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 Yost
Dennis Scheer

PLANNING STAFF

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

October 16, 2019

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 16, 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, October 16, 2019

Approval of minutes of the regular meeting held October 2, 2019.

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

ANNEXATION AND RELATED ITEMS:

1.1a ANNEXATION 19008, to amend The Woodlands at Yankee Hill PUD (Planned Unit Development) by annexing approximately 15.97 acres, more or less, on property generally located at South 84th Street and Yankee Woods Drive.
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.1b CHANGE OF ZONE 05068F, from AG (Agricultural District) to R-3 (Residential District) PUD (Planned Unit Development), to expand The Woodlands at Yankee Hill PUD by approximately 15.97 acres to allow for an additional 47 dwelling units, on property generally located at South 84th Street and Yankee Woods Drive.
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

CHANGE OF ZONE AND RELATED ITEMS:

1.2 CHANGE OF ZONE 2463F, from O-2 (Suburban Office District) to B-2 (Planned Neighborhood Business District), to amend the PUD (Planned Unit Development) to include an adjacent property to the east, on property generally located at 4747 Old Cheney Road.
Page 19
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

1.3a CHANGE OF ZONE 19022, from R-2 (Residential) to R-2 (Residential-Landmark Designation), on property generally located at 3460 East Pershing Road.

Page 31

Staff recommendation: Approval with Preservation Guidelines
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

1.3b SPECIAL PERMIT 18044, to allow for the construction of a detached garage, with waivers regarding height, lot and area, and other zoning restrictions, on a newly designated historic landmark, being property generally located at 3460 East Pershing Road.

Page 31

Staff recommendation: Approval with Preservation Guidelines
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

1.4a CHANGE OF ZONE 19025, from R-5 (Residential District) to R-6 (Residential District), on property generally located at 4000 Huntington Avenue and 3711 Baldwin Avenue.

Page 55

Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.4b STREET & ALLEY VACATION 19007, to vacate the North 40th Street right-of-way from the north line of Huntington Avenue to the south line of Baldwin Avenue, generally located adjacent to 4000 Huntington Avenue and 3711 Baldwin Avenue.

Page 55

Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT:

1.5 SPECIAL PERMIT 19045, to allow for the reconstruction of an existing garage with setback waivers, on property generally located at 2672 Sewell Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. ***** FINAL ACTION *****

Page 65

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

1.6 PRE-EXISTING USE PERMIT 3AI, for an amendment to the Gateway Shopping Center Use Permit, with waivers to maximum building height, parking requirements, and setbacks, on property generally located at 225 North Cotner Boulevard.

Page 75

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

MISCELLANEOUS:

1.7 MISCELLANEOUS 19003, to vacate a final plat, on property generally located at North 148th Street and Havelock Avenue.

Page 99

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

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE:

4.1 COMPREHENSIVE PLAN CONFORMANCE 19013, to review the proposed Lancaster County Road and Bridge Construction Program, Fiscal Year 2020 and 2021-2025, as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan.

Page 107

Staff recommendation: Approval
Staff Planner: Allan Zafft, 402-6369, azafft@lincoln.ne.gov

COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS:

4.2a COMPREHENSIVE PLAN AMENDMENT 19001, to amend the Lincoln-Lancaster County Comprehensive Plan to include changes to revise the Future Land Use Map and commercial center designations on approximately 150 acres, more or less, generally located at the SW corner of North 27th Street and Arbor Road.

Page 121

Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

4.2b ANNEXATION 19001, associated with the proposed Stone Bridge Creek Commercial PUD (Planned Unit Development), on property generally located at the SW corner of North 27th Street and Arbor Road.

Page 121

Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

4.2c CHANGE OF ZONE 19002, Stone Bridge Creek Commercial PUD (Planned Unit Development), for a change of zone from AG (Agricultural District), B-2 (Planned Neighborhood Business District), R-3 (Residential District) and I-3 (Employment Center District) to R-3 PUD (Planned Unit Development) that will include up to 850,000 square feet of commercial floor area, 1,102 multi-family dwelling units, and 50 single-family dwelling units, for approval of a development plan which proposes modifications to the Zoning and Subdivision Ordinances, on property generally located at the SW corner of North 27th Street and Arbor Road.

Page 121

Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

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

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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:

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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, October 2, 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 (arrived at 2:35 pm), Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy and Cindy Ryman Yost; Dennis Scheer and Deane Finnegan absent. David Cary, Steve Henrichsen, Andrew Thierolf, Brian Will, George Wesselhoft, Tom Cajka, Geri Rorabaugh and Rhonda Haas 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 requested a motion approving the minutes for the regular meeting held September 18, 2019.

Motion for approval made by Campbell, seconded by Edgerton and carried 6-0: Campbell, Joy, Ryman Yost, Edgerton, Beckius and Corr voting 'yes'; Scheer, Finnegan and Al-Badry absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **October 2, 2019**

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

The Consent Agenda consisted of the following items: **Comprehensive Plan Conformance 19012, Text Amendment 19006, Special Permit 19040, Special Permit 19041, Special Permit 19043 and Special Permit 552C.**

There were no ex parte communications disclosed.

Campbell moved approval of the Consent Agenda, seconded by Ryman Yost and carried 6-0: Campbell, Joy, Ryman Yost, Edgerton, Beckius and Corr voting 'yes'; Al-Badry, Scheer and Finnegan absent.

Note: This is **FINAL ACTION** on **Special Permit 19040, Special Permit 19041, Special Permit 19043 and Special Permit 552C,** unless appealed by filing a letter in the Office of the City Clerk within 14 days**.** This is a recommendation to the City Council for all other items.

Chair Corr stated no Requests for Deferral.

SPECIAL PERMIT 19035
TO ALLOW FOR THE CONSTRUCTION OF A COMMERCIAL FEEDLOT, ON PROPERTY GENERALLY LOCATED AT NW 27TH STREET AND ASHLAND ROAD
CONTINUED PUBLIC HEARING: October 2, 2019

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

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

Staff Presentation: Tom Cajka, Planning Department, came forward and stated this is a request for a Commercial Feedlot for up to 380,000 chickens in 8 barns, and the site is located on NW 27th Street and West Ashland Road. He shared that Ashland Road is the dividing road between Lancaster and Saunders County. He explained that each barn is roughly 63 feet wide by 600 feet long. The area of this special permit is approximately 100 acres with a 20-acre building envelope for the barns and accessory structures just south of W. Ashland Road. This application is for conditional approval and 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. The increase in traffic is relatively minor to the area. There is one house within a quarter mile and only five houses within one-half mile of the boundaries of the building envelope. The barns and accessory structures are only allowed within the building envelope. 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. He further stated that the applicant needs to obtain a Construction and Operating Permit and Nutrient Management Plan from Nebraska Department of Environmental Quality, which is a condition of approval listed in the staff report. **Steve Henrichsen, Planning Department,** came forward to discuss the reasoning behind the recommendation for approval of this application and the CAFO (Confined Animal Feeding Operation) working group's role in this process. He stated that it has been noted a special permit for a CAFO only has one condition, which requires the applicant to get a NDEE (Nebraska Department of Environment and Energy) permit. He explained the fact that this does not have a lot of conditions gives the opportunity to put on conditions that are appropriate to the use, and that is what has been done at the other three locations. He stated there has been a lot of opposition on this proposed special permit because the applicant did not hold a neighborhood meeting in advance to try to provide information. Although, a neighborhood meeting is not a requirement for this application, it would have answered a lot of the concerns that have been raised. He stated this application has been reviewed by the appropriate agencies and none have stated any objections to

this application. He explained that most of the complaints are ones that you would see for open air barns and this is an enclosed structure. With being an enclosed structure, it takes care of a lot of the concerns with air quality and water contaminations. There is a quarter mile setback from any dwelling unit with this operation as a condition of this special permit, but the odor will be greatly dissipated by the time you get much more than several hundred feet away from the barns. He stated with the concerns of water quantity there will be a separate permit required by NRD (Natural Resources District) because of the amount of water that they will be using. He further stated with the traffic impact concerns most of the trucks will be traveling late at night not during peak hours with about 15 to 20 trucks a day with a maximum of 40 trips a day. The route will be down NW 27th Street to Agnew Road going east to Highway 77 and going north to Fremont. He stated the Working Group has recommended a set of conditions for various types of feeding operations and the Planning Department is currently reviewing those recommendations. Until the revised conditions are adopted by the County Board, they don't have any standing and it is not appropriate to delay this application.

Cay Ewoldt, Nebraska Department Environment and Energy, came forward and handed the clerk a folder containing specific application documents (see Exhibit "1"). He stated they did receive a request for inspection for this operation. The NDEE (formerly NDEQ) then goes out to inspect the operation and the applicant will receive a letter stating controls required or controls not required. With this operation, their letter stated controls not required, because they did not have a livestock waste facility; although, the letter does explain the steps that they need to go through if they are wanting a permit. Currently, all of the Costco operations have been going through the process to get permits for their operations. This application includes engineering and design for the buildings, a Nutrient Management Plan, closure plans and mortality management. With this permit the Nutrients need to be tracked, which requires the operator to go to training. Inspections will be done and there will be a soil analysis to see what is going on to a field.

Staff Questions:

Beckius stated in the packet Valparaiso Rural Fire stated that they feel that there are too many hazards and risks with this projects location, and inquired if they provided any other reasoning. Cajka stated that their main concern is they are a Rural Fire Department and that there are no hydrants on site. He further stated there has been some concern on the length of time it will take to get to a fire and if there would even be enough water to put out any type of fire. He shared this concern would be with any structure in the county rural areas.

Edgerton stated that the Construction and Operating Permit and the Nutrient Management Plan would not have been required by NDEE for this site. She further stated that because they are moving forward with the Construction and Operating Permit, they will be required to do a Nutrient Management Plan. She inquired if that was in place now or if it would happen at the next stage. Ewoldt stated that would happen at the next stage. Cajka stated that it is one of the conditions for approval of the special permit and needs to be done prior to starting operations.

Corr stated in the notes from the Lancaster County Engineering Department on Nos. 4 and 5, and with the changes in the application these two items would no longer be a concern, and asked if that

was correct. Cajka said correct, but they would still need an access permit onto NW 27th Street. Corr stated while looking at the site conditions with this permit the well site is at and the minimum of 100 feet away, and asked if that needs to be in the specific site conditions. Cajka stated the specific conditions apply to the site plan, and if those conditions are added to or if they change something on the site plan that is when new conditions are added. He stated that this is a condition and is one of the Health Department requirements. Corr inquired about the erosion and sediment control and asked if it was in the same area. Cajka stated that the erosion and sediment control is not on the site plan, and that the erosion and sediment would be on the grading plan.

Edgerton asked if there would still be permits required by NRD for the ground water wells. Cajka said correct, that if the well is over 50 gallons per minute, it needs to be approved by NRD.

Corr stated that when putting dry litter on the ground there are more restrictions for the dry litter than there are for chemicals fertilizer, and asked if this was correct. Ewoldt said that was correct. Corr shared that they could put as much chemical fertilizers on as they wanted and pollute the ground and the public would not be the wiser. Ewoldt said yes that is correct.

Ryman Yost inquired if a mortality plan for the chickens would be part of the application process for NDEE. Ewoldt said yes, they would be required to state how they would manage their mortalities.

Applicant:

1. Josh and Tanya Bussard, Sunset Poultry, LLC, 3045 West Rock Creek Road, Raymond, came forward. Tanya stated that she is one of the owner operators for this application and she is Wayne Greve's youngest daughter. She stated that her oldest daughter goes to Raymond Central School, and they have lived in the farming community most of their lives. She shared that it has been their goal to move to the country farm, to grow, produce and harvest. And now have the opportunity to expand and diversify their farm by becoming poultry growers for Lincoln Premium Poultry (LPP). She stated that they are applying to put 8 poultry barns on the 100 acres that her parents own on the Lancaster and Saunders County line. She stated that she and her husband, Josh, will be the barn managers and they both have experience. The barns will only take up 20 acres and will be set in an area with hills and trees. She shared that some of the neighbors have shown interest in their Nutrient Management Plan and the organic fertilizer that it will produce. LPP is going beyond the local and federal regulations for this poultry site.

Campbell inquired if a test well had been drilled yet. Josh Bussard said no, that a test well has not been drilled yet. He stated that they are waiting on approval before they spend the money to drill test wells. Campbell asked how much water they would like to achieve. Josh Bussard stated that Jessica Kolterman would have the exact number for that.

Corr asked about a sprinkler suppression system and if the applicants planned on putting one in. Josh Bussard stated that they do not plan on putting a sprinkler suppression system in, but would entertain the idea of putting a fire hydrant in to help facilitate any water that they may need and to even have the ability to pump out of the well if there was a need in the adjoining area. Corr inquired if a clean water hook-up meant to have a fire hydrant. Josh Bussard said yes. Corr inquired if they

have presold any of the litter or if they plan on using the litter on their own land. Josh Bussard said no they have not sold any litter, but they have had conversations with farmers who are interested in purchasing the litter and they do have plans on applying recommended amounts on their own land. Corr stated they would not be using all of the litter themselves. Josh Bussard said there in no way possible they could handle that much themselves.

Campbell inquired after the barns are emptied if the composting will be done within the barns. Josh Bussard said correct, the composting will be done inside the barns.

2. Jessica Kolterman, Lincoln Premium Poultry, 543 W. Jennifer Drive, came forward and stated this project was recruited by the State of Nebraska in a joint effort with Nebraska Department of Economic Development, Department of Ag, Governor Ricketts and other groups across the State. Kolterman provided a folder of materials for the record (see Exhibit "2"). She stated that this site is part of a larger project that will have an impact of $1.2 billion annually to Nebraska. Costco is wanting to set a higher standard for their product and that is why they require that the operator of these facilities to have a state operating permit, which is not required by law. She explained that they have two pillars of their contract that are non-negotiable: Animal Welfare and Bio Security. She stated that they monitor all of their contracts and, if they see negligence, they can cancel that contract. With the concerns of water use, there needs to be more than one well with one being used as the main well and the second as a back-up well. The average water consumption with these birds is about 9 gallons per minute, per barn and additional water would be used for the cooling cells when it is hot to cool the barns. With the traffic concerns, there should be on average 3 trucks per day and about 20 trucks per week, with the majority of the trucks to take the birds away, which will be done early in the morning or late at night. She stated that they do not use antibiotics unless one of the birds is ill. She explained with the fire concerns and the way that the cooling system works in the barns, if one of these barns were to catch on fire, unfortunately, due to the nature of the barns if there were a fire it would be gone in a matter of minutes. When the fire department comes out they rely on them not to save the barns on fire, but to protect the rest of the barns on the property.

Edgerton asked about the comparison on the barns to this proposed site to some of the others facilities that you have in the area and how the 380,000 chickens compares to other sites. Kolterman said that this site is average.

3. Andy Scholting, Nutrient Advisors, 449 E. Deere Street, West Pointe, came forward and stated that he has been contracted by Lincoln Premium Poultry to work with their grower to help them understand and navigate the permit process and to help them understand the requirements. The site has been evaluated from several different aspects, as well as starting their Nutrient Management Plan. NDEE has been out to the site and a letter was sent that no permit is required. As you know, LPP is requiring their growers to apply for the permit. Once the permit has been issued NDEE is obligated to hold the growers accountable and enforce all areas the permit covers. A key part of the application will be the Nutrient Management Plan, with this site producing enough nitrogen annually for about 400 acres of corn. Currently, Lancaster County has 330,000 acres of tillable land. LPP does require that they also match the phosphorous needs as well, and the Bussards have had discussions with their neighbors and have over 2800 acres that will be included in

the Nutrient Management Plan. He further stated to follow up on one of the earlier questions on the sell and transfer, it is true in Nebraska in Title 130, that livestock producers can market their manure to other growers outside of their Nutrient Management Plan; however, this 2800 acres if it is included in the Nutrient Management Plan even if it is a sale, those transactions will be required to comply with the Nutrient Management Plan. This means that prior to application, there needs to be a sample of soil on every field on a 40-acre composite going 24 inches deep to determine the nitrogen level and the phosphorous level to determine what plan the crop needs and to determine what the maximum application rate would be to meet that crop's need. Scholting distributed two exhibits: Nebraska Stated Siting Matrix (Exhibit "3") and Odor Footprint Tool (Exhibit "4"). The Siting Matrix is designed to help find and score the quality of sites for livestock production. This site has a score of 109 points. The Department of Agriculture suggests 75 is a passing score. He stated that the birds are kept for six weeks when they will be shipped, and then there are 2-weeks of down time. During the down time, the litter is composted into wind rows inside the barns. This is done primarily to kill any pathogens to dry the product and, prior to the next flock, it is spread back out and used for litter. PTL (Poultry Litter Treatment) is applied to the litter to lower the pH and creates a beneficial environment in the poultry house by controlling ammonia released from the litter. He stated that composting is the number one way to dispose of mortalities in poultry production --with the key being coverage. When mortalities are placed in the compost area, they need to be covered completely with other compost materials to prevent odors in the air.

Joy asked what the percentage of mortality rates would be. Kolterman stated about 3 percent.

Edgerton asked about the 96 percent and wanted more explanation. Scholting stated that the results in general suggests if you live outside the shaded area shown on the map, 96 percent of the time you would expect to not have any type of an annoying odor.

Ryman Yost inquired about the number of trucks and if all the chickens would be on the same cycle or if they would vary. Kolterman said no, that there is an all-in and all-out system. Ryman Yost inquired about the composting and the mortalities and what is done with the compost after. Kolterman stated that most of the mortalities would be at the beginning of the cycle where they would be taken to the mortality shed and then layered with a composting material.

Campbell stated that chicken manure is very hot and asked if heat was added for better breakdown. Kolterman said no, that the manure heats up on its own to 150 to 175 degrees. Campbell asked during the delivery of feed and other materials to the site and if those trucks would take the same route that is proposed. Kolterman said that it depends on where the materials will be coming from and will work with the county if it is reasonable. Campbell inquired about the bird removal and if most of the removal would be done between 11:00 p.m. and 5:00 a.m. Kolterman said that generally those would be the hours, but it may also depend on the schedule at the plant.

Edgerton asked if they assist the growers with the permits that would be required for ground water wells. Kolterman said yes, generally they do help with the NRD permit process.

Campbell stated with no test well having been drilled as of yet, how do they know that this farm will be able to produce enough water needed. Kolterman stated they don't, and she explained that if the

operator was told by NRD that there was not enough water in the area and they were not given a permit for a well, this family would not be able to move forward. She stated the family does know this, which is clearly stated in their contract. Campbell asked with most of the water being used for the cooling if it is recharged back into the ground. Kolterman said no that it evaporates.

Proponents:

1. Rylee Stoltz, 2010 Greenspire Drive, came forward and stated she is with the Alliance for Future of Agriculture in Nebraska, who are in support of this project. She stated this is an Ag operation located in an Ag-zoned area of the County with does fit the character of the surrounding areas. She explained their organization summited documents to the Commission explaining their points. She further stated that they looked at several studies on property values, manure management and odor. They have found that homes near a poultry site in Firth were on the market for an average of 28 days and in Lincoln the average time for a house on the market is 55 days. The organic fertilizer is better for the land. Finally, the odor footprint tool is the best science that they have, which shows that the neighbors will have very little chance of smelling this operation.

2. Elizabeth Dittbrenner, 1931 SW 33rd Street, came forward and stated that she is Wayne Greves daughter. She stated that the roads are public roads that the trucks will be driving on. Most of the traffic will be in the evening. She shared that the neighbors with complaints need to check for themselves of what is going on. She stated that this meets and exceeds all of the requirements and there is no reason to vote no and would be trampling on the owners' rights.

At 2:35 Al-Badry entered the chambers.

Chair Corr welcomed Commissioner Al-Badry to today's hearing. And explained in terms of process, because Al-Badry was not present for the earlier testimony on this agenda item, Al-Badry will not take part in the voting discussion and will not vote on this matter, if action is taken today. However, Al-Badry will be participating in the hearing and asking any questions of the remaining testifiers as usual. In the event this matter is delayed to a subsequent Planning Commission hearing, Al-Badry will review the missed testimony and will, therefore, participate in any votes taken at that time.

3. David Nielsen, 7100 Raymond Road, came forward and stated that he is a farmer and is for modern agriculture. He stated that this is what agriculture is now and, if you are going to feed this nation and the world, you need this. The only way to bring young people back is through livestock. He stated that this is a guaranteed income and is why the bank is behind this project. He shared that he is interested in the manure that there will be available from this farm. Emotions need to be taken out of this today and use the facts. Everyone needs to work together.

4. Russell Miller, 341 S. 52nd Street, came forward and provided a copy of his testimony (Exhibit "5) and stated that he is in support of the 8 chicken barn being proposed in the area. He stated that the main complaint is the location of Raymond schools to this project. He stated that the schools in Waverly are within a mile and there have been no complaints from the Waverly Schools about the 6 turkey barns built in 2015. There will be a positive increase in the tax base from this project and urged the members to support this project.

Opponents:

1. Neil McGrath, Jr., 20900 NW 22nd Street and Agnew Road, Valparaiso, came forward and provided a copy of his testimony and some ground water and well-related materials (Exhibit "6"). He stated he lives less than 2 miles to the south of the proposed site. He stated he grew up on a farm and wanted his kids to enjoy the same as he did as a child. He stated that ground water is one of the States most precious resources and water in this area varies from place to place. He stated that he has concerns about the ground water in the area and the small amount that is available. He stated that he was not aware that the aquifer was not under this area in Nebraska. He talked about the amount of water that would be used for this project and does not feel that they should be allowed to use all of the water would be detrimental to the area with wells going dry.

2. Cody Siebrandt, 2300 W Agnew Road, Valparaiso, came forward and stated that he lives 1.5 miles to the south of this proposed area. He stated that his farm is over 115 years old, and he is not against confinement. The difference is that other confined animal feeding lots are all in a better location with water supplies and paved State Highway Roads. He stated that having a larger farm in the county, where do all of the smaller farmers go. He explained he has concerns with the delays on the truck routes, stating that the intersection of Agnew Road and 27th Street is a blind intersection and has voiced concerns to the County Engineers. He stated that Ashland Road is a minimum maintenance road and with all the traffic that destroys the roads, residents will become trapped when it is wet.

3. Jory Heiss, 23800 NW 27th, Valparaiso, came forward and provided a copy of his testimony (Exhibit "7"). He stated that they have concerns about this project with no regulations in place. He stated that there are unknown hazards that have yet to be tested and does not think that this project needs to be hurried. With all of the questions on this project that have not been answered, everyone needs to stand up for health and safety and not approve this project. He stated that there are more areas more suitable for this type of project. We should not have to sit by and become another study and there should be zero risk when next to schools. He questioned who would be constructing the half-mile new road and if it would be done correctly, hearing that the applicant will be doing the road.

4. Carol Sherman, 6305 Agnew Road, came forward and provided a copy of her testimony information relative to water consumption (Exhibit "8"). She is in opposition for several reasons. She stated that they live on a farm and they care about the land and their neighbors and care enough not to harm the neighbors. This proposal does not fit at this location. There is a limited supply of water in this area. In the past, she had a neighbor that got greedy and used too much water and she had to spend the money to dig themselves a new well. Who will pay for the new wells the farmers living in the area will need because of the amount of water that this farm will use. She stated she also has concerns with the air quality in the area and how dangerous it is on Agnew Road now and it will only become much worse. Things are done for the health of the chickens but nothing is being done for the residents and children that live in the area.

[Break at 3:20 P.M. Resumed at 3:30 P.M.]

5. Lori Heiss, 23800 NW 27th Street, came forward and provided a copy of her testimony and related documents (Exhibit "9"). She stated that her home is just 2 miles from the setback on this proposed site. She stated that the Planning Commission should wait until regulations can be put in place from what was discussed by the task force and their recommendations can be put in place. This project should not be placed near a school who has the right to protect their students. Northwest 27th is a very hilly road and is not ready for this type of traffic and makes travel dangerous. She stated that the applicant has not talked with the neighbors, even though they stated that they have. She shared that they have driven by other barns and there was an odor in the area. This will impact their community and will hamper their ability to grow.

Joy inquired about the odor and where that area was. Heiss stated that the barns were to the west of Valparaiso by about 4 miles.

Corr inquired when there is school but they can't make around on the roads, what is done to get the children to school or do they just stay home. Heiss stated that they have a 4-wheel drive and at times the neighbors help also.

6. Dr. Derrick Joel, Superintendent of Raymond Central Public Schools, 1800 W. Agnew Road, Raymond, came forward and stated that they are a rural district just to the north of Lincoln, which is based heavily on agriculture. He stated that they are not against agriculture and its growth in the area, but they are proposed to the location of this site. On August 6, 2019, the Raymond Central Public Schools Board of Education held a public forum in regards to a proposed chicken farm that would be located 1 mile northwest of Raymond Central Junior-Senior High School. The Board of Education discussed the many facets of this issue and voted unanimously to oppose this proposed chicken site in relation to the health, safety and well-being of the students and employees at Raymond Central Public School, with numerous concerns on access to water, water quality and transportation and traffic in the area. He stated that Article 13.001 and 13.002 that offer the guidance to the Planning Commission, that the conditions can be modified or added to this proposed site plan. The recommendations from the task force suggests a 1.5 mile setback away from a National Landmark, place of worship, cemetery and school. The current wells that the school has meets their demand, but with the continued growth of the district more water will be needed in the future. He stated that the Agnew Road intersection is a deadly intersection. The school is in opposition due to the negative impact on the health, well fair and safety of all students, staff and visitors.

Joy asked for an update on the accidents that have happened on Agnew Road that he is aware of. Joel stated that within the last year the County had to add a blinking red light due to an accident last year that was fatal.

Beckius stated that he had mentioned concerns with repertory issues and water quality issues, and the school is surrounded by row crops, and he asked if there were the same concerns with these crops or if it was just with the chicken farms. Joel stated that they have a good relationship with the farmers in the area and they work together at times with the farmers when there are outdoor events because of the children with allergies, and sometimes the children need to stay inside.

Beckius asked if the school district owns any of the land around the school. Joel said yes, that the just purchased 65 acres of land that sits in front of the school. Beckius inquired if the land that they own is being farmed. Joel said yes, they currently have a contract with a farmer that has alfalfa in the field.

7. Crystal Pierce, 15100 NW 48th Street, Raymond, stated that her children go to Raymond Central school. She has chickens and they produce dust that goes in the air. There is no research out there about the emissions and air quality for this type of farm. You need to ventilate the area that the chickens are in and this will expose all of the people in the area. They are just learning that there are consequences for this type of farm and they just know what they all are yet. More testing still needs to be done on this type of farming.

8. Ravae Masek, 484 Branched Oak Road, Davey, came forward and stated their farm is 8 miles east of Lincoln, and they are farmers and understand the importance of farms. She stated that her two daughters go to Raymond Central. She further stated family farming and Costco farming are two different types of farming. She asked for people in opposition to raise their hand if they were in opposition to this farm, several hands were raised. She stated this project will be detrimental to the students and families in the area and asked the Commission members to vote no.

9. Greg Prososki, 21040 NW 70th Street, Agnew, came forward and stated he is concerned about the dead chickens, and was not aware that they will just be covered by compost. He stated concerns with all of the truck traffic on the road. He further stated with the conditions of all of the county roads now what will become of this road. Agnew Road is a very dangerous, and his daughter has had close calls on this road with its blind intersection. He stated that this site does not fit well with the area.

10. Steve Shanahan, 18801 N 1st Street, Davey, came forward in opposition stated that the roads are dangerous in the area. He further stated that he has concerns about the supply and water quality if this is approved. The water in this area has always been a problem. He further stated that even though this is to be enclosed there will be odor. He stated concerns with the decommissioning and clean–up with this type of farm. He asked the Commission members to make sure they put something in place for clean up.

11. Steven Svoboda, 23500 NW 27th Street, Valparaiso, came forward and stated that his house is quarter mile to the west of the proposed site, and is concerns with traffic in the area with all kids that will be driving to school when the trucks will be on the road. Traffic cannot be handled safely by signs, because there is a hill and a blind intersection. The safety of his kids and the neighbor kids going to school needs to be considered with all of the trucks traveling on these rural roads. He further stated if it was corn or soybeans on the farmland there would be less truck traffic on the roads. He is not against farming in the area, but it is about safety of his kids or other kids that will be on the roads. This is not the area for this type of farm.

12. Anita Benes, 2400 W Little Salt Road, Valparaiso, came forward and stated that this will affect the water quality and air quality in the area. She stated that she has concerns of increased taxes for

the area and lower property values. Traffic on the roads is another concern. She further stated there would be a domino effect with bad things happening with no end in sight.

13. Kevin Wolfe, 21255 NW 27th Street, Valparaiso, came forward and stated that he has two daughters and that some of the roads are not safe. He further stated with the water quantity there should be a test like he was asked to do in the past, although he stated that he was unable to afford to do the required test himself. They should do well tests as required by the Lower Plat South, before they are permitted for this project. He stated that more testing needs to be done on the blind intersections in the area.

Edgerton asked about his test well and when it was. Wolfe stated it was 2 or 3 years ago. Edgerton asked if the reason he did not do the test was because of the cost. Wolfe said correct.

14. Jeff Schmalken, 22101 NW 27th Street, Valparaiso, came forward and stated that he lives one mile from this farm and has concerns on what they will do if they have a loss of power. He stated that on his property he has lost his power several times and this needs to be checked into. He further stated that his road does not get plowed in the mornings when it snows and wondered how the trucks are going to get down the road. He shared that he had concerns with the air quality and the air that will be coming out from the fans, and that he will be unable to move his father in with him because of his health issues.

15. Greg Ahlstrand, 444 NW 140th Street, Pleasant Dale, came forward and stated that he is a graduate of Raymond Central. He shared that he has driven on a lot of these roads when growing up, and the kids in the area will be on the roads past 9:00 p.m. He stated that some of the roads are mismanaged by the County and they do not have what they need to fix these roads. He stated that the proposed farm area is in the wrong location. It should be convenient for all in the area and not just for the applicant of this farm. He stated that there needs to be a plan in place to fix the current problems before you start another one. The fire department will be too far away to put out the fire if there was one and then the fields may start to burn. If there is no fire suppression system and they are going to just let it burn down, they would need to pass and follow NFPA Code 61 with the Fire Marshal.

16. Robert Hartog, 16140 NW 27th Street, Raymond, came forward and stated that the surrounding watershed will be affected by this project. He stated that he has contacted the US Fish & Wildlife Services and Nebraska Game & Parks on this proposed site and the proximity of this site to the two watershed areas and asked both parties if they had any concerns with this proposed project site. He stated that both of these entities expressed significant concern with this proposed site and provided the contact information with the Commission Members.

17. Jennifer Schultz, 14900 NW 37th Street, Raymond, came forward and stated that she will not be directly affected by this, although she does live in the affected community. She stated that she has many of the same concerns with air, water and especially fire and traffic. She shared that her son will start driving next year and has concerns with trucks on the roads. She further stated that what the task force has suggested should apply for this proposed permit and the research is there to

support their concerns. She stated that she is not against large operations, but for this one the risks by far out weight the benefits.

18. Don Goebel, RT #4, Fairbury, came forward and stated he is in opposition of this project. He stated that the contract that the farmers would be signing is not a good contract for the farmer. He explained that Costco will be making all of the money and the farmer will not, and this will put the farmer out of business. This deal is growing Costco and not growing Nebraska. He stated that if Costco is allowed to do this, then there will be other companies that come to start this same type of business.

19. Melissa Baker, 7125 Yosemite Drive, came forward and stated that she attended the CAFO task force meetings and has concerns on if there is a decommissioning plan attached to this project site. She inquired if the Nutrient Management Plan would be done prior to approval of this application. She referenced the Johns Hopkins University and Nebraska Communities United documents and provided a copy for the record (Exhibit 10"). She further stated that there are barns going up all over and counties are trying to update their zoning regulations. Having this 1-mile from a school is the wrong place for it to be.

20. Catherine Burklund, Raymond Central School, came forward as a Raymond Central School Board Member and provided copies of the Stand for Schools and Nebraska Rural Community Schools Associations letters (Exhibits "11") in opposition to this operation. She read both letters into the record. Both letters express concerns with clean air and water for the kids, and that pathogens from this site will make their way to the school. She stated that they are also concerned with the truck traffic in the area and the safety of everyone. She further stated that proposed site is too close to the school.

21. Chris Hoffmann, 326 County Road #25, Valparaiso, came forward and stated with the delays of this project it shows that it is in a bad spot. He stated that the Raymond School Board has voted and are in opposition to this application. He stated that it has been mentioned that the NRD has said there is a limited amount of water in the area. It needs to be a requirement that the applicant needs to do the well tests prior to the permit being approved. He asked that the Commissioners to say no, and further commented that this application is for one families gain.

22. Shane Jensen, 2747 Wassung Drive, Raymond, came forward and stated this is not the right project in the right area or at the right time. He stated concentrated agriculture does not fit in this area. The Nutrient Management Plan states that there will be a 6-week cycle and two weeks to clean, and that is not long enough. With these cycles, there will be 2.2 million chickens every year, and he further stated that the mortality rate of only 3 percent is being optimistic. He stated that there is flexibility in the 2040 Plan and the Commission could decide what Lancaster County looks like. This type of business could go to other counties that want it.

23. Dave Burklund, Ceresco, came forward and stated that he is not against this type of operation, but this is going to affect a lot more than just a few people. He stated that there is a problem with water in this area, and he further stated that he has looked for wells in the area and couldn't find one. The 15 minutes to respond to a fire on this operation is optimistic. He shared that cleaning the

barns out once a year was not being kind to the animals. He stated that you cannot smell the one in Waverly because of the normal direction of the wind, and asked members to go to the site.

24. Robert Allen Rieck, Jr., 105 N 8th Street, came forward and stated that he lives in Lincoln and is a vegan. He stated that this type of operation would not exist if it was not for demand. The growth factor is so fast for the chickens and they are not able to walk. He stated that this is not just about the odor, but it is about the air quality. Listen to the people that live in this area and not the big company.

25. Ben Gotschall, **6505 W Davey Road,** came forward and provided a copy of his notes (Exhibit "12"). He stated that he is the owner of Davey Ranch & Produce. He stated that he agrees with the water quality and quantity, and road quality. He feels that what the task force had come up with regulations and they need to be considered. He stated that a bond needs to be put in place to repair and replace the roads that will be damaged by this operation. He further stated that the people that live in the area and the School Board needs to be listened too, and this is why the task force was put in place.

26. Evrett Lunquist, 17201 NW 40th Street, Raymond, came forward and stated that he is the co-owner of Common Good Farm, which is certified organic, and they are 3.5 miles from the proposed site. He stated that they had to drill 4 test wells before they found water for their farm. He explained that a neighbor of his had a geothermal heating and cooling unit and used their well for cooling, and found out that it was not sustainable. He stated that this should not be so close to a school.

27. Elizabeth Shanahan, 18801 N 1St Street, Davey, came forward and stated that she has lived in this area since 1988, and her land is 4 miles from the proposed site. She shared that she has went to several meeting on this operation and that is why she is in opposition. She stated that so many people oppose this because they care, and the Commission members need to have the courage to stand up to this project. She questioned if this is humane for the chickens. She stated that she cares about her neighbors, friends and children and this needs to be voted against.

Corr asked if the meetings that she had attended were about the poultry farm. Shanahan said yes, she has attended 9 meetings. Corr asked if any of the meetings were organized by the applicant. Shanahan said no.

28. Peter Dowben, 12251 Bobwhite Trail, Crete, came forward and stated that he has not heard any discussion about the flies that this will attract. He stated that there will be odor with this operation and more than they are letting on, and this operation will make a lot of dust in the air. He stated he lives near the last approved cafo site and it has destroyed his and his wife's life and now they have to move.

[Break at 5:30 P.M. Resumed at 5:45 P.M.]

Staff Questions:

Joy stated that she wanted to discuss the intersection at Agnew Road, and asked about accidents at that intersection. **Pam Dingman, Lancaster County Engineer,** came forward and stated that Agnew Road and 27th Street has no accident history, and saying if the accident has not been reported then they would not know. Joy asked about the driving conditions on Agnew Road. Dingman stated that they have done site distance calculations and it does meet the standards. She stated that the County has the 3-R standards and they are in the State Statutes, Title 424. The 3-R would be Renovation, Restoration and Repair, and the statue does say that anything that is under these categories the county can leave it the way that it is. If a road needs to be completely reconstructed, they would then have a different set of standards to implement. The calculated site distance for this intersection is 495 feet from the height of 3 ½ feet. Joy asked about the 2-way driving and what is done in winter conditions. Dingman stated that they start with a rock base and gravel on top of that and this meets the minimum standard. She stated with the winter conditions, if the roads are icy, which will make the gravel slick to drive on, the graders will go out and try to peel some of the moisture off the gravel. Otherwise, there needs to be 4 inches on the road for the plow trucks to go out. She further explained that if there is drifting on the roads from the snow blowing, the plows will also go out. Joy asked if they do any calculations based on the drivers that will be driving on the roads. Dingman said that these calculations are based on Average Daily Traffic (ADT), which is done every 10 years.

Beckius stated no maintenance agreements from your office or Saunders County at this time, and asked if that was correct. Dingman said she has had discussions with the Saunders County Superintendent in regards to this and, currently, there isn't anything on the table. If something happens that is dramatic, they would go back and look at that.

Joy asked if that would also address the haul route agreement. Dingman said yes.

Beckius asked about signs at intersections. Dingman stated Lancaster County follows the Manual of Uniform Traffic Control Devices, which sets how they install and the maintenance of signs.

Corr asked about the tax revenue generated from this site and if it would be enough to cover the increase of traffic. Dingman stated given the traffic volumes that have been reported so far, they don't anticipate increased damage. The revenue that goes to the county roads is set by County Commissioners.

Edgerton discussed test wells requirements if there is not enough water available, and asked how that would work on this site when there are questions on the amount of water. Edwoldt said that would be an NRD question, and he would not be able to give an answer on their rules.

Al-Badry asked about the decommissioning process and if they have talked to the applicant about this. Cajka said no, the decommissioning has not been added as a condition.

Campbell asked if decommissioning had been a condition of any other applicant. Cajka said no.

Corr inquired about the applicant constructing a new road. Cajka said originally the applicant was going to take access to West Ashland Road and with this road there were jurisdictional questions, so they decided to take access to NW 27th Street, and this is their driveway is the road being discussed. Corr so it is private property and county engineers are not needed. Cajka said correct.

Edgerton asked about testing for water quantity on the site. Cajka said that he only has what the NRD has stated in the staff report that they have looked at the wells in the area. Test wells would most likely need to be done. Edgerton stated that the permitting comes after this process. Henrichsen stated if approved, they will need to do water testing for NRD and there would need to be the water quantity for the area for this to move forward.

Joy stated that will be required to do the well testing, just not at this time. Henrichsen said correct, that this is typical of a lot of applications. He stated that there are a lot of steps that they don't want to do first because they are costly.

Ryman Yost asked if the NRD just checks if the application is in compliance. **Chris Schroeder, Health Department,** came forward and stated that he is not familiar with the NRD's Construction Permit Process, except that it is required in Lincoln and the 3-miles around Lincoln during the permitting process. He stated that the Health Department will rely on NRD's opinion for water quantity.

Beckius asked about the impact on air quality in the area. Schroeder stated that the Health Department has reviewed this site and approve. He further stated that there is no ambient air quality standard to say that it is a public health risk. Corr asked if no standard was just for the state or if it was for the United States. Schroeder said for the United States.

Beckius inquired about the number of trucks for manure removal and asked if that number was added to the number of truck for the site. Cajka said that it did not indicate number of trucks for manure removal.

Corr inquired the mailing radius for this project. Cajka stated 1-mile. Corr asked about mailing to other counties. Rorabaugh stated the information was also mailed to the adjacent County Clerk's office.

Applicant Rebuttal:

Joy inquired about loss of power to the site. Kolterman stated that they have generators for the operation and back-up generators also.

Edgerton asked about well testing and if the amount of water required takes into consideration the neighbors' needs. Kolterman stated that they will look at the area and not just that site.

Kolterman came forward and said that they wanted to address some of the comments from the meeting. This site has a quarter-mile setback for this operation. There will also be generators for this operation and for every generator that they will have they are required to have one back-up generator, so if the site has two generators then the site will require two back-up generators. The reason for the delays on this project is that they were wanting to get everything right before bringing this project forward and are willing to make changes if needed and reasonable. The State Department of Ag oversees Emergency Management plans for large operations, and an Emergency Management Plan is in place for this site.

Ryman Yost stated that according to the article that was read a large operation like this one does have an impact on the surrounding area and that large animal agriculture operations does potentially have an impact. Kolterman said that the article stated farming and did not necessarily say livestock, which would be anything that brings up dust.

Scholting came forward and stated part of application process with NDEE is that they do require a closure plan. Beckius stated that it is not required of this applicant, although you are requiring it. Scholting said correct.

Beckius asked about the manure removal. Kolterman stated she looked at her numbers and the manure trucks were included. Ryman Yost stated that the numbers are not in the letter. Kolterman stated the numbers for the manure trucks are listed under bedding/manure and that would be 20 trucks. Beckius asked if that was pre flock. Kolterman said yes.

Scholting said that he has done research on how much litter is produced, and it is about 30 tons of letter. He stated most caged productions with litter layers do smell, but this composting cycle is inside the houses and will only have about 20 percent moisture, so it will smell less. He stated that this is not the same as layer litter. With the road even though it is a private road it will be designed by an engineer. He further stated that this litter will be regulated more than any commercial fertilizer application. He stated that he holds LPP growers to the LPP standards.

Corr inquire how long a contract is. Kolterman stated 15 years. Corr inquired how long it would take to build this site. Kolterman stated it should take 4 to 6 months. Corr inquired how long they think the permitting process will take. Kolterman stated a few weeks.

Joy asked about dust control on the site. Kolterman stated that the farther away that you are, the better you will be. The dust does dissipates as it mixes with air. Joy asked if there were fire code

issues with the dust control. Kolterman said no, and that these are Ag buildings and they have different requirements.

Josh Bussard came forward and stated this is an opportunity to diversify the operation and have a steady income that is guaranteed. He stated he had done farming most of his life and would not do anything that would be detrimental to the area or school. They do have children who will go to the area schools. His father in-law and mother in-law are wanting to bring the family back to help with this operation.

Corr inquired who would oversee this operation. Tanya Bussard stated that she is wanting to quit her job and stay home to run the operation. Corr asked if they had family nearby. Tanya Bussard said yes, a brother. Corr asked if they visited with neighbors on this project. Josh Bussard stated that his father in-law did talk with the closest neighbors. Tanya Bussard stated 2 neighbors on NW 27th Street and 3 neighbors on Ashland Road.

SPECIAL PERMIT 19035
ACTION BY PLANNING COMMISSION: October 2, 2019

Beckius moved approval, seconded by Campbell.

Beckius stated that he believes that they can co-exist and that is what we should be striving for. The NRD will do the water quality and quantity tests. Additional work will be done by LPS and NRD will require the well permit and they will investigate the issues that need to be and may make this site unusable--we don't know. With the traffic concerns, he feels that they are low, and he further stated that the County Engineer would tell them if there were traffic issues and they are not concerned. He stated that he is in support of this project.

Campbell stated that he is in support, because this has many steps to go through before it is approved.

Al-Badry thanked everyone for coming and stated she wished there had been more discussions.

Edgerton stated that she is torn and that the reality is that they rely on our experts, and with the ongoing steps that they need to take in place to ensure that the water will be available for this site and the adjoining neighbor's with the Construction Permit and the Nutrient Management Plan, she stated that she supports this application.

Joy stated that she, too, is torn, and that the people's concerns are real. She further stated that they need to look at the health, welfare and safety of everyone involved. She does trust the staff's decisions, but it was the huge concern that the school district had. She stated that an elected board voted in opposition to this project and with their visions for the future, and she stated she will be voting against this special permit.

Motion carried 5-1: Campbell, Ryman Yost, Edgerton, Beckius and Corr voting 'yes'; Joy voting 'no'; Al-Badry abstain; Scheer and Finnegan absent.

Note: This is **FINAL ACTION** on **Special Permit 19035**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

The Chair stated that anyone wishing to speak on an item not on the agenda, may come forward and do so; no one came forward.

Beckius moved to adjourn the Planning Commission Meeting of October 2, 2019, seconded by Joy and carried 7-0: Al-Badry, Campbell, Joy, Ryman Yost, Edgerton, Beckius and Corr voting 'yes'; Scheer and Finnegan absent.

Meeting adjourned at 6:59 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, October 16, 2019.

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NEBRASKA

Good Life. Great Resources.

JUL 12 2019

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

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 Franzluebbers 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.

PTEE4006702

Department of Environment and Energy
P O Box 98922
Lincoln, Nebraska 68509-8922

Jim Macy, Director
OFFICE 402-471-2186 FAX 402-471-2909
ndeq moreinfo@nebraska gov

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

Sincerely,

Benjamin Miller

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

Enclosure
cc: Nutrient Advisors

NEBRASKA

DEPT. OF ENVIRONMENT AND ENERGY

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

16-001 November, 2016

Proposed Dry Litter Barn Poultry Animal Feeding Operations (AFOs)

Poultry Animal Feeding Operations (AFOs) proposing to build dry litter barns, with no liquid manure system, may be exempt from the permitting requirements included in Title 130 - Livestock Waste Control Regulations provided:

A. The livestock waste generated at the facility is entirely contained within the building; and B. Any stockpiled waste is stored in an area that will not impact waters of the State.

