first be de-energized and isolated from all external electrical lines prior to initiating dismantling or ground-disturbing decommissioning work.

Equipment Dismantling and Removal

The major components of the Project will be PV modules, the steel tracker system and support piles, electrical cabling, and transformer and inverter skids/pads. All electrical equipment above ground, and underground (to a depth of four feet below grade), will be removed from the project property upon decommissioning.

PV Module and Tracking System Removal and Recycling

All modules will be disconnected, removed from the trackers, packaged and transported to a designated location for resale, recycling, or disposal. Any disposal or recycling will be done in accordance with applicable laws and requirements. The connecting cables and the combiner boxes will be de-energized, disconnected, and removed. The steel racking system supporting the PV modules will be unbolted and disassembled by laborers using standard hand tools, possibly assisted by a small portable crane. All steel support structures will be completely removed by mechanical equipment and transported off site for salvage or reuse. Any demolition debris that is not salvageable will be transported to an approved disposal area. Other salvageable equipment and/or material will be removed from the site for resale, scrap value or disposal. The modules, tracking systems and select equipment will be supported via driven steel piles. All piles shall be removed and salvaged.

Electrical Equipment Removal

All decommissioning of electrical devices, equipment, and wiring/cabling will be carried out in accordance with local, state and federal laws. Any electrical decommissioning will include obtaining required permits, and following applicable safety procedures before de-energizing, isolating, and disconnecting electrical devices, equipment and cabling. Decommissioning will require dismantling and removal of electrical equipment, including inverters, transformers and underground/aboveground cables. All electrical equipment will be removed from the Project property upon decommissioning. The equipment will be disconnected and transported off site. Concrete inverter foundations and support pads, if required, will be broken up by mechanical equipment (backhoe-hydraulic hammer/shovel, jackhammer), loaded on to dump trucks and removed from the site. Smaller pre-cast concrete support pads, if required, will be removed intact by cranes and loaded onto trucks for reuse, or will be broken up and hauled away by dump trucks. Prior to removal of the inverter transformers, any oil will be pumped out into a separate industry approved disposal container and sealed to prevent any spillage during storage and/or transportation. Equipment and materials are expected to be salvaged for resale or scrap value depending on the market conditions.

Road Rehabilitation

The site roads will consist of exterior perimeter roads (including access points) or interior roads depending on their location within the site. At the time of decommissioning it will be necessary to coordinate with property owners and Lancaster County to determine if the main access and perimeter roads should remain. If any of the interior roads serve no future purpose, they will be decommissioned and restored to preconstruction conditions. The decommissioning will involve the removal of the aggregate and filling the remaining voids with on-site surface materials by grading. Removed materials will be taken to an appropriate recycling area (possibly on site) where the gravel materials can be processed for salvage value or future use. Remaining ground surfaces will be

rough graded if necessary, to merge with the surrounding elevations and returned to near preconstruction conditions by means of grading and disking, using a tractor and disc attachment to restore the soil structure and to aerate the soil.

Site Restoration

Following decommissioning, the Project site will be stabilized to prevent any adverse environmental effects. The site will be restored to ensure it is clean, safe and environmentally stable. Site restoration will commence once all above ground and below ground structures and materials have been removed and disposed of appropriately. The site is to be restored to preconstruction conditions or as directed by applicable federal, state or local code at the time of decommissioning as appropriate. Sites shall be re-seeded with native vegetation as required and coordinated with property owners.

Fences and Gates

The perimeter fences will be dismantled, removed and recycled or disposed of offsite only after all other ground-disturbing decommissioning and site restoration work has been completed. Posts will extend to a depth below the frost level, several feet below grade, and will be directly embedded. Most line posts will be direct embedded. The Project will be accessed through manually operated swing gates located at multiple permanent access points. It is anticipated that the fence, gates, wire and hardware will be removed and recycled at decommissioning.

Material Handling Procedures

Waste Management Plan

During decommissioning, debris and waste generated shall be disposed of or recycled according to a waste management plan and all applicable regulations. A waste management plan coordinator shall be designated by the project operator to facilitate recycling and disposal of all decommissioning waste through coordination with licensed contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal (e.g., PV panels) are handled according to local and state regulations that are in effect at the time of disposal. Although hazardous waste is not anticipated on the site, any hazardous waste would be removed and disposed of in accordance with local, state, and federal laws. The name and phone number of the coordinator shall be provided to the local waste management department prior to issuance of building permits.

Emergency Response and Communications Plans

During decommissioning, coordination with local authorities, the public, and other stakeholders will be required to provide information about the ongoing activities. In addition to regular direct/indirect communication, signs will be posted at the Project facility to inform the local public. Contact information (telephone number, email, and mailing address) will be provided to the public for those seeking more information about the decommissioning activities and/or for reporting emergencies and complaints.

Personnel involved in decommissioning will be trained in the emergency response and communications procedures. Emergency response procedures will be prepared prior to decommissioning.

Financial Assurances

The cost for decommissioning large-scale solar facilities is typically a fraction of construction cost. Salvage / secondary market value of the solar components, cabling, and steel from the Project can be significant and must be factored into the estimated cost. For example, the value of recycled steel can increase significantly over time, as steel becomes more expensive. Accordingly, it is more appropriate to post financial security later in the Project's useful life, after the fifteenth year of operation, based on an estimate of the net decommissioning cost (cost less salvage value) prepared at that time to reflect then-current market conditions. As stated above, Salt Creek Solar proposes to provide a decommissioning cost estimate prior to commencing construction and each five years thereafter.

In addition to the City's decommissioning requirements, and posting decommissioning security with the City, Salt Creek's leases with participant landowners impose obligations on Salt Creek Solar to decommission the Project.

Schedule

All decommissioning and restoration activities shall be completed within one year of the time at which the Project ceases commercial operation.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

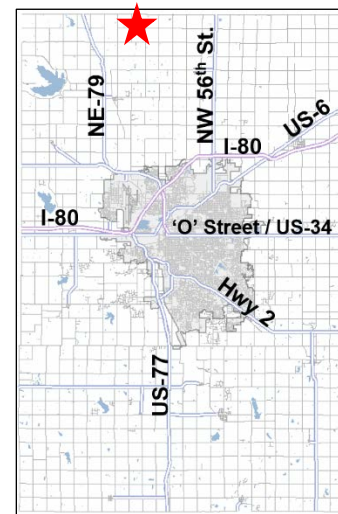
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19035	FINAL ACTION? Yes	DEVELOPER/OWNER Wayne & Charlene Greve
PLANNING COMMISSION HEARING DATE August 7, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Approximately ¼ mile east of NW 27 th St. and W. Ashland Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Commercial Feedlot for up to 380,000 chickens in 8 barns. Each barn is roughly 63' wide by 600' long. The area of the special permit is approximately 20 acres within an 80 acre lot. The area of the special permit is in the east half of the lot.



JUSTIFICATION FOR RECOMMENDATION

This application is in conformance with the goals of the 2040 Lincoln-Lancaster County Comprehensive Plan and should not have a negative impact on the surrounding area. There is one house within a quarter mile and only 5 houses within one-half mile of the boundaries of the special permit. The nearest house should not be negatively impacted by the proposal as it is approximately ¼ mile from the site and is the owner's house.

The proposed conditions will address any impact of the proposal. The increase in traffic is relatively minor and the applicant will be required to improve West Ashland Road. The special permit application was reviewed by Lower Platte South Natural Resource District and Lincoln-Lancaster County Health Department and they did not object to this application. The Nebraska Department of Environmental Quality (NDEQ) reviewed the applicant's permit for the concentrated animal feeding operation and did not object. Even though this is an enclosed "dry litter" operation without any outdoor waste storage, a permit from NDEQ is still being required to ensure compliance and prevent impact to ground water and reduce odors.

APPLICATION CONTACT

Sunset Poultry, LLC, 402-326-3152
bussardj@gmail.com

STAFF CONTACT

Tom Cajka, (402) 441-5662 or
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, which given the proposed conditions, is appropriate at this location. The goals of the Comprehensive Plan encourage more diversified agribusiness ventures, local food production and to preserve land for agricultural purposes. The Plan also encourages compatibility of businesses with residential uses. The proposed conditions address the

potential impact from traffic, odor, and noise on nearby residences and the larger community.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 2.7- Acknowledge the fundamental “Right to Farm.” Preserve areas throughout the county for agricultural production by designating areas for rural residential development—thus limiting potential conflicts between farms and acreages.

P. 2.7 - Ensure that acreage and rural development preserve and protect environmentally sensitive areas, and maximize the preservation of our nonrenewable resources, such as land and fossil fuels.

P. 3.1- Surface water is susceptible to pollution in the form of sedimentation and contamination from runoff. Fertilizers and sediment are the most common water quality problems in the County’s streams and lakes.

p. 3.2 - High salinity in the northern part of the county makes groundwater more difficult to acquire. Groundwater contamination includes infiltration of agricultural chemicals into supplies.

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. 3.12 - Production of food closer to the urban center, if not within it, reduces the distance food must be transported, increase the freshness of food available, supports the local agricultural economy, and provides nutritious food to those who might not otherwise be able to obtain it.

P. 3.12 - Local food may be produced in the rural area of the county, or counties nearby; or it may also be produced within the urban area itself.

P. 5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land. While this land is largely considered “undeveloped,” it is still an important economic factor in the county’s future. Agriculture’s impact on the local economy goes beyond the sale at the end of production. Farms of all sizes make purchase of goods and services in the city and county throughout the year, which contributes to the local tax base and sustain growth for other business in the agriculture industry.

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

P. 7.2- Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.

P. 7.13 - Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state’s Right-to Farm law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services.

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

P. 12.4 - Agricultural. Land principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (eg., horticulture, silvaculture, aquaculture) on site.