According to the Nebraska Livestock Waste Management Act (Neb. Rev. Stat. §54-2422), a proposed small poultry AFO is exempt from any inspection and permitting requirements, provided the operation does not discharge pollutants into waters of the State and the Nebraska Department of Environment and Energy has not determined that such a discharge is more likely than not to occur. Any proposed medium or large poultry AFO desiring to build dry litter barns must request an inspection from the Department. Inspections can be requested by submitting a Title 130 Form A - Request for Inspection, along with the appropriate inspection fee. Attachment 1 includes a list of items to consider prior to requesting inspection. Upon completion of the inspection, if the Department determines that the above requirements have been satisfactorily met, a letter of exemption from permitting requirements will be sent to the proposed operation.

Species	Large AFO (# of birds)	Medium AFO (# of birds)	Small AFO
Chickens - Laying Hens No liquid manure system	82,000	25,000-81,999	Small AFOs are those operations with less than the number of animals at a Medium AFO
Chickens - Other than Layers No liquid manure system	125,000	37,500-124,999	
Turkeys	55,000	16,500-54,999	

AFO Size	Inspection Fee
Large	$500
Medium	$200

Receiving an exemption from permitting requirements from the Department does not relieve an operation of other duties and responsibilities under the Nebraska Environmental Protection Act, the Nebraska Livestock Waste Management Act or Title 130 (see Attachment 2). The operation is responsible for preventing the discharge of livestock waste to waters of the State and for complying with any county or local zoning regulations. An operation may be required to obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System

(NPDES) Permit for Concentrated Animal Feeding Operations if a discharge occurs or if revisions to state laws and regulations impact the status of the operation.

If an exempt operation desires to obtain permit coverage, they may submit an application requesting coverage under the NPDES Permit for Concentrated Animal Feeding Operations. The application must include the requirements described in Title 130, Chapter 5. These requirements include, but are not limited to, an application fee ($200) and a Nutrient Management Plan (see Title 130, Chapter 14). Attachment 3 includes a list of the items needed to submit a complete NPDES Permit application to the Department.

Attachment 1

NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

The following is a list of items that should be considered prior to submitting a Title 130 Form A - Request for Inspection. This summary is not intended to be a comprehensive list, but rather a helpful planning guide.

- Check your county zoning regulations to determine any setback requirements or other local restrictions;
- Building placement - consider the barn location in relation to surface waters, floodplains and wells. The Department recommends that livestock barns be constructed a minimum of 100 feet from domestic wells and 1,000 feet from municipal wells. If you plan to install a well less than 100 feet from the barn location, please contact the Nebraska Department of Health and Human Services to ensure compliance with all water well standards (see: http://dhhs.ne.gov/publichealth/Pages/enhwwsindex.aspx)*;
- An NPDES Construction Storm Water General Permit will be required if construction activity disturbs a land area of one (1) acre or more. Application for permit coverage can be made by accessing the following website: https://ecmp.nebraska.gov/DEQ-CSW;
- Stockpile locations - it will be necessary to designate a location, either on-site or off-site, to stockpile poultry litter. The stockpiles must be placed in a location that will not negatively impact waters of the State. The Department strongly encourages constructing a berm around the stockpile or, when possible, placing the stockpile under roof;
- Land application - does your operation have the necessary application equipment or have alternate methods been established to properly dispose of livestock waste? The Department recommends that each operation design and execute a site specific nutrient management plan. The plan should identify an application protocol that ensures livestock waste will be land applied at a rate that does not exceed the agronomic need of the planted crop. It may be helpful to view the Department's Environmental Guidance Document titled "Narrative Rate Approach Nutrient Management Plan Outline" for additional aide in developing a site specific nutrient management plan. You can view the document by visiting the Department's website at http://dee.ne.gov/ and typing "narrative rate" into the search box. If your operation proposes to transfer waste to another individual, the Department recommends maintaining record of: the recipient name and address, the date of transfer, the approximate amount of waste transferred and documentation indicating that a nutrient analysis was performed on the waste, with a copy of the results given to the recipient;
- Mortality management - evaluate options for the proper disposal of mortalities. This may include composting, burial or incineration. Careful thought should also be given to the operation's response to a catastrophic loss of livestock. Please be aware that the installation of an incinerator will require a permit from the Department's Air Division (see: http://deq.ne.gov/NDEQProg.nsf/OnWeb/Hotline). Additionally, any ash generated by incineration must be disposed of in a landfill. It may be possible to land apply the ash by requesting that the Nebraska Department of Agriculture consider it a soil conditioner. Please contact the Department of Agriculture if you wish to pursue this option (see: http://www.nda.nebraska.gov/plant/fertilizer/index.html)*;
- Biosecurity - will the operation have a bathroom or showering facilities on-site that will require a septic system? If a septic system is necessary, a Certified Installer must complete the installation and properly register the system. You can find a complete list of Certified Installers by visiting the Department's website at http://dee.ne.gov/ and typing "certified installers" into the search box.

Attachment 2
NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

The following is a summary of regulatory requirements for all animal feeding operation owners or operators collected from Title 130, *Livestock Waste Control Regulations,* Chapter 2. This summary is not intended to be a comprehensive list of requirements, but rather a helpful guide for an owner or operator to navigate their responsibilities under the Nebraska Environmental Protection Act, the Nebraska Livestock Waste Management Act and Title 130. Please refer to Title 130 in its entirety for a complete listing of regulatory obligations. Any person who owns or operates an animal feeding operation shall not:

- Provide or present false or misleading information to the Department or omit relevant facts when submitting reports or applications to the Department;
- Allow livestock at an animal feeding operation to come into direct contact with waters of the State, apply livestock waste on or into waters of the State or otherwise allow or cause a discharge;
- Apply manure, litter or process wastewater to land in a manner that results in a discharge to waters of the State or that is not in accordance with nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater;
- Stockpile livestock waste in a drainage way or other location where it is likely to impact waters of the State;
- Deny the Department access to an animal feeding operation, at any reasonable time, for inspection purposes or deny access to any records, at any reasonable time, required under the regulations;
- Construct an animal feeding operation or any portion thereof prior to an inspection by the Department, unless exempted from inspection by the Nebraska Environmental Protection Act, Livestock Waste Management Act or these regulations;
- Construct a livestock waste control facility without a Construction and Operating Permit or Construction Approval or not in compliance with a Construction and Operating Permit or Construction Approval issued by the Department, unless exempted from the requirements for a Construction and Operating Permit by the Nebraska Environmental Protection Act, Livestock Waste Management Act or these regulations;
- Operate an animal feeding operation prior to construction of an approved livestock waste control facility, unless exempted from the requirements for a Construction and Operating Permit by the Nebraska Environmental Protection Act, Livestock Waste Management Act or these regulations;
- Operate an animal feeding operation without a Construction Approval, Operating Permit, Construction and Operating Permit or an NPDES Permit as required in Chapter 5 of these regulations, unless exempted from permitting under these regulations;
- Discharge animal excreta, feed, bedding, spillage or overflow from water systems, wash and flushing waters, sprinkling water from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation or other materials polluted by livestock waste in violation of or without first obtaining an NPDES Permit, a Construction and Operating Permit, Construction Approval or exemption from the Department, if required by the Nebraska Environmental Protection Act, Livestock Waste Management Act or these regulations;
- Place or allow dead animals or animal parts in a livestock waste control facility. Dead animals or animal parts shall not be land applied with livestock waste except when properly composted or when dead animals have been processed by an approved means of mortality disposal;
- Dispose of chemicals in a livestock waste control facility; or
- Violate any provision of the Livestock Waste Management Act and regulations.

Any person who owns or operates an animal feeding operation shall report any discharge of manure, litter or process wastewater to the Department within twenty-four (24) hours of the event and provide a written report to the Department within five (5) days of the event.

Attachment 3
NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

A complete application for coverage under a National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations must meet the following minimum requirements outlined in Title 130, *Livestock Waste Control Regulations,* Chapter 5, 003.

Each application for an NPDES Permit shall consist of and include at a minimum, the following:

- The appropriate application fee ($200);
- A completed Form B - Permit Application;
- A completed Form C - Applicant Disclosure;
- A completed nutrient management plan** and supporting documentation as specified in Title 130, Chapter 14, unless such information has previously been submitted and is unchanged;
- Written evidence that the applicant has obtained any necessary approvals related to the animal feeding operation from the Nebraska Department of Natural Resources for any dam structures or for the storage of runoff from any non-feedlot contributing drainage area; and
- Any other relevant information required by the Department.

**See also the Department's Environmental Guidance Document titled "Narrative Rate Approach Nutrient Management Plan Outline" for additional aide in developing the required nutrient management plan.

RESOURCES:

- NDEE Home Page - http://dee.ne.gov/

NDEE Publications*:

- Title 130 - *Livestock Waste Control Regulations*
- NDEE Guidance Document - Animal Feeding Operation (AFO) Categories and Fees
- NDEE Guidance Document - Narrative Rate Approach Nutrient Management Plan Outline

Contacts:

- NDEE Agriculture Section - (402) 471-4239
- NDEE Toll Free Number - (877) 253-2603

*These are available on the NDEE website or by calling the NDEE Agriculture Section.

Produced by: Agriculture Section, Water Quality Division, Nebraska Department of Environment and Energy, PO Box 98922, Lincoln, NE 68509-8922; phone (402) 471-4239. To view this, and other information related to the agency, visit our web site at **http://dee.ne.gov/**. This material is intended for guidance purposes only. It is not meant as a substitute for the regulations found in Title 130 - *Livestock Waste Control Regulations* or other applicable Nebraska environmental regulations.

* This Page contains links to Non-NDEE websites, these links will open in a New Tab or Window

Please visit the Nebraska Department of Environment and Energy for forms and more information!

www.deq.state.ne.gov

Form A – Request for Inspection of Animal Feeding Operation

Form B – Permit Application

Form C – Applicant Disclosure

Form D – Permit Transfer Request

Title 130 – Livestock Waste Control Regulations

Title 119 – Rules & Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System

List of Professional Engineers and Technical Advisors for Livestock Waste Control Facilities

Annual Report Requirements

Nebraska Department of Environment and Energy

Lincoln Office
1200 "N" Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
Tel: (402) 471-4239
Email: ndee.moreinfo@nebraska.gov

Field Offices:

Norfolk
Tel: (402) 679-2497

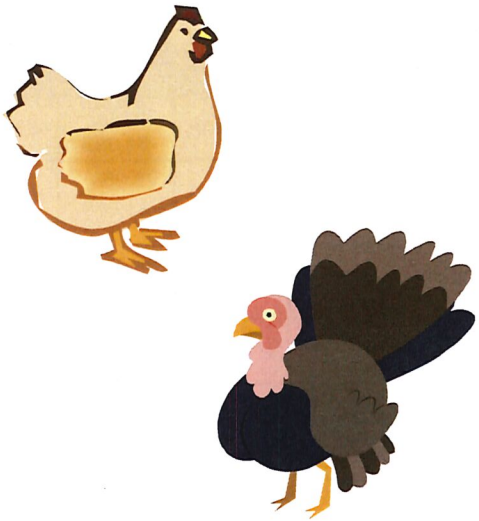
Holdrege
Tel: (308) 991-1780

North Platte
Tel: (308) 530-0874 or (402) 750-4563

Scottsbluff
Tel: (308) 765-9293

NEBRASKA
DEPT. OF ENVIRONMENT AND ENERGY

Environmental Regulations for Poultry Operations in Nebraska



Nebraska Title 130
Livestock Waste Control
Regulations

What is an Initial Inspection?

- Determines the need for a livestock waste control facility at your operation and thus, the need for a permit.

Who needs to request an Inspection?

- Operation that have never had a NDEE inspection and are at least a Medium AFO;
- Newly defined operations;
- Existing operations planning to expand to a Medium or a Large AFO;
- Small AFOs are exempt, if the operation has no discharge

Animal Feeding Operation (AFO)

- Animals are confined for at least 45 days in a 12-month period, and
- The confinement area has no grass or vegetation.

Poultry Type	Large	Medium	Small
Turkeys	≥ 55,000	16,500 – 54,999	< 16,500
Chickens (layers) w/ dry manure system	≥ 82,000	25,000 – 81,999	< 25,000
Chickens (other than layers) w/ dry manure system	≥ 125,000	37,500 – 124,999	< 37,500
Chicken w/ liquid manure system	≥ 30,000	9,000 – 29,999	< 9,000

Concentrated Animal Feeding Operation (CAFO)

- All Large AFOs;
- A Medium AFO may be a CAFO if it discharges through a man-made conduit; or animals are in contact with waters of the state; or it's designated by the state.
- A Small AFO may be a CAFO only if designated by the state.

Requesting an Initial Inspection

Submit:

1. Form A – Request for Inspection
2. Appropriate fee

AFO Size	Inspection Fee
Large	$500
Medium	$200
Small	$100

If an inspection is not requested, an existing operation may be subject to late fees!

Submit the request:

- At least 6 months prior to planned construction
- Prior to any site preparation, such as land leveling, etc.; and
- Prior to submittal of a permit application

After the Inspection

If the NDEE determines that your operation will require livestock waste controls, you must submit:

1. An application for a Construction & Operating Permit
2. $200 application fee (an application submitted for more than one permit will require separate fees for each permit).

- The application must include construction details, geotechnical data, best management practices, and a nutrient management plan.
- A Construction & Operating Permit must be issued prior to starting construction of the livestock waste control facility (LWCF).
- Construction of other parts of the operation, other than the LWCF, can begin after the inspection had been conducted.

What about a National Pollutant Discharge Elimination System (NPDES) Permit?

- A CAFO must apply for coverage under a NPDES permit if it discharges livestock waste into surface waters of the State.

Annual Permit Fees

An annual fee must be paid by CAFOs with a state-issued permit and by NPDES permit holders. The Department will send an annual invoice to the CAFO. This fee is due each year by March 1.

Species	Fee Rate
Turkeys	$1.00 per 1,000*
Chickens (layers) w/ dry manure system	$0.50 per 1,000*
Chickens (other than layers) w/ dry manure system	$0.50 per 1,000*
Chicken w/ liquid manure system	$1.50 per $1,000*
* Or any fraction of the unit of calculation	

For NPDES permit holders an annual report is also due each year by March 1.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
AGRICULTURE SECTION * 1200 N STREET, SUITE 400 * LINCOLN, NE 68509-8922 * TEL: (402)471-4239
FAX: (402) 471-2909 * WEB SITE: http://deq.ne.gov/

TITLE 130 - FORM A

REQUEST FOR INSPECTION OF ANIMAL FEEDING OPERATION

PLEASE PRINT OR TYPE

LEGAL NAME OF OWNER *(Individual, partner, corporation, company, etc).*: _____

_____

NAME OF OPERATION: _____

ADDRESS OF OPERATION: _____ _____ _____ _____
Street, Route No., etc *City or Town* *State* *Zip*

LEGAL DESCRIPTION OF OPERATION:

_____ _____ _____ _____ N _____ ☐E or ☐W _____ County
Qtr. *Qtr.* *Section* *Township* *Range*

_____ _____ _____ _____ N _____ ☐E or ☐W _____ County
Qtr. *Qtr.* *Section* *Township* *Range*

DIRECTIONS FROM NEAREST TOWN: _____

_____

CONTACT PERSON INFORMATION:

NAME & TITLE: _____

MAILING ADDRESS: _____ _____ _____ _____
Street, P.O. Box, Route No. etc *City or Town* *State* *Zip*

TEL. (_____) _____ _____ (_____) _____ _____ (_____) _____ _____
Work *Home* *Other (Cell, Fax, etc.)*

EMAIL *(optional)*: _____

REASON FOR REQUESTING INSPECTION: ☐Proposed New Operation ☐Expansion of Existing Operation

☐ Existing Operation *(not inspected previously; major operational changes other than expansion, etc.)* _____

☐ Other *(i.e., local or lender requirements, regulatory changes, previous discharge, etc.)* _____

_____

ANIMAL FEEDING OPERATION INFORMATION: *(Attach additional sheets if more space is needed to list livestock types)*

Type Of Livestock *(i.e., feeder cattle, dairy, swine, nursery pigs, etc.)*	**Animal Capacity** *(maximum number of animals operation can hold at one time)*

Open Lots? ☐Yes ☐No Totally Housed Buildings? ☐Yes ☐No

Printed or Typed Name of Requester: _____

Signature of Requester: _____

(Be sure to include appropriate inspection fee, or form will be returned. Send requests to above address.)

Nebraska Department of Environmental Quality
AGRICULTURE SECTION * 1200 N STREET, SUITE 400 * P.O. BOX 98922 * LINCOLN, NE 68509-8922
TEL: (402)471-4239 * FAX: (402) 471-2909 * WEB SITE: http://deq.ne.gov/

RESERVED FOR NDEQ USE
IIS # _____

TITLE 130 - FORM B – PERMIT APPLICATION

☐ NEW CONSTRUCTION & OPERATING PERMIT ($200)
☐ NEW NPDES GENERAL PERMIT COVERAGE.. ($200)
☐ NEW NPDES INDIVIDUAL PERMIT ..... ($200)
☐ MODIFIED CONSTRUCTION & OPERATING PERMIT OR APPLICATION ..... ($200)
☐ MODIFIED NPDES PERMIT COVERAGE: ☐ GENERAL ☐ INDIVIDUAL ($200)
☐ RENEWAL OF NPDES PERMIT COVERAGE: ☐ GENERAL ☐ INDIVIDUAL ($200)
☐ MODIFICATION TO EXISTING PERMIT NOT LISTED ABOVE: ☐ OPERATING ☐ CONSTRUCTION APPROVAL ($200)

PRINT OR TYPE ALL INFORMATION
(If more space is required for any section, attach separate sheet of paper)

LEGAL NAME OF APPLICANT: _____
(If approved, the permit will be issued in this name)

MAILING ADDRESS OF APPLICANT: _____ *Street, Rural Route or P.O. Box* _____ *City or Town* _____ *State* _____ *Zip*

TEL. NO(S). OF APPLICANT: (____) _____ _____ *Main Number* (____) _____ _____ *(Other – Cell, Home, etc.)*

EMAIL *(optional):* _____

NAME OF ANIMAL FEEDING OPERATION: _____
(If different from applicant name above, the name by which the operation does business)

ADDRESS OF OPERATION: _____ *Street (9-1-1) Address of Operation* _____ *City or Town* _____ *State* _____ *Zip*

LEGAL DESCRIPTION OF OPERATION:

_____, _____, _____ _____N _____ ☐E or ☐W _____ County
Qtr. Qtr. Section Township Range

_____, _____, _____ _____ N _____ ☐E or ☐W _____ County
Qtr. Qtr. Section Township Range

Latitude _____ ° _____ ' _____ " Longitude _____ ° _____ ' _____ "
(NOTE: Latitude and longitude should be for the main entrance to the animal feeding operation from the public road.)

NAME OF AUTHORIZED REPRESENTATIVE: *(See Page 2 for definition of Authorized Representative)*

_____ *Printed or Typed Name* _____ *Title or Position*

_____ *Mailing Address* _____ *City or Town* _____ *State* _____ *Zip*

TEL.: (____) _____ _____ *Main Number* (____) _____ _____ *(Other – Cell, Home, Fax, etc.)* Email *(optional)* _____

LIVESTOCK *(Indicate one-time capacity of entire operation, including any livestock previously exempted from permitting.)*

Species (Cattle, Dairy, Swine, etc.)	Average Weight (in lbs.)	Indicate Head Numbers Below			
		Existing	Proposed (+ or -)	Previously Exempted	New Total

***For Modification of permit or application:** If increasing or decreasing head numbers, indicate the proposed change in head numbers separately from existing numbers. Attach a narrative description of the proposed modification(s).

NOTE: *"Applicant" refers to the legal name of an individual, a corporation, a limited liability company, partnership, or government entity to whom the permit will be issued, if approved. If applicant is an individual, completion of a U.S. Citizenship Attestation form may be required, except when already on file with the Department.* The Applicant is responsible for compliance with all local laws, and for obtaining applicable local, county, and other permits. The Certification below must be signed by the applicant or an authorized representative, as defined below.

CERTIFICATION

I certify that, to the best of my knowledge and belief, I have the authority under the laws of the State of Nebraska to sign this application. I also certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that significant penalties exist for submitting false information, including the possibilities of a fine and imprisonment for knowing violations.

_____

Printed or Typed Name of Applicant or Authorized Representative

_____ _____

Signature of Applicant or Authorized Representative *Date of Signature*

"Authorized Representative" means, for:
A Corporation: a principal executive officer in charge of a principal business function and of at least the level of vice president; or
A Limited Liability Company: a manager or principal executive officer; or
A Partnership: a general partner; or
A Sole Proprietorship: the proprietor; or
A Municipal, state or other public entity: a principal executive officer or ranking elected official

TECHNICAL ADVISOR INFORMATION

NAME OF CONSULTANT OR ADVISOR _____ TITLE OR CERTIFICATION: _____

NAME OF COMPANY _____

STREET ADDRESS _____ CITY/STATE/ZIP _____

CONSULTANT PHONE NO.: (_____) _____ _____ (_____) _____ _____
(Work) *(Other: Cell, Home, Fax,etc.)*

Email: _____

I certify that the design of the livestock waste control facility meets the minimum requirements as outlined in Title 130, "Livestock Waste Control Regulations," of the Nebraska Department of Environmental Quality.

_____ _____

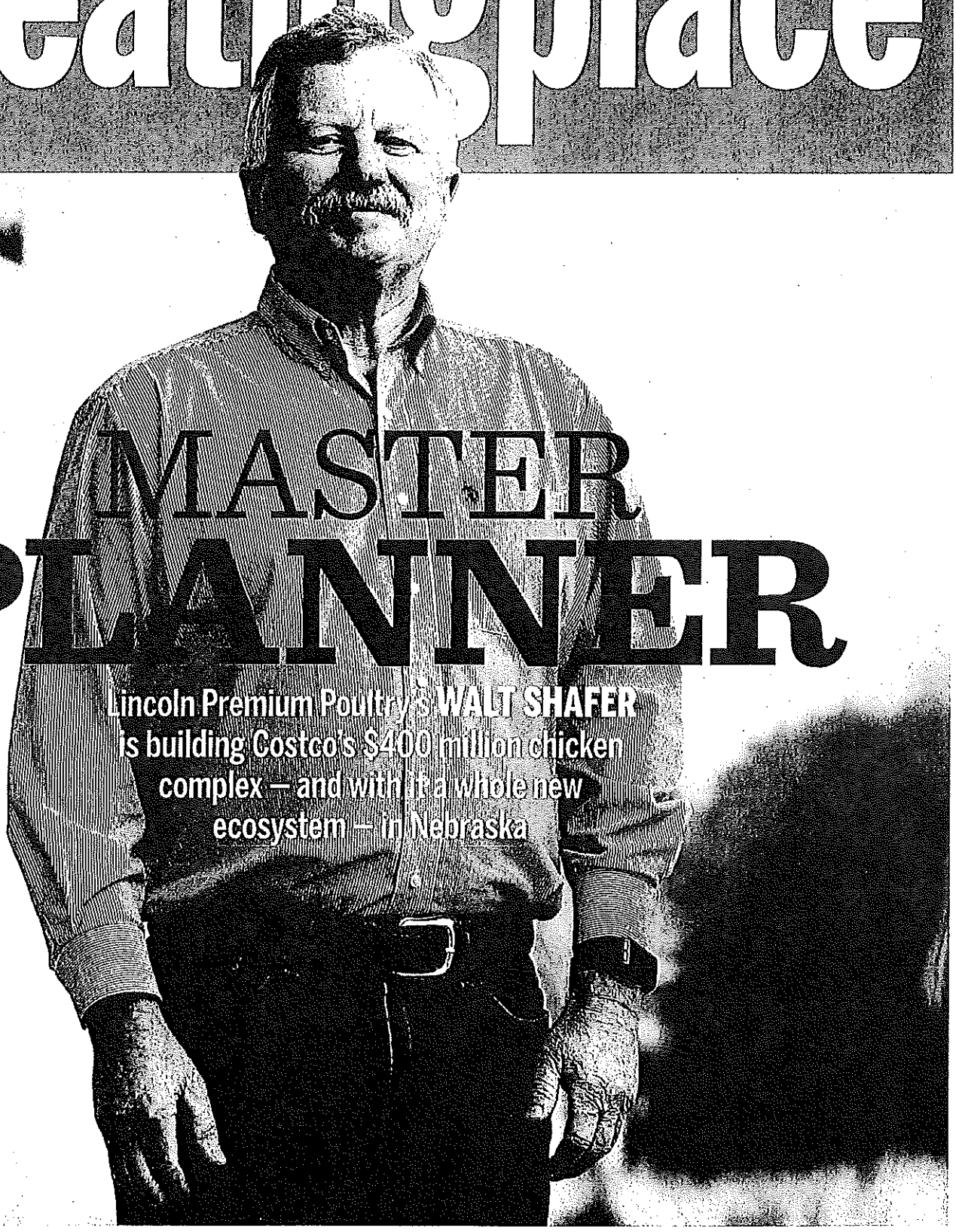
Signature of Technical Advisor or Professional Engineer *Date of Signature*

---Seal of Professional Engineer---
(if required)

---For DEQ Office Use Only---

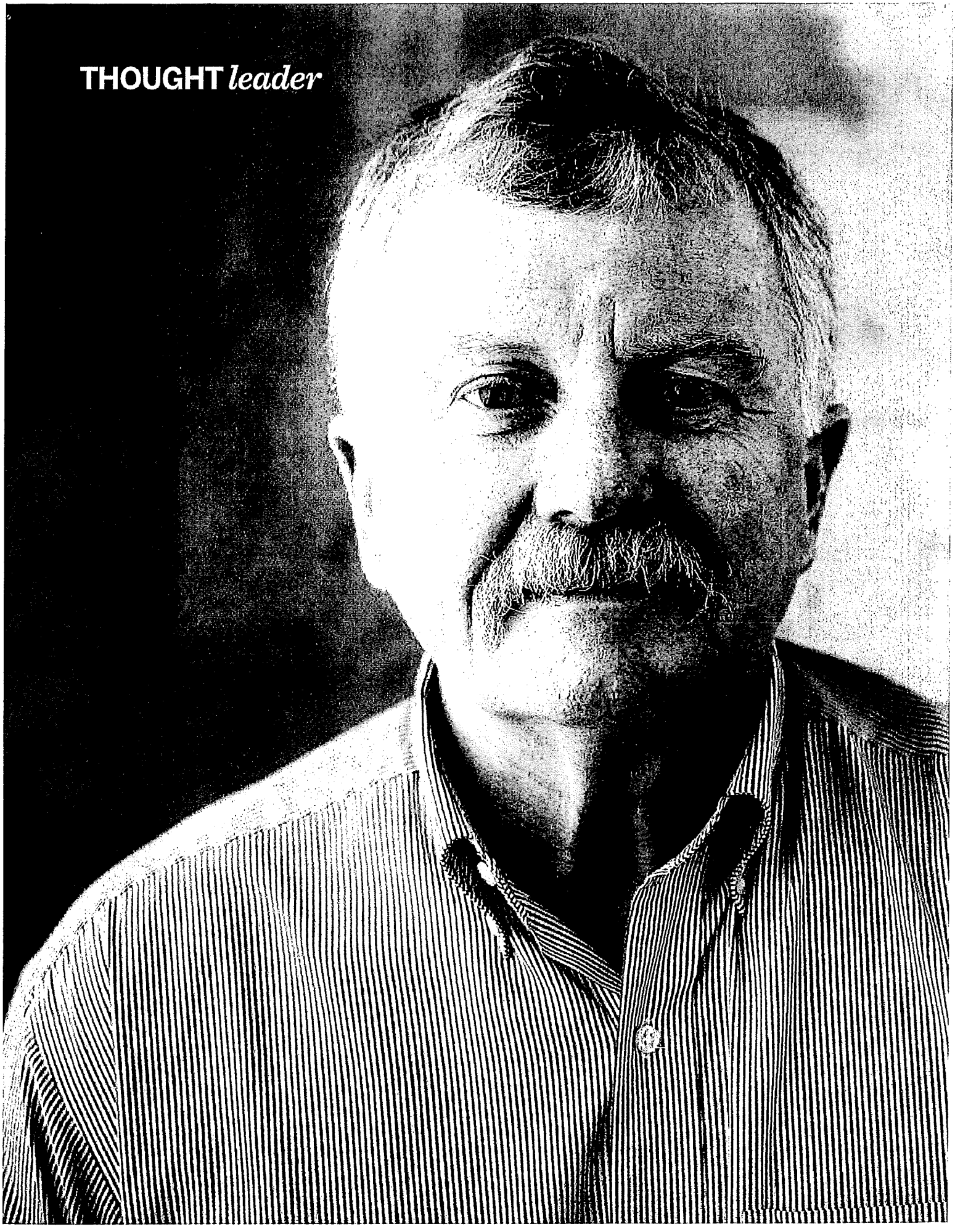
P.20 FRESH BEEF BRANDS CONNECT WITH CONSUMERS
P.45 RISING TIDE LIFTS ALL BURGERS
P.76 SANDERSON FARMS SHIFTS COURSE

meatingplace
06.18 meatingplace.com



MASTER PLANNER

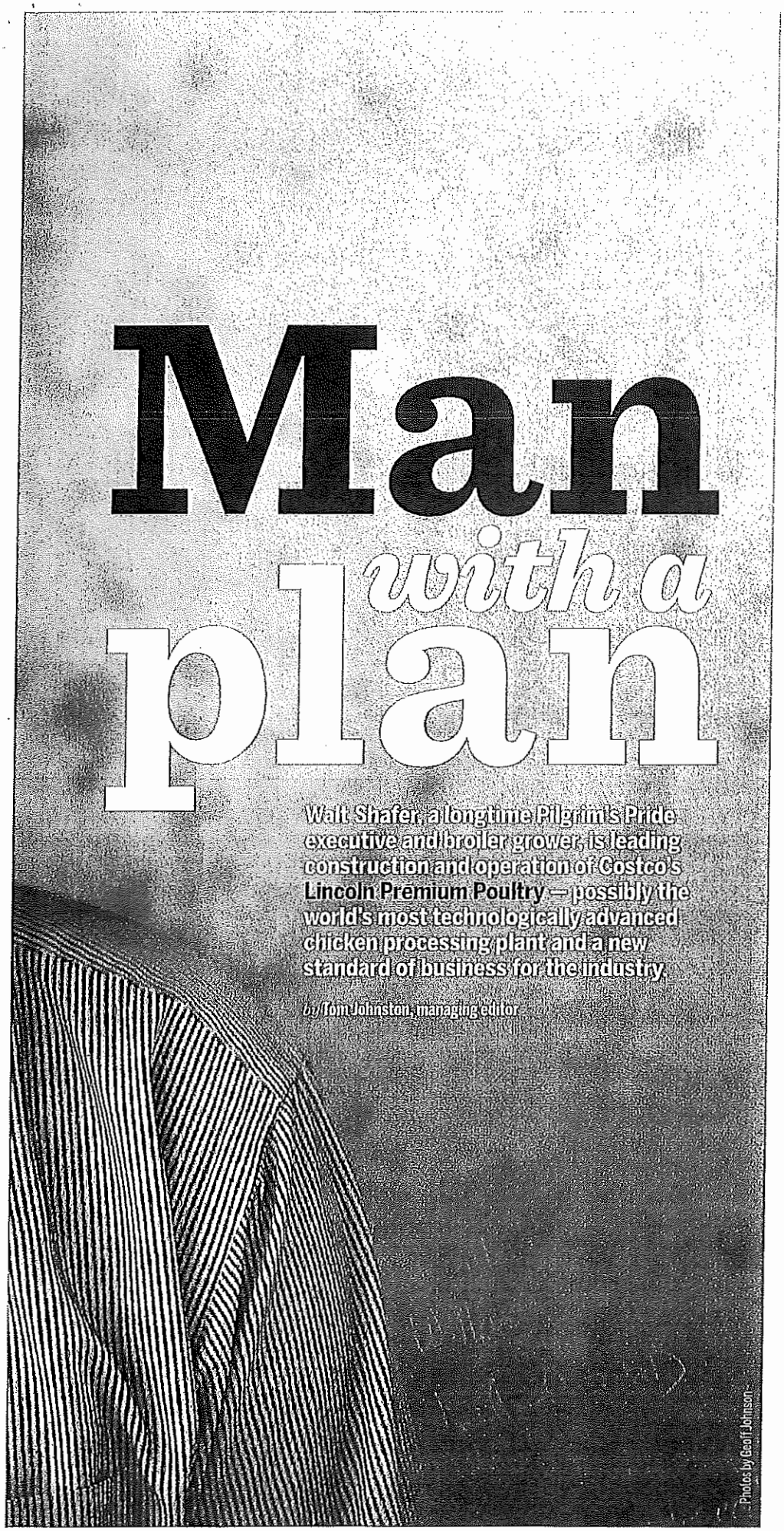
Lincoln Premium Poultry's WALT SHAFER is building Costco's $400 million chicken complex — and with it a whole new ecosystem — in Nebraska


THOUGHT *leader*

Man *with a* plan

Walt Shafer, a longtime Pilgrim's Pride executive and broiler grower, is leading construction and operation of Costco's Lincoln Premium Poultry — possibly the world's most technologically advanced chicken processing plant and a new standard of business for the industry.

by Tom Johnston, managing editor



Photos by Geoff Johnson

brutal winter has made for a slow thaw in the Great Plains, but at long last the seasons are changing. In Fremont, Neb., the landscape is, too.

The sky-high feed mill looming over the open fields signals a shift in a state where beef dominates; it will support a $400 million chicken complex that Costco Wholesale Corp. is building in order to control the quality of birds it sells in its depots nationwide.

The effort spawned a new company, Lincoln Premium Poultry, which will process those chickens in a 360,000-square-foot facility that promises to be among the most technologically advanced in the world and will employ 1,000 people.

To supply the giant facility, grain farmers are converting to poultry growers, building on their plots at least four chicken houses each, with some as many as 16. Each one of the total 432 barns houses 42,000 birds, making for a one-time capacity of more than 18 million of them.

Overseeing this whole new ecosystem in Nebraska is Walt Shafer, a Virginia broiler grower for Pilgrim's Pride who also spent his career working sales and operations for the large integrator. In the twilight of that tenure, he jumped at the opportunity to join Lincoln Premium as its chief operating officer and put his "thumbprint" on a project he believes will advance the entire industry.

With the security of running a business whose product is already sold out to its only customer, Shafer and his team can focus on

News of Costco's proposed chicken plant broke in April 2016: meatm.ag/costco-news

executing new farm contracts and highly automated plant operations that primarily will address animal welfare concerns and increasingly vexing labor issues.

About at the midpoint of the big project, Shafer took time to chat with *Meatingplace* about how the Costco-Lincoln Premium Poultry partnership will work to bring a fresh perspective to the business of putting chicken on plates.

Meatingplace: What was the strategy behind making such a huge investment, particularly when supply is so plentiful?

SHAFER: Costco's strategy is really looking out over the next 20-plus years. [What they told me was,] 'We need to know how to feed the world in the future and where our supply is going to come from.' [With] their specifications [on] quality, their attention to animal welfare ... they decided that they would start with [Lincoln Premium Poultry] here in Nebraska.

Meatingplace: How did Lincoln Premium Poultry come about?

SHAFER: Lincoln Premium Poultry is a Nebraska company ... created to manage and operate this complex on Costco's behalf. The name Lincoln actually comes from the capital of Nebraska.

Our role in this is to essentially spec it out, select the equipment, recruit the growers, design the grower houses, implement this process and then manage and operate it over the long period of time for Costco. ... They're our owner, and also our customer. It's a unique relationship.

We're not here every day spending time worrying about chicken markets in the future. We're not worrying about competing. We're not worrying about where our product will go once we're up and running. That's already set. We're really focused on the execution of the project.

Meatingplace: And where is the project as we stand today?

SHAFER: If you go to Fremont today, on our 412-acre site you'd see a feed mill that has already been poured. It doesn't have equipment in it yet. As soon as the weather breaks, we'll start moving forward on pouring the storage bins, et cetera. The processing plant has walls starting, already up and continuing to move forward.

We have had an extreme winter out here, [s]o I would say we've lost a few months on the construction timeline on our original project. Originally, we were targeted to open and start ramping up in June of 2019. I think it's going to be more like September of 2019.

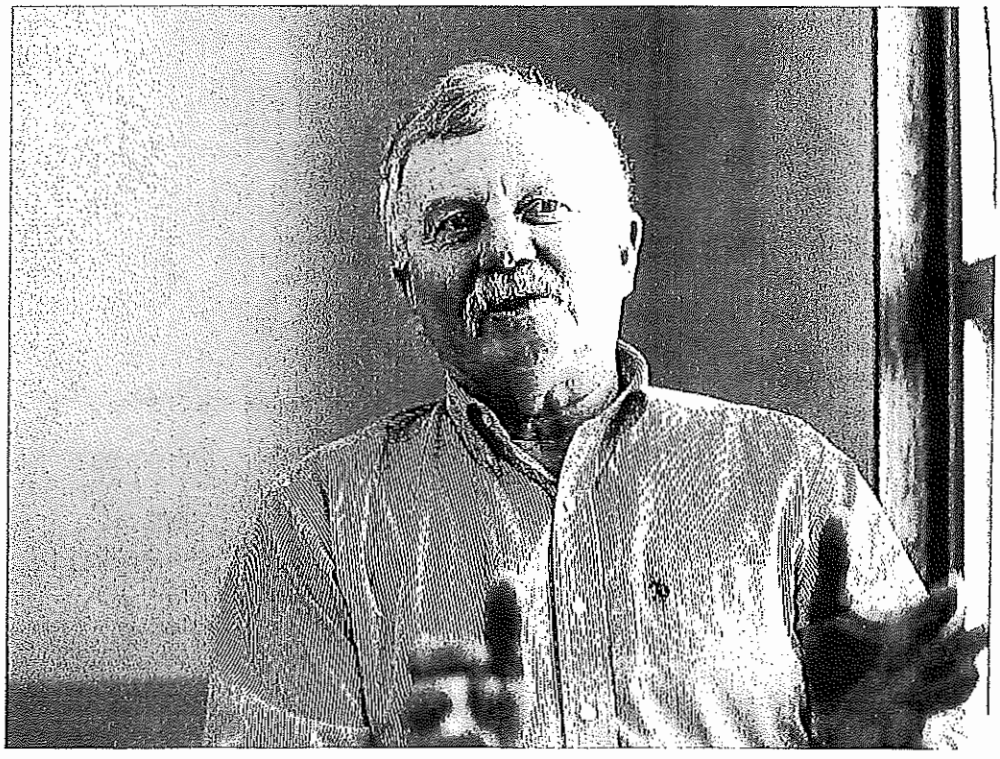
[Then we] have a 45-week ramp-up process. That ramp-up process is tied to the construction of all of our poultry housing ... so that our growers mitigate interest and we can start putting poultry into their houses as we ramp up. And then we phase in all the hiring, recruitment of the employee base in that same ramp-up schedule.

Meatingplace: What was the rationale behind locating Lincoln Premium in Nebraska?

SHAFER: Costco ... sent a team out to several states looking where to put one of these facilities. One requirement was, where's the corn? And we certainly sit right in the middle of the Corn Belt. Another requirement was that we had to have farmers who were willing to grow for us, and we found overwhelming support. These grain farmers out here want to diversify. The third requirement was labor. Our labor's tied up everywhere in the country, but we've identified areas in and around our location where there's unemployed or underemployed labor that we think we'll be able to attract and bring into our facility. Lastly, [we need] water and water resources, and we're sitting on the largest aquifer in this country.

Meatingplace: What has it been like to convince grain farmers to become chicken growers?

SHAFER: Our typical farmer may have 1,000-plus acres of cropland that they're producing corn or soybeans on. Our typical farmer may have three generations of the family living on that farm.



We are in a unique situation. No. 1 is, the corn markets haven't been that favorable to the Nebraska farmers here for the last three, four years and they're seeing the need to diversify their income stream. Poultry gives them the ability to do that. Secondly, the value of the chicken litter; these farmers are using an enormous amount of commercial fertilizer today to fertilize this crop ground, and what they've seen is the ability to get a hold of chicken litter to substitute. That carries an organic value, and it carries a good value on the commercial fertilizer replacement, not to speak of the potential yield gain that they'll get on the crops.

And then the last piece, and it's the most compelling piece, is ... when we're going through the pro forma and talking to [farmers], inevitably one of them will say, 'You know what this does for us? We've got a couple of kids that work full-time on the farm, and we've got a third one ...' that may be working in a factory or in another state. And they'd really like for that child to come back to the family farm, but the current farm won't support him. 'But with this poultry contract that we're going to get and employ, we'll be able to bring the [other] child home.' It's just a good story to tell.

Meatingplace: The contracts that some growers have with big chicken processors are often maligned as being unfair to the farmers. What's different about your contracts?

SHAFER: Our contract, we think, has one of the best pay rates in the industry. And it has to. We have no farms that have one, two or three houses. All of our farms have four-plus houses. So we're asking our growers to make an investment of millions of dollars. The contract is a 15-year contract with these growers.

Meatingplace: Is that longer than typical?

SHAFER: Yes, I think so. I think the industry is moving that way. I think the industry sees a need to add more ink to the contracts to satisfy the grower and the bankers. ... So, essentially, our pro forma says, 'With all the inputs you're going to supply and the inputs that we'll supply, in 15 years, you'll make a comfortable living and your debt will be paid off.'

[The industry's standard] contract, you know, it's been referred to — and I don't like this term — as the tournament system. I'm a grower for an integrator (Pilgrim's Pride), and I'm okay with that process because I tend to do well, to manage well, and I'm rewarded for my efforts. But ... these are all brand-new growers. They've never done this before. They're relying on us to lead and show them the way, and I think a show of good faith on our end is, in our contract, we will not penalize you for poor performance. Essentially, we don't take away, but we will reward you for positive performance. They'll know exactly what their income stream will be, plus the potential to even do more than that.

Meatingplace: What do you mean by "plus the potential to do even more"?

SHAFER: If you take a typical industry contract and you settle, some of the growers are going to settle below the average cost, and some will settle above the average cost. What we're saying is, if you settle below, we're not taking anything away. If you settle above, we'll continue to pay you. So, we essentially say there are no negatives on poor performance, but we'll reward you if you're better than the average.

And this is really not us against the industry. This is just what we're doing for Costco and what we're doing for the Nebraska farmers.

Meatingplace: So how did this project come about, and how did you personally get involved?

SHAFER: I have a partner in the project.

This was an opportunity for me personally to put my thumbprint on something that was new and unique ... ***to do something that I think will change the way we look at business.***

His name is Bill Crider. Bill's family business, Crider Foods, has done business with Costco for 20-plus years. They supply the canned chicken. It was the relationship that existed ... and a discussion came up on, what if we did this?

Bill and I met on a few business dealings over the past few years, and he knew of me in the industry. He made a convincing argument, eventually, for me to join him in this project.

Meatingplace: You had a successful career [at Pilgrim's]. What was the convincing part of Crider's argument to get you to jump?

SHAFER: I look at my career as ... I don't have as long as I've been through. Let's put it that way. And I've had a great career. The poultry industry [and] Pilgrim's treated me well. It was a difficult decision to leave.

But the compelling argument ... was that this was an opportunity for me personally to put my thumbprint on something that was new and unique. Costco has given me the opportunity to kind of design this the way I would like to do it, to put an innovative contract in front of growers, and really to do something that I think will change the way we look at business. It's a great way to wrap up one's career.

Meatingplace: It isn't often that a person gets this opportunity, and it's not often that a plant of this size is built. What is the philosophy behind how you want this plant to run and what you think it means to change the way the industry does business?

SHAFER: Well, I think the industry's changing anyway. It's just a matter of how quickly.

I'll use a couple of examples. Labor is becoming more and more of an issue. It's finding, attracting, retaining, keeping labor safe, convincing labor to come to work for you and really spend a career with you. What this opportunity allowed me to do was really to put in a lot of technology that I think takes out a lot of the difficult jobs. It puts us where our average employee's going to have to be more technologically advanced. Let's face it, there are a lot of jobs in our industry today that are tough to get people to do. And what Costco and Lincoln Premium have embraced here is [identifying] those jobs that we can replace with technology that improves the process, improves the safety, and improves the possibility that our employees will stay with us over a long period of time.

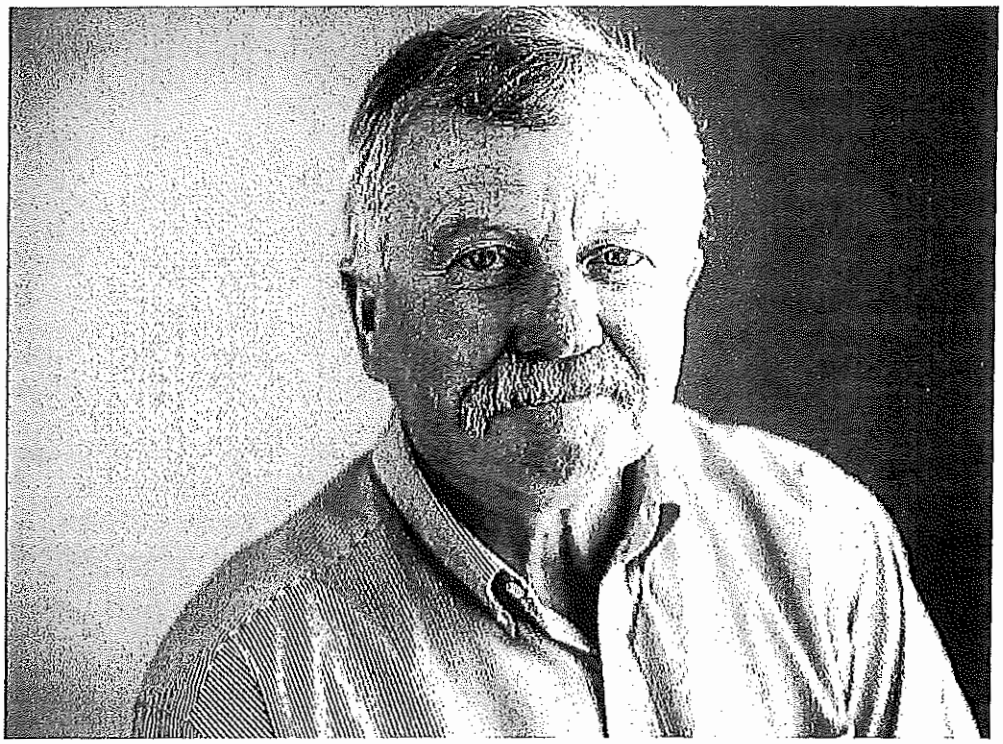
[The other] caveat [is] what makes sense from an animal welfare standpoint, that the product we bring in is going to be handled in the best and most humane way it can be. We put the technology in place that does that.