ANALYSIS

1. This is a request for a special permit under Article 13.035 Commercial Feedlot of the Lancaster County Zoning Regulations. The proposal is for 8 barns each housing up to 47,500 chickens for a total of 380,000 chickens. Each barn will be approximately 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 (NDEQ) addressing anti-pollution controls is required. (see attached statement from NDEQ) Although there are no specific conditions listed, Articles 13.001 and 13.002 offers guidance to the Planning Commission in reviewing special permits; “The Planning Commission may modify or waive or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety

and general welfare of the surrounding properties.” “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. The current parcel is 80 acres. The special permit is for approximately 20 acre within the 80 acre lot on the east half of the property. The site plan shows the proposed area for the special permit. All barns and other related buildings associated with the commercial feedlot must be within the special permit boundary.
4. This site is shown as agriculture in the Comprehensive Plan, a feedlot is an agricultural use. The definition of Agriculture in the zoning regulations is, “Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use.
5. The Lancaster County Zoning Regulations state that the Agricultural District is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.
6. Raymond Central School is located approximately one mile to the south of the most southern barn. The Lower Platte South Natural Resource District (NRD) confirmed that the school has a well north of the intersection of W. Ashland Rd. and County Road 23, approximately three-fourths of a mile from the barns. The school also has 2 additional wells located on school property approximately 1 mile south of the proposed poultry barns. Approximately one-half mile to the east is an area shown as Environmental Resources in the 2040 Comprehensive Plan. The area is shown as having native hay and pasture.
7. The NRD submitted ground water information for the proposed site. (See attached) The report identifies 11 registered wells within a one mile radius of the proposed facility. Nine of the wells are domestic, one irrigation and one is classified as other. The irrigation and “other” wells are inactive. The active wells show a pumping rate ranging from 7 to 30 gallons per minute which is fairly typical for domestic and stock wells in southeast Nebraska.

The nearest well the NRD has sampled is located about 1 ½ miles northwest of the proposed site. The report states that in agricultural areas, the primary concern is the level of nitrate-nitrogen in ground water due to infiltration of fertilizers and animal waste applied to the landscape. However, the NRD’s ground water sampling in this area has indicated no elevated levels of nitrate; all samples taken for the well indicated showed no detectable levels of nitrate. The report concludes that the overall vulnerability of ground water to contamination from surface sources in this area is fairly low.
8. NRD also noted that they anticipate the owners will need to obtain permits from this NRD for installing ground water wells. The ground water supply appears to be somewhat limited. Test holes, pump tests, and water quality sampling will likely be required before issuing a well permit. The NRD recommends the operators of the facility agree to follow the Nebraska Department of Environment & Energy’s permitting requirements and properly manage the facility and wastes generated. During construction of the facility, the owners will also need to install adequate erosion and sediment control practices.
9. Nebraska Department of Environmental Quality (NDEQ) has inspected the site. NDEQ 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. While the operation is exempt from the Title 130 permitting requirements, any construction activity that disturbs a land area of one acre or more must obtain coverage under the Construction Storm water General Permit Number NER 160000, which authorizes storm water discharges from construction sites.

The proposed operation would handle waste using a “dry litter” system. Per information from the applicant about typical operations, chicken waste would not be stored outside. Instead, it would be composted after the chickens are removed. The operation is designed to reduce the amount of water within the buildings so to reduce odors. After several times of composting, the remaining product would be removed for field application as a fertilizer.
10. Since the proposal is for a dry litter operation with no outside waste NDEQ doesn’t require a Construction and Operating Permit (COP). The COP includes a requirement for a Nutrient Management Plan to address how the waste product would be handled and field applied. In previous special permits for chicken farms (SP18025 and SP14044A)

the approval required the submittal of the Nutrient Management Plan or COP prior to building permit for the chicken barns. This is recommended by the Lincoln/ Lancaster County Health Department in this case as well.

A COP specifies maximums for headcount and confinement structures. It requires that construction be completed as approved in the application. It requires among other items, land application training for large operations, proper management of mortalities, protocols for appropriate testing of manure and protocols to land apply manure.

As there is not any outside waste storage, the regulating state agencies are not concerned about this proposal having a negative impact via water runoff contaminating adjacent properties or the surrounding area. The site plan does not show any outside waste storage, only small compost sheds to handle dead chicken, which will be covered with litter and composted.