Meatingplace: Can you illuminate on what types of technology you will be using?

SHAFER: We will be putting in automatic chicken catching. We're going to go with a drawer system in this process on live bird handling. Picture this — it's like a dresser [on wheels that has drawers]. You set a module in a chicken house and — [whereas] the industry uses what we call cages where you have to open a door and put the chickens in — we slide the drawer out and put the chickens in. And we think that is going to be a lot better for the handling and the welfare of that bird. I'm not aware that any of this particular drawer set is being used in the U.S. The company that we're working with, which is Marel, is developing this drawer. We're the first ones to go with it.

We're in Nebraska. It's cold out here. Our transport trucks will all have tops on them. They'll have curtains that will go around the trailer itself. That curtain will protect our birds being transported down the highway. Another thing it does is there's no potential for feathers or dust. And thirdly, you're not going to see poultry transported down the highway; that offends some people. We saw this as we did all our due diligence in Europe. Canada uses it a lot. It makes sense for the poultry. It makes sense for our public perception on handling poultry.

Our processing plant will have what



we call a lairage system. All of our trucks, when they come in, they will pull inside of our processing plant. We have a robotic system in there that will take these modules that the birds are in. I have the capacity to hold 12 tractor-trailer loads inside. We're able to cool these birds when it's warm inside. We're able to warm them up if it's cold outside. It's like a big bird storage warehouse, inside the building.

All of our modules will be cleaned and sanitized after every time they're used. Those trucks and trailers will be cleaned and sanitized, all taking place inside the plant on every trip [for] disease control.

We're gas-stunning these birds. All of our lines are essentially the latest technology from kill, pick, all the way through evisceration with such things as automatic giblet harvesting, et cetera.

Our facility also will be air-chilled.

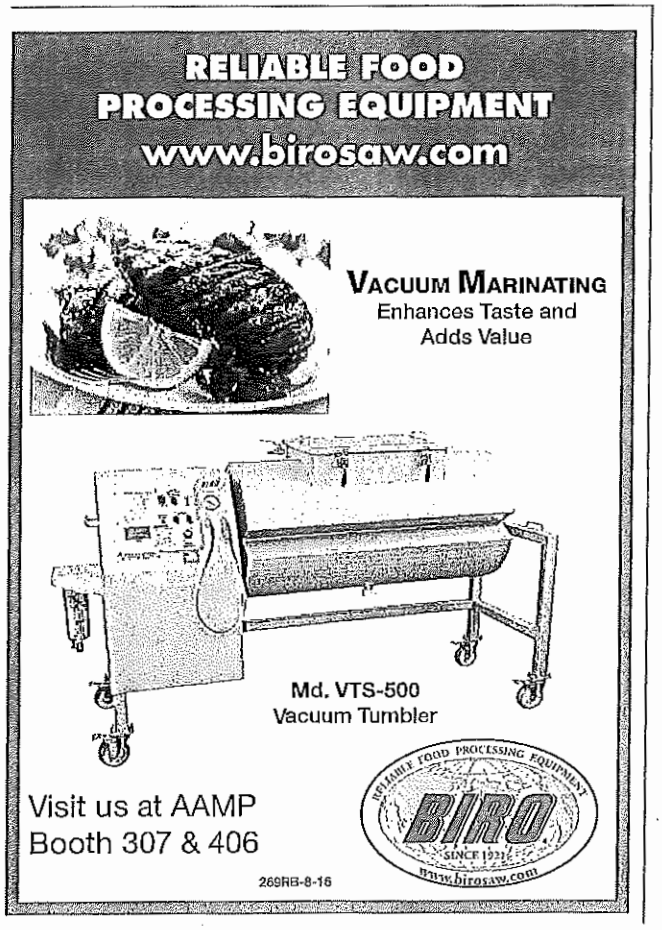
Meatingplace: What are the advantages of air-chilling?

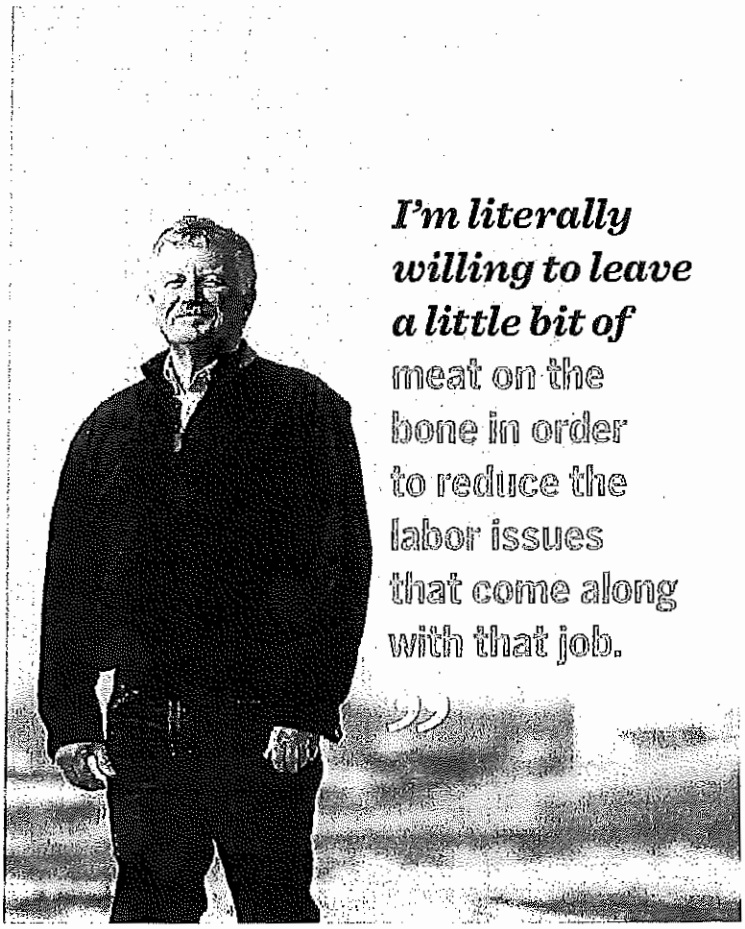
SHAFER: Well, one advantage of air-chill is that the process is automatic. When our birds come through kill, pick, they're automatically transferred to evisceration. And when they come from evisceration, they're automatically transferred to air-chill. And when the air-chill comes into our second process and the sizing distribution cut-up line, it's automatically transferred. So, that replaces a lot of manual labor. From a traceability standpoint, it gives us a lot better opportunity to actually trace birds more on a bird basis than on a flock or a house basis.

Costco feels [air-chilled product] potentially could be a better product that their members would like. They have experience with these types of products [in other countries] where they do business, and they wanted to try it here in the U.S.

Meatingplace: What about air-chilling might make it a better product?

SHAFER: The process itself that we're using is new and unique. It's called maturation. We feel that it's going to tenderize that product better. The air-chilling process itself is almost three hours. We use various degrees of temperature in





that process. The other thing is we don't anticipate we'll have as much moisture in the pack.

A featured item of Costco warehouses and really what the members enjoy is the rotisserie deli WOGs (whole chickens without giblets). Another cornerstone of their thought process is the belief that that air-chilled bird on that deli spit is just going to have a lot better product attributes.

Meatingplace: What else is in the product mix?

SHAFER: We're going to process 2 million birds a week. Mathematically, about 800,000 of these birds will be rotisserie deli WOG. And the reason for that is that's the size and grade criteria that we think will follow that product mix. The other 1.2 million will be boned, and we'll put into the Costco products that they sell in their warehouse — we call them saddle pack. Those are the pouch pack products ... the boneless breasts, the boneless thighs, the bone-in thighs, drumsticks, wings, tenders.

Meatingplace: As you're going through and you're taking pains to handle the birds humanely and create the best product possible, what are the macro trends, particularly with what consumers are looking for, that you think your company will be taking advantage of?

SHAFER: I think Costco's members want to know where their product is coming from. They want to know that that product was treated in a humane way. They want to know that we have farmers that are earning a good income to produce that product for them.

But one thing that's key with this process is our bird weight here is going to be a 6- to 6¾-pound bird. The industry has been trending up on bird weights. This bird here is specific for our needs with Costco, because that essentially hits right in the heart of those rotisserie deli WOGs that their members expect. Our business plan is developed right around that bird size. Costco is looking to ensure that they have that bird size for the long term.

Meatingplace: Some birds in the industry are getting up to 9 pounds. Isn't that more efficient?

SHAFER: I'd make the argument it is more efficient. But if your member doesn't want that, you're going to put together a business model that gives them what they want.

... [E]ven on our [housing] densities, we're actually giving them more room than the industry average, because again, Costco's philosophy is we want to be better than the rest on what we're doing with our product, our people and our processes.

Meatingplace: The fact that Costco is entering the chicken business is a reflection in itself of how well the chicken industry has been doing. Why do you think the industry has been doing so well, and why is it the right time for Costco?

SHAFER: The industry over the last several years has gotten more disciplined in its growth. I think the industry certainly doesn't just go out and produce pounds to produce pounds. They have a strategy and a vision in mind of what they want to do.

And you know, I can't speak for the industry, but I'll just tell you that a lot of the assets in the industry are getting old.... I think some of this new construction is more efficient, just like us. And the industry is moving along that way.

I think the industry is deboning a lot more product than they ever have, meaning that when you look at pounds being sold, a lot of it's more boneless pounds. And you don't eat the bone, but it's reported as pounds. So, you know, the industry will

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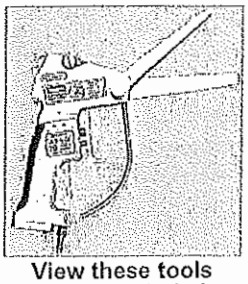

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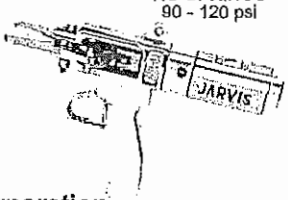

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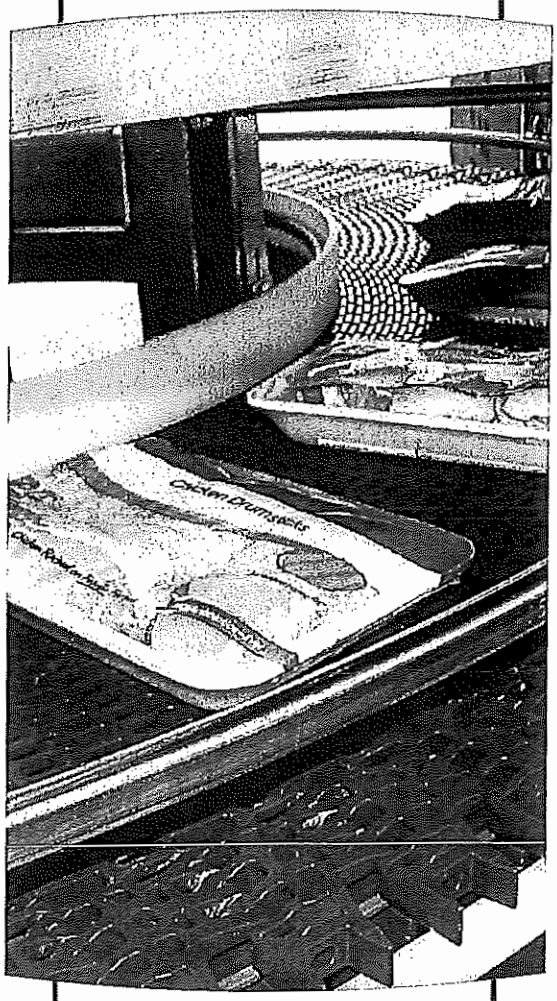

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continue to grow. I think the industry's going to feed the world.

Meatingplace: Where will your workforce come from? How many people? What kind of skills? Why do you think they'll want to work there?

SHAFER: Projected employment is somewhere between 800 and 1,000 employees for our complex. The typical complex's size would probably have 1,400 or 1,500. So, you can kind of get a feel for how automation really [has an impact].

Our studies say the labor is here in the area. We don't have any preconceived ideas that we put an ad in the paper and everybody will come in. But we're going to have an attractive wage [and] a great benefits package. And again, I go back to Costco and what they require of us. Our employee welfare facilities are going to be fantastic. I would like to think that, you know, we've become a place where you want to come to work.

We'll still need people that have hands, but you know our skillsets have just moved up the ladder a great deal. For example, we have automatic deboning in this facility. That's typically done in this industry by hand. We'll never get as good with a robot as we do with a person with hands, but hands get injured. Hands have to come to work. Hands have to go through a routine every day. And what we've said is we'll automate that process, and then we will get, retain and train the best people to maintain and operate it. ... I'm literally willing to leave a little bit of meat on the bone in order to reduce the labor issues that come along with that job.

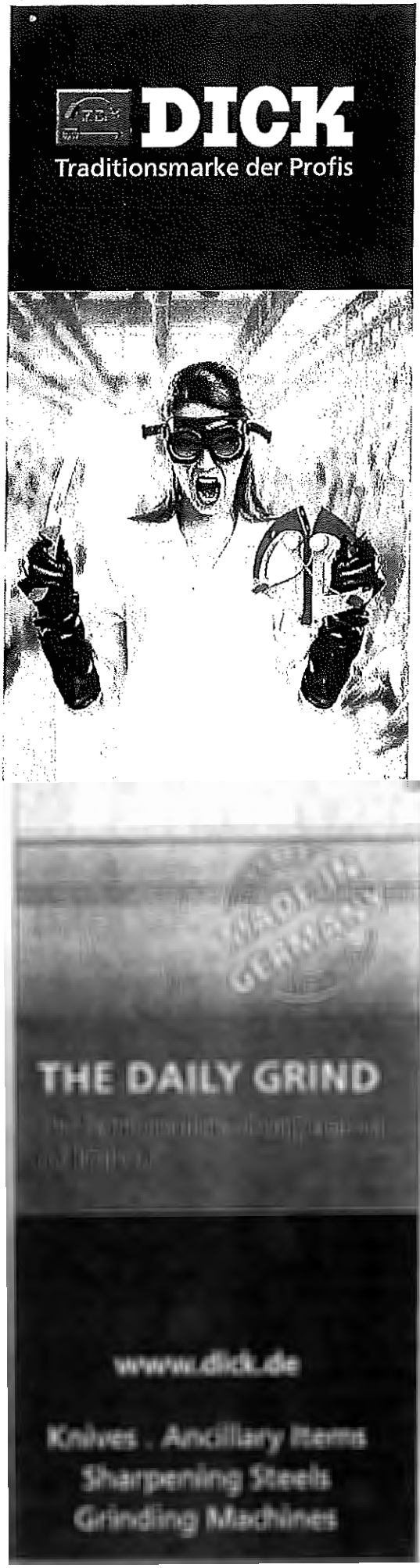
Meatingplace: Is there anything else you want to mention about the technologies you might be excited about?

SHAFER: We're using vision technology to essentially take 3D pictures of these birds as they go by, where we can then distribute them by weight and by grade. This facility also has automatic thigh deboning in it. It actually has robots that pick up the boneless breast meat, thigh meat, drumsticks — all the Costco products — and puts them in the package, again eliminating labor.

We're using what's called a VRT system to refrigerate and chill this product. VRT systems are used in this country primarily to freeze product. What we're going to do is chill the product, and then we tie it in with a palletization system. That way we can actually pick orders out of it and palletize automatically from the system itself, again eliminating the need to go into storage, eliminating the need for people "to stack off," et cetera.

Meatingplace: Give us an idea of how these machines are going to be working with each other, how the information they produce is going to be used by management and what particular advantages you will see from that.

[Costco is] our owner, and they're also our customer. It's a unique relationship. We're not worrying about we're our product will go."



THOUGHT *leader*

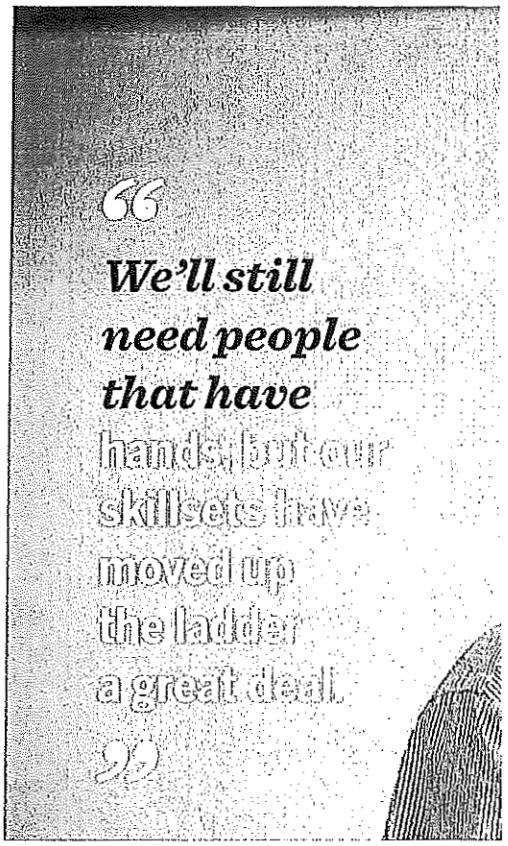
SHAFER: Marel is furnishing this call to NOVA, which is the operating system. It essentially operates the entire plant floor. And yes, part of our process will be to get everything to talk to each other, and NOVA has that technology. We have to figure out the wiring diagrams and so forth to get it done. But we'll have an immense amount of data coming from the floor, and I'm the type [who says] that's great, but first of all we've got to ask ourselves, 'What data do we want to see? What data really makes a difference to us? How do we want to handle that?'

I think that after we start and then a couple of years from now, that'll be different. But we'll have the ability to look in on every machine to see how it's performing — up time, down time, mechanical expense, yields, quality ... — on a real-time basis.

On the grow-out end, we're using MTech technology. [W]e're putting all our feed bins on electronic weigh cells out at the grow-out houses. Our grow-out houses will have the MTech scaling technology where the broilers walk across it. I'll be able to look on the computer and tell you exactly, on a real-time basis, what the feed conversion is running on every house at any given time. And it'll tell you exactly what the weight is.

Long-term we'll be able to then look across the enterprise and look at attributes, if it's making a particular grower or a particular house perform better or worse than the others, and be able to analyze the variables and make better decisions. Maybe Grower A is getting better performance in the enterprise, and we can look across the data and see that maybe it's an aspect of water consumption, maybe temperature — any given variable. We'll be able to look at that and make decisions.

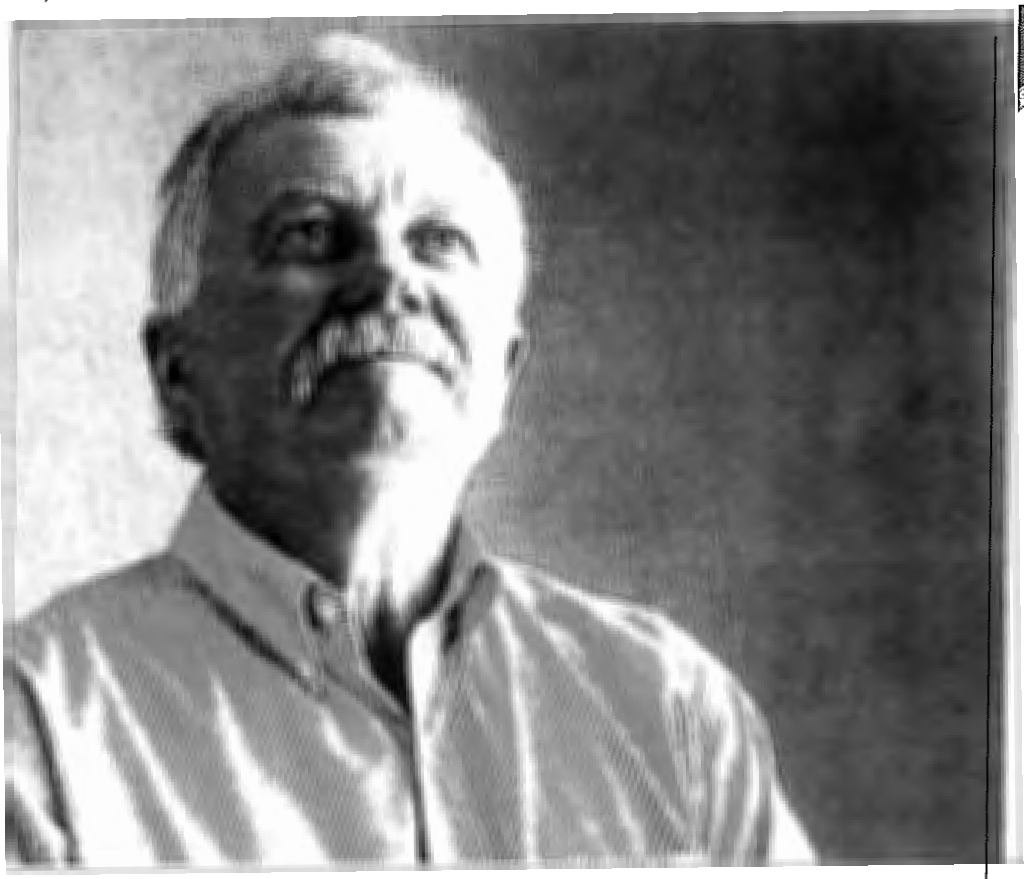
Meatingplace: When all is said and done, would you put this up with the best plants in the world?



SHAFER: Certainly. I got to smiling here. ... [W]e've got a corridor or a hallway that starts from one end of our process and goes completely to the other end, where you can walk down a hallway, look through plate glass windows and be able to see our plant from one end to the other. And the other thing it does is our employees can walk to all their job centers without having to walk through the middle of the plant. Literally, our people that work back in live receiving can walk down a hallway and never have to go outside or inside and get to their work areas. We're as proud of that as about anything we've done in this plant.

Meatingplace: That's a comment on transparency as well, right?

SHAFER: Well, it is. Going through the approval process here in the community, one of the things we said is — it's kind of a Costco motto and we've adopted it — we're going to do the right thing, from the way we treat our growers and our community to the way we conduct ourselves. There were some here that didn't want us here. There were some that were skeptical. But overwhelmingly the community at large said, 'You know what? We trust you. It's a great company to have here. We want you here.'



And we in return said, 'You know what? We're always going to ... let you know what we're doing and how we're doing it.'

And we just felt this viewing corridor was probably a great way to show we're doing exactly what we said, and we have nothing to hide. You can bring in a class of kids from maybe the grade school, and they can come through your facility and say, 'One of these days, I may want to work here.'

Meatingplace: How would you describe your relationship with your technology and equipment supplier, Marel?

SHAFER: Personally, I've done business with Marel probably going on 30 years. I've had a relationship with these people through their growth, and I know a lot of them personally. I've been to their facilities all across the world. They've asked for my advice on technology that they've developed. They're proactive and innovative.

As a matter of fact, [while on] our trip to [visit] them in Europe, we said, 'Why don't we become your European plant in the U.S.?' Meaning, why do you need to take U.S. customers to Europe to see everything you're doing?' So, we're putting an office in for these folks. They'll have a presence at our facility.

And we've opened up the door for them to bring U.S. customers, and that means the poultry industry, to come and see what they've done here. Again, I'm not competing with the industry. My customer is Costco.

Anything we're doing that can benefit the industry, we'd be glad to do it. And anything we can do with Stork and Marel to improve technology here in the U.S., we certainly want to partner with them.

Meatingplace: So, you can become an educational center, not only to the public but also to the industry?

SHAFER: I'll give you an example of that on another deal. ... [P]art of our agreement with [a contractor] is they're going to build a chicken house for us on our complex site. And this chicken house is not to grow chickens. The chicken house will have a classroom in it [with] the various types of equipment from a broiler, breeder and pullet farm. We can bring people in and do a tour and demonstrate technology. We're going to continue to educate, demonstrate and train.

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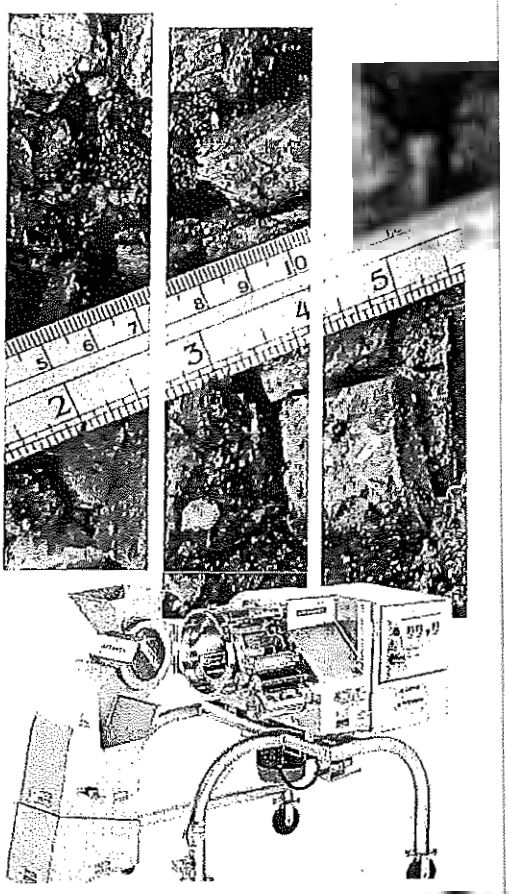


Meatingplace: What has been the total investment in this project? How much of that is dedicated to the processing client, specifically?

SHAFER: Our total investment from Costco, when it's all said and done, is going to be somewhere around $400 million. That's the complex figure. I'm going to ballpark the plant and say it's about $300 million of the $400 million.

Meatingplace: And this is sort of a new model for Costco. Is this something that we're going to see in more parts of the country from Costco in the future?

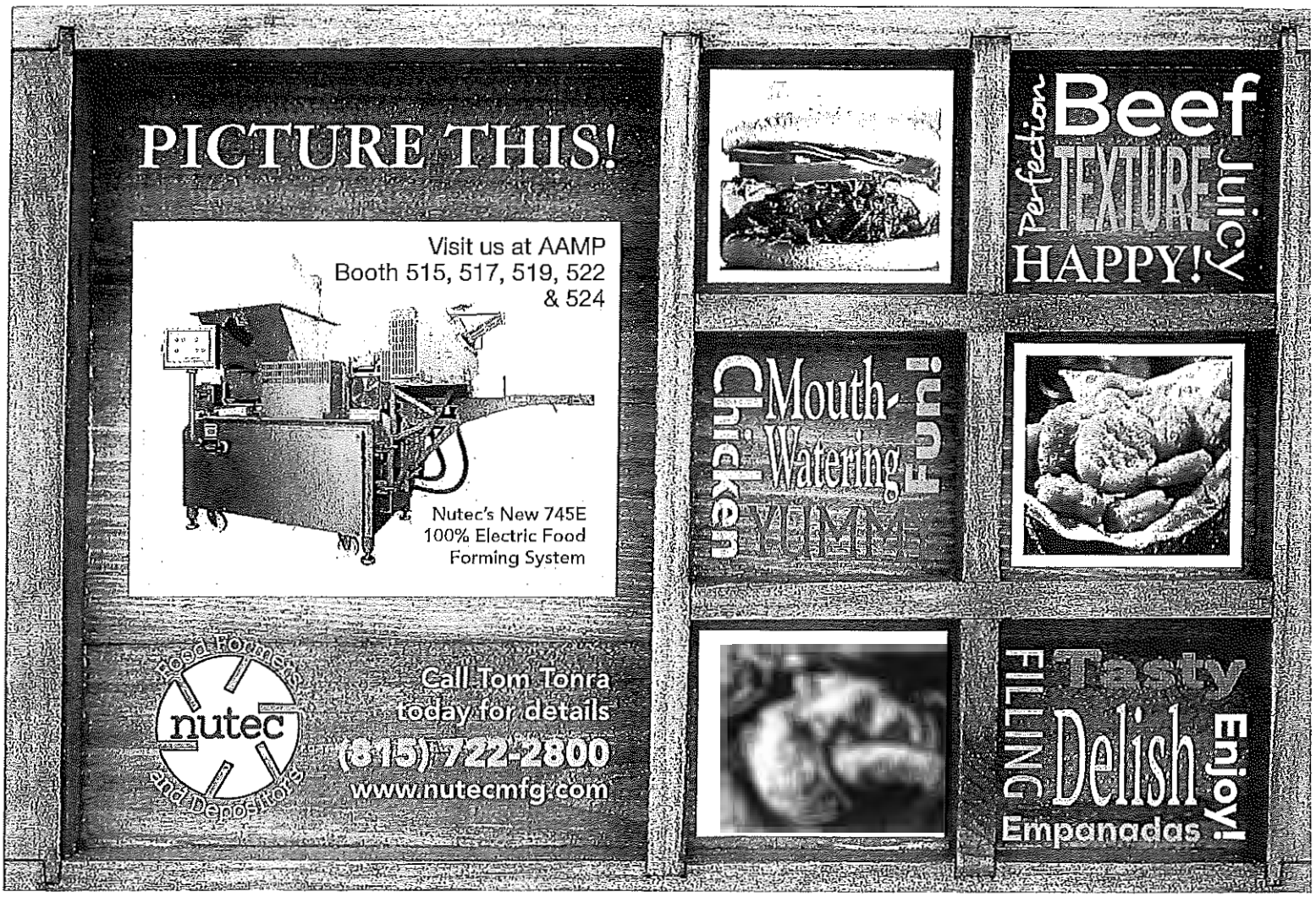
SHAFER: I can't speak for them on that. I would like to hope that we're successful and we show them this is a business model that did everything that they expected it to do. And my thoughts are, if it is, then they certainly would probably consider it. It's quite an investment on their part, and it's quite a position for them to take. But I like to remind everybody, we need to be successful and get this one done right before we plan on anything else.

Meatingplace: I wouldn't imagine you've had this type of undertaking before, even in a career as long as yours.

SHAFER: We're adding key managers essentially about every month as we go forward, so what I've done is stacked the deck here. We've got most of the live management team here. This grower piece is integral. We have to train the growers before the growers ever grow birds. And we partner with the University of Auburn, and we're working with the University of Nebraska here. We've already had a couple of training sessions for farmers on how to ventilate chicken house. Yet, they haven't even started construction on a chicken house. So we're trying to be proactive and have a good presence of our live team out there in front to let them know that we've got the expert piece here [and] will be here with them once these houses are up and running.

Meatingplace: It's a big network. It's a whole new ecosystem there in Nebraska.

SHAFER: Well, we've tried to tie all the pieces together.



Basic Facts:

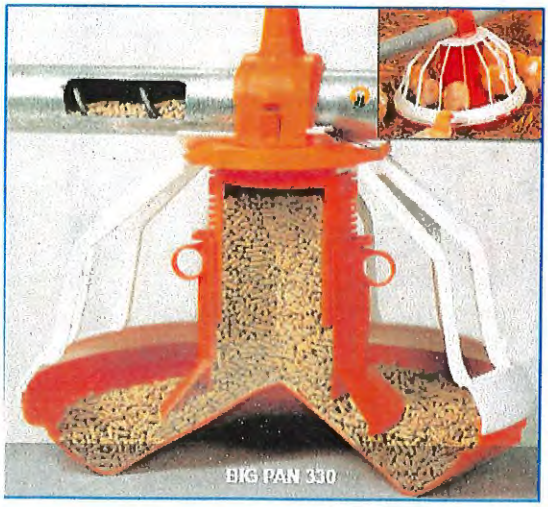
- Broiler farms consist of barns with a 4-barn minimum and increased by increments of 2. Each barn is 63'W x 600'L

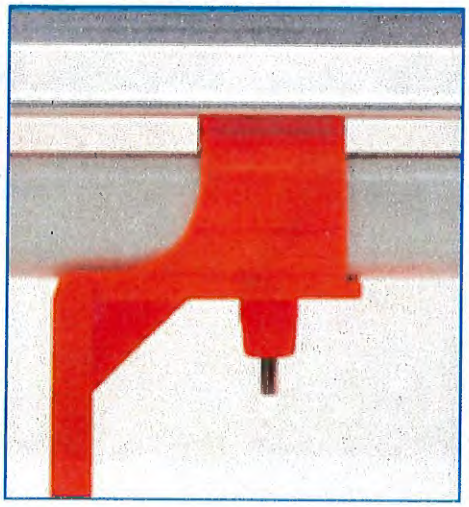
Broiler Farm Example:

- Each Broiler House will receive approximately 45,000 birds, for a total of 180,000 total birds placed all at the same time.
- Broiler Houses will raise birds to 42-44 days of age, targeting an average bird weight of 6.25.

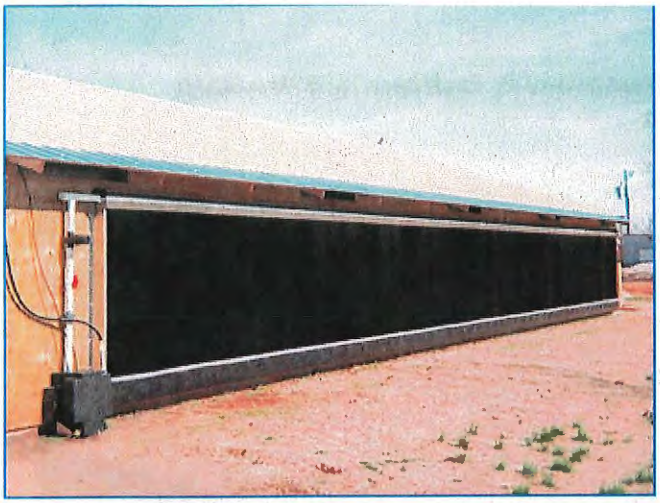
Equipment Facts:

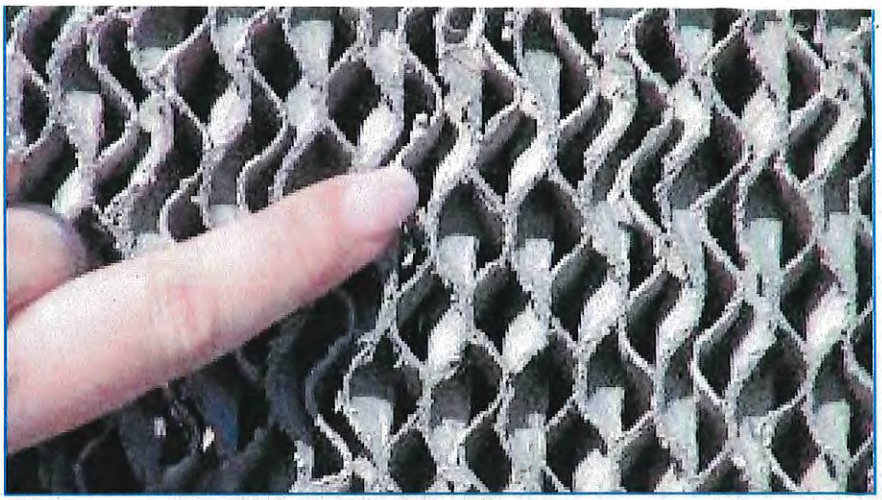
- Each broiler house has 4 feeder lines and 6 drinker lines. Feed lines move feed by auger, and the pans are designed to attract birds' attention (orange color) and minimize floor loss of feed. Water lines use nipples to distribute water only when the birds pecks the nipple. This keeps the floors dry while allowing the birds to drink freely.





- 20 fans are used to keep air moving during the winter and summer months. This keeps a constant supply of fresh air in the house, pulling ammonia out and keeping the litter dry.
- In the summer months, these fans are used in combination with a Cool Cell Pad in order to maintain milder temperatures for the birds. The Cool Cell Pad is a large evaporative cooler – water runs over the top of the pad and soaks it, which cools the air being pulled through the pad by the fans.



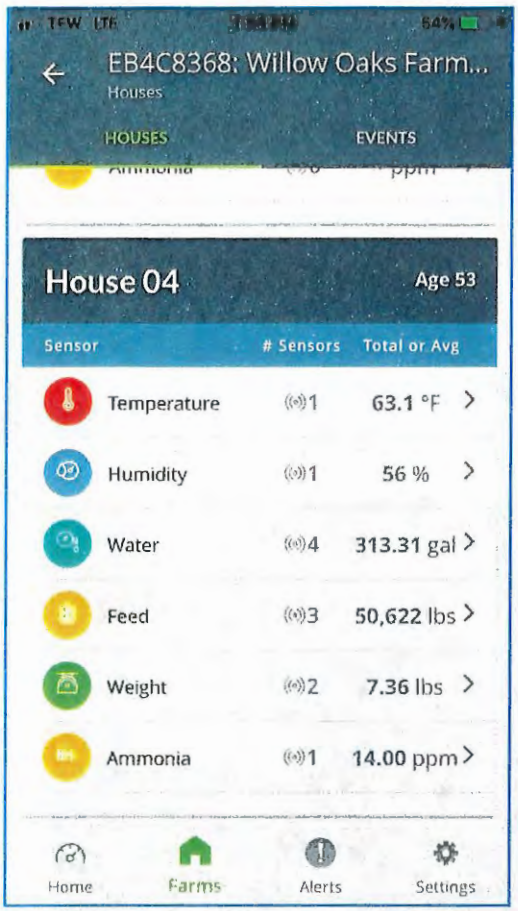


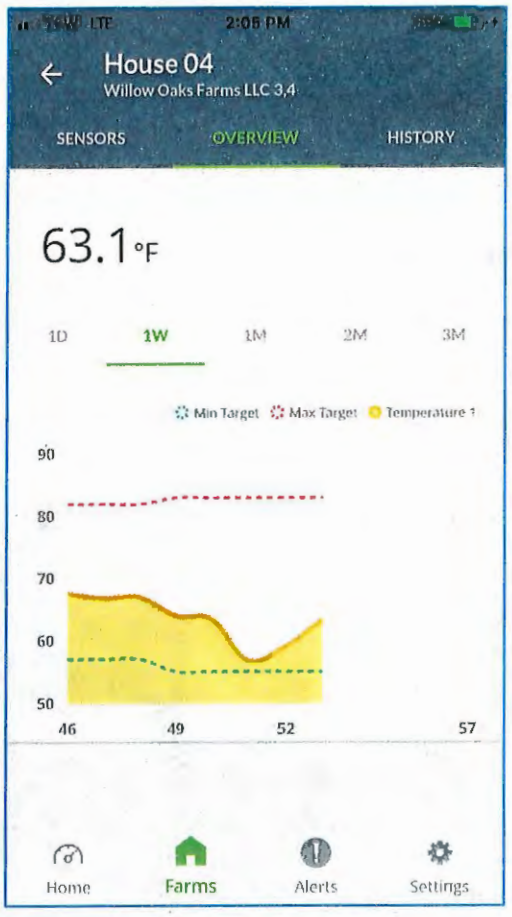
• In the winter months, the large rectangular heaters (called Brooders) use propane or natural gas to provide radiant heat to the birds. Temperature is critical to starting a flock, and the houses will be about 94F degrees before the chicks are placed.

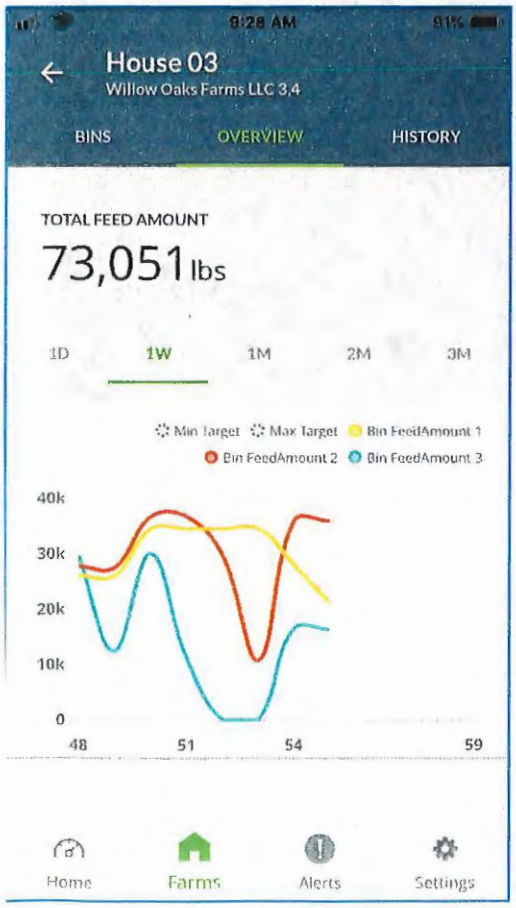
• In order to develop birds which are the most fit for breeding, LED lights are on a computer controlled dimming system in order to optimize the activity of the birds (more light = more activity). The small black inlet covers seen along the tops of the walls are simply curved vents which allow fresh air into the house, but block most of the light. This allows us to get consistent bird performance during the shorter winter days and longer summer days.

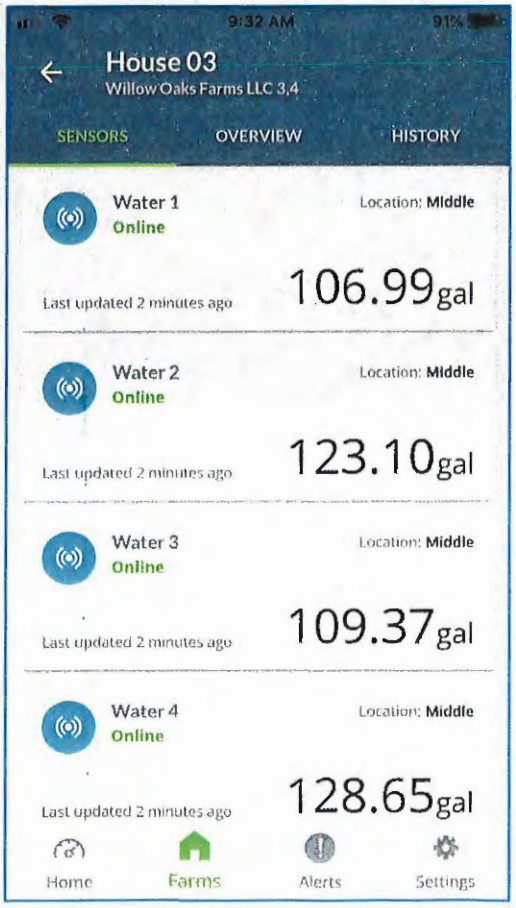
• Every farm will be equipped with the Sonar monitoring software. This software will provide growers real-time information on their operation from their phone or mobile device, including:

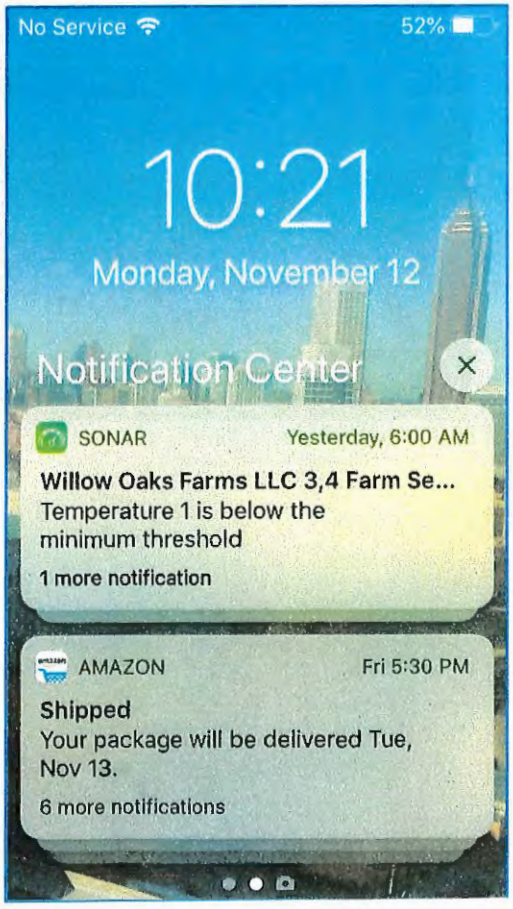
- House Temperature
- House Humidity
- Water Consumption
- Phone Alerts/Alarms
- Feed Bin Levels
- Bird Weights
- Ammonia Levels
- More in the future!











Water Use:

- A 4-barn set broiler farm will have 2 80-gallon per minute wells – one for use and one as a back-up
- Baby chicks utilize around 1-gallon/minute for drinking
- At full weight, birds utilize around 12 gallon/minute for drinking
- Average water use for consumption is 4.63 gallons/minute throughout the flock cycle
- Additional water is used for evaporative cooling technology in the warmer months, which brings the average total to 7.5 gallons/minute

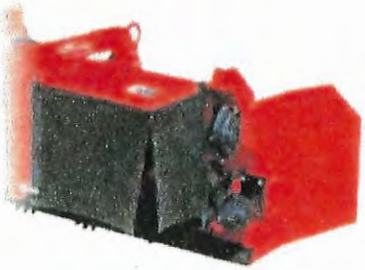
Feed Consumption:

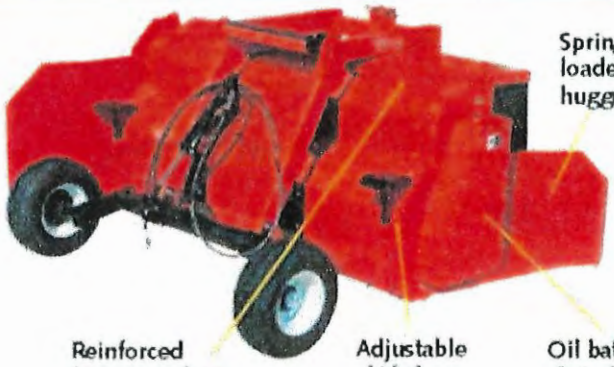
- A Broiler Farm flock (180,000 birds) will consume 1,000 tons of feed per flock, or 6,000 tons per year.
- Feed is delivered by truck. Each truck will haul 26 tons of feed.

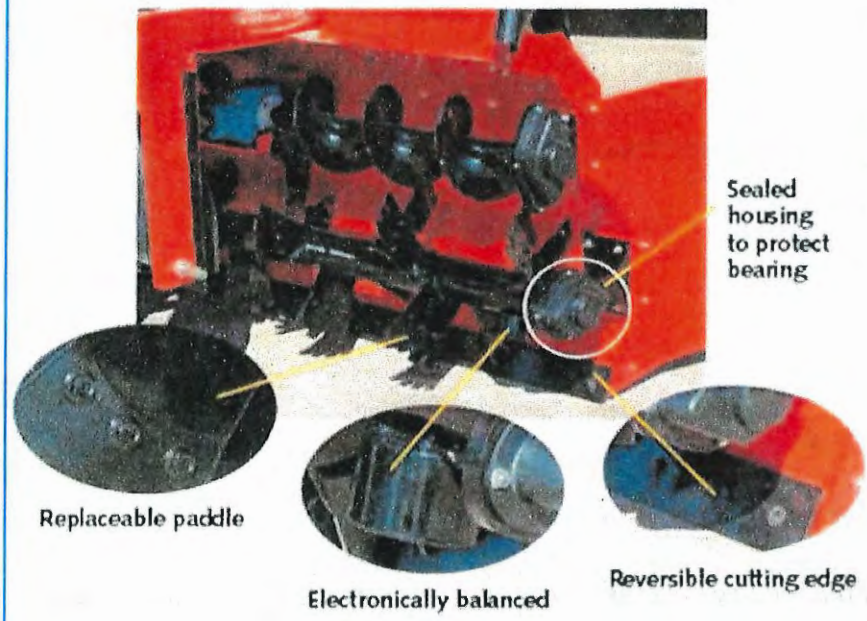
Litter Production & Management:

• A Broiler Farm will produce approximately 1200 tons of litter per year.

• At the end of each flock cycle, the litter will then be turned over into 3-4 long piles (called windrows) by use of a tractor and windrow machine. The bacteria and organic matter will cause the litter to heat up over the course of several days and turned once more before it is spread out for the next flock. All windrowing for LPP Farms will be done through a contracted company.

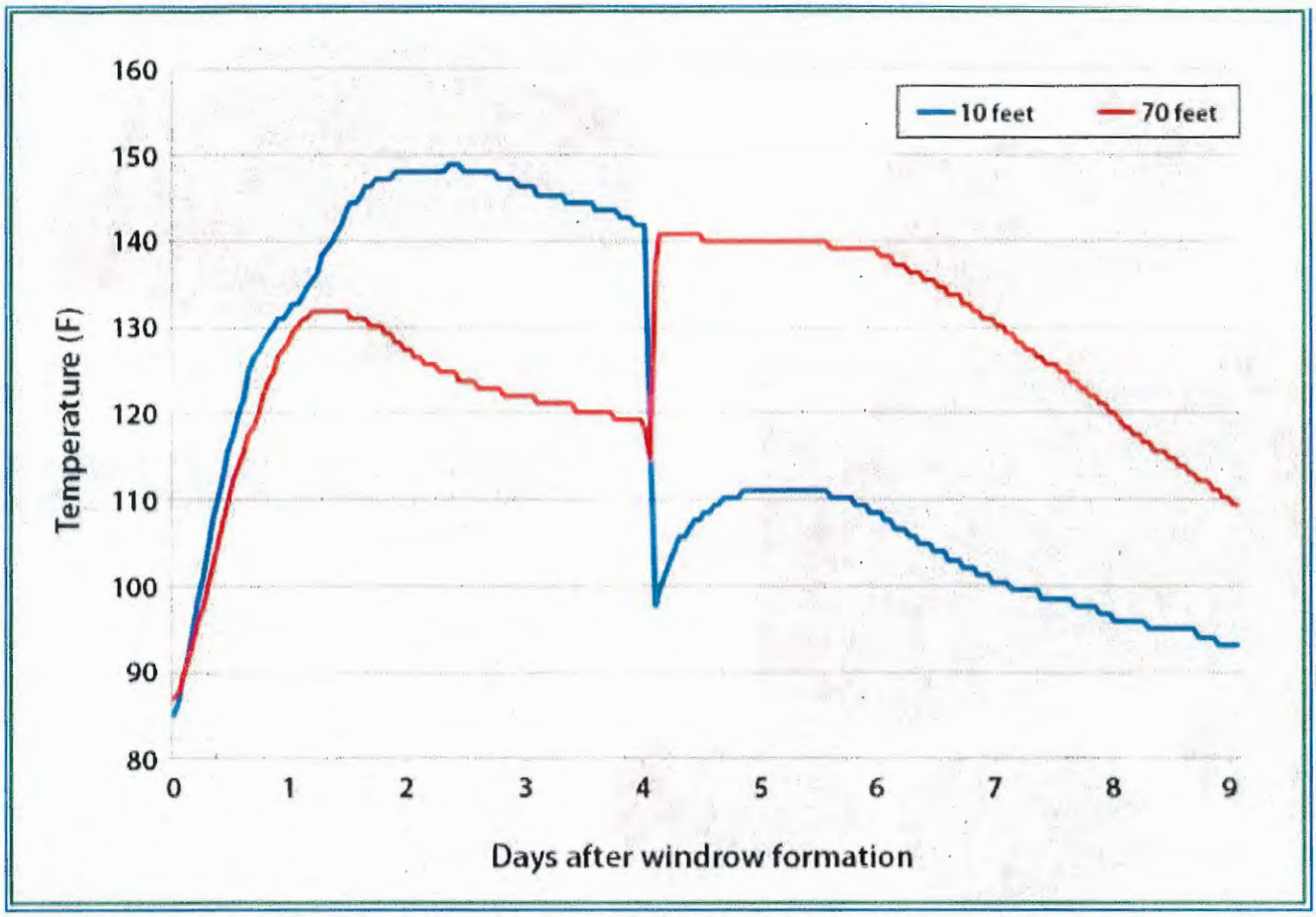






Specifications

Model #102 / Model #78	8' Model #102	6' Model #78
Overall Width	8'-6"	6'-6"
Reversible Cutting Edge	84"	60"
Horsepower (recommended)	60 hp	40 hp
Overall Height	44"	44"
Weight	1800 lbs.	1600 lbs.
PTO Drive	540 rpm	540 rpm
Hydraulic Lift Cylinder	Yes	Yes
Optional Towing Kit	Yes	Yes
PTO Sheer Pin Protection	Yes	Yes
Oil Bath Chain Box	Yes	Yes
3 Point Pins Category 1 & 2	Yes	Yes
Reinforced Frame Overlays	Yes	Yes



The feet shown above is the number of feet from the end of the windrow that the temperature is taken. 10 feet is "ten feet from the door".

• All LPP Farms use a method of composting and re-using a portion of old litter to be reused as bedding for the next flock, this is called the "Built-up Litter" method. (This is called the "Deep Layer" method for small backyard flocks.) We do this in order to insulate the floor (with at least 4" of litter) and also provide a source of good gut bacteria from the previous flock that will help get the new chicks' digestive systems established, improving immune function (similar to how people take probiotics to help establish bacteria colonies in their own digestive tract).

• The litter management program is designed to provide the best bedding possible for the next flock of birds, and keep ammonia levels below 25ppm. Animal Welfare guidelines recommend that birds are exposed to no higher than 25ppm, and OSHA has permissible exposure limit of 50ppm in an 8-hour window for people working in ammonia.

Products and Customers:

• Lincoln Premium Poultry will provide 40% of Costco's rotisserie chicken needs in the US. Unlike a majority of producers in the U.S., the chicken produced by LPP is chilled by air, rather than being submerged in chilled water. Through careful process control and a highly automatic handling and packaging process, the products we produce are able to be shipped as far to the west as Hawaii and Alaska without being frozen. Products will also be sold here locally to the Costco Warehouses in Omaha and in Lincoln. Costco sells 80 million rotisserie chickens per year.

• Other Costco products (packaged under the "Kirkland" brand) are packed in tear-away pouches called saddlepacks, which allow the customer to buy a lot of product at a good value while being able to open smaller portions for use as needed.

TUESDAY, JULY 24, 2018

Timing Manure Application to Avoid Neighbor Nuisances

Rick Koelsch - Professor of Biological Systems Engineering

Roughly half of all neighbor complaints of livestock odors originate from land application of manure. A weather forecast and a little knowledge of odor dilution can be a powerful tool for keeping your neighbors happy, or at least avoiding those irate phone calls. This article summarizes those weather conditions that should be considered when planning manure application.

Incorporation of manure into the soil is always the "best" practice for controlling odor. Soil is an excellent filter for removing odors released by manure. However, maintaining residue cover for protecting soil quality and erosion and conserving water does not always allow for manure to be incorporated.

When manure cannot be incorporated, the next 36-hour period after land-applying manure is the most critical. Why? Good drying conditions over the next two days can significantly reduce the release of odors. In addition, the next two evenings are the most likely time when neighbors will experience manure's odors. Especially, when applying manure without incorporating it, pay close attention to the next 36-hour weather forecast.

Predicted Wind Direction

Wind direction is the single most critical information for selecting fields. Odor plumes travel in the same direction as wind and spread out laterally very little. By identifying the edges of the field perpendicular to the wind and the wind's direction, one can quickly identify the neighbors at greatest risk and those unlikely to be impacted.

For the two land application site options illustrated in Figure 1 (Field A and B), Field A presents a much smaller risk to nearby neighbors. By choosing a land application site ½ mile to the north of Field B for this southwest wind, the risk has been dramatically reduced in this example. Paying attention to the wind directional forecast for a 36-hour period after applying manure, allows a person to gauge the risk of odor affecting neighbors.

Evening Hours and Manure Application

Can you recall a time when you observed smoke cloud hanging near the ground? Often this is observed as air temperatures are cooling and when winds are light, which most commonly occurs during evening and nighttime hours. Under these conditions the smoke is not being diluted and is being held near the ground for all to experience. Although we cannot see odors, the exact same atmospheric conditions create the greatest risk for neighbors experiencing odors (Table 1).

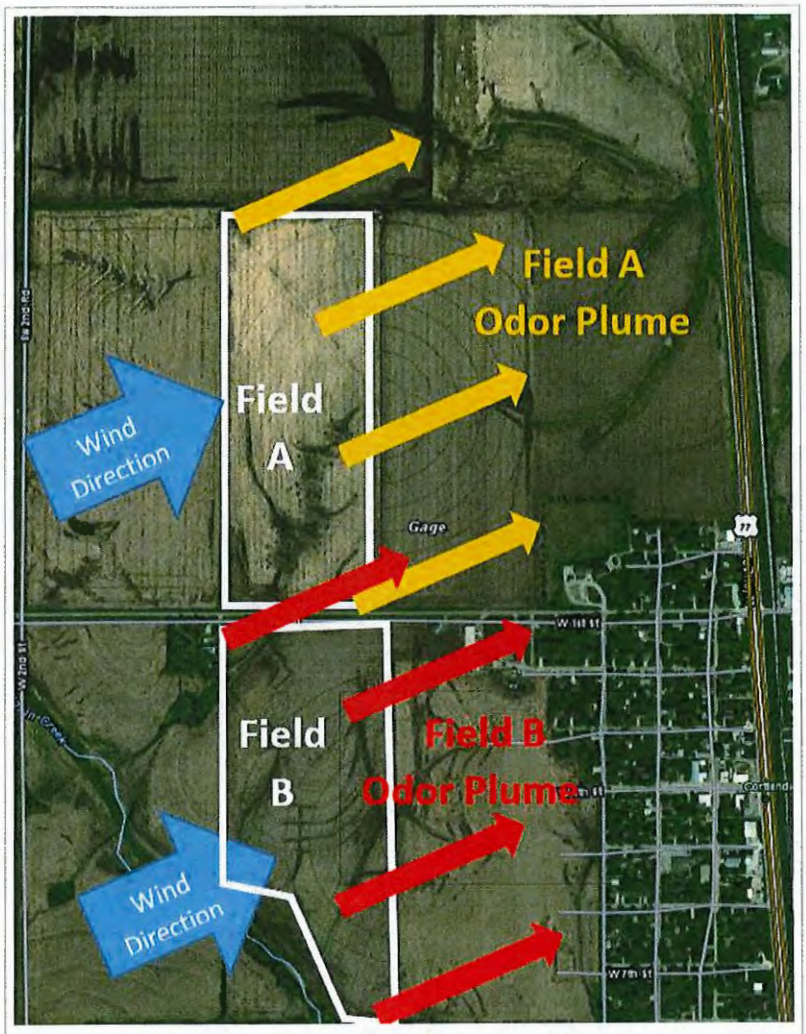


Figure 1. Wind direction is an important predictor for identifying which neighbors are at risk.

Table 1. Atmospheric conditions and their risk of holding odors near the ground.[1]

<4.5	
	Very Low Risk
	Very Low Risk
	Very Low Risk
	High Risk
	High Risk
5 to 7	
	Very Low Risk
	Very Low Risk
	Low Risk
	High Risk
	High Risk
7 to 11	
	Very Low Risk
	Low Risk
	Low Risk
	Low Risk
	High Risk

> 11	
	Low Risk
	Low Risk
	Low Risk
	Low Risk
	Low Risk
[1] Based upon Pasquill-Giffort air stability classes (Pasquill, 1961).	

Under daytime conditions, odor plumes are generally rising, being diluted with fresh air to where odors are unlikely to be noticed by your neighbors. Bright sunshine and warming air is best for dispersing odors. Higher wind speeds (especially at night) also encourage greater mixing of fresh and odorous air, and reducing the odor risk. Note that nighttime hours with low wind speeds are the conditions most likely to expose neighbors to odors from land application.

Weather Forecasts and Odors

Weather forecasts that provide 1) wind direction and speed; 2) sky conditions, and 3) temperature can be extremely valuable in deciding when and where to apply manure. Many weather services provide this information in their forecasts. Aviation Weather Report and Forecast (Figures 2 and 3) shares the important forecast information in an easily reviewed visual format.

For the Columbus Nebraska forecast (Figure 2), note that nighttime conditions will be producing higher risks for neighbors for the immediate future. No extended periods of good drying conditions are available before the high risk night conditions occur.

> **Question:** If waiting for more desirable weather conditions is not a choice, what is my best option under these conditions?
>
> **Answer:** Note the forecasted nighttime wind direction and use this information to select a land application site with the fewest downwind residences (mainly to the south and east in this example).

To access a weather report from the Aviation Weather Report and Forecast:

1. Under "Get Locations", select a Region (or state) and click on "Go",
2. Under "Get Forecast", select an airport location closest to your own and click on "Go"
3. Your weather forecast should now appear for a three day period. *Note: you may have to scroll down the page to see your report.*

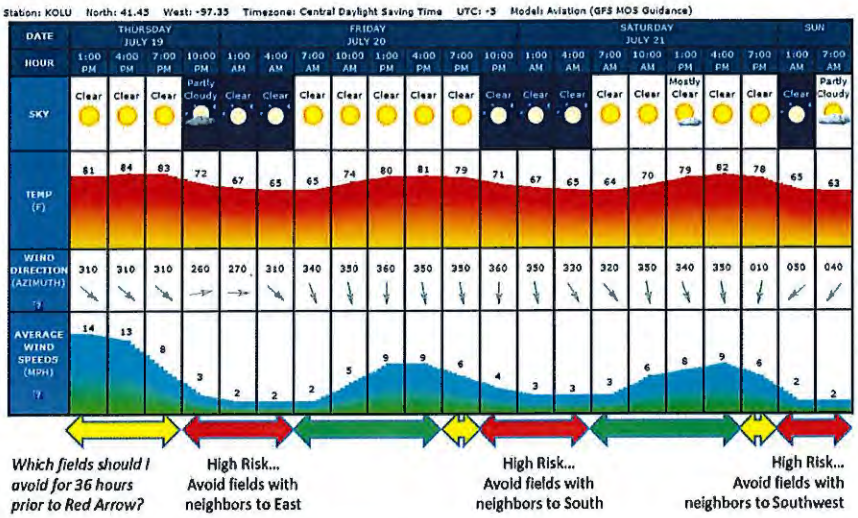


Figure 2: Weather forecast for Columbus, NE. Low wind speeds at night will place downwind neighbors at high risk for experiencing odors from manure application. Reference: Aviation Weather Report and Forecast. Air Sports Net.

The weather forecast for Sidney (Figure 3) suggests that neighbors to the north of a land application site on July 20 are at risk for odor. Spreading manure on July 19 and 20 should be avoided if neighbors reside to the north. Conditions for applying manure are more favorable on July 21 for good drying conditions and nighttime conditions that will disperse odors quickly. July 21 might be a good day for manure application on fields with greater neighbor pressure.

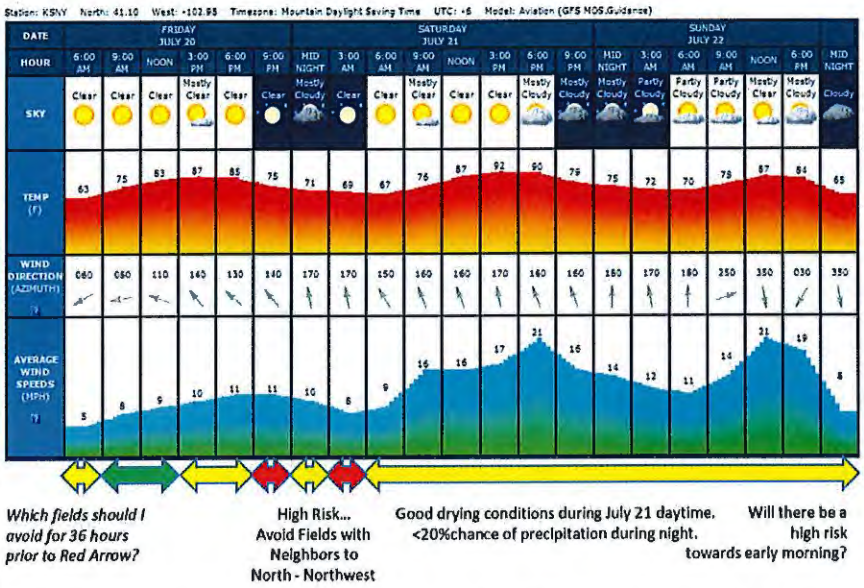


Figure 3: Weather forecast for Sidney, NE. Higher wind speeds during evening of July 21 will reduce risk of neighbor experiencing odor from nearby field receiving manure.

Picking the right weather conditions for land applying manure, may not improve your popularity in the community, but it can go along way with improving your community's acceptance of livestock systems.

Reference:

Pasquill, F., The Estimation of the Dispersion of Windborne Material, The Meteorological Magazine, Vol. 90, No. 1063 (1961).

This article was reviewed by Troy Walz, Nebraska Extension Educator and Rick Stowell, Nebraska Extension Specialist.

ODOR FOOTPRINTS AND THE ODOR FOOTPRINT TOOL

An Overview

Introduction:

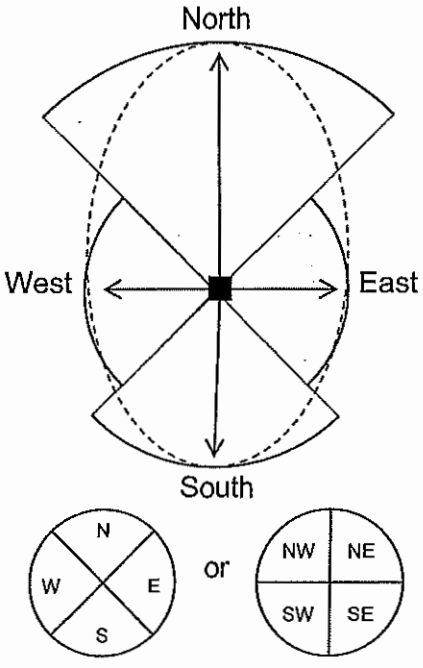
As animal production has changed and the facilities in which livestock and poultry are raised have grown in size, neighbors of animal feeding operations increasingly are expressing concerns about potential negative environmental effects on the surrounding rural community. Degradation of air quality is a prevalent concern, and the expected presence of offensive odors commonly is near the top of the list of issues and complaints. Livestock and poultry producers, community planners and officials, and rural residents in general, benefit from having objective, easily visualized information upon which to make well-informed decisions regarding odor impact, siting of facilities, and odor control. The Odor Footprint Tool is a planning and screening tool that can produce useful, science-based information, and help fill some of the void in objective information. This fact sheet provides a general description of odor footprints and the Odor Footprint Tool. The overview highlights the type of information conveyed, practical ways of representing setbacks and risk-based impact areas, the interpretation of risk-based odor impact, information needed to utilize the tool, and versions of the Odor Footprint Tool. More detailed information and instructions can be found in supplementary fact sheets.

Information Generated:

The Odor Footprint Tool provides minimum separation distances to maintain in four directions around animal production facilities to meet selected risk-avoidance targets. These ***directional setback distances*** extend to the north, south, east, and west of the given facilities (see figure); or to the northeast, southeast, southwest and northwest. The orientation of the setback distances aligns one direction with the direction of maximum exposure to annoying odors. The science behind the separation distances comes from the use of best-available research on the rates at which farm odors are given off, move and disperse, in conjunction with historical weather records from a representative location within an area.

Representing Setbacks and Impact Areas:

Directional setback distances are typically used to develop a simplified '***odor footprint***', which may be illustrated on a plat map or aerial photograph. An odor footprint provides a visual picture (top view) of the risk-based odor impact of livestock facilities. Specifically, it represents the area that is not expected to meet a selected target for avoiding odor annoyance. One way to show this is to draw quarter circles (shaded areas in figure), with the radius of each quarter circle being the respective directional setback distance. Quarter circles are relatively easy to produce and using this approach ensures consistency in showing setback distances. The risk-based impact area may also be shown as an oval, egg, or other smooth shape (dashed border in figure). Using a smooth shape removes sudden, unrealistic changes in the setback distance and shows a little less conservative impact area. It may be challenging, though, to draw a smooth shape on a site map and defend the choice.



Directional setback distances outline the expected extent of risk-based odor impact around a livestock odor source.

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The approach taken to show the risk-based impact area is left to the user of the directional setback distance information. A major goal for the Odor Footprint Tool was that it be easy to use. To avoid the tool being too complicated, time-consuming, and expensive for practical use in the field, the Odor Footprint Tool incorporates a number of simplifications - one of these being limited definition of the precise shape of the odor footprint. When odor footprints are produced directly from dispersion modeling, they tend to be irregular, lopsided, and variable in shape, which means that no one common shape will always convey the shape of an odor footprint better than another. If a more accurate and precise picture of the shape of the odor footprint is required, reference should be made to an odor rose or example modeled footprints for the region.

Risk-Based Odor Impact:

A risk-assessment approach is used to determine minimum separation distances for odor, and the expected frequency of exposure to annoying odor levels is the critical measure used in assessing odor impact. Frequencies of annoyance and annoyance-free conditions are expressed as the percentages of hours over extended periods of time during which odors are projected to exceed and not exceed, respectively, an established odor threshold level. As a frame of reference, each 1% is roughly 1 hour on average every 4 days.

A risk-assessment approach is employed for two reasons. First, the potential frequency of exposure is a definable measure that correlates well with nuisance complaints (and odor is primarily a nuisance issue). By analogy, the fact that a barking dog can occasionally be heard a half mile away may be interesting to know and illuminating a street sign with an orange-colored light may be unpopular, but neither is an objective indicator of annoyance. On the other hand, when the dog's bark exceeds a given sound level (decibels) at a neighbor's house a number of hours a week, or the orange-colored light shines brightly (as measured in lumens or foot-candles) into a neighboring area for several hours most evenings, objective and much more useful information is available upon which to frame discussions, assess alternatives, make decisions, and evaluate outcomes of actions. Odor annoyance is presently projected to occur whenever the odor intensity at a given location is 2 or stronger on a standardized 0-to-5 scale, with 2 being a faint odor that would typically only be detected after a period of time or if attention were drawn to it. Second, many rural residents and communities are already using weather-based risk assessments in planning and decision-making. For example, new construction must often consider the location of flood plains, minimum snow and wind loads, and heating/cooling degree days. The underlying principle behind using information from these weather-based risk assessments is that the resulting facility will perform as desired in all but the more extreme weather scenarios (e.g. a 50-year storm event). For practical reasons, most facilities are not designed to guarantee performance under all weather conditions and less-than-desirable performance is tolerated under relatively rare, extreme circumstances. Similarly, livestock operations need to be planned and managed to limit the likelihood of odors reaching annoying levels at neighboring residences, but there also needs to be some tolerance for relatively rare odor events that may be impractical to prevent.

Needed Information:

To obtain directional setback distances using the Odor Footprint Tool, some basic information is needed about the existing and/or proposed facilities, location with respect to available weather data, target risk-avoidance level for odor annoyance, and local terrain. This basic information is required to use both the worksheet-based and spreadsheet versions of the Odor Footprint Tool.

Facility information:

To determine directional setback distances, the types and sizes of facilities need to be specified. This information is used to estimate baseline rates at which odor is released from the facilities. 'Odor emission numbers' are associated with several common types of animal housing and manure handling facilities. An odor

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emission number represents the relative amount of odor released by the source facility into the air per unit of floor or surface area. Odor emission numbers are based upon odor measurements taken from several operating facilities within each facility type and include scaling factors that calibrate the underlying model projections with field measurements made by people trained to do 'odor sniffing'. The odor emission rate is also based upon facility size in terms of floor or surface area (top view). Facility size limits the number of animals that can be raised on a site and, for a given type of facility, is more closely associated with measured odor emission rates.

Some form of odor control may be implemented by the operation and this also needs to be considered. To account for the reduction in odor impact when utilizing a proven odor control technology, a representative odor control factor is applied, which reduces the overall odor emission rate and resulting directional setback distances.

Location and weather information:

Users of the Odor Footprint Tool must select a weather station location. The intent is that weather patterns that prevail at the selected station be reasonably representative of the proposed site. The Odor Footprint Tool determines directional setback distances based upon previously performed dispersion modeling using weather data for extended [typically 10-year] time frames.

The preferred option is to utilize historical weather records (actual meteorological data) from a representative weather station whenever this data is available. National Weather Service (NWS) stations are well-recognized sources of weather information, and modeling is usually performed first using NWS weather data. Modeling can also be performed using weather data from other sources, such as weather stations operated by commercial airports or the Automated Weather Data Network (AWDN), which is managed by several universities in the northern plains states. When this publication was written, dispersion modeling had been performed for 5 regions in Nebraska and 2 regions of South Dakota using NWS weather records. Recently, modeling for an additional region in each state was completed using AWDN data (designated with a * in lists below). Consequently, directional setback distances can be determined for the following regions:

Region (weather station location)	Region (weather station location)
Northeast Nebraska (Norfolk, NE)	Southeast South Dakota (Sioux Falls, SD)
Southeast Nebraska (Lincoln, NE)	Western South Dakota (Rapid City, SD)
South-central Nebraska (Grand Island, NE)	Northeast South Dakota (Watertown*, SD)
Southwest Nebraska (North Platte, NE)	
Nebraska panhandle (Scottsbluff, NE)	
North-central Nebraska (Ainsworth*, NE)	

As resources are made available to support performing the required modeling, information will become available to utilize weather data for more localized areas and for other states.

Risk-avoidance level:

Risk avoidance is designated as an 'odor annoyance-free frequency'. The annoyance-free frequency is a very important, required input for the Odor Footprint Tool. The value selected represents the minimum percentage of hours during which a residence situated at or beyond the setback distance should be free from being exposed to annoying levels of odor. Options typically include 90%, 94%, 96%, 98% and 99% annoyance-free frequencies. For 96% odor annoyance-free conditions, for example, odors at locations beyond the specified distance are projected to be at annoying levels less than 4% (100% - 96%) of the time, while within this distance, odors may be at annoying levels more than 4% of the time. Since 1 hour over a period of 4 full days is a frequency of about

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1%, a location at the 96% odor annoyance-free distance is projected to experience annoying odor levels for, on average, no more than 4 hours in a four-day period, which equates to an hour a day or 30 hours a month.

The annoyance-free frequency selected will have a dramatic effect on the resulting separation distance. In most cases, selecting the next-higher odor annoyance-free frequency will increase the separation distance more than does doubling the size of the operation. Selecting 99% (or wanting a higher percentage) may sound desirable, but may be unrealistic for many areas due to the large setback distances that would be required and challenges associated with applying such a high standard in agricultural regions. On the other hand, asking residents to endure annoying odor levels 10% of the time is probably equally unrealistic for most areas if positive neighbor relations are to be maintained. Selection of an annoyance-free frequency is where the vision and values of the given operation and of the surrounding rural community need to be considered and come into play.

Terrain:

The lay of the land around an animal feeding operation affects how and where odors move. Base directional setback distances are representative of sites where the surrounding land is fairly flat to gently rolling. Odorous air may be confined within valleys and will 'drain' downhill under calm conditions. Odorous air will also either go around significantly elevated areas or be dispersed more quickly when moved over higher terrain. Adjustments in separation distances are needed to account for these effects on the frequency of exposure to annoying odor levels. To account for noteworthy topographical effects, terrain factors are employed within the Odor Footprint Tool to increase, decrease or retain the separation distances in certain directions based upon the specified terrain.

Versions:

The Odor Footprint Tool is available to users in worksheet-based and spreadsheet versions. Both versions require the same basic input information and produce minimum separation distances in four directions.

The worksheet-based version of the Odor Footprint Tool involves using a one-page worksheet, a few tables, and one or two sets of four graphs. These materials can be maintained as files on a computer and the worksheet may be completed electronically, or the materials can be printed out and the worksheet may be filled out by hand. While the fastest way to use the Odor Footprint Tool is to use the spreadsheet version, there are a few advantages to using the worksheet-based version. For one, a computer is not required to determine setback distances. Another advantage of completing a worksheet is that it is more obvious where to prioritize control odor on the operation; because going through intuitive steps along the way highlights the contributing sources of odor on an operation more clearly. Those who will regularly use a spreadsheet version of the Odor Footprint Tool are strongly encouraged to first use a worksheet-based version to help them know what information is most useful and more fully utilize results from the spreadsheet version. The University of Nebraska publication *Determining Separation Distances Using the Odor Footprint Tool: User's Manual for the Worksheet-Based Tool* provides step-by-step guidance in utilizing the materials that have been developed for Nebraska regions.

Spreadsheet versions of the Odor Footprint Tool utilize commonly available software (e.g. MS Excel®) to simplify and hasten the process of determining directional setback distances. This timeliness advantage can be especially beneficial when several scenarios are being considered. Since few if any hand calculations are needed, opportunities for calculation errors are also minimized. The University of Nebraska publication *Determining Separation Distances Using the Odor Footprint Tool: User's Manual for the Spreadsheet Tool* provides step-by-step guidance in utilizing the spreadsheet that has been developed for Nebraska regions.

The common element behind the various forms of the Odor Footprint Tool is the procedure developed and utilized at the University of Nebraska – Lincoln to determine separation distances. Other states or organizations

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may adopt this procedure, and modify the presentation of the information to suit their regions. For example, South Dakota State University developed its own spreadsheet called SDOFT (South Dakota Odor Footprint Tool), but the underlying information was produced at the University of Nebraska – Lincoln and in the same way as for Nebraska regions.

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Facts for County Planners: Zoning Issues and Poultry Production

By Dan L. Cunningham, Ph.D., Extension Poultry Scientist (Retired)
Minor Revisions by Casey Ritz, Ph.D., Extension Poultry Scientist

Poultry production is the number one agricultural enterprise in Georgia, accounting for approximately 50 percent of the value of farm products produced. Modern poultry farming originated in north Georgia in the late 1940s and has continued to expand across Georgia as consumer demand for poultry products has increased. Georgia ranks number one in poultry production in the United States with more than 4,000 family-owned poultry farms producing more than $5 billion annually in farm gate value. Georgia poultry farmers are among the best in the world at growing chickens using state-of-the-art technology, housing systems, and best management practices. To protect this vital business for Georgia farmers, it is important that agricultural zoning ordinances be prudently devised and factually based.[1] County planners and decision makers should consider the following facts about poultry farming.

Economic Impact

Poultry farms make significant contributions to the local economy. An average-size poultry farm (four houses) represents more than $800,000 in housing and equipment investments alone and results in more than $160,000 annually in gross income,[2] most of which supports the local economy. In addition, the average-size poultry farm pays between $4,000 and $6,000 in annual local property taxes just for production houses. Thus, a county with 100 poultry houses will have in excess of $4 million annually in gross farm income just from poultry production, and the owners of these houses will pay in excess of $100,000 in property taxes each year.

The economic importance of poultry production for Georgia farmers and local communities is well documented. According to a University of Georgia study,[3] total farm incomes for counties with poultry production were significantly greater than total farm incomes for counties without poultry. This study also reported that net farm income for poultry counties was almost three times the value of those for non-poultry-producing counties.

Environmental Considerations

Opponents of poultry farming often contend that environmental pollution is a major problem associated with poultry farming. This is not only a distortion of the truth, but is a serious misrepresentation of the facts. A properly managed poultry farm will not pollute or cause environmental problems for its neighbors or the community; in fact, it can provide a valuable natural fertilizer for landowners.

It is almost impossible to operate a livestock farm, including a poultry farm, without having some odor resulting from normal production practices. Most of the odors associated with poultry production occur when the houses are cleaned out and the litter is spread as a fertilizer; thus, most odors associated with poultry production have little to do with the location of the houses. Clean-out schedules vary, but usually occur no more than a few times a year.

Litter application practices can reduce odors during spreading, but may not totally eliminate it. Odors produced as a result of poultry production are generally minimal and occasional, and are not sufficient reason to deprive landowners in agricultural areas the opportunity to participate in an important agricultural enterprise. It is important to realize that the long-term viability of a family farm may depend on the owner's ability to diversify income by adding poultry houses. Excessively restrictive zoning regulations can have serious economic consequences for a community and its farmers.

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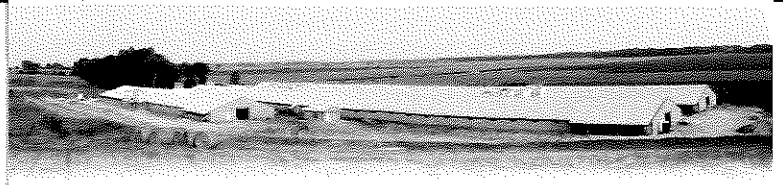
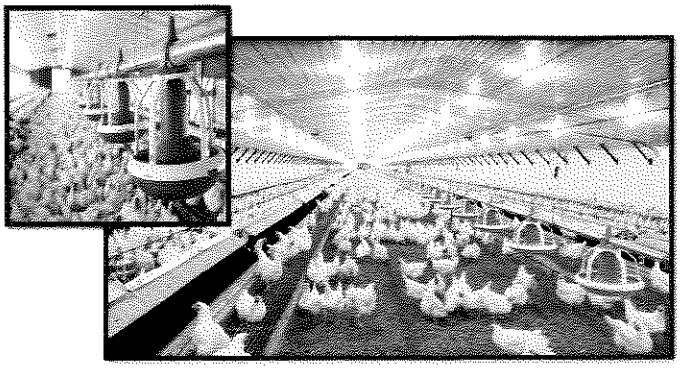


Lincoln Premium Poultry

WE'RE COMMITTED.

- *Committed to **Local Growers.***
- *Committed to **Responsible Animal Husbandry.***
- *Committed to the **Environment.***
- *Committed to **Quality.***

Our values reflect our collaboration with Costco - Evident in our commitment to our employees and growers, commitment to quality, and focus on the environment and responsible animal husbandry practices.



Want more information about growing poultry with LPP?
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Willow Holoubek
wholoubek@lincolnpremiumpoultry.com

Interested in learning more about LPP's commitment to the community and the environment?
Contact :
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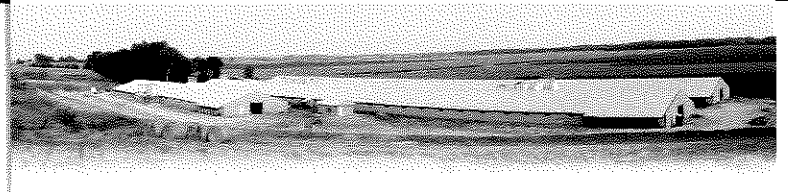


Lincoln Premium Poultry

LPP Barns in Nebraska:

- *24 Pullet Houses (on 8 farms)*
- *64 Hen Houses (on 16 farms)*
- *432 Broiler Houses (4-barn sets)*

An Average 4-Barn Set:

- *Has two 80-gallon/minute wells - one for use and one as a back-up*
- *Has an average of 10 trucks per week during a 6-week flock cycle*
- *Will cycle 6 flocks per year with two week breaks between flocks*
- *Has an average 8-hour work day for the farmer to manage the flock*

LPP Chickens:

- *Are raised antibiotic free, with antibiotics only used to treat illness as part of the animal welfare policy*
- *Will be under the care of an LPP Veterinarian as needed*
- *Are fed a special diet for optimal health*

Poultry Litter Associated with LPP Barns:

- *Requires a Nebraska Department of Environmental Quality State Operating Permit*
- *Is managed through a Nutrient Management Plan*
- *Is composted in the barns and under roof through a windrowing process*
- *Is an extraordinary resource for farmers to use as organic fertilizer for their fields*

THE UNIVERSITY OF GEORGIA
COOPERATIVE EXTENSION
College of Agricultural and Environmental Sciences
College of Family and Consumer Sciences

Nuisance Myths and Poultry Farming

Dr. Dan L. Cunningham
Department of Poultry Science

Introduction

Poultry production is the number one agricultural enterprise in Georgia, accounting for approximately 50 percent of the value of farm products produced. Modern poultry farming originated in north Georgia in the late 1940s and early 1950s, and has continued to grow and expand as consumer demand for poultry products has increased. To meet the demands for more poultry products, producers and poultry companies across Georgia have expanded their operations by building more production and processing facilities. At the same time, the state has experienced increased urbanization and loss of agricultural lands in many of its rural counties. As cities have become more crowded and expensive to live in, mauy people have moved to the country to satisfy their desire for a more serene lifestyle of "couutry living."

Unfortunately, many of these individuals understand very little about commercial farming practices. They often tend to be intolerant of typical farming practices that occasioually produce dust, odors and insect pests as part of a normal farmiug enterprise. This unfortunate set of circumstances is leading to increased conflict between farmers and citizens who have had little prior exposure to agricultural operations. In some cases, poultry farmers are finding it difficult to operate or expand their operations with new production facilities.

As poultry farming has increased in Georgia, there has been a trend toward developiug zoniug regulations in many counties to manage these issues and provide a viable working euvironment and pleasant atmosphere for everyone. A prudent, fact-based zoning ordinance benefits all citizens. A carefully planned and devised zoning ordinance means continued success of the family-owned farm, which provides a stable, consistent tax base for the community, while simultaneously providing protection for all the citizens. Those responsible for implementing zoning regulations want to be certain that their actions are supported by facts. Conversely, a poorly designed zoning ordinance can result in unfair treatment of some members of the community and can negatively impact the economy of that community. Zoning ordinances not based on facts may lead to unnecessary community conflict and litigatiou.

Many times, people opposed to poultry farming promote excessively restrictive ordinances. Their purpose is to prevent or make it exceedingly difficult to expand or build new poultry production facilities based ou negative perceptions of this agricultural business. Often these negative perceptions are due to a lack of accurate knowledge of modern farming practices and/or a general intolerance of any inconveniences that might be caused by commercial livestock production.

In some cases, iudividuals will deliberately distort the facts by using information out of context that they feel will advance their cause. Many of the contentious debates related to the development of zoning ordinances have revolved around three common myths. These three poultry farming myths are emotionally charged and are usually presented in the most negative manner to sway undecided individuals in the community. These often used myths are listed and discussed below:

Myth # 1

Poultry farms will ruin the environment.

Opponents of poultry farming will often use this argument and contend that environmental pollution is a major problem associated with poultry farming. This is not only a distortion of the facts but is a serious misrepresentation of the truth. Poultry farms do produce manure nutrients as by-products of growing birds. These manure nntrients have the potential, like any fertilizer material, to cause water pollution problems if improperly handled.

In reality, these manure nutrients have substantial value as organic fertilizer and are most often applied to fields as a replacement for commercial fertilizers. Poultry litter has been applied to fields in Georgia for this purpose for more than 50 years with no evidence that this practice causes any significant water pollution problems. In fact, the growth of the poultry industry in north Georgia and the associated proper application of poultry manure to the soil are considered primary reasons for the reclamation of once seriously depleted soils in this area. Poultry litter, in addition to containing plant nutrients, returns organic mater to the soil, increasing its productivity and drought resistance.

There are some legitimate concerns about the potential of nitrogen and phosphorous nutrients from poultry litter to contaminate surface or ground waters if too much is applied. Because of these concerns, poultry growers are implementing nutrient management plans (NMPs) across Georgia to protect water quality. NMPs are site specific plans to help poultry producers manage litter generated from their operations to take maximum value of the fertilizer component while simultaneously protecting the environment. The NMP program being used by poultry farmers has been developed by the University of Georgia and approved by the Georgia Environmental Protection Division (EPD). This NMP program is considered a proactive and effective tool to ensure the continued protection of the state's environment. In some cases, large poultry farms are required to operate under a permit from the EPD in addition to implementing NMPs as part of the state's Confined Animal Feeding Operation Rule (CAFO). Georgia's EPD also has the authority and responsibility to intercede and regulate any farm in Georgia causing an environmental problem.

A properly managed poultry farm will not pollute or cause environmental problems for neighbors or the community and, in fact, it can be very beneficial in providing a valuable fertilizer source for land owners.

Myth # 2:

Poultry Farms Smell.

Uninformed individuals often think that poultry farms will smell so badly, no one can live near them. This is incorrect. The vast majority of poultry farms are family operated and, in many cases, the operators and their families live next to, or in close proximity to, the production houses.

Properly operated poultry houses emit mininal odor. This is due to advancements in ventilation and drinking systems for poultry production houses that keep them relatively dry and thus free of any significant odor. In fact, it is not unusual to approach a modern, well managed poultry house without experiencing any or only minimal odors. The drier conditions in the houses also ensures little or no fly production associated with growing chickens. Occasionally, wet conditions can develop in a poultry house as a result of improperly functioning drinking or ventilation systems, but these situations can generally be easily corrected with changes in management. These situations may occur more frequently with breeder and layer farms than with broiler farms because of the extended period of operation with birds in the houses.

It is impossible to operate a livestock farm without having some odor or fly production as a result of normal production practices. Poultry farms, like any other livestock operation, will on occasion have some odor and fly production, but with good management these occurrences are generally short-lived and provide only minor if any inconvenience to neighbors. The odors associated with poultry production primarily occur when the houses are cleaned out and the litter is spread as a fertilizer. Clean-out schedules for operations vary but are usually no more than once or twice a year. In some cases poultry producers will even go several years before removing the litter from the houses.

Stirring and applying litter during removal causes some odor. The odor from litter application is, however, temporary and lasts from only a few hours to a few days depending on weather conditions. Appropriate management practices for applying poultry litter can reduce the occurrence and impact of this minor annoyance but may not totally eliminate it.

Fly problems occurring as a result of a poultry production operations are most often associated with mortality disposal. These problems can generally be managed with attention to proper operation and maintenance of the mortality disposal systems used. Dead bird disposal is a process permitted by the Georgia Department of Agriculture, and growers are regularly inspected and required to operate these systems properly to maintain their permits.

Myth # 3:

The air exhausted from poultry houses will damage property and cause health concerns.

The adoption of the tunnel ventilation system for poultry houses, which places all of the exhaust fans at one end of the house and concentrates the exhausted air, has led to the perception that these fans can cause problems for neighbors. The purpose of the tunnel ventilation system is to bring more fresh air into the house and move it through at a faster rate to cool the birds. These systems have been very successful in reducing the negative effects of hot weather on the growth and mortality of birds. The exhausted air from tunnel ventilation fans, however, only extends about 50 feet from the houses before it is dispersed into the atmosphere. Providing reasonable set-back separations from property lines and dwelliugs will ensure that operating these ventilation systems will not adversely impact neighhors.

What are reasonable set-back distances for poultry houses? Years of experience in poultry producing counties can provide some help in answering this question. Some of our highest concentrations of poultry farms are located in counties in north Georgia. These same counties have also experienced very significant urbanization over the years. Many of these counties have adopted ordinances requiring set-backs for poultry houses of 200 feet from property lines and 500 feet from dwellings as part of their zoning regulations. These distances, in most cases, have provided more than reasonable protection for all parties involved while allowing small farmers the opportunity to operate poultry farms successfully. In addition to set-back measures, poultry farms can also use vegetative buffers and diversion fences near the exhaust fans to reduce air and dust movement when deemed necessary.