11. The nationwide literature about odor concerns from chicken farms have primarily been about facilities with barns that are partially open and may include outside waste storage. This proposal is for an enclosed barn without any outside waste storage. Thus, the concerns about odors are significantly reduced. A quarter mile setback (1,320 feet) is recommended in order to minimize potential odor concerns on adjacent properties.
12. There are 20 houses within one mile of the proposed site. Four houses are between $\frac{1}{4}$ to $\frac{1}{2}$ miles of the barns. Seven houses are between $\frac{1}{2}$ and $\frac{3}{4}$ miles from the barns. Eight houses are between $\frac{3}{4}$ and 1 mile from the proposed barns. There is one house within $\frac{1}{4}$ mile of the barns, but this is the owner's house. (see attached map)
13. Lincoln-Lancaster County Health Department (LLCHD) has reviewed this application and recommends that the applicant obtain a Construction and Operating Permit from NDEQ. The owner/operator is responsible for controlling dust from the site. All chicken barns must be located a minimum of 100 feet from any well.
14. This application was reviewed by Valparaiso Rural Fire Department. The fire department has concerns with the condition of West Ashland Road and potential health impacts if one of the barns has a fire. The rural fire department would like a sprinkler suppression system and a clean water hookup for fire suppression since it is so far out in the district.
15. The applicant's letter states that there will be 20 trucks per week on average serving this site. Some weeks there will be as few as 4 trucks. The most trucks in one week will be when the chickens are ready to be transported to the processing facility. The site will use 62 trucks in this week.
16. West Ashland Road is a minimum maintenance dirt road for approximately one -quarter mile from this site before there is gravel. Improvements to the road to accommodate truck traffic is required. The Saunders County Board of Supervisors determined that the road should be improved to the next minimum standards design because of the new traffic due to the poultry farm if built. The developer should provide the cost for the improvements. Lancaster County and Saunders County have a joint agreement for maintenance of this County line road. Saunders County, specifically Rockcreek Township, is responsible for maintenance of W. Ashland Rd. from the subject property to NW 12th St.
17. The chickens from this proposed site will be transported to Fremont for processing. The most probable route would be for trucks to leave the site go east on West Ashland Rd for about one-half mile and then drive one mile north on County Road 23 in Saunders County before heading east on County Road A. County Road A becomes Main Street in Ceresco. Ceresco Elementary and several houses abut Main Street. County Road A/ Main Street carries a mix of truck and personal vehicles every day. There are grain elevators are located south of Main Street and the Ceresco Business District is located two blocks south of Main Street.
18. The site has significant slope to it with a drop of over 30 feet from west to east. There is also a minor drainage way in the southern portion of the special permit boundary. The Lancaster County Engineering Department has requested that a drainage study and grading plan be provided.
19. This proposal is part of an overall system which will utilize feed grown in Nebraska with processing in Fremont, Nebraska. The final product will be sold locally, as well as to a larger market. The Comprehensive Plan encourages local food production. It states "Local food production is encouraged, building a stronger relationship between city and rural communities and greater security for our food supplies. "The economy provides opportunities for local food production and sales, renewable energy production, and the benefit of natural resources produced in the area and integrates them into the land use pattern." (Page 1.5)
20. The Comprehensive Plan also encourages keeping the public engaged and informed about planning matters. In this case the applicant met with nearby owners, but did not hold any public meetings to inform the larger public about

the proposal. This unfortunately led to great concern about the application due to the limited information. While the applicant did not hold public information meetings, that is not a reason for denial of this application. It is unfortunate, but the proposal must be judged on the facts of the application.

21. The Lancaster County Board of Commissioners established the CAFO working group of 10 members of varied interest to work with County staff to review state and other community regulations in order to advise on potential changes to the existing zoning. The working group has met nine times from March through July 2019. The group is currently reviewing draft of proposed zoning revisions. The draft and additional information from the Working Group meetings can be found on the Planning Department website. The Working Group is scheduled to meet again on August 8th.

This application will be reviewed using the current regulation as well as being informed by past practices on previous commercial feedlot special permits. It is not appropriate to use the Working Groups draft document in order to review this application.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground

SURROUNDING LAND USE & ZONING

North:	A-1 Agriculture Saunders County	Farm ground
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground
West:	AG Agricultural	Farm ground and 3 houses

APPROXIMATE LAND AREA: 20 acres, more or less

LEGAL DESCRIPTION: A portion of the E1/2, NW ¼ of Section 4, Township 12 North, Range 6 East; Lancaster County, Nebraska

Prepared by

Tom Cajka, Planner

Date: July 30, 2019

Applicant: Sunset Poultry, LLC
3045 W. Rock Creek Rd.
Raymond, NE 68428
402-326-3152
bussardj@gmail.com

Contact: Nutrient Advisors
449 E. Deere Street
West Point, NE 68788
402-372-2236
info@nutrientadvisors.com

Wayne Greve
2342 Ashland Rd.
Cresco, NE 68017
402-326-0830

Owner: Wayne Greve
2342 Ashland Rd.
Ceresco, NE 68017
402-326-0830
Cgreve.66@gmail.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19035

Per Article 13.035 this approval permits a Commercial Feedlot for 8 barns and up to 380,000 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 On the site plan below the name Sunset Poultry add Special Permit #19035.
 - 1.2 Add the legal description to the site plan.
 - 1.3 Add a note to the site plan that any chicken barn and compost shed shall be located a minimum of a quarter mile (1,320 feet) from any existing house, except for the house at 2342 Ashland Road (currently owned by the applicant).
 - 1.4 Add a note that all buildings shall be setback a minimum of 100 feet from any lot line.
 - 1.5 Submit a grading plan to the satisfaction of the Lancaster County Engineering Department.
 - 1.6 Submit a drainage study of the site to the satisfaction of Lancaster County Engineering Department that will confirm that the change in land use shall not adversely affect runoff to adjacent properties and the county right-of-way.
 - 1.7 Identify the distance from the special permit boundary at the northeast corner to the east lot line and from the southeast corner to the east lot line.
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.
- 2.2 Before beginning the operation, the permittee shall:
 - 2.2.1 Obtain a Construction and Operating Permit and Nutrient Management Plan from Nebraska Department of Environmental Quality.
 - 2.2.2 Improve West Ashland Road to the satisfaction of the Saunders County Highway Superintendent.

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.