The issue of set-backs from property lines and dwellings for poultry houses is an important one. In many cases, opponents of poultry house construction have advocated the need for excessive and unreasonable set-back requirements to severely restrict or totally eliminate building because of the large amount of land needed to comply. For example, requiring a 1,500 foot set-back for construction of a poultry house would require more than 260 acres to site an average size broiler operation. A set-back of 4,000 feet would require more than 1,600 acres to build houses. In many of Georgia's counties, 1,500 feet would eliminate more than 80 percent of the poultry production operations and could cause concentration of production with the largest, most wealthy landowners. Since air does not move far from the exhaust fans, and most of the odor associated with poultry production does not come from the production house but rather from the occasional application of the litter, 200-foot set-backs from property lines and 500-foot set-backs from dwellings for poultry houses provide reasonable protection for neighbors.

Some will claim that air from poultry houses is the cause of health problems for certain people living in close proximity to a poultry farm. No evidence indicates that poultry farms pose any specific health risk to people in general. Poultry farms have been operated for more than 50 years in Georgia by thousands of farm families. The fact that these families have not experienced any significant health issues attributable to these operations would suggest that poultry farming is no more of a health risk than any other type of farming.

Conclusion

Georgia is the number one poultry producing state in the nation with some 4,000 farms in operation. We have a long history of growing, processing and marketing poultry without causing environmental or nuisance problems. Many communities in Georgia have relied upon the stable, consistent tax base provided by poultry farms to build and support local infrastructure. Farmers depend on their land to make a living and historically have been good stewards of their property. Farming in general is much more beneficial to the environment than almost any aspect of urbanization, so protecting farmers from urban encroachment is important in protecting our environment as well as our food supply.

Farms generally represent "green spaces" that protect the environment and preserve the country atmosphere. Well-managed poultry farms operating with best management practices and within state regulations need not be a source of environmental or nuisance problems for a community. Providing reasonable zoning regulations in a community will allow farmers to participate in a very dynamic and economically beneficial business while also ensuring the ability of neighhors to peacefully coexist.

Learning for Life

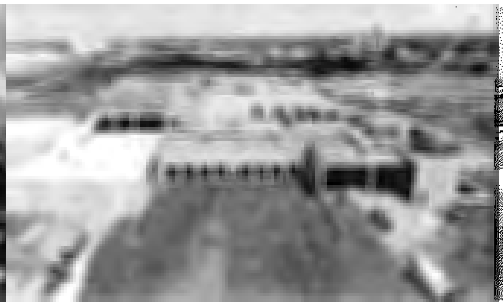
Bulletin 1299 **Reviewed February 2012**

The University of Georgia and Ft. Valley State University, the U.S. Department of Agriculture and counties of the state cooperating. Cooperative Extension, the University of Georgia College of Agricultural and Environmental Sciences, offers educational programs, assistance and materials to all people without regard to race, color, national origin, age, gender or disability.

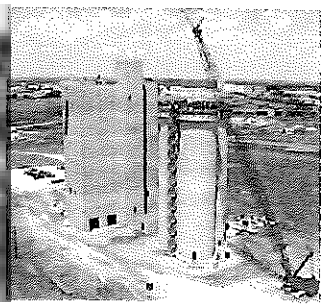
An Equal Opportunity Employer/Affirmative Action Organization
Committed to a Diverse Work Force

In fiscal year 2018, Costco sold more than 64 million rotisserie chickens in the U.S., averaging 180,000 daily. Costco's fresh poultry is supplied to U.S. locations through a wide array of vendors to keep up with current demand and to support the steady increase in sales.

Artist rendition of Costco's poultry processing plant in Fremont, Nebraska



Plant under construction



Feed mill

"We are faced with challenging questions, such as how to decrease our costs, keep prices low and sustain a supply for the future," says **Jeff Lyons**, SVP, merchandising and fresh foods. "In our case, we buy so much that it became advantageous to take control of the processing." By vertically integrating (controlling the production of) a portion of the poultry supply, Costco gains more control of the finished product and its cost. And to manage all that requires a bulk-sized solution.

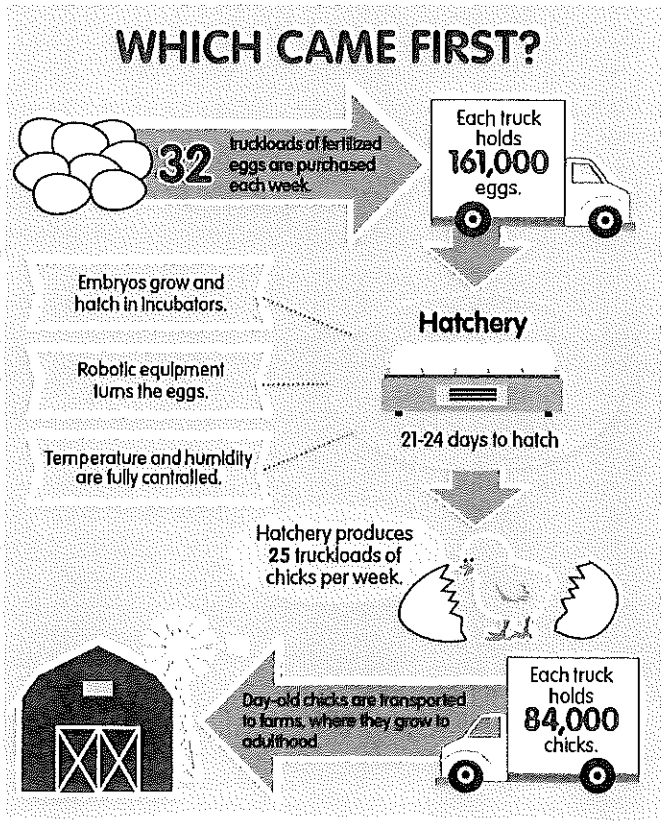
The chicken complex in Fremont, Nebraska, is scheduled to be fully operational by the fall of 2019. It will incorporate a 24-story feed mill, a 180,000-square-foot hatchery and a 400,000-square-foot processing plant, placing it among the most technologically advanced plants in the world. While Costco owns the facility, Lincoln Premium Poultry will operate it. Production is projected at 109 million birds per year, which will supply about 43 percent of Costco's poultry needs. Built on 417 acres, the site will provide efficient traffic flow for the 500 trucks traveling in and out of the complex each week.

Nebraska – well-known for its vast cropland, abundant water supply and plentiful labor force – was a natural choice for the project. "More than 350,000 bushels of corn and 6 million pounds of soybean meal will be purchased weekly and processed at the feed mill," explains Jeff. "Logistically, bringing production to the Cornhusker State made the most sense because of its centrality to local corn and soy crops, which will substantially cut costs." The feed mill has four silos and can store five days' worth of inventory. Approximately 145 truckloads of feed will be transported to surrounding farms every week.

Local farmers are contracted with Lincoln Premium Poultry to raise the chickens in barns on their own land. About 125 farmers are currently contracted, with nearly 500 barns among the farms. Each farmer is required to invest in brand-new barns, all built by the same contractor, with the same specifications and standards. The barns are computer-controlled, with proper wells, backup generators and gas heat. Costco owns the chicks, supplies the feed, and provides transportation to and from the barns. Once the birds are fully grown, they are moved to the processing plant using advanced transport modules specifically developed for humane live-bird handling. The modules are the first of their kind in the U.S.

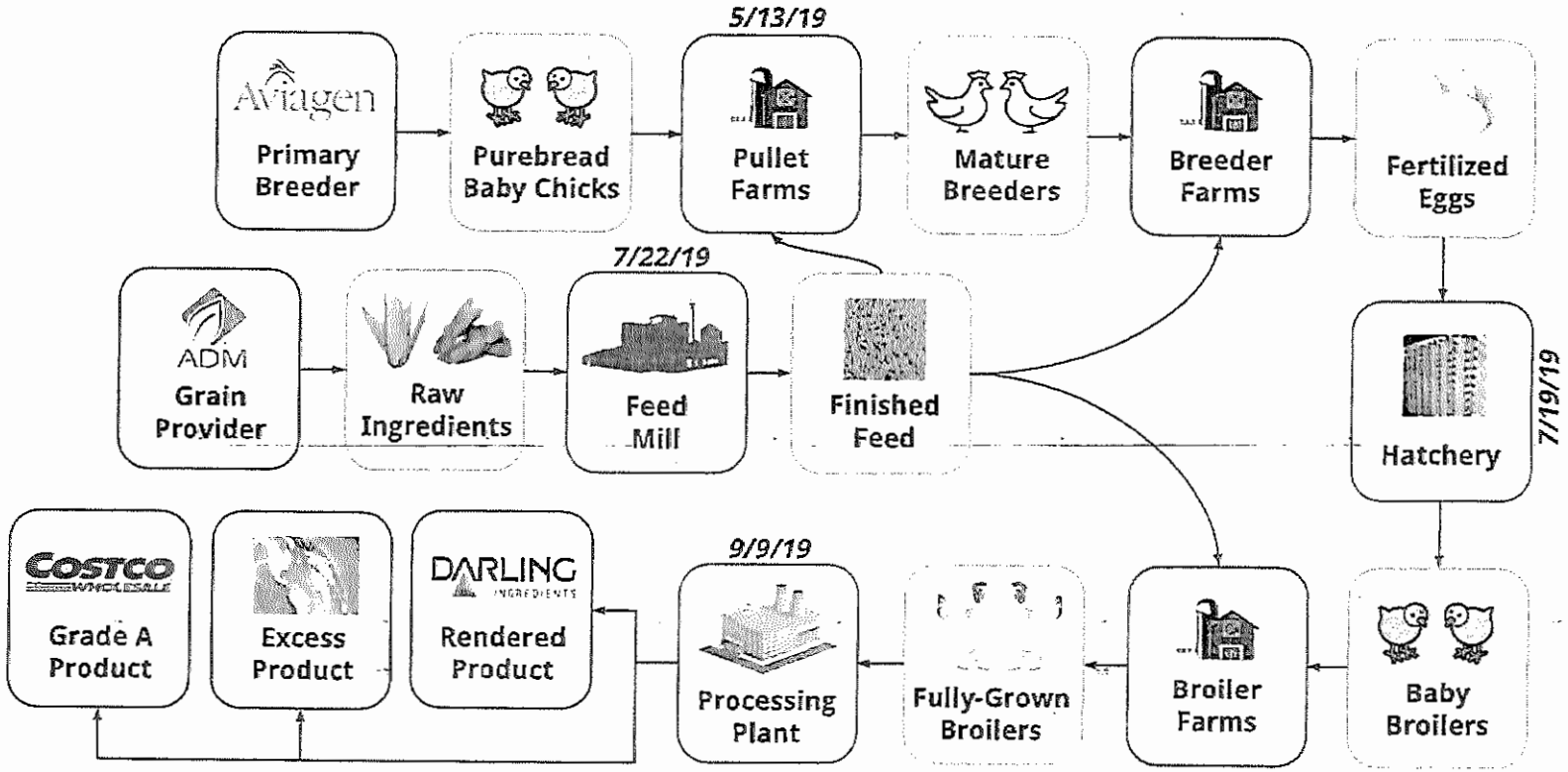
The processing plant is completely automated, and it features high-tech equipment focused on animal welfare and decreasing manual labor. It uses progressive technology throughout processing, such as robotics used to precisely debone chickens. A major aspect setting this plant apart from most U.S. plants is the use of air chilling rather than water-immersion chilling to bring the birds down to the proper temperature. This technique allows for producing a better product that is more tender, contains less absorbed water and chemicals, and has a lower chance of bacteria spreading among the chickens. The expected output is 2.1 million birds per week. Forty percent of this output will be used for the rotisserie chickens in the service delis, and 60 percent will be packaged parts sold in the meat department. ■

Meghon Everett – meeverett@costco.com



Lincoln Premium Poultry

Poultry Complex Architecture



Setback Distances for Poultry Houses

Poultry is the largest income-producing agricultural commodity in Mississippi and has been for the past 22 years. **Mississippi ranks number 5** in the United States in poultry production, with more than 1,400 family-owned poultry farms producing over $2.8 billion in production value in 2016 (Tabler and Wells, 2017). In addition, the poultry industry and its employees paid over $912 million in federal taxes and $481 million in state and local taxes in 2016. The **poultry industry contributes significantly to the state's economy** as a whole.

In 2016, the poultry industry was responsible for as much as $18.36 billion in total economic activity throughout Mississippi, creating or supporting as many as 72,153 total jobs (Dunham and Associates, 2016). The economic impact flows throughout the entire state's economy. This generates business for many firms that may seem unrelated to the poultry industry but play a vital role in the industry's success. Individuals working in areas such as banking, real estate, accounting, transportation, and printing all depend on the poultry industry for their livelihood. Therefore, it is important that agricultural zoning ordinances be carefully devised and based on fact and not emotion (**Figure 1**).

One of the most important aspects of a zoning ordinance for poultry farms relates to the setback distance required for the location of poultry production houses. Excessive setback distances from property lines and non-owned dwellings severely restrict or totally prohibit the construction of poultry houses because of the large tracts of land necessary for compliance. (In this case, "non-owned" means not owned by the individual wishing to build the poultry houses. This could include private residences, churches, schools, etc.). As a result, opponents of poultry production will often argue for the most restrictive setback distances possible to hinder or shut down poultry production in an area. These individuals will often use unfounded or false accusations concerning air quality, health, odor, environmental, and quality-of-life issues to advance their position (Cunningham, 2006).

Figure 1. Agricultural zoning ordinances should be based on facts and not emotions for the protection of farmers and their nonfarm neighbors.

Environmental Concerns

Individuals opposed to poultry farming often use the argument that environmental pollution is a major problem associated with modern-day poultry farming. However, a **properly managed poultry farm is not a threat to the environment** and does not cause pollution or environmental concerns, for either its neighbors or the local community at large. On the contrary, poultry farms produce manure nutrients as a by-product of raising birds that can provide a valuable natural fertilizer and organic soil amendment for pastures, hayfields, and row-crop land.

Depending on soil test results, this natural fertilizer can be land applied at the appropriate agronomic rate instead of using more expensive commercial fertilizer. Care should be taken, however, because the nutrients in poultry litter have the potential, just as with any fertilizer source, for runoff and water pollution problems if not handled properly.

Acreage Requirements

The greater the setback distance adopted, the more acreage is required to site poultry houses. Recently, Cunningham and Ritz (2015) calculated setback distances and acreage requirements to site a four-house poultry farm. Their calculations indicate that a **200-foot setback from property lines requires a minimum of 14 acres to site four poultry houses**, if the land is a perfect rectangle. Increasing the setback to **400 feet increases the requirement to a minimum of 30 acres.** A **1,000-foot setback would require at least 130 acres.** Since few plots of land are a perfect square or rectangle and most are irregular in shape, property boundaries and topography often result in additional acreage.

Cunningham and Ritz (2015) reported that, in reality, a 200-foot setback may require at least 30 to 40 acres to meet site requirements for an average four-house poultry operation. A 1,000-foot setback could realistically require several hundred acres to site four poultry houses on many tracts of land because of irregular property lines and topography of the landscape (**Figure 2**). Therefore, **a 1,000-foot setback requirement would essentially eliminate large numbers of small family farms in Mississippi from participating in poultry farming because** many small farmers may own 40 acres or less, and not the hundreds of acres of land that a 1,000-foot setback may require.

Figure 2. Excessive setback distances could require poultry farmers to own hundreds of acres of land to site poultry houses.

For many years, poultry farming has offered hundreds of small farmers in Mississippi the opportunity to be a part of an agricultural enterprise that is valuable to both the family farm and the state. This has been possible, in part, because zoning ordinances have not been overly restrictive on small farmers interested in becoming poultry growers. Setback distances established by MDEQ have, in part, allowed small poultry farmers to make poultry production the number-one agricultural commodity in Mississippi for 22 straight years. At the same time, setback distances currently in place have provided nonfarm citizens with reasonable protection and separation from everyday farming activities.

Vegetative Buffers

In some areas, vegetative buffers can be used to reduce the setback distance that a poultry farm must have (Scott Jr., 2017). Vegetative buffers consist of multiple-row plantings of suitable trees, grasses, and shrubs planted around poultry houses and related structures such as manure sheds and composting structures. These buffers are usually placed between the farm and neighbors or roadways and, in addition to reducing the visibility of the farm, they are helpful in capturing dust and feathers expelled by the exhaust fans. Additionally, they can also help to capture nutrients and prevent them from causing problems in local waterways.

Summary

Air quality, odor, flies, litter management, and mortality disposal are all areas addressed by various state agencies to protect human health, the environment, and the quality of life of residents in the vicinity of existing and future poultry operations in Mississippi. **Setback distances established by MDEQ protect both poultry farmers and their nonfarm neighbors.** MDEQ and Mississippi Board of Animal Health personnel monitor poultry farms for compliance with nutrient management plans, dry litter permits, composter/incinerator mortality permits, and compliance/enforcement issues. The Mississippi State University Extension Service and Poultry Science Department work with poultry companies and their growers to provide the most recent research information available and to supply personnel and expertise to ensure companies and growers have the assistance needed to take advantage of this information.

UNIVERSITY OF NEBRASKA-LINCOLN

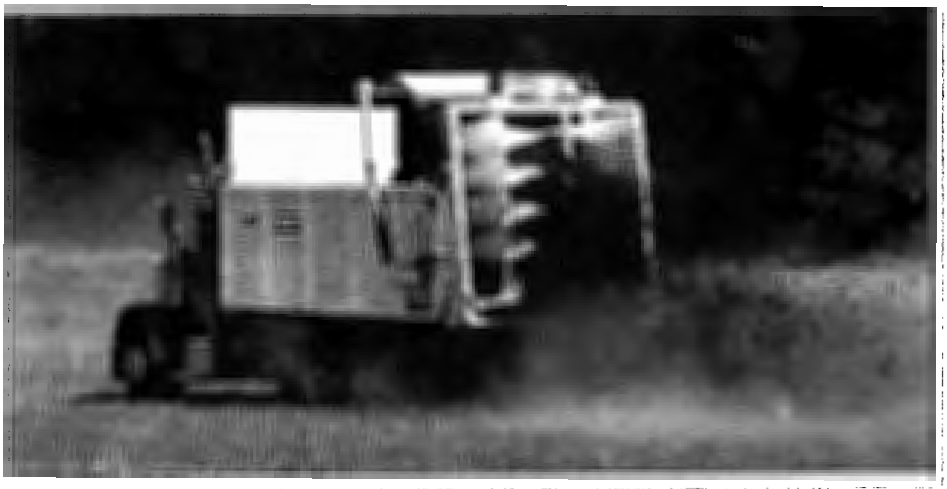
Institute of Agriculture and Natural Resources (http://ianr.unl.edu/)

UNL WATER

TUESDAY, APRIL 10, 2018

Does Manure Benefit Crop Productivity? Environment?

Rick Koelsch - Professor of Biological Systems Engineering (/author/rick-koelsch)



Manure is often viewed by many as an environmental liability. However, if manure is applied at rates equal to or less than the nitrogen (N) requirement of a crop, can manure produce environmental benefits over commercial fertilizer? This was the focus of an Asian research group which summarized the results of 141 published studies (https://pubs.acs.org/doi/pdfplus/10.1021/acs.est.6b06470) from Asia, Europe, and the U.S. comparing manure substitution for fertilizer. This article summarizes the "Take Home Messages" from this research paper.

Benefits to Crop Yields

The average of all grain related trials demonstrated a 5% increase in yield for manured fields (see Box A in Figure 1). The authors suggested that manure increases soil microbial biomass N (http://soilquality.org.au/factsheets/microbial-biomass)(see Box B in Figure 1), the living component of soil organic matter. As organic material is decomposed, microbial biomass N (MBN) is slowly converted to inorganic N at a time more in sync with crop N uptake, improving crop N uptake and crop yield. In addition, the authors suggest that the increased levels of other nutrients and improvements in soil physical properties also contributed to observed yield increases.

Peak increases in yield of 13% were observed when manure was applied at 50 to 75% of crop N requirements. Attempting to substitute more than 75% of the crop N requirement with manure often produced reduced yields. It is important to recognize the complimentary roles that manure and commercial fertilizer can play in a crop fertility program.

Reducing N Loss to the Environment

Commercial fertilizers add mineral N to our soils (ammonium and nitrate-N). Manures add a mix of organic and mineral N. Beef feedlot manure and poultry litter are about 90% organic-N. Slurry manures from swine and dairy operations may be roughly equal parts organic and mineral-N. Mineral N is more susceptible to environmental loss to the air and water.

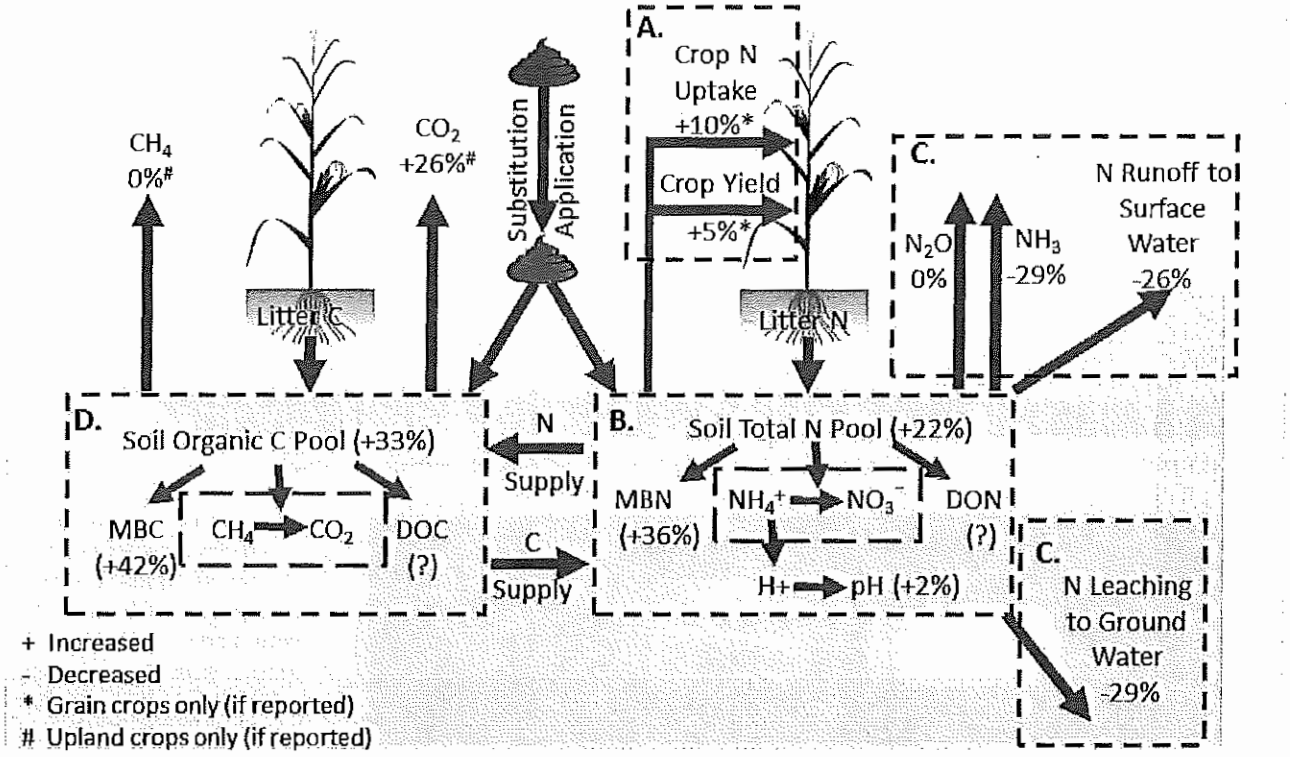


Figure 1. Effects of substituting manure for fertilizer. Estimates are averages for 141 research trials. Abbreviations: nitrogen (N), carbon (C), microbial biomass N (MBN), microbial biomass C (MBC).

Minimizing mineral N in soils while meeting crop nutrient requirement protects our water and air resources. Replacing fertilizer with manure resulted in decreased ammonium (NH_4) losses to air and N losses to surface and ground water by more than 25% (see Box C in Figure 1). These benefits were observed regardless of crop, manure type or substitution rate. The authors attributed these environmental benefits to both improvements in crop N use efficiency and greater N storage as microbial biomass nitrogen that is released closer to crop's N utilization timing.

This study also reported increases in water stable aggregates and cation exchange capacity for manure amended soils; this helps hold ammonium-N in the root zone until the crop can use it. Previous articles have summarized the benefits of manure for increasing soil aggregates (https://water.unl.edu/article/animal-manure-management/manure-impact-soil-aggregation) and preventing nutrient and erosion losses (https://water.unl.edu/article/animal-manure-management/manure-impact-erosion-and-runoff-0) to surface water.

Raising Soil Organic Carbon

This review also highlighted the benefits of manure for increasing soil organic C. Much of this increase in soil C was in the form of soil microbial biomass C (https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0ahUKEwjn8PeAlqnZAhUJHqwKHTW7AckQFgh biomass-carbon-nsw&usg=AOvVaw0IwtNJ9o8LKwqfuq64AWew) (see Box D in Figure 1). Manure provides an energy source for soil microbes, which significantly increases soil microbial activity and improves soil storage of both N and C in soil organisms (see Michigan State University Extension Publication – Manure effects on soil organism and soil quality (http://msue.anr.msu.edu/uploads/files/AABI/Manure%20effects%20on%20soil%20organisms.pdf)).

Increasing soil C levels can increase the risk of greenhouse gas emissions. However, this study suggested there were no changes observed in emissions of potent greenhouse gases, nitrous oxide (N_2O) and methane (CH_4).

However, some increase was observed in CO_2 emissions due to greater soil microbial activity. Overall, manured soils proved to be a sink for carbon in upland fields, thus benefitting the environment.

Bottom Line

Substituting manure for commercial fertilizer has positive societal benefits for food security (increased yields) and for environmental protection (less nitrogen loss and lower greenhouse gas emissions). Not addressed by this review is potential phosphorus losses to surface water. Manure is known to reduce erosion and runoff losses but phosphorus loss can increase if soil P levels are allowed to increase above optimum levels for crop production (see previous article (https://water.unl.edu/article/animal-manure-management/manure-impact-erosion-and-runoff-0)).

Thus, a strategy for increasing yields and protecting the environment will include applying manure:

- At or below crop N requirements (plus some supplemental commercial fertilizer N often including a starter fertilizer at planting) and
- To the same field only after soil P levels return to levels required for optimum crop production.

Yes, manure substitution for fertilizer can benefit our environment.

Reference: Xia, L., S. Lam, X. Yan, D. Chen. 2017. How does recycling of livestock manure in agroecosystems affect crop productivity, reactive nitrogen losses, and soil carbon balance? Environ. Sci. Technol. 7450-7457. (https://pubs.acs.org/doi/pdfplus/10.1021/acs.est.6b06470)

This article was reviewed by Shelby Burlew, Michigan State University Extension; Brian Krienke, University of Nebraska; Amy Schmidt, University of Nebraska; Leslie Johnson; University of Nebraska

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▸ Storage & Treatment Options (/category/animal-manure-management/storage-treatment-options)

▸ Policy & Regulations (/category/animal-manure-management/policy-regulations)

▸ Mortality Management (/category/animal-manure-management/mortality-management)

▾ LAND APPLICATION (/CATEGORY/ANIMAL-MANURE-MANAGEMENT/LAND-APPLICATION)

Land Application Training Online (/welcome-land-application-training-online)

Land Application Training Requirements (/article/animal-manure-management/land-application-training-requirements)

▾ Manure Nutrient Management (/category/animal-manure-management/land-application/manure-nutrient-management)

- Crop Planning - Manure Nutrient Analysis and Application (/article/animal-manure-management/crop-planning-manure-nutrient-analysis-and-application)

- Crop Planning - Soil Testing (/article/animal-manure-management/crop-planning-soil-testing)
- Nutrient Management (/article/animal-manure-management/nutrient-management)
- Manure Nutrient Management (/article/animal-manure-management/manure-nutrient-management)
- Crop Planning (/article/animal-manure-management/crop-planning)
- Yield Goal Development (/article/animal-manure-management/yield-goal-development)
- Manure Spreader Calibration (/article/animal-manure-management/manure-spreader-calibration)
- Custom Manure Application (/article/animal-manure-management/custom-manure-application)
- Estimating Manure N App Rates (/article/animal-manure-management/estimating-manure-n-app-rates)
- Estimating Manure P App Rates (/article/animal-manure-management/estimating-manure-p-app-rates)
- Example: Estimating Manure Phosphorus Application Rates (/article/animal-manure-management/example-estimating-manure-phosphorus-application-rates)

▸ Value of Manure (/category/animal-manure-management/land-application/value-of-manure)

▸ Manure and the Environment (/category/animal-manure-management/manure-and-environment)

▸ Education & Resources (/category/animal-manure-management/education-and-resources)

QUICK LINKS

Ag Site Planner (http://agsiteplanner.unl.edu/)

Find a Custom Applicator (https://unl.app.box.com/s/l51i24wpvqncwif5r2mzwol4gk3130pp)

Land Application Training Online (/welcome-land-application-training-online)

Manure Publications (/article/animal-manure-management/manure-related-extension-publications)

Contact the Manure Team (/article/animal-manure-management/contact-manure-team)

UPCOMING EVENTS

AUG
23
8:00 AM

West Central Water and Crops Field Day (//events.unl.edu/water/2018/08/23/124451/)
West Central Research and Extension Center

See all Water events (https://events.unl.edu/water/upcoming/)

ICS (HTTPS://EVENTS.UNL.EDU/WATER/UPCOMING/?FORMAT=ICS) RSS (HTTPS://EVENTS.UNL.EDU/WATER/UPCOMING/?FORMAT=RSS)

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Nebraska Animal Feeding Operation Siting Matrix

A	Livestock Operation Size	Number		Points	Score
1	Number of animals (for multiple species or production phases, record separately)	380,000			
2	Animal Units (see Animal Units tab for calculator)	3,800			
		Yes	No		
1	Large livestock operation (1,000 animal units or more)	x			
2	Medium livestock operation (300 animal units to 999 animal units)		x		
3	Small livestock operation (less than 300 animal units)		x		

NDEQ STATUS

B	Environmental Protection Plans	Yes	No	Points	Score
1	NDEQ has issued letter that no construction and/or operating permit is required	☑	☐	30	30
2	All NDEQ construction and operating permit(s) will be in place prior to operation, as required, including the following (if not applicable, write NA):	☑	☐	30	30
3	Nutrient Management Plan	x			
4	Animal Mortality Management Plan	x			
5	Request for Inspection of Animal Feeding Operation (Title 130 - Form A)				
6	Permit Application (Title 130 - Form B)	x			
7	Applicant Disclosure (Title 130 - Form C)	x			
8	Livestock Feeding Operation Narrative	x			
9	Livestock Feeding Operation Site Plan, Construction Drawings, and Maps	x			
10	Construction Quality Assurance Plan		x		
11	Manure Production and Storage/Treatment Calculations	x			
12	Operation and Maintenance Plan	x			
13	Chemical Management Plan	x			
14	Emergency Response Plan	x			
15	Sludge Management Plan		x		
16	Livestock Operation Closure Plan	x			
17	Best Management Practices for Odor Control	x			
	SUBTOTAL (subtotal not to exceed 30 points for this section)				30

SETBACKS/SEPARATION DISTANCES

C	Siting relative to dwellings and public places (refer to Separation Distances tab)	Yes	No	Points	Score
1	Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place	☑	☐	30	30
	If YES, move to Section D. If NO, answer questions C2-C7.				
	Enter number of dwellings (Formula may be used to calculate points, number = N)	Number	Formula		
2	Within 1.5 times the separation distance for odor and the separation distance for odor		(5-N) x 2	0	0
3	Within the separation distance for odor and 1/2 the separation distance for odor		-1 x N^2	0	0
4	Within 1/2 the separation distance of odor		-10 x N^2	0	0
		Yes	No	Points	Score
5	If dwellings or public places exist within 1.5 times the separation distance for odor, have verified that none are located downwind of the site for prevailing wind direction(s) - via representative wind rose (see tab) or documented local weather data	☐	☑	5	0
6	If dwellings or public places exist within the county setback (or separation distance for odor if no county setback), have verified that none are located downwind of the site for prevailing wind direction(s) - via representative wind rose or documented local weather data	☐	☑	15	0
7	Was the Nebraska Odor Footprint Tool or other third-party, science-based tool used to assess siting relative to impacts on private dwellings and public places?	☐	☑	2	0
	SUBTOTAL (total not to exceed 30 points for this section)				30

OTHER CONSIDERATIONS

D	Environmental and Zoning Compliance Record	Yes	No	Points	Score
1	Owner has operated an animal feeding operation (AFO) for at least 5 years AND has been issued NO judicial enforcement action by a State or Federal Department of Justice within the last 5 years	☐	☑	5	0
	SUBTOTAL				0
E	**Water Quality Protection - Livestock Facilities**	**Yes**	**No**	**Points**	**Score**
1	The majority of animals housed within a confinement building	☑	☐	2	2
	For only the facility that contains the majority of manure or effluent, select any that describe the livestock waste control facility:				
2	Open lot with stockpile	☐	☑	0	0
3	Vegetative treatment system for runoff	☐	☑	1	0
4	Runoff containment structures	☐	☑	2	0
5	Roofed manure containment	☑	☐	2	2
6	Concrete-equivalent containment structure	☐	☑	2	0
7	Clay-lined or Geomembrane-lined containment structure	☐	☑	1	0
8	Additional storage capacity (25% or more than NDEQ requirements)	☑	☐	2	2
9	Select the smallest separation distance between any well used for domestic purposes and a Livestock Waste Control Facility:				
	100 to 150 feet	☑	☐	0	0
	151 to 300 feet	☐	☑	1	0
	301 feet to 1,000 feet	☐	☑	2	0
	SUBTOTAL (total not to exceed 15 points for this section)				6
F	**Odor and Dust Control for Facilities**	**Yes**	**No**	**Points**	**Score**
	Check all that apply for the majority of animal confinement or manure storage:				
1	Biofilter treatment of exhaust air from fans (primarily for odor control)	☐	☑	3	0
2	Oil/water sprinkling for dust control in animal areas	☐	☑	2	0
3	Electrostatic/Ionization system for dust control in animal areas	☐	☑	2	0
4	Windbreaks placed to intercept air emissions	☐	☑	2	0
5	Solids routinely separated from liquids and:	☑	☐	1	1
	Stockpiled for later application to land	☑	☐	0	0
	Composted, dried and used for bedding, or equivalently treated.	☑	☐	1	1
6	Cover on manure storage or first (settling) cell of multi-cell system	☐	☑	1	0
	Impermeable cover with flare or gas treatment	☐	☑	2	0
7	Aerobic treatment	☐	☑	1	0
8	Anaerobic digester	☐	☑	3	0
9	Other supplemental odor reduction measures (supported by verifiable scientific data)	☐	☑	2	0
	SUBTOTAL				2

G	Manure Application Practices	Yes	No	Points	Score
1	Select the primary method of manure application under normal conditions for the majority of manure applied and indicate any control practices followed for application to 50% or more of the land receiving manure:				
1a	Subsurface application (also referred to as "injection")	☐	☑	3	0
1b	Surface-applied solids	☐	☑	-2	0
	Incorporated within 2 days of application	☐	☑	3	0
	Incorporated within 3 to 7 days of application	☐	☑	2	0
	Incorporated prior to planting but more than 7 days after application	☑	☐	1	1
1c	Surface-applied slurry or effluent (excl. sprinkler irrigation)	☐	☑	-5	0
	Application equipment discourages drift and encourages entry into soil	☐	☑	2	0
	Incorporated within 2 days of application	☐	☑	3	0
	Incorporated within 3 to 7 days of application	☐	☑	1	0
1d	Sprinkler irrigation	☐	☑	-3	0
	Utilize drop nozzles or distribution hoses	☐	☑	1	0
	Utilize a monitoring and alarm system	☐	☑	1	0
	Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDEQ, during application	☐	☑	1	0
	Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDEQ	☐	☑	-2	0
2	Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure)				
	Conservation tillage is implemented	☑	☐	1	1
	No-till farming is implemented	☑	☐	2	2
	Application is primarily to fields with a growing crop	☐	☑	1	0
	Application is primarily to fields with an established crop canopy	☐	☑	2	0
	Cover crops or additional approved erosion-control practices are used	☐	☑	2	0
	SUBTOTAL (total not to exceed 6 points for this section)				4

H	Manure Application Separation	Yes	No	Points	Score
1	Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas.				
	Additional 50 to 100 feet	☐	☑	1	0
	Additional 101 to 500 feet	☐	☑	2	0
	Additional 501 to 1,320 feet	☐	☑	3	0
	Additional 1,321 to 2,640 feet	☐	☑	4	0
	Additional 2,641 feet and greater	☐	☑	5	0
2	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places	☐	☑	2	0
3	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters	☐	☑	3	0
4	Vegetative buffers present on 25 to 50% of natural surface drains on all application areas	☐	☑	1	0
5	Vegetative buffers present on 51 to 100% of natural surface drains	☐	☑	3	0
	SUBTOTAL				0

I	Additional Assurance of Environmental Protection	Yes	No	Points	Score
1	Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation:				
	Operation and Maintenance Plan	☑	☐	1	1
	Animal Mortality Composting Plan	☑	☐	1	1
	Chemical Management Plan	☑	☐	1	1
	Emergency Response Plan	☑	☐	1	1
	BMP for Odor Control Plan	☑	☐	1	1
	Nutrient Management Plan	☑	☐	5	5
2	Assurance that earthen livestock waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate ≤ 0.125 inch/day	☑	☐	1	1
3	Assurance that earthen livestock waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained	☐	☑	1	0
	SUBTOTAL				11

J	Traffic	Yes	No	Points	Score
1	Main entrance to livestock operation located on minimum maintenance road	☐	☑	-3	0
2	Livestock operation has a cost-share agreement with the county for road maintenance	☐	☑	5	0
3	Vehicle entrance and turnaround is designed so that traffic will not be required to back into the livestock operation from the county road	☑	☐	3	3
4	Heavy vehicle route established that avoids bridges or roads with weight restrictions	☐	☑	3	0
5	For the primary application method under normal conditions, the livestock operation can avoid county roads to apply:				
	Up to 25% of manure nutrients generated	☐	☑	1	0
	25 to 50% of manure nutrients generated	☐	☑	2	0
	More than 50% manure nutrients generated	☐	☑	3	0
	SUBTOTAL				3

K	Authorized Representative and Manager Residency	Yes	No	Points	Score
1	Authorized representative lives or will live within one year of beginning operation:				
2	On the site or within the separation distance for odor	☑	☐	5	5
3	Between separation distance for odor and 10 miles of the livestock operation	☐	☑	3	0
4	Between 10 miles and 50 miles of the livestock operation	☐	☑	1	0
5	Manager lives or will live within one year of beginning of operation:				
6	On the site or within the separation distance for odor	☑	☐	5	5
7	Between separation distance for odor and 10 miles of the livestock operation	☐	☑	3	0
8	Between 10 miles 50 miles of the livestock operation	☐	☑	1	0
	SUBTOTAL				10

L	Neighbor - Community Communication	Yes	No	Points	Score
1	Communication with 100% of the property owners within a one-mile radius	☐	☑	5	0
	SUBTOTAL				0

M	Economic Impact Factors	Yes	No	Points	Score
1	Will add property value as of county permit issue date by:				
	$50,000-$250,000	☐	☑	1	0
	$250,000-500,000	☐	☑	2	0
	$500,000-$1,000,000	☐	☑	3	0
	More than $1,000,000	☑	☐	4	4
2	Will create the following number of new full-time or equivalent jobs:				
	1 to 3	☑	☐	1	1
	4 to 9	☐	☑	2	0
	10 or more	☐	☑	3	0
	SUBTOTAL				5

N	Landscape and Aesthetic Appearance	Yes	No	Points	Score
	Check all that will apply:				
1	Landscaping plan will be implemented	☐	☑	2	0
2	Visual barriers (i.e. fences, gating, trees) will be put in place	☑	☐	2	2
3	Animal mortality will be managed so as to not be viewable from a public road	☑	☐	1	1
	Handling of animal mortalities will be viewable from public road	☐	☑	-3	0
4	Site designed to facilitate clean surface water drainage away from livestock operation	☑	☐	2	2
5	Separation distance of at least 1.5 times county required distance from centerline of frontage road to livestock facility	☑	☐	3	3
	SUBTOTAL				8
	Cummulative Points				109

Total Score (A project that reaches <u>75 points</u> or above shall be granted a conditional/special use permit by the county) = 109

Sunset Poultry, LLC
96% Odor Footprint Setback

NUTRIENT ADVISORS

IANR

NEBRASKA ODOR FOOTPRINT TOOL
Separation Distance Results

IANR

University of Nebraska Lincoln

Project title:	Sunset Poultry, LLC	Prepared for:	Lancaster County
Site location:	Lancaster County, NE	Prepared by:	Nutrient Advisors
Location for weather data:	Beatrice, Neb. (Southeast Neb.)	Date prepared:	July 15, 2019

		Source Facility 1	Source Facility 2	Source Facility 3	Source Facility 4
Type of facility:		Poultry, Broiler Floor-raised on litter			
Total plan area:	(sq. ft.)	302,400			
Total number of animals:		380,000			
Base odor control:		No supplemental odor control implemented			
Percentage of total odor:		100%			
Alternate odor control:		No supplemental odor control implemented			
New Percentage of total odor:		100%			

Separation Distance (miles)

		North	East	South	West
BASE PLAN	90%	0.24	0.07	0.11	0.16
	94%	0.31	0.16	0.19	0.25
Odor Annoyance-Free	96%	0.41	0.23	0.24	0.32
Frequency	98%	0.66	0.42	0.42	0.55
	99%	1.04	0.83	0.78	1.01
ALTERNATE PLAN	90%	0.24	0.07	0.11	0.16
	94%	0.31	0.16	0.19	0.25
Odor Annoyance-Free	96%	0.41	0.23	0.24	0.32
Frequency	98%	0.66	0.42	0.42	0.55
	99%	1.04	0.83	0.78	1.01

	North	East	South	West
Terrain: (apply on receptor-by-receptor basis)	Rolling terrain	Rolling terrain	Rolling terrain	Rolling terrain

Funding provided by: The Nebraska Environmental Trust
Pork Checkoff

NEBRASKA ODOR FOOTPRINT TOOL

Values Used in the Calculation of Separation Distances

IANR

University of Nebraska Lincoln

Project title: Sunset Poultry, LLC
Site location: Lancaster County, NE
Location for weather data: Beatrice, Neb. (Southeast Neb.)

Prepared for: Lancaster County
Prepared by: Nutrient Advisors
Date prepared: July 15, 2019

BASE PLAN

	Source Facility 1	Source Facility 2	Source Facility 3	Source Facility 4
Select odor sources:	Poultry, Broiler	0	0	0
Select type of facility:	Floor-raised on litter	0	0	0
Number of animals per facility:	47,500	0	0	0
Facility plan dimensions:				
a) Length & Width (ft)	600	0	0	0
a) Length & Width (ft)	63	0	0	0
OR b) Diameter: (ft)	0	0	0	0
Number of identical facilities:	8	0	1	1
Select odor control used in Base Plan:	No supplemental odor control implemented	0	0	0
Total plan area: (sq. ft.)	302,400			
OFT odor emission number*:	10			
Odor control factor:	1			
Facility odor emission rate*: (10^6 OU/s)	3.02			

Total odor emission rate*: 3.02 x 10^6 OU/s

* The emission values shown have been scaled up - based upon calibration study results - for use with the Odor Footprint Tool.

ALTERNATE PLAN

	Source Facilty 1	Source Facility 2	Source Facility 3	Source Facility 4
Select odor control option being considered:	No supplemental odor control implemented	0	0	0
Odor control factor:	1			

New total odor emission rate*: 3.02 x 10^6 OU/s

PLANNING EXHIBIT #5 10/2/19 PC HEARING SP19035 RUSSELL MILLER

From : Russell Miller
341 S. 52
Lincoln, NE 68510

To : Lincoln Lancaster County Planning Commission

Subject : Requesting approval of Special Permit 19035; chicken barns on W. Ashland Rd.

Hello,

I am speaking in support of this request to build the proposed 8 chicken barns at approximately 2342 West Ashland Road.

I reviewed 51 of the opposition emails to this Commission and the always recurring theme for being opposed is the proximity to the school.

Very strange because Waverly's high school building and middle school building are approximately 1 mile north of 6 turkey barns located on N.148th Street. These two entities have co-existed since 2015.

I urged you to support this request because of the positive effect it will have on the tax base, especially on the school tax base. The 6 turkey barns are paying $11,834 to Waverly's schools. It would be reasonable to expect a similar amount would be paid by this project to the Raymond school district.

Please approve this request because of the increased tax base that this development will cause.

Thank you,

Russell Miller

HI,

My name is Neal McGrath and I live in the Mustang Ridge subdivision which is less than 2 miles south of the proposed chicken barns at NW 22nd and Agnew Road. I am here to voice my opposition to the location of this proposed chicken Confinement feeding operation. I am Pro Agriculture and have many relative who farm in northeast Nebraska. I grew up on an acreage and raised cows, chickens , hogs, goats and sheep and rabbits. We would process the offspring for food and sell any excess. In 2010 I moved my family from south Lincoln out to my current location so my kids could experience this same life. We have raised chickens for eggs and meat and we currently raise beef cows. I wanted my kids to know how food was produced and experience some of the same joy I had raising animals.

When looking for an acreage I was told by my realitor and friends from work to make sure and make my offer contingent on a good water well. This was a strange concept to me because I grew up around Norfolk which sits above a large Aquafier, I was under the assumption that the whole state of Nebraska was over this large aquafier. Unfortunately it is not.

Ground water is one Nebraska's most precious resources according to the Lower Platte NRD.

From 2018 Ground water Management plan which can be found at

https://www.lpsnrd.org/sites/default/files/files/89/2018_annual_review_final.pdf

Ground Water Reservoirs

Applicable Regulations: Section B, Rules 2 and 3

As is common in most of eastern Nebraska, the geologic setting of the LPSNRD means that ground water resources in the District are quite variable from place to place. The District has therefore delineated five major ground water reservoirs (GWRs) in its jurisdiction. The GWRs represent areas which useable amounts of good quality ground water are generally available. Typically, the GWRs consist of sand and/or gravel deposits in buried paleovalleys or present-day river valleys. The location of the GWRs can be seen in Figure 2. The remainder of the District has been designated as the Remaining Area (RA), which includes the Dakota Formation aquifer and other small aquifers not designated as part of any GWR. Ground water in the RA is discontinuous spatially, and variable in both quality and quantity. Figure 2 also shows the location of the RA in LPSNRD (the RA is indicated by the area in white—that is, everything that is not in a GWR).

1.4. Community Water System Protection Areas (CWSPAs)

Applicable Regulations: Section B, Rule 2

Drinking water supplies in LPSNRD come primarily from ground water sources, just like most of the rest of Nebraska. The Nebraska Department of Environmental Quality (NDEQ) delineates Wellhead Protection Areas (WHPAs) for all public water supply systems in the state. These WHPAs generally correspond to the predicted 20-year timeof-

travel zone for the supply wells in those systems. In other words, the WHPAs represent the area from which ground water could be expected to be extracted during 20 years of normal water use for those public water supplies. LPSNRD has adopted the boundaries of the delineated WHPAs as additional areas for ground water management under the current GWMP. In the LPSNRD, these areas are referred to as Community Water System Protection Areas (CWSPAs); the locations of CWSPAs as well as Phase areas (see Section 3) in the District are shown in Figure 3.

Figure 4 shows the registered domestic and Public water supply wells (note only wells installed after 1993 are required to be registered)

Figure 5 Shows the registered Irrigation wells

As you can see there are many wells that are know in this "Remaining area with limited and varying capacity. You will also notice that there are very few Irrigation (large capacity wells) in this area.

4.1.1.6 Remaining Area

The Remaining Area (RA) includes all the land in the District which is not included in a GWR (see Figure 2). In the RA, the occurrence of ground water bearing units is highly variable; in some portions, practically no ground water is available. As a result of this
24
variability, no specific GWRs are identified within the RA. In those areas where ground water does occur, it usually comes from small, intermittent sand bodies within silt and clay deposits, or from underlying bedrock units such as the Dakota Formation, or even older limestone units. Ground water from these sand units may be of acceptable quality, but the small quantity available limits its use. Conversely, significant amounts of ground water may occur within the Dakota Formation, but salinity and mineral content of this water increases rapidly with depth, and thus the quality is a limiting factor. Ground water from limestone bedrock is usually limited to small quantities, and this water is also highly mineralized, therefore these older bedrock units are not generally considered as significant aquifers. Results of ground water monitoring for nitrate, pesticides, and other components in the RA are summarized in Figures 6-9 and Table 2.

Well how much water will these chicken barns use? Accourding to jess Cambell, Poultry Housing specialist of the National Poultry Technology Center at Auburn University.

https://extension.umd.edu/sites/extension.umd.edu/files/_docs/2012_DPI-PoultryFarmWaterSupply-Campbell.pdf

See Figure 6

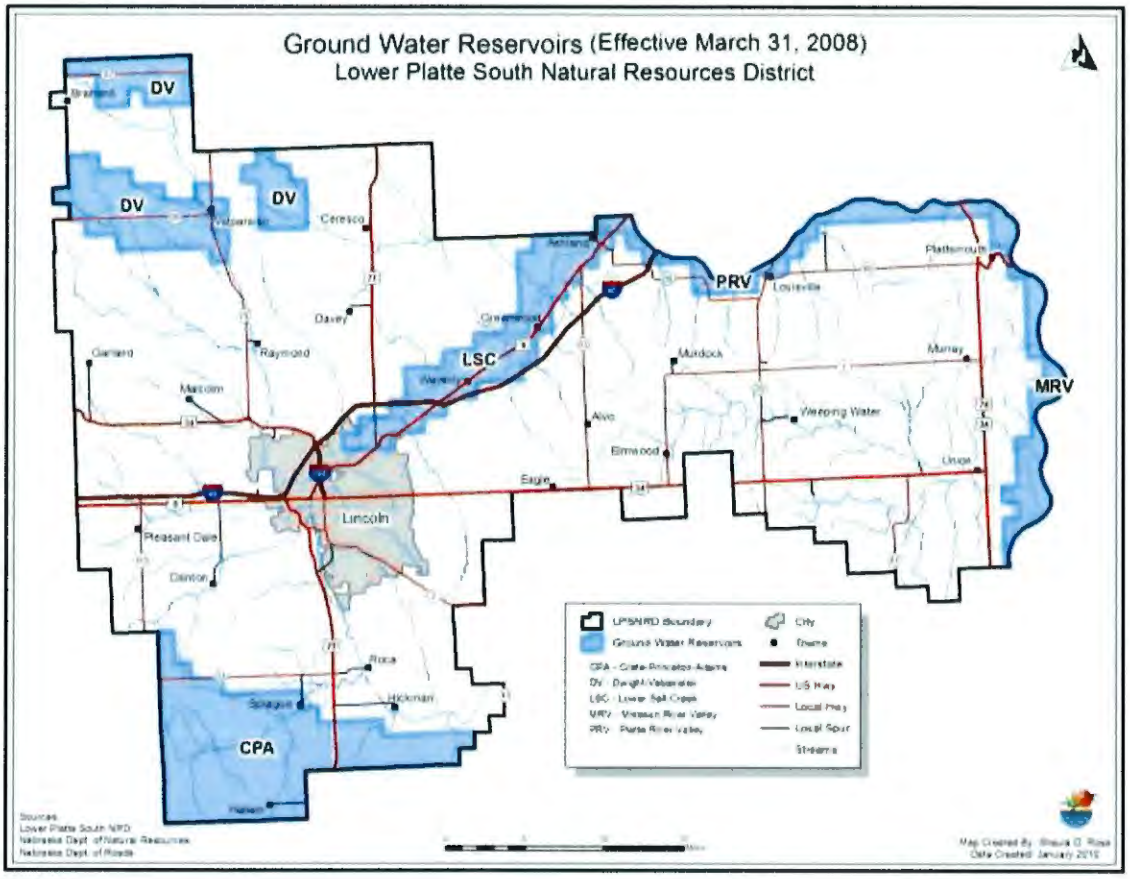
We are worried that this amount of water taken out of an already limited water area will be detrimental to the school and to the residents of the area. There are plenty of farms around eastern Nebraska which are as close to Fremont processing plant as this one, with an aquafer large enough to handle a facility of this size. The purpose of the Planning commission and the NRD is to resolve Issues like this. If every person in the area was allowed to remove this much water for what ever purpose they want we will all run out of water.

Would you allow me to get empty bottles delivered to me by Costco and I fill the empty bottles from wells from this area and Costco picks up the full bottles and ships them all over the country but claiming that it is water for local use. An I claim that I am just a family water man provide local water for the community. Costco profits from the naturals resource and I profit but now all of the local residence have to go to Costco to buy there resource back because their wells have now gone dry.

Thanks for hearing my concerns

Neal McGrath

Figure 2 – Ground Water Reservoirs

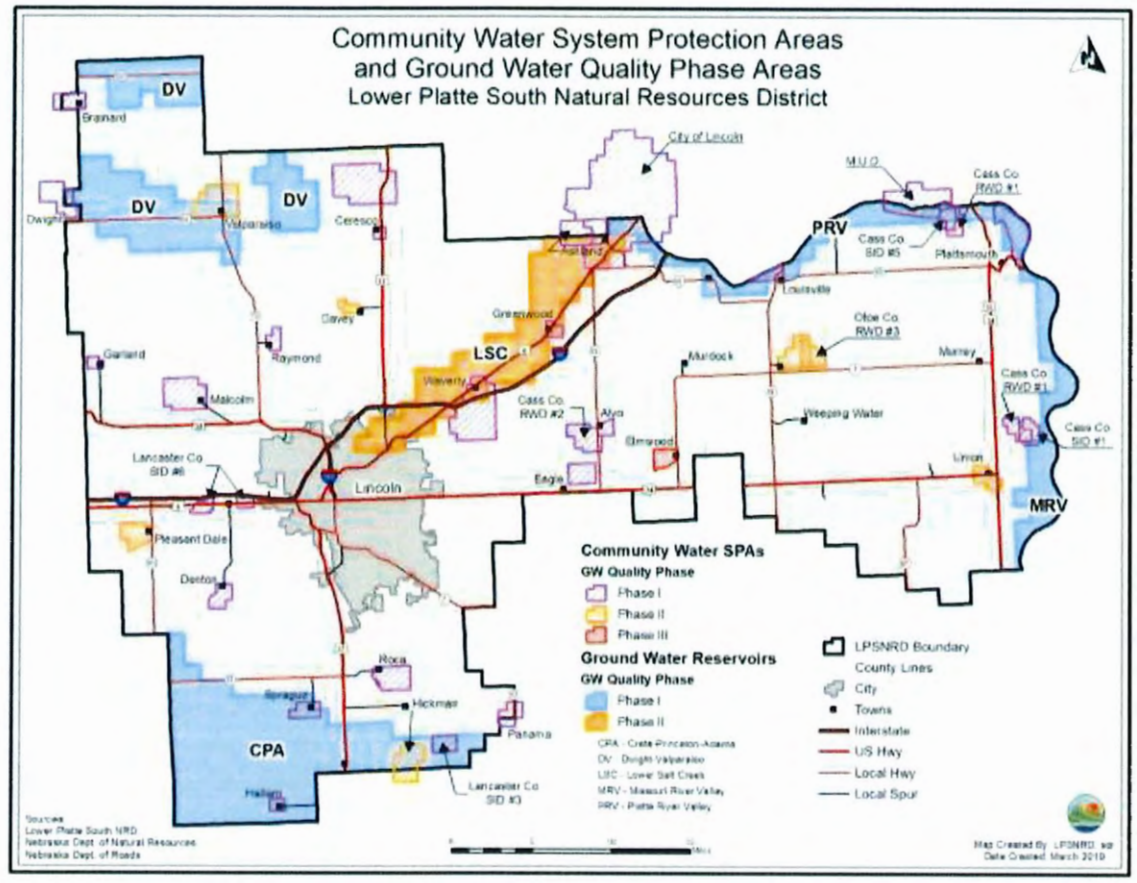


1.4. Community Water System Protection Areas (CWSPAs)

Applicable Regulations: Section B, Rule 2

Drinking water supplies in LPSNRD come primarily from ground water sources, just like most of the rest of Nebraska. The Nebraska Department of Environmental Quality (NDEQ) delineates Wellhead Protection Areas (WHPAs) for all public water supply systems in the state. These WHPAs generally correspond to the predicted 20-year time-of-travel zone for the supply wells in those systems. In other words, the WHPAs represent the area from which ground water could be expected to be extracted during 20 years of normal water use for those public water supplies. LPSNRD has adopted the boundaries of the delineated WHPAs as additional areas for ground water management under the current GWMP. In the LPSNRD, these areas are referred to as Community Water System Protection Areas (CWSPAs); the locations of CWSPAs as well as Phase areas (see Section 3) in the District are shown in Figure 3.

Figure 3 – Community Water System Protection Areas



2. REGISTERED WELLS

Applicable Regulations: N/A

As is the case in most of Nebraska, the majority of water for municipal, domestic, irrigation, and other uses comes from ground water sources. As already described, availability of ground water across LPSNRD is highly variable, with some areas containing considerable supplies while others have little or almost no ground water (for more information, see Section 4.1.1). As a result, the distribution of ground water wells across the District is also variable. Figure 4 shows the locations of registered domestic and public water supply wells in LPSNRD, while Figure 5 shows the locations of registered irrigation wells. Note that, prior to 1993, domestic wells were not required to be registered in Nebraska, and so Figure 4 is only a partial representation of the location of these types of wells. That is, domestic wells completed prior to 1993 may or may not show up on this map.

Figure 4 – Locations of Registered Domestic and Public Water Supply Wells

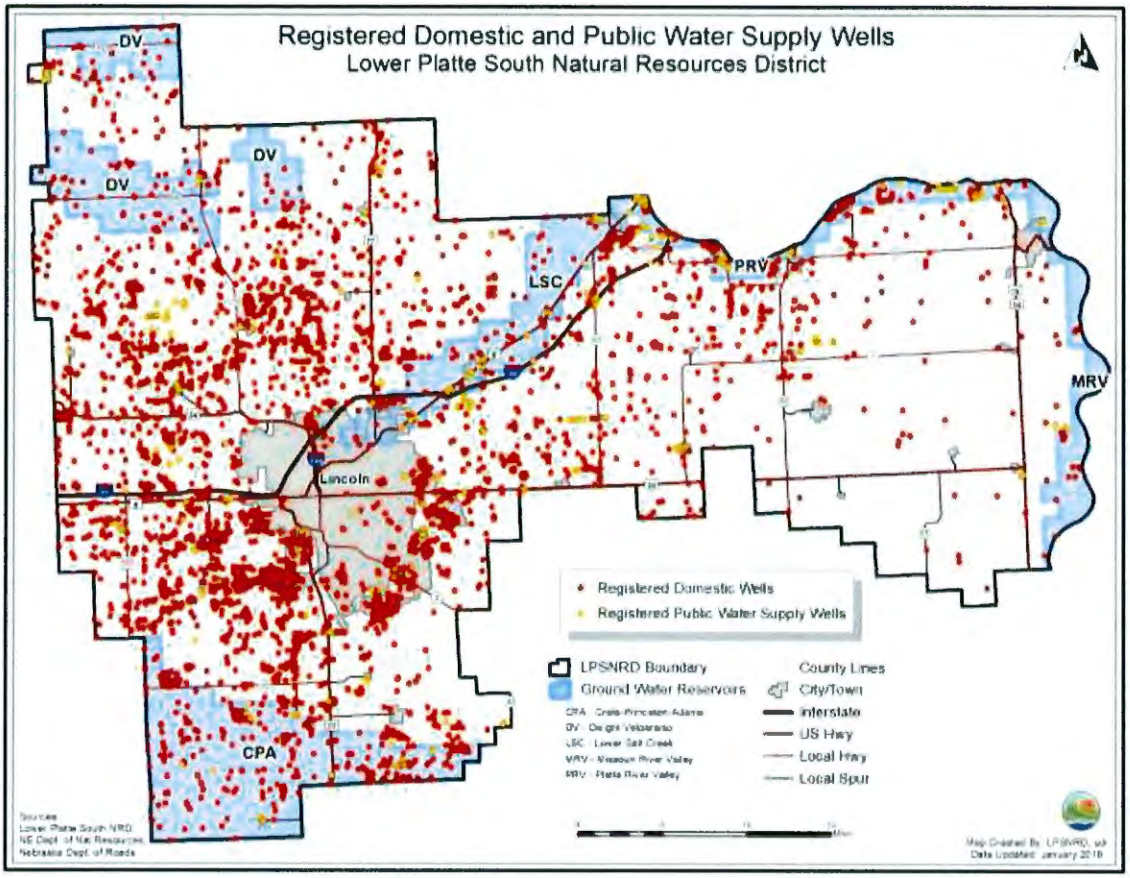
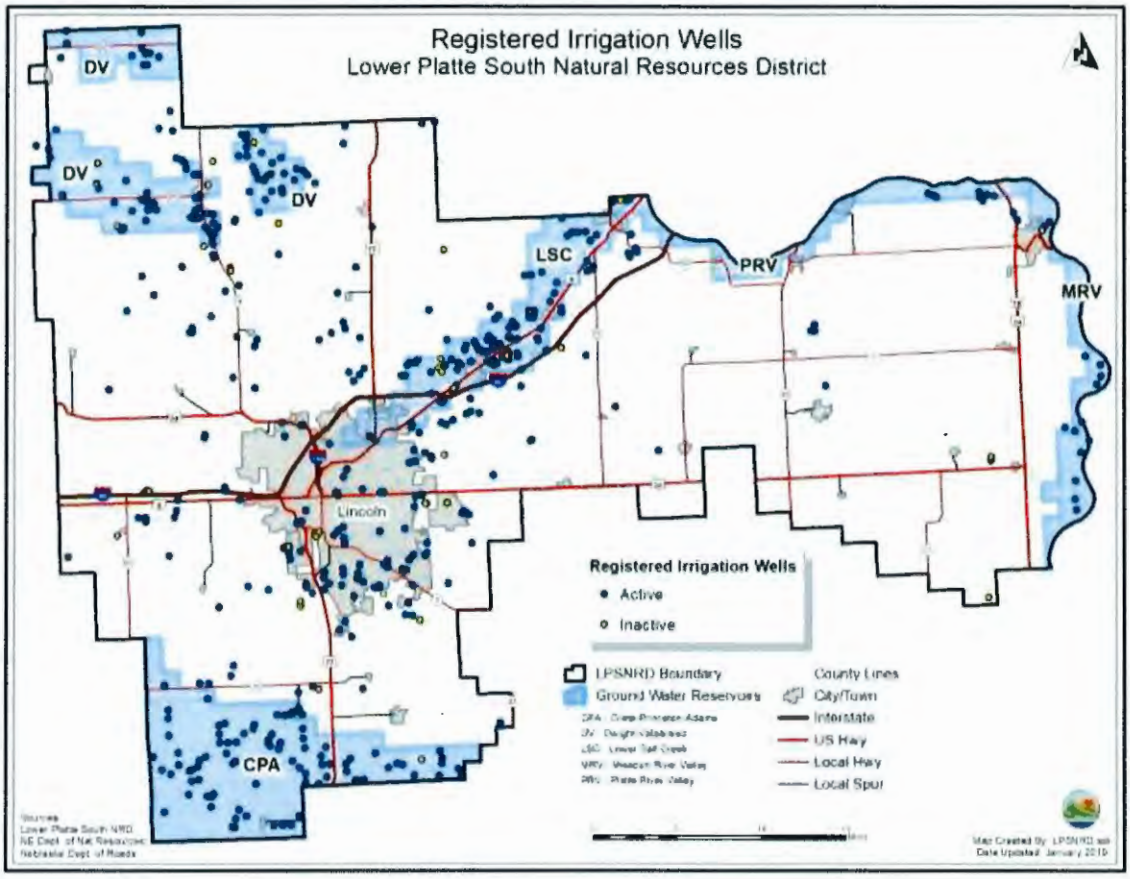


Figure 5 – Locations of Registered Irrigation Wells



3. GROUND WATER MONITORING NETWORK

Applicable Regulations: Sections F, G

The District's ground water monitoring networks are designed to provide a grid-like network of monitoring sites for each of the Ground Water Reservoirs and the Remaining Area, and to provide additional information about each CWSPA. LPSNRD's GWMP allows for the designation of various phases to deal with increasing ground water contamination and/or decreasing ground water levels. The entire NRD is currently in at least a Phase I Ground Water Management Area (GWMA), and in this phase the District establishes various information and education programs, and requires permits for all new wells which pump more than 50 gallons per minute (gpm) in a GWR or CWSPA, and 20 gpm for non-domestic wells in the RA. Higher levels of phased management have been implemented in some parts of the District to deal with concerns over ground water quality and quantity (see below). Progress in developing LPSNRD's monitoring well network is shown in Table 1.

Poultry Farm Water Supply

Jess Campbell & Jim Donald - Auburn University
National Poultry Technology Center

Alabama Burglar & Alarm System

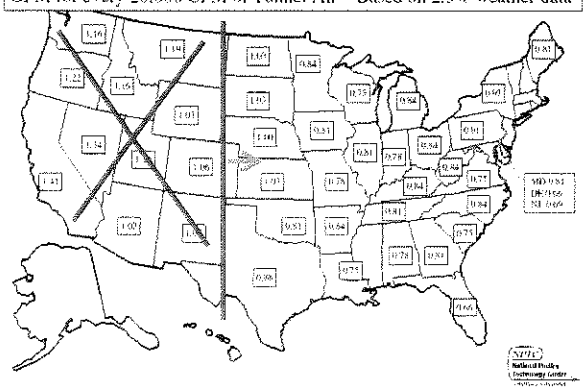
Commonly Asked Questions?

- How Much Water Does A Poultry House Use?
- How Much Water Does My Farm Use?
- What Size Should My Main Line Be?
- How Can I Tell If I Am Short on Water?
- I Ran Short Last Year – What Can I Do Now?
- Do I Need Storage Tanks?
- What Are My Alternatives?

What Do I Need to Know?

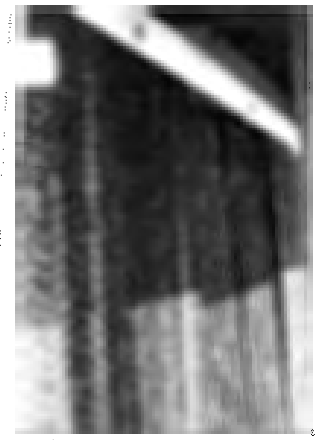
- Tunnel Capacity
- Pad Type
- # & Bird Size
- Other Water Needs
- # Houses
- Main Line & Meter
- Farm Layout
- Location

6" Pad System (75% Efficient) – Approximate Peak water evaporation GPM for every 20,000 CFM of Tunnel Air – Based on 2.5% weather data



Total Tunnel Fan Air Moving Capacity (ft^3/min)	Pad System Max Water Usage (gal/min)	
	6" Pad	2" Fog Pad
160,000	7.6	5
180,000	8.5	5.6
200,000	9.5	6.3
220,000	10.4	6.9
240,000	11.3	7.5
260,000	12.3	8.1
280,000	13.2	8.8
300,000	14.2	9.4
320,000	15.1	10
340,000	17	10.7

Water Supply for the 6" Evaporative Cooling Systems



Pad system water usage

(Gals/min Per 100,000 cfm)

	50%	40%	30%	20%
90°F	2.4	3	3.5	4.2
95°F	2.6	3.2	3.8	4.4
100°F	2.7	3.4	4	4.7
105°F	2.9	3.6	4.2	5

100°F & 30% @ 100,000 CFM = 4 gpm

100°F & 30% @ 200,000 CFM = 8 gpm

House Size, Wind Speed, Tunnel CFM & Water for 6" Evaporative Cooling

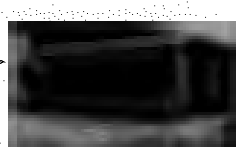
40' Wide @ 600 fpm = 228,000 CFM ≈ **9 gpm**

50' Wide @ 600 fpm = 285,800 CFM ≈ **11.2 gpm**

60' Wide @ 600 fpm = 342,000 CFM ≈ **13.4 gpm**

66' Wide @ 600 fpm = 376,200 CFM ≈ **14.7 gpm**

Just for Recirculation Pads!



Water for the Birds

Bird Age (Days)	Estimated Peak Water Usage (gal/min per 1,000)
35	0.08
42	0.095
49	0.1
56	0.1

Number of Birds/House	Estimated Per House Maximum (gpm)
15,000	1.5
20,000	2
25,000	2.5
30,000	3
35,000	3.5
40,000	4
45,000	4.5
50,000	5

13

House Size & Water for Birds

40' x 500' = 20,000 ft² @ 0.70 dens. = 28,600 birds
28.6 / 0.10 ≈ **2.9 gpm**

50' x 500' = 25,000 ft² @ 0.70 dens. = 35,700 birds
35.7 / 0.10 ≈ **3.6 gpm**

60' x 500' = 30,000 ft² @ 0.70 dens. = 42,857 birds
42.9 / 0.10 ≈ **4.3 gpm**

66' x 500' = 33,000 ft² @ 0.70 dens. = 47,142 birds
47.1/ 0.10 ≈ **4.7 gpm**

Just for the Birds!

14

House Size & Fan Capacity (CFM)	Est. Peak for 6" Pad System (gpm)	Est. Peak for Birds @ 0.70 Density (gpm)
40'x500' @ 228,000	9	2.9
50'x500' @ 285,000	11.2	3.6
60'x500' @ 342,000	13.4	4.3
66'x600' @ 376,000	14.7	4.7

15

House Size & Fan Capacity (CFM)	Pads & Birds Per House (gpm)	# Houses on Farm	Est. Total Farm Demand (gpm)
40'x500' @ 228,000	12	4	48
50'x500' @ 285,000	15	4	60
60'x500' @ 342,000	18	4	72
66'x600' @ 376,000	20	4	80

House Size & Fan Capacity (CFM)	Est. Total Farm Demand (gpm)	4 house Supply Pipe Size
40'x500' @ 228,000	48	2"
50'x500' @ 285,000	60	2"
60'x500' @ 342,000	72	2.5"
66'x600' @ 376,000	80	2.5"

Minimum Pipe Size

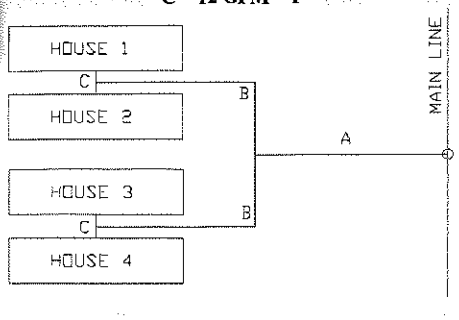
Flow Velocity Below 6 fps

Flow Rate (gal/min)	Pipe Size
10 or less	¾"
16 or less	1"
36 or less	1 ½"
60 or less	2"
90 or less	2 ½"
140 or less	3"

Example: (4) 40' Plumbing Design

DEMAND = 48 GPM

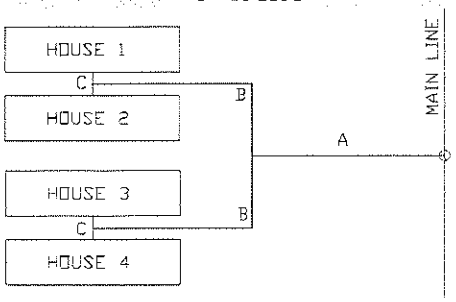
A = 48 GPM = 2"
B = 24 GPM = 1.25"
C = 12 GPM = 1"



Example: (4) 40' Plumbing Design

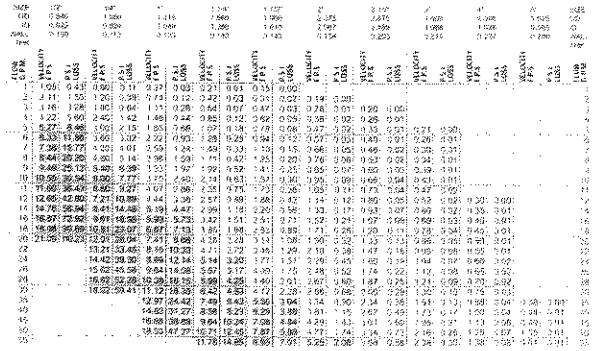
DEMAND = 48 GPM

A = 48 GPM = 2"
B = 24 GPM = 2"
C = 12 GPM = 2"



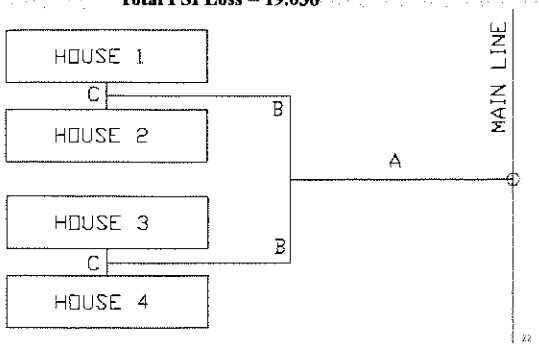
FRICTION LOSS CHARACTERISTICS
PVC SCHEDULE 40 IPS PLASTIC PIPE
(1120, 1220) C = 150
PSI loss of 100 feet of tube (PSI/100 FT)

Sizes 1/2" thru 6"
Flow GPM 1 thru 500



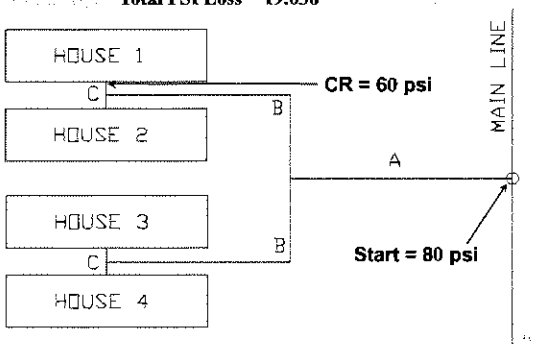
DEMAND
48 GPM

A = 48 GPM = 2" = 17.4 psi loss
B = 24 GPM = 2" = 1.6 psi loss
C = 12 GPM = 2" = 0.036 psi loss
Total PSI Loss = 19.036



DEMAND
48 GPM

A = 48 GPM = 2" = 17.4 psi loss
B = 24 GPM = 2" = 1.6 psi loss
C = 12 GPM = 2" = 0.036 psi loss
Total PSI Loss = 19.036

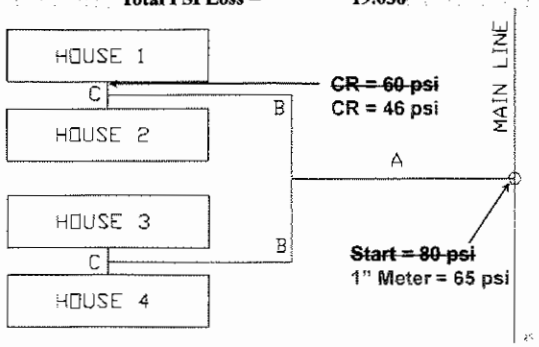


Water Meter Sizing

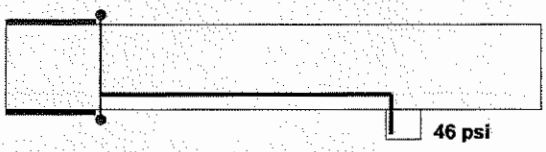
Meter Size	Max GPM Rating	PSI Loss
5/8"	20	1S
¾"	30	1S
1"	50	15
1 ½"	100	20
2"	160	20

DEMAND
48 GPM

A = 48 GPM = 2" = 1,000' = 17.4 psi loss
B = 24 GPM = 2" = 350' = 1.6 psi loss
C = 12 GPM = 2" = 30' = 0.036 psi loss
Total PSI Loss = 19.036



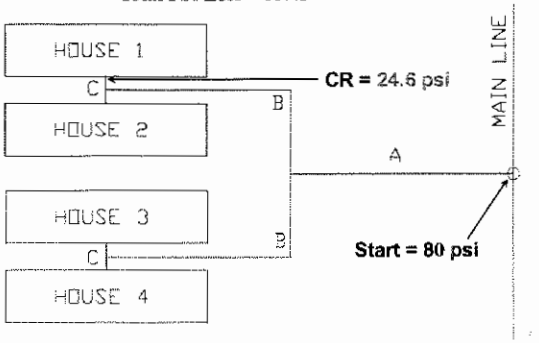
6" Cooling System Supply



250' Pipe @ 9 gpm
½" PVC = 63 psi loss
¾" PVC = 16 psi loss
1" PVC = 5 psi loss

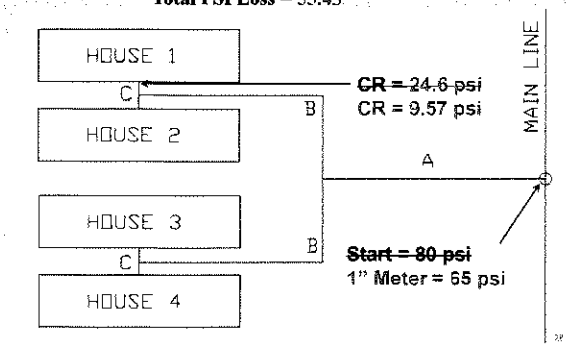
DEMAND
48 GPM

A = 48 GPM = 1.5" = 50.0 psi loss
B = 24 GPM = 1.5" = 5.3 psi loss
C = 12 GPM = 1.5" = 0.13 psi loss
Total PSI Loss = 55.43



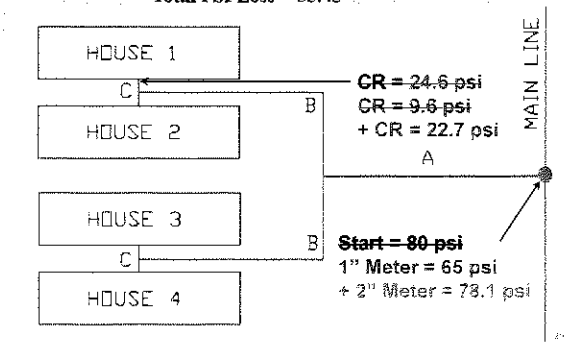
DEMAND
48 GPM

A = 48 GPM = 1.5" = 50.0 psi loss
B = 24 GPM = 1.5" = 5.3 psi loss
C = 12 GPM = 1.5" = 0.13 psi loss
Total PSI Loss = 55.43



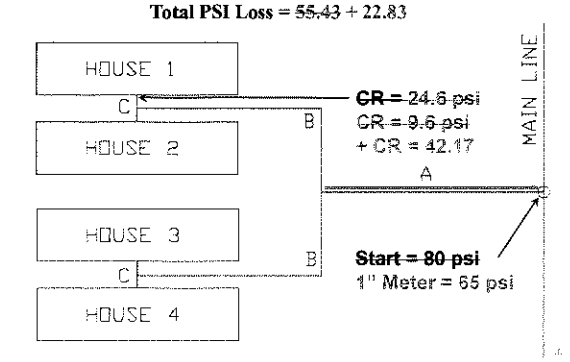
DEMAND
48 GPM

A = 48 GPM = 1.5" = 50.0 psi loss
B = 24 GPM = 1.5" = 5.3 psi loss
C = 12 GPM = 1.5" = 0.13 psi loss
Total PSI Loss = 55.43

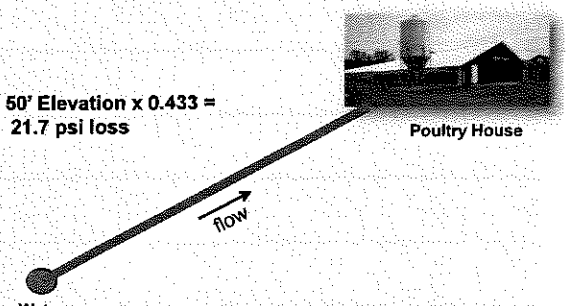


DEMAND
48 GPM

A = 48 GPM = 2" = 17.4 psi loss
B = 24 GPM = 1.5" = 5.3 psi loss
C = 12 GPM = 1.5" = 0.13 psi loss
Total PSI Loss = ~~55.43~~ + 22.83

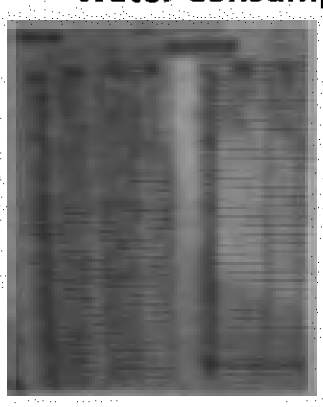


Pushing Water Up Hill



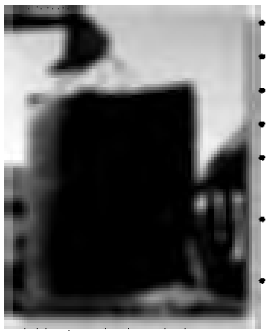
Feet x 0.433 = Pressure Loss

Water Consumption Chart



- Highest 24 hr
- Summer
- Watch For?
- Average
- Put Meter on Pad Supply Line?

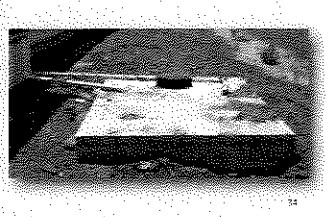
Storage Capacity



- 56 x 600 house
- Birds ≈ 3,300 gal
- Pads ≈ 3,500 gal
- Store for Birds
- One Rule of Thumb = 100 gal/1,000 birds
- 32,000 / 1,000 = 32 x 100 = 3,200 gallons
- Limiting Factors

Water Storage Tanks

- GET THROUGH HOT DAYS
- PUMP AT NIGHT
- HOW MUCH?
- CUSTOM

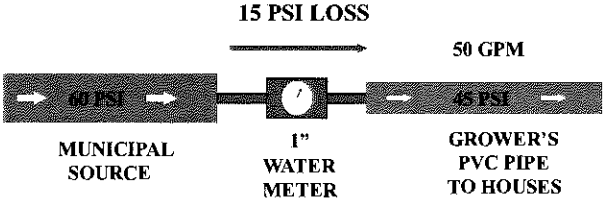


34

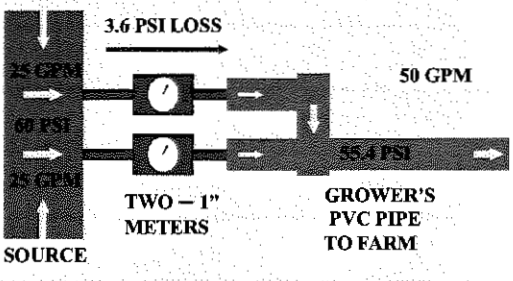
AVG GPM
2.22
2.13
2.15
2.2
2.47
2.83
3.18
3.72
4.25
0.53

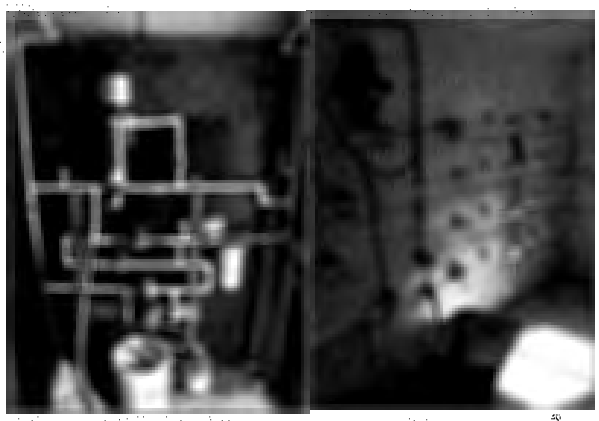
35

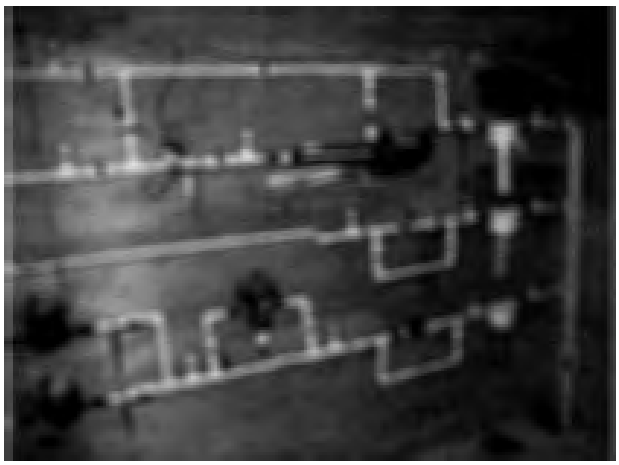
PSI LOSS ACROSS 1" WATER METER

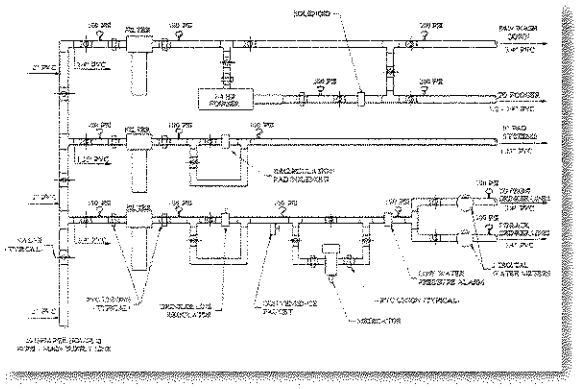


PSI LOSS ACROSS TWO PARALLEL 1" WATER METERS





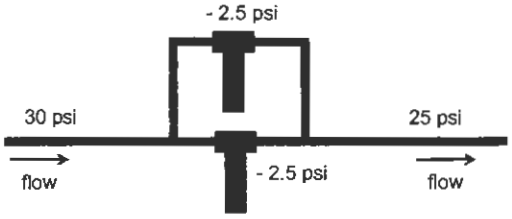




Water Filters

Water Filters

Water Filters



Most Common Problems

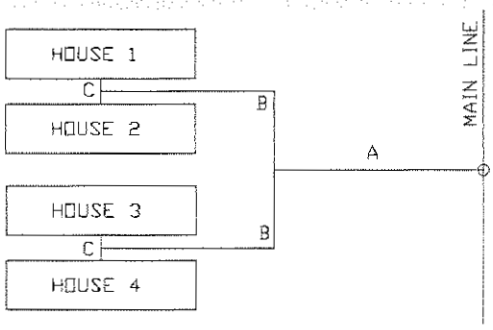
- Poor Planning
- Undersized Meters
- Undersized Main Line
- Distance Between Farm and Main
- Elevation Change
- No Municipal Supply
- Insufficient Well Capacity
- Drinker System Neglect
- Not Checking for Water Avail. Before Building
- Too Many Houses
- Adding Houses
- Retrofitting Beyond Water Capacity
- Ponds = Quality = Filters
- No Testing Program
- No Backup Program

Water Supply Testing

- Digital Meters
- Bucket Test
- 5 gal in 10 sec = 30 gpm
- 5 gal in 15 sec = 20 gpm
- 5 gal in 30 sec = 10 gpm
- Houses Off
- Houses On

Pressure Testing

Example: Water Supply Test



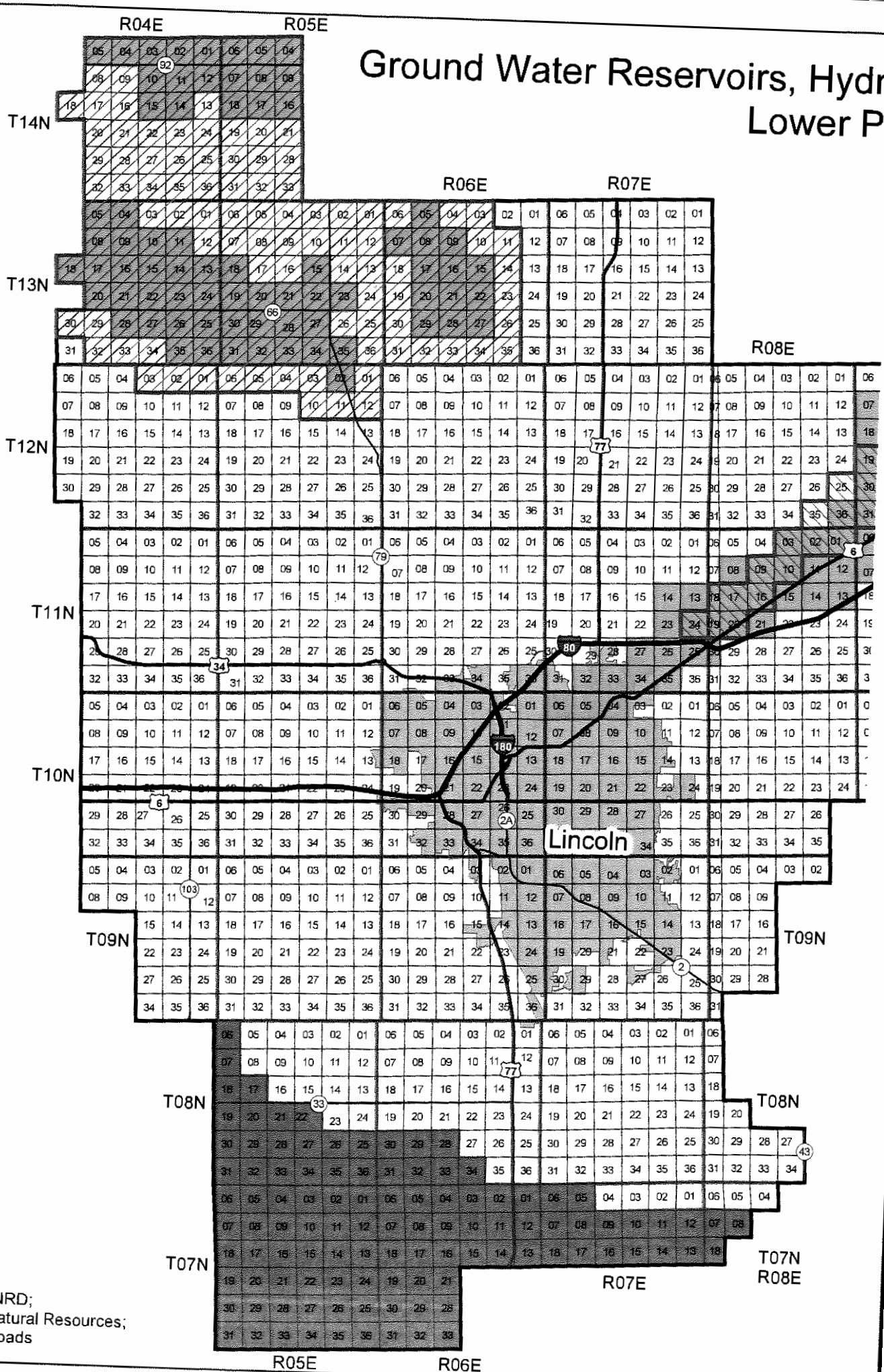
Summary

- Water is Just as Important as Electricity
- Example
- Retrofitting to Increase Windspeed = Fans + Pad + Water
- Water Costs Are Increasing ≈ $7.68/1,000gal
- Every Farm is Different
- Remember the 7 P's – & Test It

Thank You

Questions & Comments?

jesscamp@aces.edu or 334-844-3546
www.poultryhouse.com


Ground Water Reservoirs, Hydr
Lower P
R04E
R05E
R06E
R07E
R08E
T14N
T13N
T12N
T11N
T10N
T09N
T08N
T07N
Lincoln
92
66
77
79
80
180
34
6
2A
2
103
33
43
Sources:
Lower Platte South NRD;
Nebraska Dept. of Natural Resources;
Nebraska Dept. of Roads

General Aquifer Test Procedures

These guidelines accompany the Lower Platte South NRD's Ground Water Rules and Regulations (Revised Effective Date: 1/1/2017) Section C: Water Well Permits. Typically, they will apply to Class 2 and 4 Permits but may apply to Class 1 Permits if required by the District, and Class 3 Permits if the proposed well is within 600 feet of a well with higher preference of use.