W ASHLAND RD

AG

City of Lincoln/Lancaster County, NE

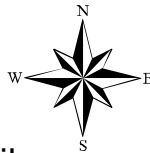
2018 aerial

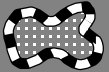


Special Permit #: SP19035
Sunset Poultry
NW 27th St & W Ashland Rd

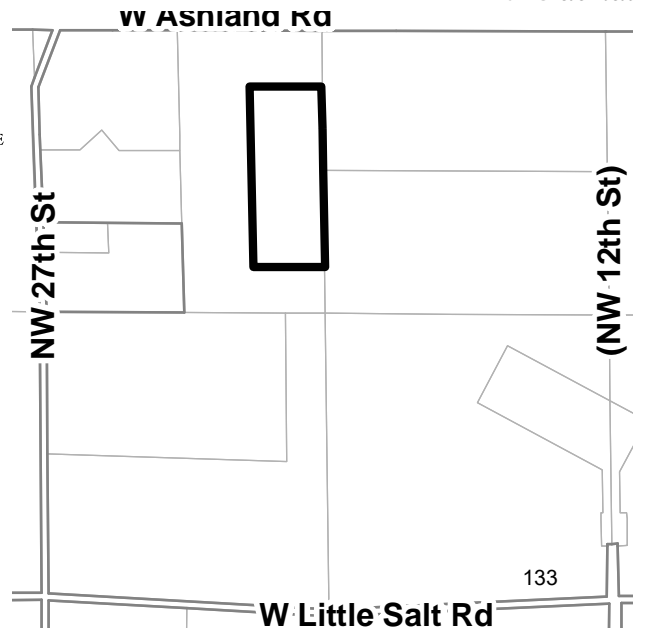
Zoning:

- 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.04 T12N R06E



	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction



W Ashland Rd

NW 27th St

(NW 12th St)

W Little Salt Rd

133

Sunset Poultry, LLC

Site Map

Key

- Parcel Boundary
- Special Permit Boundary 20.5 acres

NW 1/4 Sec 16, T12N, R10W

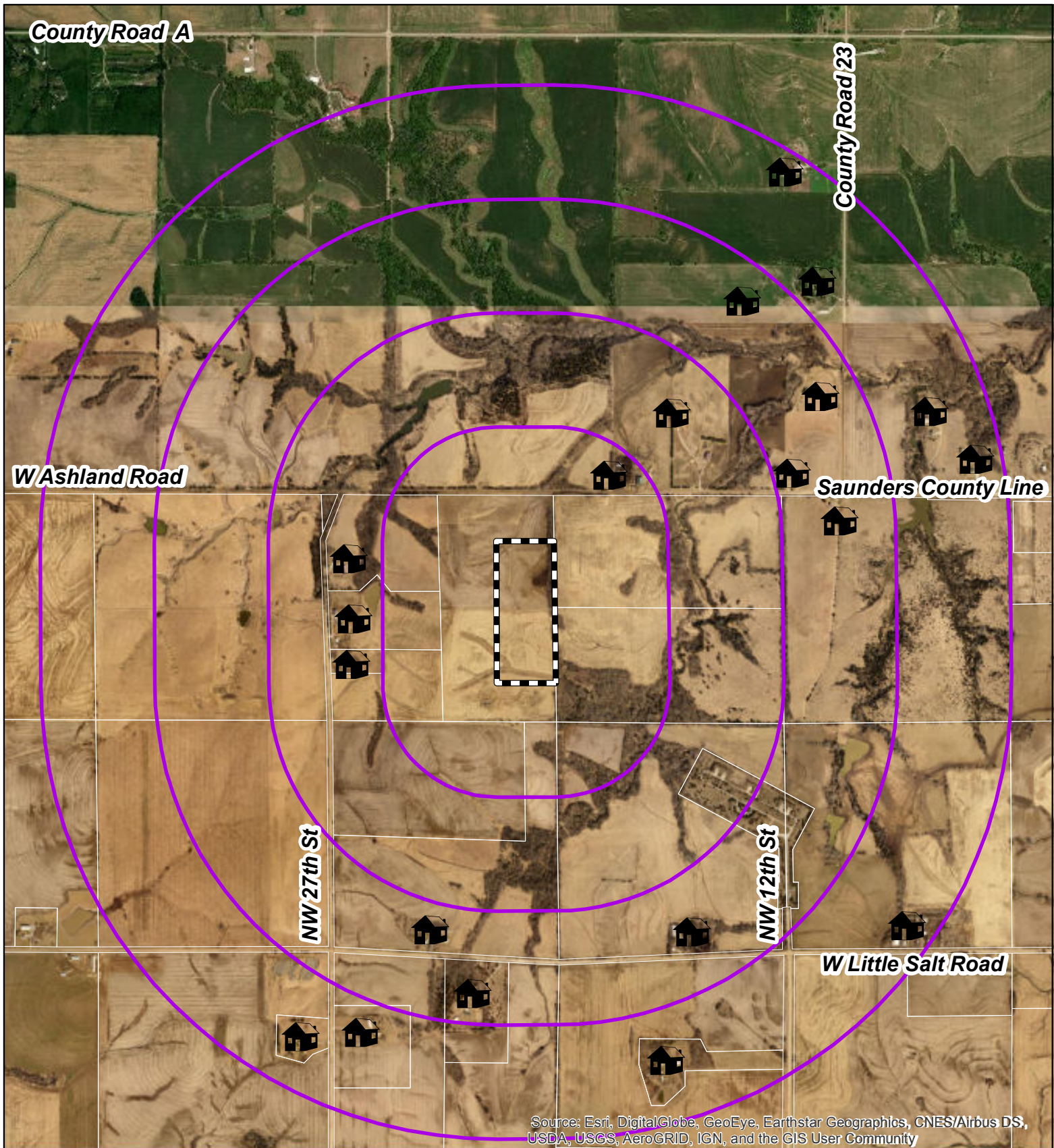


Google Earth

© 2018 Google



1000 ft



Dwellings within 1 Mile

1/4 Mile Buffer = 1 (Applicant's House)