For the purposes of LPSNRD's Ground Water Rules and Regulations, an aquifer test may be required to estimate aquifer parameters in order to determine the effect of a permitted well on preexisting wells in the vicinity, and to demonstrate that an adequate ground water supply is present for the well to be permitted. Aquifer parameters such as transmissivity, hydraulic conductivity, storativity/specific yield, etc. can generally be adequately estimated using a single well drawdown/recovery test (i.e. using drawdown and recovery observations in the production well) by constant-rate pumping, slug testing, or step-drawdown tests; numerous software programs are available for these estimates. If further refinements of these parameters are necessary, installation of one or more dedicated observation well(s) or utilization of appropriate nearby existing wells can be considered.

General

A licensed geologist or professional engineer must oversee the aquifer test and stamp the aquifer test report. When selecting a professional, confirm that he or she has previous experience designing, performing and analyzing aquifer tests.

If an additional observation well is used, it should be close enough to the pumping well so that drawdown is observed in the observation well, but not directly next to the pumping well. A recommended range of distances is 50 to 100 feet away from the pumping well.

If the desired pumping rate produces significant dewatering in the pumping well (i.e. if the pumping water level is within the screened interval), a variable rate pump should be installed in the pumping well and a step test performed. A step test involves pumping at various rates starting at a relatively low rate and systematically increasing the pumping rate. At least three steps are recommended, each lasting for at least one hour. Step test data can then be used to determine the design pumping capacity for the permanent pump. Similarly, if the professional overseeing the aquifer test has experience in slug-testing, that method can be used if appropriate.

Hydraulic parameter information that should be reported:

- ☐ Geologic log and well construction information for the well
- ☐ Measurement of static water level in the well prior to pumping
- ☐ Saturated thickness of the aquifer at the well
- ☐ Pumping rate(s) during the constant rate aquifer test and depth to pump intake
- ☐ All water level data from the well during the pumping and recovery portion of the test.
- ☐ Graphical presentation of the data as appropriate
- ☐ Transmissivity, hydraulic conductivity, and storativity or specific yield calculations for the producing aquifer
- ☐ Assessment of aquifer classification: unconfined, semi-confined, or confined
- ☐ Assessment of aquifer boundaries such as surface water bodies or no-flow boundaries
- ☐ Radius of influence calculation at t = 24 hours
- ☐ Table listing:
    - the registration number and location of all registered wells within the radius of influence of the proposed new well
    - the estimated drawdown at those wells due to pumping the proposed new well

- the depth to the pump intake in the existing registered wells
- Keep in mind existing LPSNRD requirement that no well requiring a LPSNRD permit can be located within 600' of a preexisting well of higher preference of use except for well(s) owned by the same owner or properly permitted replacement wells.

☐ Summary of existing ground water uses in the area

☐ For Class 2 and Class 4 Permits: A discussion of the potential 20 year impact to the aquifer if the well is installed. The discussion should include:

- Calculation of the volume of water pumped:
  - Pumping capacity X time pumped per year X 20 years
- Future plans to increase the volume pumped or amount of time the well is pumped
- Likelihood that the water level in the aquifer will return to static between pumping intervals
- Projected drawdown at the pumping well and area of influence after 20 years of operation. Provide a list of assumptions used to make the projection.

Procedure Checklist-Traditional Drawdown/Recovery Test

- Document static water level in the pumping well and observation well (if used). This can most easily be done by installing a transducer and setting it to take readings on 1-hour (or less) intervals for at least 24 hours prior to the aquifer test. If this is not done, take multiple manual water levels during the period at least 24 hours prior to the aquifer test.
- Install a pump in the pumping well. The pump should be set to pump at 100% of the design rate and induce drawdown in the observation well (if used) but should not dewater the pumping well.
- Install a backflow valve on the pumping well (important for the recovery portion of the test).
- Lay out discharge piping to the discharge point. The discharge point should not be between the pumping well and the observation well or the pumping well and a known groundwater flow boundary.
- Install a totalizing flow meter that reads in gallons/minute on the discharge pipe 10 pipe diameters from the well head. A data logging flow meter is ideal, but not essential.
- Installing a valve ½ to ¾ open in the discharge line to minimize flow variations produced by the pump is suggested, but not essential.
- As noted above, water levels, drawdown and recovery in the pumping well and observation well (if used) should be documented by installation of a transducer. Ideally, the transducer will collect data on a logarithmic time scale. If it does, a recommended collection interval for the end of the test is 1 hour. The transducer will automatically collect data on faster increments at the start of the test. If the transducer does not have logarithmic capabilities, set the collection increment to a short enough time increment to document the early time drawdown data. A suggested interval is 30 seconds.

Drawdown Test

- At the beginning of the aquifer test, ensure that the pump and the transducer start at the same time. The pump should be set to pump at 100% of the design rate. Try to maintain the pumping rate to within 10% variation so that the water level changes recorded are a function of aquifer properties and not changing pumping rates. If the pumping rate varies by more than 10%, carefully document the rates and use the recharge data to calculate aquifer properties.
- Provide documentation of constant pumping rate. Most commonly, this should be done by periodically recording the discharge rate and total volume at the flow meter.
- Allow the test to continue for 24 hours, periodically ensuring that the pump and transducer(s) are functioning correctly.

Recovery Test/Water Quality Sampling

- After ~23 hours, download the transducer data to see if the depth to water has stabilized. If the depth to water has stabilized and the transducer can collect data on logarithmic scale, reset the transducer to start a

new file at the top of the next hour. If the transducer is collecting data on a frequent (~30 second) interval linearly, allow the transducer to keep recording.

- Just before the 24 hour mark, collect water quality samples for analysis of sodium, chloride and total dissolved solids.
- If the drawdown has not stabilized, keep pumping until stabilization has occurred.
- When stabilization has occurred (hopefully at 24 hours), shut off the pump at the top of an hour. Leave the pump in the well until after the recharge period is complete.
- Collect early time recovery data from the observation and pumping wells at the same time increments as in the early time pumping data. Recovery data can often times be better quality than pumping data because the recharge data is not subject to changes in the pumping rate (the system naturally recharges at the average rate that pumping occurred). Transducer data should again be verified with manual water level tape measurements.
- Collect recovery water level measurements until the water level in the observation well has recovered to 95% of the static water level (at least). This task will likely require another 24 hours

Copy for Planning

PLANNING EXHIBIT #7 10/2/19 PC HEARING SP19035 JORY HEISS

Good afternoon My name is Jory Heiss. I live at 23800 nw 27th which is 650 feet west of this proposal. I'm here because im a father and husband who's #1 job is to protect my family. My wife and I with our 2 daughters moved to our 34 acre property around 7 years ago. We raise a few farm animals and hay out almost all of our land to local farms in the community. Its the Nebraska country dream, few crops and small farm homes located a short distance from an amazing school we are very proud of. I challenge you all after this is over to just take the 15 min drive out here to truly see the beauty in this area, and see for yourself, this is not the right place for a Facility of this nature. Just make sure you have 4 wheel drive.

So many uncertainties and questions surround this topic and is spreading like wildfire all over the nation. News publications from all over the country have reached out to us. This is not something that will go away after you decide to approve it under no regulations. It could possibly haunt you forever once the first person gets sick or families leave this community in debt. The piles and piles of documents here are study after study of issues concerning Health and well being near CAFOs, as well as property values, not to mention, documentation of studies about the unknown hazards not yet tested.

Which leads me to ask the question, why do we have to hurry on this? Everyone here, including the groups in support, can't tell for certainty, now, and in 20 years and beyond, this CAFO will not have a negative impact on the school and community. The financial benefits at this site are small compared to the heavy risk! So many forms of Farming can be done to help the community and even the environment. This is certainly not one of them. Depleted Land values, poor air quality, water contamination, water depletion, and large semi truck traffic around a school community are not a recipe for good things to come. To all of the parents in this room, how many of you are willing to risk your Childs health and safety because this CAFO needs built quick before much needed regulations can be put in place?

You all need to do what is right here as a committee and stand up for health and safety as its so commonly preached. Not saying we need to stop CAFO's. Im not saying they are for sure going to cause someone to get sick or hurt. Im saying there are many places more suitable for them at the moment where proper regulations have been completed pertaining solely to these operations. The argument that Large CAFO's are just a farm like any other and do not require stronger regulations is ridiculous. You don't need to be around farming all your life to figure that out. If these are our future, Lets be smart. Deny this now and allow the task forces recommonded requirements be presented to our commisioners. Allowing this to go through and no others is a complete kick in the face to us and them. Its just the moral and right thing to do to protect farmers and neighbors.

While growing up farming then becoming a business owner, I practice a very

important message as you probably believe in as well being in planning. "There might be a solution to every problem, but its better and cheaper to prevent the problem than focus on the solutions". Lets let Costco who is brand new to the game, prove this technology first. Once its all 100 percent proven, then we can look at placing them closer to homes and schools as the regulations allow. We should not have to sit here and become another study. In fact the unl odor footprint tool is not 100 percent proven. Its a guide tool based on a study. Thats why you will hear LPP say its the best thing we got. PLACING UNCERTAINTIES NEXT TO SCHOOLS SHOULD HAVE ZERO RISK!!! PERIOD!!! END OF STORY! Thank you.

PLANNING EXHIBIT #8 10/2/19 PC HEARING SP19035 CAROL SHERMAN

I am Carol J Sherman living at 6305 Agnew Rd. I speak today for my husband Gary and myself.

To: Each Member of the **Lincoln/Lancaster County Planning Commission**

We **OPPOSE** SP19035 Sunset Poultry, LLC "Chicken Farm" Proposed on NW 27th Street & Ashland road. Please have our letter and 2 attachments as part of the public record for the hearing.

We live on a farm, are farmers & care deeply about agriculture, but also care about not causing harm to our neighbors. We understand a family's desire to diversify their farming activities, but this proposal does not fit in this community at this location.

This proposed "Chicken Farm on NW 27th & Ashland Road causes us concern for many reasons:

1. **Limited Water Supply in the area** could easily be depleted by the over 1.1 Million Gallons consumed by the chickens in 7 weeks & repeated 6 times a year. This does NOT include water used for any other purpose. What effect will this very large use of water have on the wells of all the neighbors, Raymond Central School, as well as the "Chicken Farm" in an area WHERE WATER IS LIMITED and ALREADY HARD TO FIND? When the wells go dry, who will pay the $10,000 to $20,000 or more to drill each new well for everyone, that is if water can even be found?
   See Attached Sheet showing "Typical daily water consumption for broilers..."
2. **Health Concerns** There is the potential for air contamination with particular matter, bacteria & viruses which could be very harmful to neighbors, Jr-Sr High Students, Pre-School Students, and Teachers, as well as others who already have breathing problems.
3. **Potential Contamination of Ground Water** is a big possibility because of the lay of the land. It also concerns us that Josh said he, his wife & brother-in-law would be the only employees. When I asked, "Have you ever worked in this type of chicken operation before?" He said "NO". He then added, but he had helped his grandpa with 300-400 chickens each summer when he was younger. **Helping with 300-400 chickens in the summer is VERY DIFFERENT from raising 380,000 chickens in closed barns year round! The potential is great for spills that can affect others for miles around by contaminating their Water Supply and harming the Air Quality!**
4. **NW 27th is very narrow**, making it difficult to meet other vehicles. There will be a great increase in the need for road maintenance because of the added truck traffic. The intersection of NW 27th and Agnew Road is **VERY DANGEROUS** with limited visibility of vehicles coming from the other road. This seems like accidents waiting to happen.
5. **Increased Truck Traffic** by Raymond Central School either on Agnew Road or by the Ceresco School. Each 9 week period, there is an minimum of 34 times per week a truck would go by a Raymond Central School.

   See top of Attached Sheet showing "Truck Trips for each Flock on Chicken Farm".
6. **Amount of Chicken Manure** The applicant told us there would be 1800 ton/barn (1800x8=14,400 Ton) annually. The land owner said 1200 ton/barn (1200x8=9,600 Ton) annually. Taking the average, depending on the load size, the number of times a truck will pass by a Raymond Central School is from 800 to 960 times in a very few days, just for Manure Removal. **This certainly changes the picture of the amount of truck traffic involved! See bottom of attached sheet.**
7. **Sign stating "Planning Action In Progress"**. It took us an hour to finally find it in weeds located off a dirt road that virtually no one travels on (except maybe the land owner).

This chicken farm does NOT belong in the area it is proposed for. It is NOT in the best interest of the Raymond Central Community. In fact, it could cause irreparable harm! Please vote to OPPOSE it.

Thank you for your time.

Gary E Sherman and Carol J Sherman

Typical daily water consumption for broilers at 20°C (68°F) (liters per 1000 mixed sex birds)

Source: Poultry CRC http://www.poultryhub.org/nutrition/nutrient-requirements/water-consumption-rates-for-chickens/

		Age (weeks)						
	Number of Chickens	1	2	3	4	5	6	7
Water Intake (liters)	1,000	65	120	180	245	290	330	355
cc/1000 Chickens	1,000	65,000	120,000	180,000	245,000	290,000	330,000	355,000
oz/1000 Chickens	1,000	2,167	4,000	6,000	8,167	9,667	11,000	11,833
Gal/1000 Chickens	1,000	17	31	47	64	76	86	92
Gal/All Chickens/Day	380,000	6,432	11,875	17,813	24,245	28,698	32,656	35,130
Gal needed per hour	380,000	268	495	742	1,010	1,196	1,361	1,464
Gallons needed per Minute (Day & Night)*	380,000	4.47	8.25	12.37	16.84	19.93	22.68	24.40

7 Week Average
22,407 Gal/Day
933.6 Gal/Hr
15.56 Gal/Min

* This table shows how many gallons are needed for chickens at different ages in weeks. It would require that number of gallons of water every minute of every day during that week. It does not include water used for any other purpose.

7 Week Total Gallons Consumed by 380,000 broilers is 1,097,942.7

1. Neighbors wells only produce 7-30 gallons per minute and are NOT being pumped every minute day and night
2. What effect will the proposed "Chicken Farm" wells being pumped every minute of every 24 hr day have on the wells of all the neighbors and Raymond Central School in an area that already has LIMITED WATER SUPPLY and WHERE WATER IS ALREADY HARD TO FIND?
3. Will Sunset Poultry pay to drill new wells for the neighbors & Raymond Central Schools when their wells go dry?
4. The above figures would be repeated with each new flock 6 times a year.

This amount of water consumed, repeated 6 times a year would be 6,587,652 Gallons

This does NOT include water used for other purposes

Truck Trips To and From Chicken Farm

Week	Loads of	Number of Loads Per Flock	Total Loads 6 Flocks
2 Weeks Before	Bedding	20	120
1 Week Before	Propane (if need)	2	12
	Feed	4	24
Week 1 Chicks Come	Chickens arrive	4	24
Week after Chickens Come	Feed	4	24
2nd Week	Feed	8	48
	Propane (if needed)	2	12
3rd Week	Feed	8	48
4th Week	Feed	12	72
5th Week	Feed	14	84
6th Week	Feed	14	84
7th Week	Birds to Processing	62	372
	Total Round Trips is	154	924
The least number of times a truck goes past a Raymond Central School		**308**	**1848**
Avg times/week a truck goes past a school		**34**	**34**

Removal of Chicken Manure Annually

Tons Per Barn*	Tons Per 8 Barns	Truck Loads if 25 Ton Each	Truck Loads if 30 Ton Each
1200 Tons (per land owner)	9,600 Tons	384 Loads	320 Loads
1800 Tons (per applicant)	14,400 Tons	576 Loads	480 Loads
1500 Tons (Average)	**12,000 Tons**	**480 Loads**	**400 Loads**

***The land owner said 1200 Ton/Barn & the applicant said 1800 Ton/Barn.**

Taking the average, depending on the load size, the number of times a truck will pass by a Raymond Central School is 800 to 960 times in a very few days just for Manure removal.

Manure Removal Truck Travel is NOT Shown in the Top Table!

Good afternoon everyone, thanks for allowing me to speak, my name is Lori Heiss and I live at 23800 NW 27th Street with my husband Jory and our daughters Halle and Adelyn. We are here in support of farming and agriculture, as both of us were raised on farms and ranches, but are firmly opposed to the planned location of Sunset Poultry. This proposal is wrong for so many reasons:

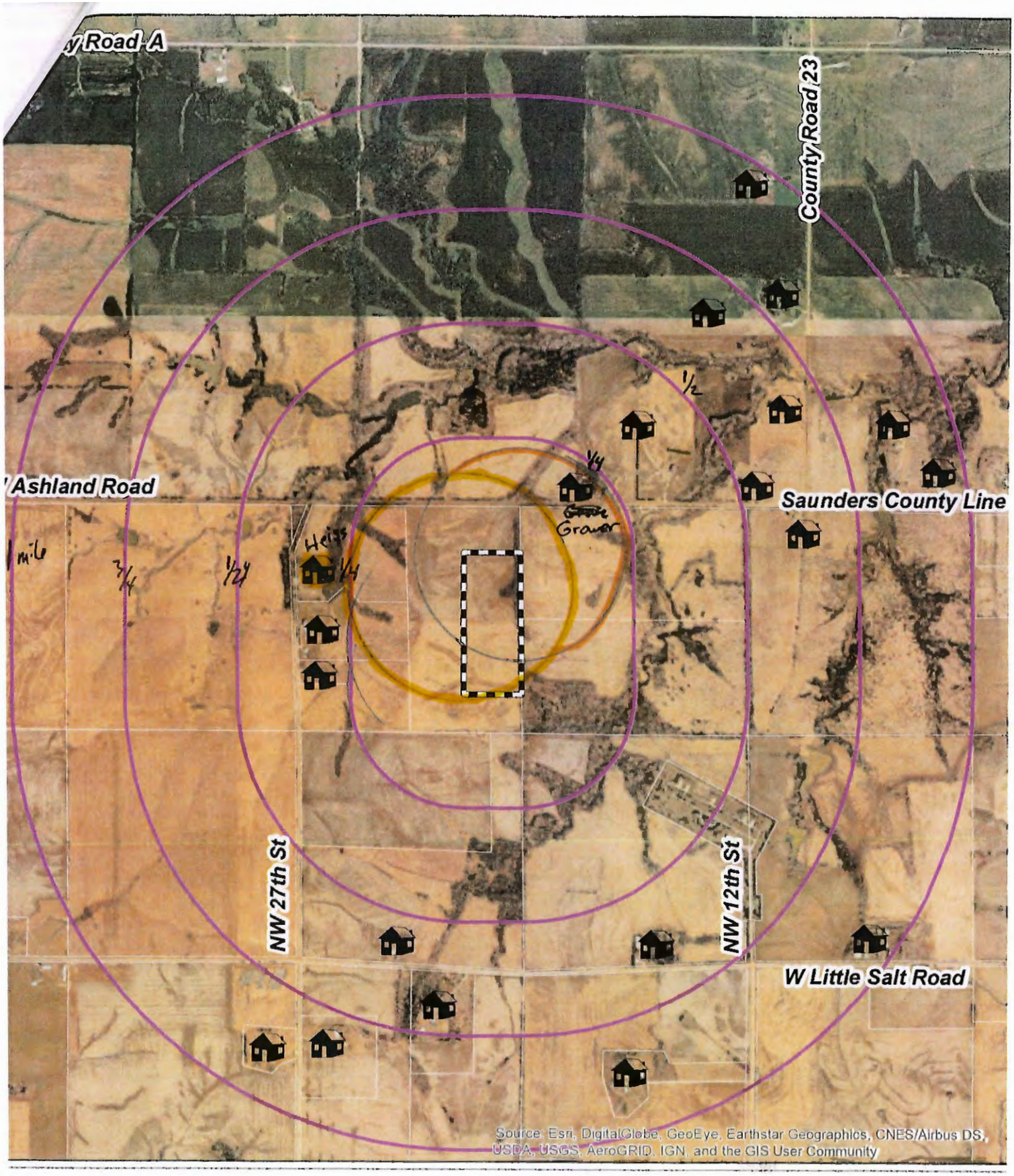
1. LOCATION
2. INFRASTRUCTURE
3. High OPPOSITION
4. MANAGEMENT
5. WATER QUANTITY
6. FIRE AND SAFETY

Obviously my time is limited, but we would like expand further on some of these points.

1. Setbacks
    1. As shown in your packet on page 1, our home along with 2 others are just feet from the 1/4 mile recommended set back. We want to show what surrounding counties have already put in place for CAFO setbacks. If these 8 barns were placed in Cass county, the distance to homes would be a 1/2 mile, Gage county would be 3/4 mile, Hall county would be 1 mile, Otoe county 1 to 1/1/2 mile, and Seward Approximately 2/3 of a mile. The task force, which had over ONE year to make CAFO regulations voted for 1/2 mile to dwellings and 1.5 to a school. Why not simply wait just a bit longer until the County Board of commissioners can review the TaskForce recommendations THEY asked for? What will it hurt? If LPP is here to help farmers and the farmers want to be good stewards of the land, they should understand it's the right thing to do in Lancaster County. This would help prevent conflict and lawsuits. Especially in the unique challenge surrounding a school. We believe in right to farm, but it should never be used above a schools right to protect their students.
    2. The close proximity of the School and the danger of the roads are obviously a major issue as you already know. NW 27th is a very hilly and narrow road and even under the best conditions is not suitable for high amounts of heavy truck traffic. There have been several instances in our 7 years at Raymond Central that the school bus cannot make it down NW 27th. Also, If you look at the estimates provided by the applicant and base them on passes, it would add up to 1824 per year not including manure hauling or construction traffic, "not a minor increase." As you can see in the pictures, there are 3 steep hills and 2 dangerous intersections along

this route. This being right beside a school becomes an unavoidable safety hazard.

2. Next we are extremely concerned about the management of the operation, since we live so close to it. This so far has been handled very poorly and disrespectfully. It was mentioned in the staff report that the applicant spoke to some nearby neighbors. This is simply untrue. We have talked to all the neighbors and not one has ever met the applicant, including us. We have also asked LPP to set up a meeting to speak to the applicant, we emailed the applicant with no response, asked to visit a barn or an open house to receive more education... None of these requests were made possible. Why not work with the Neighbors and school instead of against them? The strategies for community involvement taken from the 2040 comprehensive plan reads as this: "Encourage Developers and others planning proposals to make early contact with neighborhood groups and other invested parties. This will allow for a greater understanding of the issues and for time to seek resolution of contentious items. This should give you some idea on how this site will be managed. I can assure you, Issues will come up here and dealing with it will not be pleasant. Even with LPP's so called "plan to be there" , I still feel on edge about how and if problems will ever get handled properly.
3. We have been told by nearby residents to the barns west of Valparaiso the odor travels at least a 1/2 mile and that it has been noted every.single.day. since operation began just a short time ago. We have even "smelled" for ourselves when driving by the odors from these NEW barns that are not even at capacity. If the odor can be noted at a 1/2 mile there, what can we expect it to be like with twice as many barns and living twice as close? As stated in the Staff Report "this application is in conformance with the goals of the 2040 Plan and should not have a negative impact on the surrounding area." As residents of Lancaster County and supporters of farming, I strongly disagree with that statement as I believe, these massive barns, which equal the size of 16 FB fields and over 3000 head of cattle, WILL significantly impact our community in terms of public health, quality of life, traffic safety and water consumption. Lastly, Raymond Central Central is a very unique, small community with hopes of expanding and growing. I feel their ability to grow will be significantly hampered if this CAFO is allowed so close to our school. What parents are going to want to send their kids to a school that is negatively impacted by these massive barns and concerns of their children's safety and general welfare? YOU can do something NOW to avoid the numerous conflicts that await and find a place that will be better suited for an operation of this size. Thank you for your time.



Dwellings within 1 Mile

4 Mile Buffer = 1 (Applicant's House)
4 to 1/2 Mile Buffer = 4 Du's
2 to 3/4 Mile Buffer = 7 Du's
4 to 1 Mile Buffer = 8 Du's
tal Du's = 20

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LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Geographic Information Systems

0 0.25 0.5 Miles

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Cass County:
To residence

251 to 500 au	1,320' (1/4 mile)
501 to 1,000 au	1,980' (3/8 mile)
1,001 to 5,000 au	2,640' (1/2 mile)
5,000+ au	3,920' (3/4 mile is 3,960')

The distance requirement may be waived or decreased if all property owners within the distance specified sign a waiver.

Gage County
To residence, church, cemetery, school, or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator.

300 to 500 au	1,320' (1/4 mile)
501 to 1,000 au	1,980' (3/8 mile)
1,001 to 2,500 au	2,640' (1/2 mile)
2,501 to 5,000 au	3,960' (3/4 mile)
5,001 to 10,000	5,280' (1 mile)
10,001+ au	7,920' (1.5 miles)

Hall County
To residence, public park, recreation area, church, cemetery, school, historical site and residential district.

301-1000 au	1,320' (1/4 mile) ECH and Open
1001-5000 au	5,280' (1 mile) ECH or 2,640" open
5001-20000 au	5,280' (1 mile) ECH or 2,640' open
20,000+ au	7,920' (1.5 miles) ECH or 3,960 open

ECH is Environmentally Controlled Housing
Open is Open Lot Operations

Otoe County
To residence, platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site and residential district.

301 to 1,000	North-South	East-West
301 to 1,000	½ mile ECH & Open	¼ mile ECH & Open
1001 to 2500	1 mile ECH & Open	¾ mile ECH & ½ mile Open
2501 to 5,000	1 1/2 mile ECH	1 mile ECH
	1 ¼ mile Open	¾ mile Open
5,001 to 10,000	1 ¾ mile ECH	1 ¼ mile ECH
	1 ½ mile Open	1 ¼ mile Open
10,001 to 20,000	2 ½ mile ECH	1 ½ mile ECH
	3 miles open	1 ½ mile Open

Seward County
To a residence, platted residential area, public park, recreational area, church, cemetery, religious area, Interstate 80, school, historical site and residential district.

0 to 300 au	1,320' (1/4 mile)
301-999 au	2,640' (1/2 mile)
1,000 to 4,999au	3,300' (2/3 mile approx.)
5,000 to 9,999 au	3,960' (3/4 mile)

3

4

LITTLE SALT
STOP

6

7

ASPEN
NW 27TH ST

A. Odor
   1. Source
   2. Source

B. Loss of the enjoyment of our property
   1. Source
   2. Source

IV. TRAFFIC SAFETY

Planning Commission Staff Report page 1: "*The increase in traffic is **relatively minor**...*"

Staff Report, page four: "*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.*"

A. **Actual truck traffic calculations,** based on estimates provided by applicant:

Two weeks before:	40 passes bedding
Week 0:	4 passes propane + 8 passes feed
Week 1:	8 passes feed + 8 passes chicks
Week 2:	16 passes feed
Week 3:	16 passes feed
Week 4:	24 passes feed
Week 5:	28 passes feed
Week 6:	*28 passes feed*
Week 7:	124 passes birds

This cycle consists of up to 304 semi-truck passes (including propane); times six flocks, that's up to 1824 passes per year. This does not include trucks required to haul litter, or any traffic required during construction of the facility.

B. **Road damage & upkeep**

V. WATER

VI. LOCAL ECONOMY

Conclusion

(Previous notes)

From Lincoln/Lancaster County 2040 Comprehensive Plan

Strategies for Community Involvement

- Encourage developers and others with planning proposals to make early contact with neighborhood groups and other interested parties. This will allow for a greater understanding of the issues and for time to seek resolution of contentious items.
- Maintain current mailing and contact lists of local neighborhood groups and home owner associations.
- Notify surrounding property owners, interested groups, and other appropriate agencies of formal development applications.
- Offer free Internet access on an on-going basis at public libraries, senior centers, and publicly owned locations of common assembly.

- Conduct periodic workshops and charettes throughout various locations in the city and county to solicit ideas for planning and public policy.
- Examine ways of simplifying the development regulations to encourage a broader understanding of planning concepts and their relevance to neighborhoods' and businesses' continuity and viability.
- Utilize technology to find ways to improve public engagement.

Land Use Administration

The planning process has long had at its disposal a number of administrative and regulatory tools for implementing comprehensive plans. Many of these reach back eighty to one hundred years. Some of the land use administration approaches to be used in plan implementation include:

- Zoning. Zoning is a legal means cities and counties use for deciding how land can be used, the intensity of those land uses, and the relationships between various land uses. Nebraska State law, as with most states, requires zoning to be developed in accordance with the community's adopted Comprehensive Plan. This is one of the primary reasons cities and counties have Comprehensive Plans. As a legal document, zoning is reflected both as a map showing the geographic boundaries of each district and a written ordinance detailing the uses and conditions of each district. For the City of Lincoln, the zoning ordinance is presented in *Title 27* of the Lincoln Municipal Code; while the County's zoning standards are contained in the *County Zoning Regulations*.
- Subdivision. A subdivision is the process of dividing land into lots and/or streets. While a variety of standards apply to where, when, and how the subdivision of land can happen, having an approved subdivision plat is a basic step in the development process. The City's subdivision code is found in *Title 26* of the Lincoln Municipal Code. For the County, these regulations can be found in the *County Subdivision Regulations*.
- Design Standards. Special site design or other conditions not otherwise covered in the zoning ordinance or subdivision standards are contained in a series of *design standards*. These standards spell out unique characteristics that may apply to a type of development proposal. These include, for example, design considerations for childcare centers, trails, new construction in older, established neighborhoods and the downtown/Antelope Valley area.

Financial Resources

The provision of services is one of the primary responsibilities of City and County government. Financing these services without creating an undo financial burden for the taxpayer is, and

melissa Baker

JOHNS HOPKINS
CENTER *for* A LIVABLE FUTURE

The Johns Hopkins Center for a Livable Future
Bloomberg School of Public Health
615 North Wolfe Street, W7010
Baltimore, MD 21205

September 19, 2016

Mayor Getzschman and Fremont City Council
400 E. Military Ave.
Fremont, NE 68025

Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

RE: Costco Wholesale and Lincoln Premium Poultry Processing Plant and Broiler Production

Dear Mayor Getzschman and members of the Fremont City Council,

We are researchers at The Johns Hopkins Center for a Livable Future, based at the Bloomberg School of Public Health in the Department of Environmental Health and Engineering. The Center engages in research, policy analysis, education, and other activities guided by an ecologic perspective that diet, food production, the environment, and public health are interwoven elements of a complex system. We recognize the prominent role that food animal production plays regarding a wide range of public health issues surrounding that system.

We have been contacted by citizens of Dodge County who are concerned about Lincoln Premium Poultry and Costco Wholesale's proposed poultry processing plant south of Fremont. Citizens have also voiced concern about plans for approximately 400 new broiler* houses in the area, which would house a combined 17 million broilers (approximately 19 times larger than Nebraska's 2012 broiler inventory).† In response to local citizens' concerns, below we present a summary of the peer-reviewed scientific literature on the human health and environmental concerns associated with poultry processing facilities and industrial broiler production. Detailed

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* Chicken raised for meat

† U.S. Department of Agriculture. Nebraska State Profile, 2012 Census of Agriculture. National Agricultural Statistical Service Website. https://www.agcensus.usda.gov/Publications/2012/Online_Resources/County_Profiles/Nebraska/cp99031.pdf. Published 2012. Accessed July 18, 2016.

information regarding these concerns can be found in Appendices I and II. We have also reviewed information provided by the Greater Fremont Development Council regarding plans Lincoln Premium Poultry and Costco Wholesale have to address some community concerns, such as worker safety, water use, wastewater treatment, poultry transport, traffic, waste management and spread of disease.[‡] It is possible that these planned activities and practices could reduce risks to workers and community members, but many of the proposed plans lack regulatory requirements and enforcement mechanisms. Therefore, we are considering all relevant literature related to poultry processing plants and production operations to fully describe potential risks.

Based on evidence from numerous scientific studies of industrial poultry operations and processing facilities, the operations proposed by Costco Wholesale and Lincoln Premium Poultry may present a range of health risks to members of the surrounding communities. We recommend that these risks are taken into account as decisions are made about i) the future of this project and ii) requirements for active monitoring and plans for responding if human health risks or environmental degradation are identified.

Summary

There are serious human health and environmental concerns associated with large poultry processing plants, including occupational risks, exposure to air pollution and pathogens, and the environmental impacts of excessive water use and wastewater discharge (for a more in-depth review of these concerns and references, please refer to Appendix I on pages 5-6). The poultry processing industry has some of the highest injury rates among U.S. industries, and processing plant workers are at risk of exposure to pathogens, including those that are drug resistant, which can be spread to family members and the surrounding community. The anticipated increase in vehicular traffic to and from the processing plant may increase traffic-related air pollution, increasing the risk of developing or exacerbating respiratory and other conditions. Johns Hopkins researchers have also found that poultry trucks driving to processing plants can spread harmful bacteria, including drug-resistant bacteria, into the environment, exposing other drivers, pedestrians, and rural communities to these bacteria. Lastly, poultry processing plants require a substantial amount of water and discharge potentially hazardous wastewater. The extensive water needs of processing plants may affect the availability of water that neighboring communities need for drinking and household use, and wastewater high in nutrients, suspended solids, fecal coliforms and possibly pathogenic bacteria could threaten water quality if discharged into waterways.

[‡] Greater Fremont Development Council. Project Rawhide FAQ. http://www.fremontecodev.org/media/userfiles/subsite_34/files/RAWHIDE/Project%20Rawhide%20FAQ%204%2022%2016.pdf. Published April 22, 2016. Accessed August 5, 2016.

Industrial broiler production is also associated with a range of human health and environmental risks (a more in-depth review of these risks, including references, is provided in Appendix II on pages 7-10). The dense confinement used in industrial broiler operations present opportunities for disease transmission among animals, and between animals and humans. Nearby residents, especially if they live in proximity to multiple operations, may have an increased risk of infection from the transmission of harmful microorganisms from broiler operations via flies or contaminated air and water. Community members living near broiler operations also face increased exposure to air pollution from broiler operations, which can exacerbate respiratory conditions including asthma, bronchitis, and allergic reactions. Manure from broiler operations can also contaminate ground and surface waters with nitrates, drug residues, and other hazards. Increased exposure to these agents is associated with adverse health effects, including cancer, birth defects, thyroid problems, methemoglobinemia, neurological impairments, and liver damage.

Recommendations

We recognize that the Greater Fremont Development Council, Costco Wholesale, and Lincoln Premium Poultry have identified some steps to reduce risks to poultry workers and the community. Many of these plans fall outside of the current regulatory structure that applies to poultry production and processing facilities, so monitoring and enforcement is unlikely to occur without strict requirements developed by the City Council and other government agencies. To address existing regulatory gaps, we recommend developing a plan for robust, transparent environmental monitoring that includes baseline and periodic testing of air and water quality around production sites and the processing plant facilities. The plan should also clearly state what actions would be required of Costco Wholesale and/or Lincoln Premium Poultry if environmental contamination and increased human health risks were found.

Conclusion

We appreciate your consideration of environmental and human health risks associated with industrial poultry production and processing. We are available to answer any questions about the information we have presented. Through our research, we know that local government agencies

often face barriers related to regulating industrial food animal production due to narrow regulations and limited resources,[§] and we are prepared to serve as a resource to your office.

Sincerely,

Jillian P. Fry, PhD, MPH
Assistant Scientist, Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health
Project Director, Food Production and Public Health
Johns Hopkins Center for a Livable Future
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Research Assistant, Food Systems Policy
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[§] Fry JP, Laestadius LI, Grechis C, Nachman KE, Neff RA. Investigating the role of state and local health departments in addressing public health concerns related to industrial food animal production sites. *PloS one*. 2013;8(1):e54720.
Fry JP, Laestadius LI, Grechis C, Nachman KE, Neff RA. Investigating the role of state permitting and agriculture agencies in addressing public health concerns related to industrial food animal production. *PloS one*. 2014;9(2):e89870.

Nebraska Communities United

www.ncunited.org

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BURT, BUTLER, COLFAX, CUMING, DODGE, MADISON, SAUNDERS, STANTON, POLK, PLATTE, AND WASHINGTON COUNTIES

Our Position

Nebraska Communities United was formed by a group of Nebraskans in 2015 when Costco and Lincoln Premium Poultry was about to steam roll eastern Nebraska by using an extreme vertically integrated model of raising animals. This type of industrial model has left a trail of destruction across this nation degrading the water, the land, and the air. Destruction for everyone but the corporations that foster this type of degenerative farming.

What we are witnessing now is the newest level of community destruction which allows out-of-state corporations to own numerous growing barns (chicken or hogs) under different LLC's allowing the owner to be free of damaging lawsuits that could have been brought on by impacted families living nearby to sue for damages. At the very heart of this is Big AG and our state senators who have joined forces to work against Nebraska citizens by removing our right to sue big AG for damages when our quality of life is irreparably harmed. We, as Nebraskans and US citizens, should not tolerate this effrontery to our constitution.

Costco and Lincoln Premium say this is about family farming; about bringing the next generation back to the family farm. However, their actions speak differently. They are bringing *degenerative* farming to Nebraska, nothing else. If Costco and LPP believe what they say, then we Nebraskans challenge them to enact the changes the people of this state are asking for while bringing honesty and transparency and good old Nebraska morals to the table.

About Nebraska Communities United (NCU)

NCU is a 501(c)(3) that formed in 2015 to combat the extreme vertical integration of poultry production by Costco and Lincoln Premium Poultry. They have hosted numerous town hall meetings across Eastern Nebraska, including poultry grower educational meetings to alert farmers to the dangers of poultry contracts. NCU's goal is to educate citizens about the environmental and socio-economic effects of factory farming, which is threatening family farms and rural communities across the state.

Lancaster Hills Alliance

www.facebook.com/nocafos

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LANCASTER COUNTY, NEBRASKA

Our Position

We are at a crossroads in Nebraska, as is the entire world community.

We must decide if we support the corporate takeover of our agricultural industry to bring food to our tables, or do we support locally sourced food from small family farms using sustainable methods to produce our food? Are we for industry over people? Are we for industry over protection of the environment? Are we for industry over reasonable laws? Or are we for promoting sustainable farming methods that protect the environment and family farms?

We need our elected representatives to step up and protect the basic property rights of our citizens and place a moratorium on the approval of any more CAFO'S in Lancaster County until the appropriate rules and regulations are in effect to govern these operations.

About Lancaster Hills Alliance

The Lancaster Hills Alliance is a group of neighbors and supporters against locating a 4-barn chicken factory in Southwest Lancaster County. We believe this operation will harm our soil, water, air and reduce property values, not to mention placing the health, enjoyment and safety of living in a rural setting at risk.

RC Communities United

www.facebook.com/RCCommunitiesUnited/

Lori Heiss
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NORTHERN LANCASTER COUNTY, NEBRASKA

About RC Communities United

RC Communities United is a group of concerned citizens opposing a Lincoln Premium Poultry CAFO located within a mile of Raymond Central Preschool and Jr./Sr. High School, near NW 27th St. and W. Ashland Rd. This operation is expected to have eight barns, housing as many as 380,000 chickens per flock. The object of this group is to voice concerns and raise public awareness about how it could impact the local community.

This conditional use permit application was tabled for further discussion due to disagreements about who would pay to improve the roads leading to and from the facility.

Elmwood First

facebook.com/groups/364619970785082/

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CASS COUNTY, NEBRASKA

Our Position

Elmwood First is a group of Cass County citizens concerned about the impact of a proposed confined chicken operation for Costco located less than three miles south of our town. If passed, this four-barn facility with 65,000 breeding chickens would be the largest animal confinement unit in Cass County – the size of six football fields full of chickens.

The proposed location is near enough to homes, family farms and the town of Elmwood to threaten public health – especially for senior citizens and the children attending our two daycares and elementary school. The pathogens in particulate matter that affect respiratory health will travel up to five miles. The disease carried by sick and dead chickens (6,000 per year based on mortality averages) is spread by flies for miles and will impact those in the local community.

In addition, there is great concern for soil and water contamination from the facility, as well as in the fields where the manure will be spread. The proposed facility will use the yearly average water equivalent of 21 homes and is placed in an area with limited water resources. There is great concern that there will not be adequate water resources for this industrial complex and the homes and small farms that have been in this area for many years.

This proposed chicken operation would also greatly reduce the property value of family homes located near it. There are 13 homes within a one-mile radius that would see property loss, and it could extend to homes in Elmwood as well.

The property owners have professional jobs they will maintain. This is not a case of diversifying a family farming operation or bringing another generation into farming. It will be a corporate farm with few employment opportunities and most profits leaving our local community.

It is because of these concerns that other communities with proposed chicken confinement units have taken a stand, and Elmwood First members join them. There are better options for expanding agriculture than this industrial model.

About Elmwood First

Elmwood First formed in July 2019 in reaction to a 65,000-bird Lincoln Premium Poultry operation proposed in their community. They have since led a public education campaign throughout the county to raise awareness of the threats of concentrated animal feeding operations and the lack of regulatory oversight. The CAFO conditional use permit has been passed the Planning and Zoning Board, and now goes to the County Commission.

Community Advocates for Responsible Agriculture (CARA)

www.facebook.com/groups/425670608062283/

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SAUNDERS COUNTY, NEBRASKA

Our Position

We are C.A.R.A.: Community Advocates for Responsible Agriculture.

Currently there is a proposal for 12 poultry barns in Northern Saunders County near Morse Bluff, each barn housing up to 47,500 birds, and guaranteed up to 6 flocks per year. A little over 3.4 million birds will potentially pass through this facility.

We find ourselves in opposition to the proposed confinements with a variety of concerns, as these will impact a large number of people in the surrounding community. There are roughly 17 homes within 1 mile of the proposed location of this CAFO, and a handful of homes located within a half mile. Within 2 miles are the town of Morse Bluff and two lake developments.

The inherent health risks, odor, deterioration of roads, increased semi traffic, impacts on surrounding property values, and contamination of groundwater are just some of the concerns we share. Also, contrary to LPP's claim that these are "family farms", the owner of this specific facility is an investor from North Carolina. In total, this investor has applied for the construction of 132 barns in the state. This is *not* a family owned farm. This is corporate farming at its finest!

Since there are little to no regulations at the national, state, or county levels on CAFOs, we find ourselves facing this corporate giant with a disadvantage. It is time to stand in unity and show that Nebraska must impose laws to protect its people, natural resources, and communities before it's too late!

About Community Advocates for Responsible Agriculture (CARA)

CARA formed to educate the public on the proposed Y24 Farm, LLC poultry operation by Lincoln Premium Poultry. The CAFO has applied for a conditional use permit with the county, which means it must first pass the Planning and Zoning Board. The first public P&Z meeting generated so much public concern, the proposal was tabled until September 9th for further study.

GC Resolve

www.gcresolve.com/

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NEBRASKA

Our Position

GC Resolve firmly believes that Costco's new extreme form of vertical integration jeopardizes the public's health and well-being, and that the extractive industrial food system puts our farmers at risk with unethical contracts, with the development low-wage/low-class systems in our rural communities, and also by toxifying our water resources. This form of agriculture does not meet Nebraskan's high business standards and therefore companies that practice this extreme form of food production should not be allowed into our communities.

About GC Resolve

GC Resolve is a Nebraska business that has been established to increase education and mobilization of the general public in order to build community and resolve key issues that impact the day-to-day lives of Nebraskans. GC Resolve consults on environmental issues with a heavy focus on agricultural and food production issues, water quality, and climate change.

Nebraskans For Peace

nebraskansforpeace.org/about-nfp

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nfpstate@nebraskansforpeace.org

NEBRASKA

Our Position

Nebraska and Lancaster County need to be re-localizing our food supply rather than producing industrial food for the global food system.

About Nebraskans For Peace

Nebraskans for Peace is a statewide grassroots advocacy organization working nonviolently for Peace with Justice through community building, education and political action. As the oldest statewide Peace & Justice organization in the country, Nebraskans for Peace is the acknowledged voice on peace and social justice issues in Nebraska politics.

Nebraska Interfaith Power & Light

nebraskaipl.org

Ken Winston
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kwinston@inebraska.com

NEBRASKA

Our Position

Nebraska Interfaith Power & Light seeks to protect God's bountiful creation. Crowding hundreds of thousands of chickens into confined spaces, generating thousands of tons of manure, using industrial methods that increase the emission of greenhouse gases into the atmosphere; all of these things are contrary to our mission. Therefore we oppose the permits for these proposed factory animal operations.

About Nebraska Interfaith Power & Light

Our mission is to facilitate the faith community's response to our changing climate through community programs, education, and advocacy. Nebraska Interfaith Power & Light is one of 40 state affiliates of the national Interfaith Power & Light coalition. The first state organization was formed in 2000 by Rev. Sally Bingham, an Episcopal priest. Nebraska IPL was formed in 2009 by an interfaith group of leaders. We are a non-partisan and non-sectarian organization. Our goal is to encourage dialogue across the usual political and religious divides, so that we can make real progress in addressing climate change for the people of Nebraska.