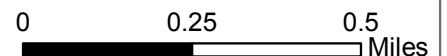
1/4 to 1/2 Mile Buffer = 4 Du's

1/2 to 3/4 Mile Buffer = 7 Du's

3/4 to 1 Mile Buffer = 8 Du's

Total Du's = 20

Date: 7/19/2019



Geological and Ground Water Background Information
Proposed Sunset Poultry LLC Facility Near NW 27th St. and W. Ashland Rd.
E ½ of NW ¼, Sec. 4, T12N, R6E, Lancaster County

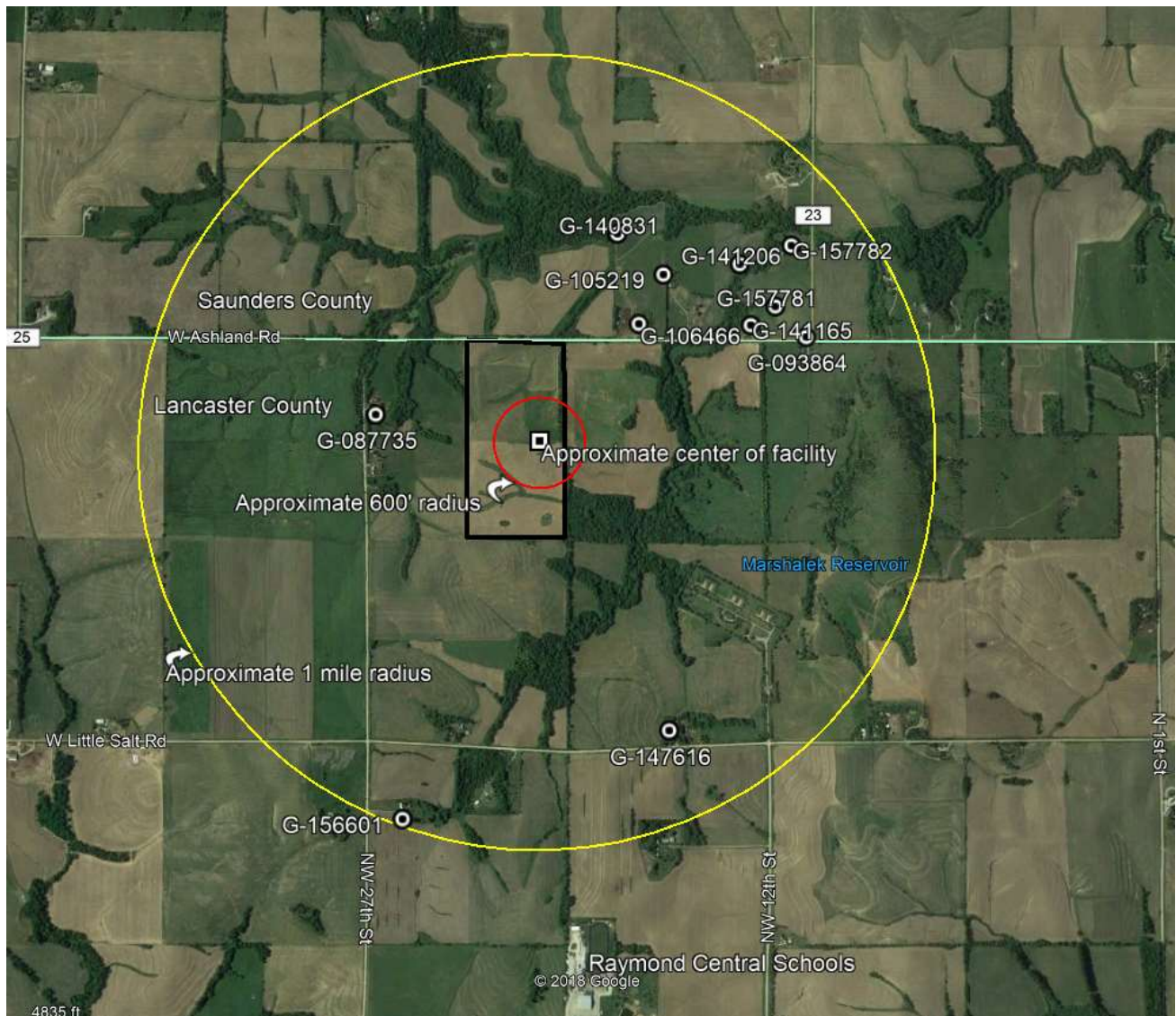
Dick Ehrman, Water Resources Specialist
Lower Platte South Natural Resources District

General Geological and Ground Water Background

The site is located in far northern Lancaster County (the northern property boundary is the Lancaster-Saunders County line) in the Rolling Hills topographic region. In general, the area is underlain by windblown silt (loess) and glacial till (a poorly-sorted mixture of clay, silt, sand and gravel but often characterized by thick sequences of clay) and ancient sand and gravel deposits which can yield variable amounts of ground water. Additionally, the Dakota Group bedrock sandstones can produce ground water but if wells are drilled too deep into the Dakota, poor water quality from high salt levels can be a concern.

Within a one-mile radius of the proposed facility, the Nebraska Department of Natural Resources' well registration database lists a total of 11 registered wells, nine of these being domestic wells, one being an irrigation well, and one falling into the "other" category. Note that four of these wells are currently listed as inactive (two of the domestics, and each of the irrigation and "other" wells). The table below summarizes the basic characteristics of those wells; the map on the following page shows their locations in relation to the proposed facility:

Well Registration Number	Use	Completion Date	Land Surface Elevation	Static Water Level	Water Table Elevation	Well Depth	Screen Interval	Pump Rate (gpm)
G-087735	Domestic	1995	1357	63	1294	155	145-155	10
G-093864	Domestic	1997	1295	61	1234	200	190-200	30
G-105219	Domestic (Inactive)	1999	1309	Unk.	Unk.	190	180-190	N/A
G-106466	Domestic	2000	1325	66	1259	210	200-210	25
G-140831	Irrigation (Inactive)	2005	1307	30	1277	167	147-167	N/A
G-141165	Domestic	2005	1303	59	1244	190	180-190	10
G-141206	Other (Inactive)	2005	1269	13	1256	65	60-65	N/A
G-147616	Domestic	2007	1339	28	1311	90	50-90	7
G-156601	Domestic	2010	1378	67	1311	190	175-190	15
G-157781	Domestic	2010	1284	20	1264	163	153-163	20
G-157782	Domestic (Inactive)	2010	1258	60	1198	140	130-140	N/A



In general, the geologic logs for the above wells show a few tens of feet of brown silt and clay, then several tens of feet of alternating sand, silt, and clay, then a few tens of feet of blue silty clay, and finally sandstone and shale at around 200 feet below the land surface. Note that this is only a summary; each of the above wells' logs is slightly different. It appears that two of the above wells are screened in the shallower sand units around 60-90 feet below the surface, while the remainder of the wells are screened considerably deeper, between 140 and 210 feet below the surface. All of the wells are registered as pumping between 7 and 30 gallons per minute (gpm), which is fairly typical for domestic and stock wells in southeast Nebraska.

Ground Water Quality

The Lower Platte South NRD has not sampled any wells in the area indicated on this map. The nearest wells that the NRD has sampled is an irrigation well approximately 1 ½ miles northwest of the proposed facility. In agricultural areas, the primary concern is the level of nitrate-nitrogen in ground water due to infiltration of fertilizers and animal waste applied to the landscape. However, the NRD's ground water sampling in this area has indicated no elevated levels of nitrate; all samples taken for the well indicated above showed no detectable levels of nitrate. For reference, the US Environmental Protection Agency's maximum contaminant level (MCL) for nitrate-nitrogen in drinking water is 10 ppm. Therefore, the Lower Platte South NRD has no indication of widespread nitrate contamination in the area surrounding the proposed facility. As already mentioned, some results from some sampling events have shown slightly elevated levels of dissolved salts (particularly sodium), but these are attributed to natural sources associated with the bedrock units in the area, and are generally considered a nuisance. All other parameters in the NRD's database for samples from this area have been well within associated guidelines for drinking water.

Water Quality Considerations

As noted above, the subsurface materials in this area consist of a variety of silt and clay materials, under which occur different kinds of aquifer materials. As a general rule, the greater the distance from the surface to the ground water, and the more fine-grained the materials that make up this zone (generally known as the unsaturated or vadose zone), the less likely the leaching of materials applied to the surface. That being the case, most of the wells listed that are screened in the deeper aquifer units, especially where there are significant thicknesses of glacial till or clay, appear to be at comparatively low risk from surface contamination. The wells that are constructed and screened at a shallower depth would have a higher vulnerability to contamination from the surface, but even so the fine-grained materials near the surface offer some protection from widespread ground water pollution. Therefore, the overall vulnerability of ground water to contamination from surface sources in this area is fairly low, especially compared to areas with coarse, sandy soils and shallow depths to ground water. However, as with any applied fertilizer materials, careful application and management is necessary to minimize any risks to water quality. Given that this area is characterized by sloping land surfaces, this is especially important to protect surface water from runoff which might contain high amounts of nutrients which can negatively impact water quality in streams and lakes.

Helpful References:

Korus, J.T., L.M. Howard, A.R. Young, D.P. Divine, M.E. Burbach, J.M. Jess, and D.R. Hallum. 2013. *The Groundwater Atlas of Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas # 4b/2013. 64 p.

Divine, D.P. 2014. *The Groundwater Atlas of Lancaster County, Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas #7. 39 p.

LANCASTER COUNTY ENGINEERING DEPARTMENT

Upon review, this office would offer the following comments for "SUNSET POULTRY" Special Permit "SP19035" submittal dated 7-9-2019 (V1) in the NW ¼ of Section 4, T12N, R6E, located along Ashland Road approximately ½ mile east of NW 27th Street.

1. Please provide a grading plan for the site area and access driveway for our review.
2. Provide a drainage study of the site that will confirm that the change in land use shall not adversely affect runoff to adjacent properties and county right-of-way. The study should include at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. Post-development flows should be less than or equal to pre-development flows.
3. Install necessary erosion and sediment control (ESC) measures to stabilize any disturbed lands.
4. It should be noted that West Ashland Road adjacent to proposed Special Permit is currently an unimproved dirt roadway and is within the maintenance jurisdiction of adjoining Saunders County. This unimproved dirt road would need to be reviewed by adjacent Saunders County Highway Department for comments/concerns/procedures/costs, etc., to upgrade roadway grading, surfacing and drainage to accommodate the anticipated traffic use proposed by this Special Permit.
5. Applicant to make access permit application with Lancaster County Engineering Department at 444 Cherrycreek Road Building 'C', Lincoln, NE for entrance to proposed site from West Ashland Road. Access permit application information can be found on the Lancaster County Engineer's website at <http://lancaster.ne.gov/engineer/driveway.htm> NOTE: Access permit guidelines along Lancaster County's boundary in this area is as follows: • Adjoining County's road maintenance with property access coming from Lancaster County --- Applicant to take out drive permit from Lancaster County Engineering Department so we can check sight distance and locate for addressing and address sign installation if applicable. Also, LCED will forward a copy of access permit to adjoining County for their review and approval. Landowner and applicant to receive processed access permit from adjoining County.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

The application indicates the use of a back-up generator. Prior to installation, the applicant should contact the Lincoln-Lancaster County Health Department's (LLCHD) Air Quality Program at (402) 441-8040. The owner/operator will be responsible for controlling off-site dust emissions in accordance with Article 2, Section 32 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. LLCHD recommends that the applicant obtain a construction/operating permit from NDEQ in accordance with Nebraska Administrative Code Title 130-Livestock Waste Control Regulations. This would require the submittal of a Nutrient Management Plan approved by NDEQ. The proposed chicken barns must be located a minimum of 100 feet from any water well.

LOWER PLATTE SOUTH NATURAL RESOURCE DISTRICT

NRD staff has reviewed the application, and anticipate the owners will need to obtain permits from this NRD for installing ground water wells. The ground water supply appears to be somewhat limited. Test holes, pump tests, and water quality sampling will likely be required before issuing a well permit. We

recommend the operators of the facility agree to follow the Nebraska Department of Environment & Energy's permitting requirements and properly manage the facility and wastes generated. During construction of the facility, the owners will also need to install adequate erosion and sediment control practices.

VALPARAISO RURAL FIRE

As a rural Fire department we feel there are too many hazards and risk with this project location.

DEPT. OF ENVIRONMENT AND ENERGY

Joshua L. Bussard
Sunset Poultry, LLC
3045 West Rock Creek Road
Raymond, NE 68428-4454

RE: Sunset Poultry, LLC Concentrated Animal Feeding Operation
NDEQID: 112920
Program ID: LWC 2-1089
Subject: Construction & Operating or NPDES Permit Not Required
E 1/2, NW 1/4, Section 04, Township 12N, Range 06E, Lancaster County

JUL 12 2019



Pete Ricketts, Governor

Dear Mr. Bussard:

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 July 11, 2019 inspection conducted by Kevin Franzluebbbers from the Nebraska Department of Environment and Energy (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)	380,000	Proposed

Type of Structure	Number of Each Type	Existing or Proposed?
Dry Litter Barns	8	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.

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 Franzluebbbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,



for

Cay Ewoldt, Supervisor
Agriculture Section
Water Permits Division
cay.ewoldt@nebraska.gov

Enclosure
cc: Nutrient Advisors



July 22, 2019

Lincoln/Lancaster County Planning Commission
555 S 10th 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 Josh & Tonya Bussard and Wayne & Charlene Greve. The purpose of this permit is to take a portion of land out of crop production and construct eight 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. Throughout the year, there will be six flocks of birds that will be brought to the site. There will be an average of twenty trucks per week that serve the site and is broken down as follows: Two weeks before the birds are placed, twenty loads of bedding will be brought and spread out in the barns. One week before bird placement, two loads of propane will be brought to the site (This is dependent on the time of year. If the propane is not needed, it will not be brought to the site) along with four loads of feed. The week that birds are scheduled to be placed in the barns there will be four trucks bringing in the chicks. The week after bird placement, four loads of feed will be delivered. In the second and third weeks after bird placement, eight loads of feed will be brought each of week, along with two loads of propane in the second week (if necessary). The fourth week after bird placement, twelve loads of feed will be delivered. In the fifth and sixth weeks after bird placement, fourteen loads of feed will be delivered each week. In the final week of the flock, week seven, sixty-two trucks will be used to pick up the birds and deliver them to the processing center in Fremont, NE. This process will be performed six times throughout the year. All trucks will be covered to help eliminate dust, odor, and for the health and safety of the birds. There will also be two maintenance buildings 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,

Trevor Enstrom