Nebraska Sierra Club

https://www.sierraclub.org/nebraska

David Corbin
dcorbin@cox.net

NEBRASKA

Our Position

Factory farms increase the threat of water, soil, and air pollution. It is essential that neighbors and any others who are impacted be afforded all avenues to prevent and/or mitigate any impacts on their health and well-being. In addition, workers in the processing plants should be assured of safe working conditions and living wages.

About Nebraska Sierra Club

The Sierra Club is the oldest and largest environmental organization in America. Its grassroots advocacy has also made it America's most influential environmental organization. There are over 3000 members in Nebraska.

Andrew Tonnies

Member, Dodge County Farmers Union

North Bend, Nebraska
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DODGE COUNTY, NEBRASKA

My wife and I first joined the fight against the vertical integration of livestock production in October of last year when we discovered that Costco intended to build 24 broiler houses near our home and farm.

We learned through a "good neighbor" letter that Costco had recruited a "small" poultry grower from Arkansas to build a facility housing over a million chickens at a time. Then, through the investigative skill of friends in Oklahoma, we learned that this particular "small" farmer was actually one of the largest owners of poultry barns in the state of Oklahoma.

Costco was intentionally misleading people. Costco's talking point has been "bringing young people back to the farm" and "providing an opportunity to diversify farm income." Those are good talking points. Those are things I want for my community. We *need* young people to stay on the farm, and farms *need* to be diversified in order to stay afloat when crop prices or yields are low, but this model of integrated agriculture is not the answer.

Most Nebraskan's didn't take the bait, which is why Costco has now recruited an out-of-state investment fund to build one quarter of the broiler houses that it needs to service its processing facility in Fremont. There were no "good neighbor" letters alerting neighbors this time. Rather, Costco attempted to deceive the public by using Nebraska farmers as a front on permit applications when the farmer won't even be involved in the operation.

An investment fund will not be a responsible neighbor, and I doubt we ever see the man whose name is attached to 132 chicken houses in 3 Nebraska counties. I won't see him at the coffee shop, the gas station, or in church. He and his investment fund are not interested in bringing young people back or being a part of our community. Just like Costco, he is only here to use our resources to make money for shareholders and executives.

Costco and Jody Murphey are here for the economics of extraction. We are here to oppose them. We are here to promote a vibrant local economy. We are here to encourage a vibrant community that values accountability.

Advancing public education in Nebraska.

STAND FOR SCHOOLS
P.O. Box 95166
Lincoln, NE 68509
(402) 413-0162
info@standforschools.org

To: Dr. Derrick Joel, Superintendent of Schools
Dr. Harriet Gould, Board of Education President
Fr: Ann Hunter-Pirtle, Stand For Schools Executive Director
Dt: 10/1/19
Re: Letter of Support

Dr. Joel and Dr. Gould:

Stand For Schools, a nonprofit dedicated to advancing public education in Nebraska, supports the Raymond Central Board of Education and Superintendent as they raise concerns regarding the impact of a proposed nearby chicken farm on their student and staff health and safety. The Raymond Central Board of Education voted unanimously to oppose the chicken farm site on August 6th, 2019, and Stand For Schools believes their opposition is valid.

Clean air and clean water are required for children to learn in school. But the proposed chicken farm site is less than a mile from Raymond Central school in rural Lancaster County and the school board has grave concerns about air and water quality, student transportation safety, and the quantity of available water for school needs.

Raymond Central officials are rightly concerned that pathogens and waste from the proposed chicken facility would make their way via air and water to the school, which is less than a mile away from the proposed chicken barn site. Raymond Central draws water from 6 nearby wells and contamination from chicken carcasses, waste, antibiotics, or the like would pose an unacceptable danger to children's drinking water.

The school also has valid concerns about the availability of sufficient water for its operations. The school wells currently run at about 100 gallons/minute, an amount that was costly and difficult to procure. As the school grows, additional water will be needed, and the poultry operation would render future supplies more scarce.

In addition, Raymond Central has inexperienced student drivers on county roads, many on school permits, and increased truck traffic on unpaved county roads, especially in inclement weather, is a major risk to student safety.

Advancing public education in Nebraska.

STAND FOR SCHOOLS
P.O. Box 95166
Lincoln, NE 68509
(402) 413-0162
info@standforschools.org

Stand For Schools supports agriculture and agribusiness. However, the proposed site is close enough to the school to raise significant health concerns for staff and students at Raymond Central. As such, Stand For Schools urges all regulators to pay close attention to Raymond Central's concerns and requests that an alternate site be found.

Sincerely,

Ann Hunter-Pirtle
Executive Director
Stand For Schools

NEBRASKA RURAL COMMUNITY SCHOOLS ASSOCIATION

455 S. 11th St, Ste B
Lincoln, NE 68508

2019-20
EXECUTIVE COMMITTEE

Officers:

Del Dack, President.
Paxton Consolidated Schools
Paxton, Nebraska

Dr. Curtis Cogswell, Past President.
McCool Junction Public Schools
McCool Junction, Nebraska

Ginger Meyer, Pres-Elect.
Scribner-Snyder Community Schs
Scribner, Nebraska

Jane Davis, Secretary.
Hershey Public Schools
Hershey, Nebraska

District Representatives:

Chris Geary, West.
Leyton Public Schools
Dalton, Nebraska

Dale Hafer, North Central.
Ainsworth Public Schools
Ainsworth, Nebraska

Dr. Dawn Lewis, Northeast.
Arlington Public Schools
Arlington, Nebraska

Paul Sheffield, Southeast.
Exeter-Milligan Public Schools
Exeter, Nebraska

Dr. Dennis Shipp, South Central.
Bertrand Public Schools
Bertrand, Nebraska

Alan Garey, Southwest.
Medicine Valley Schools
Curtis, Nebraska

Executive Director:

Jack Moles
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Lincoln, NE 68508
402-335-7732

Lobbyist:

Trent P. Nowka
Nowka & Edwards.
Suite 201
1233 Lincoln Mall,
Lincoln, NE 68508
402-476-1440

TO: Dr. Derrick Joel, Superintendent of Schools
Dr. Harriet Gould, Board of Education President
FR: Jack Moles, NRCSA Executive Director
DT: September 9, 2019
RE: Letter of Support

Dr. Joel and Dr. Gould:

Please accept this letter of support for the efforts of the Raymond Central Board of Education and Superintendent as you raise concerns for issues involving the impact a proposed chicken farm can have on student and staff health and safety. Of particular concern to you is the proximity to your school site in rural Lancaster County. The Nebraska Rural Community Schools Association (NRCSA) supports any school district in its concerns over the health and safety of its students, staff, and patrons.

On the NRCSA website we post the following description of our organization: *"The Nebraska Rural Community Schools Association is a non-profit organization dedicated to serving the needs of rural schools and communities. Since 1981, NRCSA has been committed to protecting the well-being of public education and implementing its mission of providing quality education for all children."* It is our belief that the individual school districts have the best feel for what is good for their school, students, and staff and we support the district's efforts to ensure their health and safety.

NRCSA does want to stress that the support expressed here is in no way a stand against agriculture, business or entrepreneurship. We very much support those activities in our rural school districts. At times, though, those activities must be closely scrutinized against the health and safety of other entities, in this case a rural public school. We would encourage all involved in this process to provide close scrutiny to the issues raised by the Raymond Central Board of Education and Superintendent.

Sincerely,

Jack D. Moles
Executive Director
Nebraska Rural Community Schools Association

Ben Gotschall
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Raymond, NE 68428
bdgotschall@gmail.com
402-705-8679

Recommendations to Lancaster County Board regarding Permit SP19035, Sunset Poultry:

-Lancaster County needs to stop approving applications until the county regs have been updated in order to protect the public's health and quality of life.

-Consider putting a cap on amount of animals/barns.

-At least a 1 mile residential setbacks from CAFO operations, 3 mile setbacks from public use areas (schools, churches, communities) *Dr. Harriet Gould suggested 5 mile setback for schools.

-At least one-month notice (prior to the county planning and zoning meeting) to all residents living within 3 miles of a CAFO.

-Require emission reporting for ammonia and other ghg emissions to protect public health, and understand climate impact.

-Ground and surface water testing on all sources within 1/2 mile of operation and public reporting of their analytical results should be a required element of the initial application for a special permit.

-Nutrient Management Plan (NMP) should require cover cropping on all farms applying litter, and buffer strips along running waterways within 1 mile of barns.

- 'Environmental Impact Review' in NMP on all large CAFO's required prior to process and public hearings.

-Disaster fund for environmental mitigation & liability paid by parent company (LPP in this case) or other industrial ag companies so liability not on the county or the farmer growers (through contamination during operation). It must take into consideration types of livestock, size of CAFO, & their practices. This reserve must have a 5 to 1 asset to liability ratio.

-There should be funds required to be set aside from the parent company for decommissioning of the barns. In other industrial poultry communities, after the projects closed operation they just left the barns wasting away. It wastes land & makes the countryside look littered and abandoned.

-County needs disposal plan for dead birds if Bird Flu or other disease epidemics occur.

-Haul Route agreements need to be in place with specific roads listed, with a bond provided by the company to repair and replace damaged roads.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

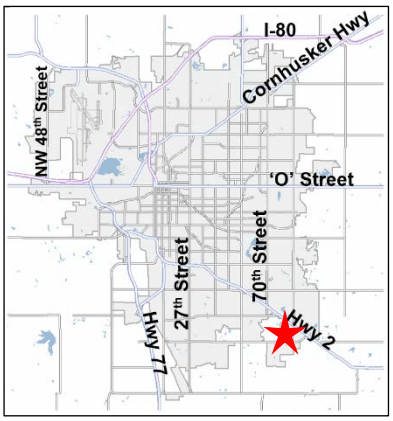
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Annexation #19008, Change of Zone #05068F – The Woodlands at Yankee Hill Planned Unit Development	No	R.C. Krueger Development Company
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 16, 2019	None	South 84th Street and Yankee Hill Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to The Woodlands at Yankee Hill Planned Unit Development (PUD) located at approximately South 84th Street and Yankee Hill Road. This request seeks to expand the PUD by 15.97 acres. As with several prior amendments to this PUD, it shows a larger area in concept to set the stage for future incremental expansion. In this case, the 16-acre area covered by this request is only a portion of the larger 80-acre area being shown in concept. This strategy provides up-front notice of the developer's intent, and allows for the entire development to be evaluated for overall feasibility and appropriateness. It also provides an opportunity for significant issues to be identified and addressed early in the process, which then helps simplify the review and approvals as additional phases are annexed and re-zoned for development.



APPLICATION CONTACT

Marcia Kinning (402) 484-7342 or marcia@regaeng.com

STAFF CONTACT

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

JUSTIFICATION FOR RECOMMENDATION

The full range of municipal services can be provided to serve this development. The Comprehensive Plan designates the area for future urban density land uses. The plans submitted substantially comply with the requirements of the Zoning Ordinance. Revisions are required and are listed as recommended conditions of approval, but with those changes this request complies with the Zoning Ordinance and Comprehensive Plan.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This site is designated for urban density residential development. The proposed plan shows single-family lots which fit within the larger overall plan and provides a mix of housing types ranging from single-family to multi-family dwellings. The dwelling types and lot layout shown complies with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Future Land Use Plan .

P.1.4 - Neighborhoods are friendly to pedestrians, children, bicycles, the elderly and people with disabilities.

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

Provide flexibility to the marketplace in siting future residential development locations.

Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 – Strategies for Neighborhoods and Housing

Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.

Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.5 - Developing Neighborhoods - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.

- Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

P. 12.4 – Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - 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.

P 12.14-15 **- The ANNEXATION POLICY**- of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

ANALYSIS

1. The original Woodlands at Yankee Hill PUD was approved in 2007. With that original approval, a larger plan was shown in concept, but only a portion was actually annexed and re-zoned for development. The same strategy is being used with this amendment. That is, an additional 80-acre area is shown being added to the PUD, but mostly in concept as only 15.97 acres are being annexed and re-zoned with this request. This provides an opportunity to review the details of the larger concept plan so development issues are identified early, and also provides notice of the developer's intent. This request is dependent upon the approval by City Council of both applications, including an annexation agreement between the City and the developer.
2. The 80-acre area shown in concept is in Tier 1, Priority B of the Comprehensive Plan. It is also shown within the City's Future Service Limit, and is designated for future Urban Density development.
3. The area shown in concept represents a logical expansion of the existing PUD. The land involved was not owned by the developer at the time the PUD was originally approved and so was not shown at that time. The land shown in concept is now under control of the developer.
4. Of the 80-acre concept plan, 15.97 acres are proposed to be annexed and rezoned with this request. It allows for 47 attached and detached single-family dwelling units to be added to the PUD, and also a 2.76-acre neighborhood park. Of the overall 2,137 dwelling units allowed per the R-3 density within the PUD, this increases the number of units shown in the PUD to 1,327. That leaves 810 dwelling units potentially available but unused at this point.
5. A 2.97-acre neighborhood park is shown to satisfy the parkland dedication requirement. The Parks and Recreation Department has questioned the notch at the northwest corner of the park noting it may be difficult for Parks and Recreation staff to maintain. A condition of approval has been added to allow the Parks and Recreation Department and the applicant to revise the park layout if necessary.
6. The Comprehensive Plan shows the bike trail system extending through this area along the drainage at the southeast corner of the site and intersecting with South 84th Street. However, the specific location for the trail has not yet been determined. As part of the review of this amendment, the specific siting of the trail needs to be clarified so it can be shown on the final approved plan. A condition of approval has been added to allow the applicant to continue work with the Parks and Recreation Department to determine the best location for the trail.
7. Lincoln Fire Rescue (LFR) and the Lincoln Police Department (LPD) are building a new joint fire/police station at South 66th Street and Pine Lake Road. This station will provide services to this development. All other City services and utilities, including sewer and water, are available to serve this development.

8. The area to be annexed is located within Rural Water District #1. As per the agreement with the City of Lincoln, there will be financial liability to the District as a result of annexation. One of the conditions of annexation will be to ensure that liability is borne by the developer. The same goes for the Southeast Rural Fire District #1 should there be any financial liability due them at the time of annexation.
9. There is a list of corrections noted by the Watershed Management Division of Lincoln Transportation and Utilities. They will need to be addressed with the resubmission of final plans which is included as a condition of approval.
10. Other minor corrections and changes are required on the plans submitted, and these items are listed in the conditions of approval. With those changes to the PUD, these requests are consistent with the City's annexation policy, the Zoning Ordinance and the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:

Agriculture	AG Agriculture

SURROUNDING LAND USE & ZONING

North: Church, Residential	R-3
South: Residential	R-3
East: Agriculture	AG
West: Residential	R-3

APPROXIMATE LAND AREA: 15.97 acres**,** more or less

LEGAL DESCRIPTION: See attached legal description.

HISTORY:

APR 2007 - AN#05015 and CZ#05068 were approved annexing approximately 286 acres and approving The Woodlands at Yankee Hill PUD.

MAY 2009 - AN#09001 and CZ#05068A were approved expanding the original PUD by approximately 26 acres to accommodate 31 additional residential lots, a private elementary school and church, a convent and a rectory.

APR 2012 - AN#11005 and CZ#05068B were approved expanding the original PUD by approximately 35 acres to accommodate 265,000 square feet of commercial floor area and 46 additional dwelling units.

APR 2013 - AN#12002 and CZ#05068C were approved expanding the original PUD by approximately 24 acres to accommodate 64 additional dwelling units.

JUN 2014 - AN#14002 and CZ#05068D were approved expanding the original PUD by approximately 10 acres to accommodate 62 additional dwelling units.
JAN 2015 - AN#15013 and CZ#05068E were approved expanding the original PUD by approximately 72.5 acres to accommodate 310 additional dwelling units and 155,000 square feet of commercial floor area.

Prepared by

_____
Brian Will, bwill@lincoln.ne.gov
October 2, 2019

Applicant/
Contact: Marcia Kinning
REGA Engineering Group
601 Old Cheney Road
Lincoln, NE 68512
(402) 484-7342
marcia@regaeng.com

Owner: Calruby, LLC
8200 Cody Drive
Lincoln, NE 68512
(402)-423-7377

CONDITIONS OF APPROVAL

Annexation #19008

1. **T**he owner will secure approval of the release from the Rural Water District #1 prior to City Council consideration.

Change of Zone #05068F

Per Chapter 27.60 this approval permits expansion of a Planned Unit Development to add 15.97 acres and 47 dwelling units.

Site Specific Conditions:

1. 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 Make the following revisions to the CUP plan set:

        1.1.1 Revise the park layout to the satisfaction of the Parks and Recreation Department, which includes grading the park site consistent with the grading plan at the time grading for adjacent lots is completed.

        1.1.2 Show the 20'-wide bike trail easements and bike trail location to the satisfaction of the Parks and Recreation Department, including the location of the connection from Annabelle Circle/Court to South 84th Street.

        1.1.3 Label the pedestrian easement in Block 31 from Aero Circle to Ponce Drive.

        1.1.4 Move Lots 2 and 3, Block 58 out of the flood prone area.

        1.1.5 Make the revisions noted by LTU Engineering Services to their satisfaction.

        1.1.6 Choose a substitute street name for Ryan which is too phonetically similar to Ryons.

        1.1.7 Make revisions and corrections for Public Works and Utilities/Watershed Management as noted in the attached review and redline comments in ProjectDox.

        1.1.8 Label South 83rd Street north of Annabelle Avenue as a private roadway.

2. Before a final plat is approved 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 planned unit development has been recorded.

3. Final plat(s) is/are approved by the City.

    If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Lincoln Transportation and Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the planned unit development.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

(1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to protect the trees that are indicated to remain during construction and development.

Standard Conditions:

4. The following conditions are applicable to all requests:

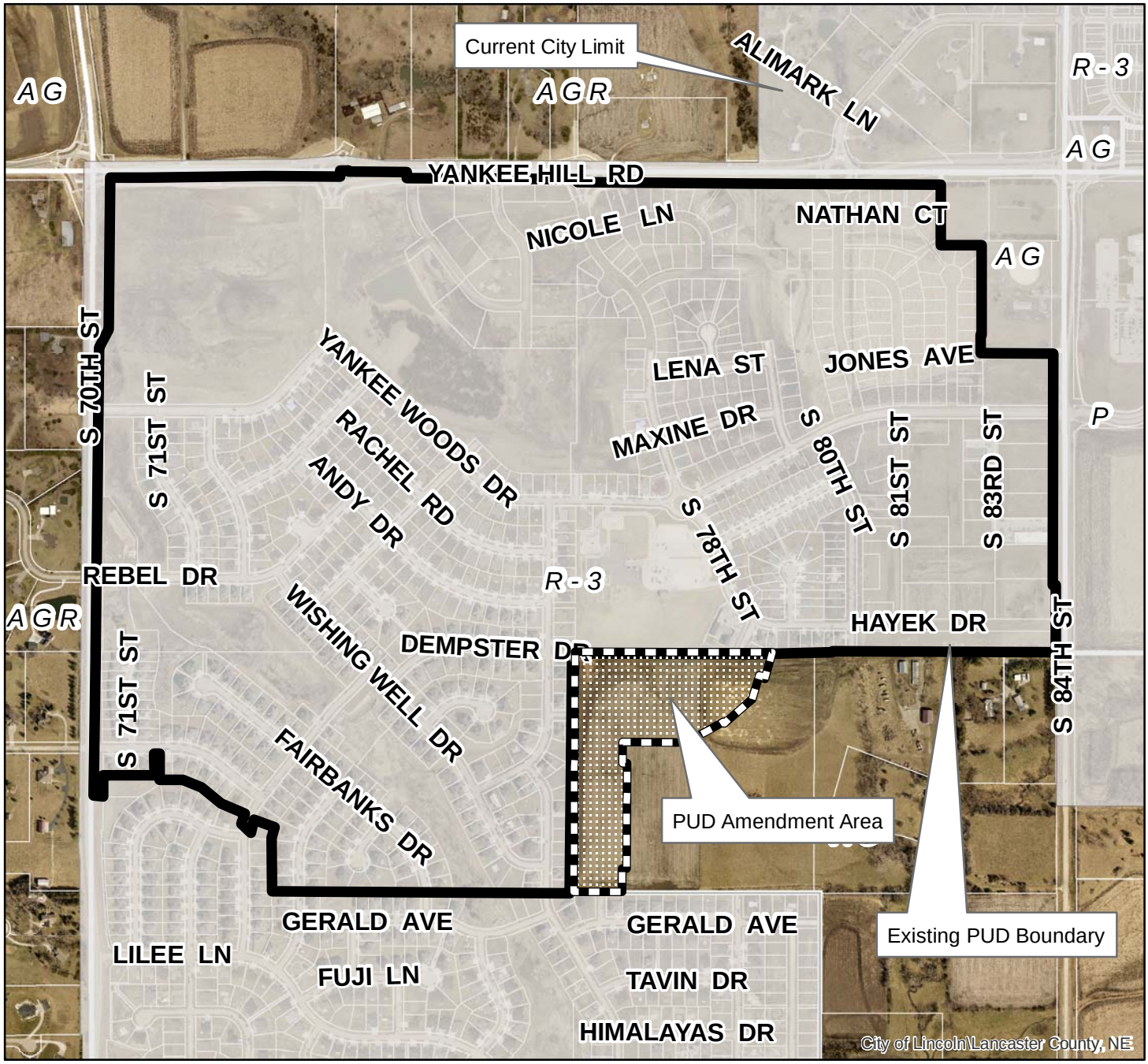
4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2018 aerial

Annexation #: AN19008 and
Change of Zone #: CZ05068F (AG to R-3)
The Woodlands at Yankee Hill
S 84th St & Yankee Hill Rd

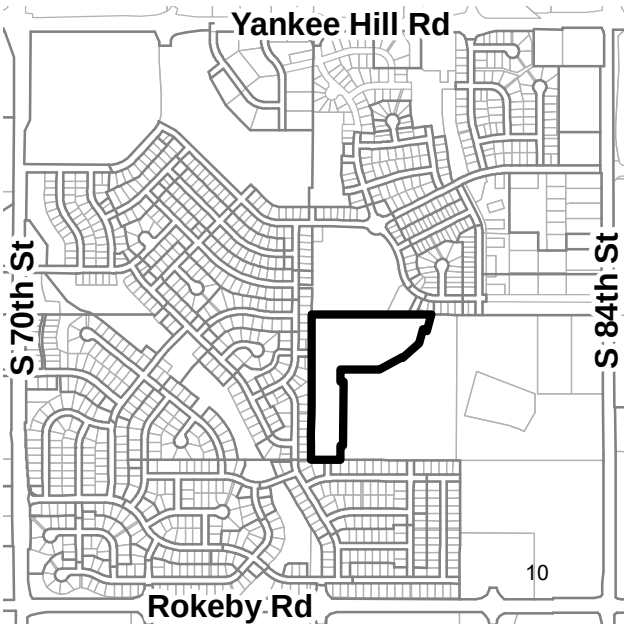
Zoning:

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

N
W E
S

One Square Mile:
Sec.27 T09N R07E

Area of Application
Zoning Jurisdiction Lines
Existing City Limit



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THE WOODLANDS AT YANKEE HILL
'R-3' PUD CHANGE OF ZONE #05068F
COVER SHEET
SOUTH 70TH STREET & YANKEE HILL ROAD

P.U.D. LEGAL DESCRIPTION

A legal description of Lots 85, 86 Northwest and Lot 93 Southeast of Irregular Tracts; Lots 5 and 6, Block 1, Lots 1-5, Block 2, Lots 1-3, Block 3, and right-of-way all part of Walnut Heights; Lots 1-13, Block 1, Lots 1-28, Block 2, Lots 1-4, Block 3, Lots 1-4 & 6, Block 4, Lot 2, Block 5, Lots 1-6, Block 6, Lots 1-12, Block 7, Outlots 'A' & 'C', and right-of-way all part of The Woodlands at Yankee Hill Addition; Lots 1-9, Block 1, Lots 1-6, Block 2, Lots 1-9, Block 3, Lot 1, Block 4, Lots 1-6, Block 5, Lots 1-4, Block 6, Lot 1, Block 8, Lots 1-7, Block 9, Lots 1-8, Block 10 and right-of-way all part of The Woodlands at Yankee Hill 1st Addition; Lots 1-3, and right-of-way all part of The Woodlands at Yankee Hill 2nd Addition; Lots 1-11, Block 1, Lots 1-4, Block 2, and right-of-way all part of The Woodlands at Yankee Hill 4th Addition; Lots 1-11, Block 1, Lots 1-4, Block 2, Lot 1, Block 3, Lot 1, Block 4, and right-of-way all part of The Woodlands at Yankee Hill 5th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 6th Addition; Lots 1-7, Block 1, Lots 1-7, Block 2, Lots 1-6, Block 3, Lots 1-10, Block 4, and right-of-way all part of The Woodlands at Yankee Hill 7th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 8th Addition; Lot 1, Block 1, Lots 1-4, Block 2, Lots 1-7, Block 3, Outlots 'A' & 'D', and right-of-way all part of The Woodlands at Yankee Hill 9th Addition; Lots 1-6, Block 1, Lots 1-12, Block 2, Lots 1 & 2, Block 3, Lots 1-13, Block 4, Lots 1-7, Block 5, Lots 1-8, Block 6, and right-of-way all part of The Woodlands at Yankee Hill 10th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 11th Addition; Lots 1-13, Block 1, Lots 1-12, Block 2, Outlot 'D' and right-of-way all part of The Woodlands at Yankee Hill 12th Addition; Lots 1-10, The Woodlands at Yankee Hill 13th Addition; Lots 1-6, Block 1, Lots 1-10, Block 2, Outlot 'B', and right-of-way all part of The Woodlands at Yankee Hill 14th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 15th Addition; Lots 1-10, Block 1, Lots 1-19, Block 2, Lots 1-6, Block 3, and right-of-way all part of The Woodlands at Yankee Hill 16th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 17th Addition; Lots 1 & 2, The Woodlands at Yankee Hill 18th Addition; Lots 1-11, Block 1, Lots 1-8, Block 2, Outlot 'A', and right-of-way all part of The Woodlands at Yankee Hill 19th Addition; Lots 1-18, Block 1, Lots 2-6, Block 2, Outlot 'B', and right-of-way all part of The Woodlands at Yankee Hill 20th Addition; Lots 1-8, Block 1, Lots 1-14, Block 2, Lots 1-4, Block 3, Lots 1-6, Block 4, Lots 1-7, Block 5, Outlot 'A', and right-of-way all part of The Woodlands at Yankee Hill 21st Addition; Lots 1-12, Block 1, Lots 1 & 2, Block 2, and right-of-way all part of The Woodlands at Yankee Hill 22nd Addition; Lots 1-4, The Woodlands at Yankee Hill 23rd Addition; Lots 1 & 2, Outlot 'A', and right-of-way all part of The Woodlands at Yankee Hill 24th Addition; Lots 1 & 2, Block 1, Lots 1-3, Block 2, Lot 1, Block 3, Lots 1-3, 8-11, 14-18, Block 4, Lots 1-18, Block 5, Lots 1-14, Block 6, Lots 1-6, Block 7, Outlot 'A', and right-of-way all part of The Woodlands at Yankee Hill 25th Addition; Lot 1, The Woodlands at Yankee Hill 26th Addition; Lots 1 & 2, Block 1, Lots 1 & 2, Block 2, The Woodlands at Yankee Hill 27th Addition; Lots 1-6, Block 1, Lots 1-10, Block 2, Lots 1-13, Block 3, Lots 1-13, Block 4, Lots 1-44, Block 5, Outlots 'A', 'B', 'C', 'D', 'E', and 'F', The Woodlands at Yankee Hill 28th Addition; Lot 1 and Outlot 'A', The Woodlands at Yankee Hill 29th Addition; Lots 1 & 2, Block 1, Lots 1-10, Block 2, Lots 1-3, Block 3, Lots 1-12, Block 4, Lots 1-14, Block 5, Lots 1-10, Block 6, Outlots 'A', 'B', 'C', 'D', 'E', 'F', and right-of-way all part of The Woodlands at Yankee Hill 30th Addition; Lots 1-4, Block 1, Lots 1-6, Block 2, Lot 1, Block 3, The Woodlands Enterprise Center; Lot 1, The Woodlands Enterprise Center 1st Addition; Lots 1-4, Block 1, Lots 1-3, Block 2, Lot 1, Block 3, Lots 1-4, Block 4, Lots 1 & 2, Block 5, Outlots 'A', 'B', 'C', 'D', 'E', and right-of-way all part of The Woodlands Enterprise Center 2nd Addition; Lot 1-9, Block 1, Lot 1, Block 2, Lots 1-38, Block 3, Lot 1, Block 4, Lot 1, Block 5, Lots 1-4, Block 6, Lots 1-5, Block 7, Outlots 'A', 'B', 'C', 'E', and right-of-way all part of Windmill Ridge Estates; Lots 1-9, Windmill Ridge Estates 1st Addition; Lot 1 and Outlot 'A', Windmill Ridge Klein Addition; all located in Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the N.W. Corner of the N.W. Quarter of said Section 27 and extending thence South 00°22'53" West along the West line of said N.W. Quarter a distance of 46.00 feet;
THENCE South 89°54'18" East along a line 45.00 feet south of and parallel with the North line of said N.W. Quarter a distance of 100.00 feet to the Northwest Corner of Irregular Tract Lot 85 and the POINT OF BEGINNING.
THENCE South 89°54'18" East, for a distance of 200.00 feet
THENCE North 89°02'18" East, for a distance of 860.33 feet
THENCE South 89°54'18" East, for a distance of 415.14 feet
THENCE North 00°03'18" West, for a distance of 33.00 feet
THENCE South 89°54'18" East, for a distance of 384.81 feet
THENCE South 00°06'10" West, for a distance of 33.00 feet
THENCE South 89°54'18" East, for a distance of 940.13 feet
THENCE South 00°18'42" West, for a distance of 17.00 feet
THENCE South 89°54'38" East, for a distance of 978.56 feet
THENCE South 89°54'35" East, for a distance of 1023.34 feet
THENCE South 00°08'27" East, for a distance of 332.45 feet
THENCE South 89°54'56" East, for a distance of 225.47 feet
THENCE South 00°08'17" East, for a distance of 800.00 feet
THENCE South 89°54'35" East, for a distance of 400.00 feet
THENCE South 00°08'17" East, for a distance of 1564.86 feet
THENCE North 89°58'33" West, for a distance of 1560.27 feet
THENCE South 15°37'39" West, for a distance of 153.29 feet to a circular curve to the left, having a radius of 44.00 feet, a central angle of 38°34'53" and whose chord (29.07 feet) bears North 55°04'34" West
THENCE on the arc of said circular curve 29.63 feet
THENCE North 74°22'21" West, for a distance of 9.40 feet
THENCE South 15°37'39" West, for a distance of 136.31 feet
THENCE South 49°21'18" West, for a distance of 203.11 feet
THENCE North 40°38'44" West, for a distance of 7.83 feet
THENCE South 81°17'44" West, for a distance of 234.28 feet
THENCE North 89°41'18" West, for a distance of 350.00 feet
THENCE South 00°18'42" West, for a distance of 115.00 feet
THENCE South 89°41'18" East, for a distance of 25.00 feet
THENCE South 00°18'42" West, for a distance of 580.00 feet
THENCE North 89°41'18" West, for a distance of 25.00 feet
THENCE South 00°18'42" West, for a distance of 130.18 feet
THENCE North 89°54'12" West, for a distance of 285.00 feet
THENCE North 89°57'47" West, for a distance of 1663.94 feet
THENCE North 00°15'35" East, for a distance of 296.25 feet
THENCE North 16°14'29" East, for a distance of 80.44 feet
THENCE North 88°54'12" West, for a distance of 120.00 feet to a circular curve to the left, having a radius of 370.00 feet, a central angle of 11°29'20" and whose chord (74.07 feet) bears South 15°21'06" West
THENCE on the arc of said circular curve 74.18 feet
THENCE North 46°50'13" West, for a distance of 89.81 feet to a circular curve to the right, having a radius of 430.00 feet, a central angle of 8°07'32" and whose chord (60.97 feet) bears North 18°48'06" East
THENCE on the arc of said circular curve 61.02 feet
THENCE North 87°07'56" West, for a distance of 141.34 feet
THENCE North 31°01'10" West, for a distance of 138.92 feet
THENCE North 87°02'06" West, for a distance of 110.22 feet
THENCE South 89°44'25" West, for a distance of 127.34 feet
THENCE North 00°15'35" West, for a distance of 144.57 feet
THENCE South 89°44'25" West, for a distance of 30.00 feet
THENCE South 00°15'35" East, for a distance of 120.00 feet
THENCE South 89°44'25" West, for a distance of 314.23 feet
THENCE North 00°41'43" East, for a distance of 880.83 feet
THENCE North 00°15'35" West, for a distance of 32.72 feet
THENCE North 00°22'54" East, for a distance of 1667.34 feet
THENCE North 28°55'03" East, for a distance of 111.88 feet
THENCE North 00°22'54" East, for a distance of 838.29 feet to the POINT OF BEGINNING, containing a calculated area of 16,856,946.15 square feet or 386.98 acres.

GENERAL NOTES:

1. THIS PLANNED UNIT DEVELOPMENT (P.U.D.) CONTAINS 386.98 ACRES.
2. THIS P.U.D. SHOWS 1,327 DWELLING UNITS, THE TOTAL DWELLING UNITS APPROVED ARE 2,137 AND THE NUMBER OF UNALLOCATED DWELLING UNITS ARE 810; 744,000 SQUARE FEET OF OFFICE/COMMERCIAL FLOOR AREA; AND A SITE FOR CHURCH/SCHOOL AND RELIGIOUS USES.
3. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL THROUGH THE ADOPTION OF THE DEVELOPMENT PLAN.
4. ALL SIGNAGE SHALL CONFORM TO SECTION 27.69.340 OF THE L.M.C., UNLESS SPECIFICALLY MODIFIED BY THE CITY COUNCIL. HOWEVER, POLE SIGNS SHALL BE PROHIBITED WITHIN THE LIMITS OF THIS P.U.D. SUBDIVISION SIGNS SHALL BE ILLUMINATED 15' HIGH AND 50 SQUARE FEET GROUND SIGNS. DETAILS OF SIGNAGE SHALL BE SHOWN AT THE TIME OF SIGN PERMITS.
5. PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT.
6. DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED FROM SOUTH 70TH STREET, SOUTH 84TH STREET, AND YANKEE HILL ROAD EXCEPT AS SHOWN.
7. ALL TOPOGRAPHICAL ELEVATIONS ARE BASED ON NAVD 1988.
8. LOCATIONS OF WATER, SANITARY SEWER, STORM SEWER, GRADING & DRAINAGE, PAVING, STREETS, LOT LINES AND SIDEWALKS SUBJECT TO APPROVAL BY ADMINISTRATIVE AMENDMENT IN COMPLIANCE WITH THE LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS EXCEPT AS SPECIFICALLY MODIFIED BY THE CITY COUNCIL WITH THIS P.U.D. MINIMUM OPENING ELEVATIONS SHALL BE SET AT TIME OF ADMINISTRATIVE AMENDMENT FOR THOSE LOTS IN BLOCKS 1 WHICH ARE ADJACENT TO FLOODPLAIN/FLOOD PRONE AREAS, FLOOD CORRIDORS AND/OR OTHER DRAINAGE DITCHES. THE PARKING AND LANDSCAPING TO BE APPROVED AT THE TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS.
9. THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES SHALL BE PERMITTED IN THOSE AREAS DESIGNATED FOR OFFICE AND COMMERCIAL USES CONSISTENT WITH LMC SECTION 27.31.040. FOR THE PURPOSE OF SEPARATION DETERMINATION, AREAS NOT DESIGNATED FOR COMMERCIAL/OFFICE USES SHALL BE CONSIDERED RESIDENTIAL DISTRICTS AS DEFINED IN LMC SECTION 27.31.040.
10. EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS.
11. COMMON ACCESS EASEMENTS ARE HEREBY GRANTED ON ALL PARKING LOTS, DRIVING AISLES, AND SIDEWALKS.
12. THE 'R-3' ZONING REGULATIONS APPLY THROUGHOUT THIS P.U.D. WITH THE FOLLOWING EXCEPTIONS:
    A. PER THE APPROVED WAIVERS AS LISTED IN THE 'REQUESTED WAIVERS' TABLE.
    B. A SCHOOL, PRIVATE SCHOOL, CHURCH, CHAPEL, RECTORY, CONVENT, DWELLINGS FOR MEMBERS OF A RELIGIOUS ORDER, RETREAT CENTER, CLUB, EARLY CHILDHOOD CARE FACILITY, MULTIPLE DWELLING UNITS, CONVALESCENT HOUSING AND STORAGE ARE ALLOWED AS PERMITTED USES ON LOTS 16 - 18, BLOCK 28. THE SITE PLAN SHOWN IS CONCEPTUAL. FINAL PLANS WILL BE DETERMINED AT TIME OF BUILDING PERMIT.
    C. THE REGULATIONS OF THE 'O-3' AND 'B-2' ZONING DISTRICTS APPLY TO LOT 1, BLOCK 1; LOT 1, BLOCK 7; LOT 1, BLOCK 25; LOTS 1 & 2, BLOCK 26; LOT 1, BLOCK 46; LOTS 1 & 2, BLOCK 47, EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'O-3' AND 'B-2' ZONING DISTRICTS ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE 'REQUESTED WAIVERS' TABLE BELOW.
    D. THE REGULATIONS OF THE 'H-4' ZONING DISTRICT APPLY TO BLOCKS 8, 11, 32, 33, 34 & 36, EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'H-4' ZONING DISTRICT IS ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE 'REQUESTED WAIVERS' TABLE BELOW.
    E. ALL PERMITTED, CONDITIONAL AND SPECIAL USES PER THE 'R-3' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES WITHIN LOT 14, BLOCK 22 EXCEPT THE FOLLOWING: PRIVATE SCHOOL, HEALTH CARE FACILITY, BROADCAST TOWER, EXCAVATION/STONE MILLING, GARDEN CENTER, OUTDOOR SEASONAL SALES, CLUB AND GREENHOUSE WHICH WILL REQUIRE A PUD AMENDMENT AND APPROVAL BY CITY COUNCIL.
13. RESIDENTIAL LOT LAYOUT IS CONCEPTUAL, ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH LMC TITLE 26.
14. PROVISIONS BY THE DEVELOPER SHOULD BE MADE FOR RETAINING AS MUCH TREE MASS AS POSSIBLE.
15. THE BLOCK 1 COMMERCIAL CENTER IS APPROVED FOR 285,000 S.F. OF COMMERCIAL SPACE SUBJECT TO THE FOLLOWING CONDITIONS PRIOR TO THE FIRST COMMERCIAL BUILDING PERMIT WITHIN THE BLOCK:
    A. IT WILL BE DEVELOPED WITH PEDESTRIAN ORIENTED COMMERCIAL USES AND ORIENTATED TO THE NEIGHBORHOOD.
    B. APPROVAL OF AN ADMINISTRATIVE AMENDMENT FOR THE OVERALL CENTER SITE PLAN WITHIN BLOCK 1.
    C. BUILDING PERMITS APPROVED FOR AT LEAST LEAST 50 MULTI-FAMILY (APARTMENT) DWELLING UNITS OF THE 200 OR MORE MULTI-FAMILY UNITS WITHIN THE PUD.
    D. AN OVERALL DENSITY OF AT LEAST 4.0 DWELLING UNITS PER TOTAL ACRES IS APPROVED WITHIN THE PUD.
    E. 80,000 S.F. OF THE 285,000 S.F. MUST BE OFFICE USES AND BE LOCATED ON THE SECOND FLOOR OF A COMMERCIAL BUILDING.
    F. INCLUSION OF OPEN SPACE, SUCH AS A MINI-PARK OR PLAZA LOCATED WITHIN THE COMMERCIAL CENTER OR NEARBY. THE DEVELOPER'S DEDICATION OF NEARLY 20 ACRES OF OPEN SPACE FOR PUBLIC USE WILL FULFILL THIS REQUIREMENT. THE OPEN SPACE MUST BE OPEN TO THE PUBLIC, BUT MAY BE EITHER PUBLICLY OR PRIVATELY OWNED.
16. THE ON-SITE WASTEWATER TREATMENT SYSTEM SERVING THE EXISTING BUILDING LOCATED ON BLOCK 1 WILL HAVE TO BE PROPERLY ABANDONED WHEN SANITARY SEWER BECOMES AVAILABLE. THE WATER WELL LOCATED ON BLOCK 1 WILL HAVE TO BE PROPERLY DECOMMISSIONED WHEN CITY WATER BECOMES AVAILABLE. THE WELL USE MAY CONTINUE IF THE WELL IS PERMITTED BY LLCHD.
17. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE COUNTRY MEADOWS WELLHEAD PROTECTION AREA. BEST MANAGEMENT PRACTICES SHOULD BE UTILIZED TO DECREASE THE RISK OF GROUNDWATER CONTAMINATION.
18. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
19. ALL OPEN SPACE, DETENTION AREAS AND PRIVATE PARKS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPERS AND/OR FUTURE HOMEOWNERS ASSOCIATION.
20. THE DEVELOPER SHALL CONSTRUCT THE RIGHT TURN LANES 200 FEET IN LENGTH FOR THE PROPOSED DRIVEWAYS INTO BLOCK 1 FROM YANKEE HILL ROAD AND SOUTH 70TH STREET.
21. ALL MEDIANS, BOULEVARDS, TRAFFIC CIRCLES AND ROUNDABOUTS LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
22. GARAGES WILL BE SETBACK A MINIMUM OF 22' FROM THE BACK OF SIDEWALK FOR LOTS 19 THROUGH 23, BLOCK 3, LOTS 19 THROUGH 32, BLOCK 28, LOTS 44 THROUGH 54, BLOCK 40 AND LOTS 1 THROUGH 15, BLOCK 38. ATTACHED AND DETACHED SINGLE-FAMILY DWELLING UNITS AND TOWNHOMES ARE ALLOWED ON THESE LOTS.
23. THE INTERSECTION OF SOUTH 78TH STREET AND AERO DRIVE AND AERO DRIVE FROM SOUTH 78TH STREET TO THE SOUTH PROPERTY LINE OF THIS PUD SHALL BE GRADED AS PER THE STREET PROFILES AT THE TIME OF PAVING INSTALLATION OF SOUTH 78TH STREET WEST OF SAID INTERSECTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE IMPROVEMENTS, INCLUDING SIDEWALKS, AT TIME OF FUTURE EXECUTIVE ORDERS.
24. PROVIDED THE EAST COMMERCIAL CENTER IS PLATTED INTO LOTS AND BLOCKS AS SHOWN, NO CAP ON RETAIL, RESTAURANTS, AND CONVENIENCE STORE FLOOR AREA IS REQUIRED. OTHERWISE, A CAP ON THE TOTAL AMOUNT OF FLOOR AREA DEDICATED TO RETAIL, RESTAURANT, AND CONVENIENCE STORE USES MAY BE REQUIRED.
25. THE DEVELOPER SHALL INSTALL A 42" OUTLET PIPE ON THE EXISTING STORM SEWER LOCATED WEST OF SOUTH 81ST STREET AND SOUTH OF YANKEE HILL ROAD AT THE TIME THE FIRST PHASE OF THE EAST COMMERCIAL CENTER IS FINAL PLATTED.
26. THE APARTMENT BUILDINGS ON THE WEST SIDE OF MOHAVE DRIVE MAY NOT BE BUILT UNTIL THE EXISTING SINGLE FAMILY DWELLINGS HAVE REDEVELOPED OR ARE OWNED BY THE DEVELOPER.
27. OUTLOT U AND LOTS 19 THROUGH 23, BLOCK 3 MAY NOT BE DEVELOPED WITH SINGLE FAMILY ATTACHED UNITS UNTIL THE EXISTING SINGLE FAMILY DWELLING IS REDEVELOPED OR IS OWNED BY THE DEVELOPER.
28. THE MAINTENANCE OF THE DETENTION CELL IN OUTLOT Z SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
29. EACH BUILDING WITHIN BLOCKS 1, 6, 11, 32, 33, 34, 36, 46, AND 47 SHALL BE VIEWED INDIVIDUALLY AND NOT COLLECTIVELY WHEN ADDRESSING LANDSCAPE REQUIREMENTS AT TIME OF BUILDING PERMITS.

PUD BOUNDARY CURVE DATA:

(A1) R = 370.00'
Δ = 11°29'20"
L = 74.18'
Ch = 74.07'
ChBrg = S15°21'06"W

(A2) R = 430.00'
Δ = 8°07'32"
L = 61.02'
Ch = 60.97'
ChBrg = N18°48'06"E

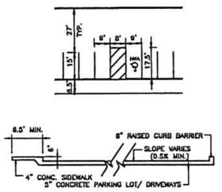
(A3) R = 44.00'
Δ = 38°34'53"
L = 29.63'
Ch = 29.07'
ChBrg = N55°04'34"W

REQUESTED WAIVERS:

1. TRANSFER OF SANITARY SEWER FROM ONE DRAINAGE BASIN TO ANOTHER
2. SANITARY SEWER RUNNING OPPOSITE OF STREET GRADE IN PATRICK AVENUE, MOHAVE DRIVE SOUTH 80TH STREET AND FAIRBANKS DRIVE.
3. BLOCK LENGTH FOR BLOCKS 1, 2, 7 & 40.
4. SIDEWALKS IN STANDARD LOCATION
5. LANDSCAPE SCREENING TO BE APPROVED AT TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND THE DESIGN STANDARDS.
6. LOTS IN COMMERCIAL AREAS FRONTING UPON/ TAKING ACCESS FROM PUBLIC STREETS/ PRIVATE ROADWAYS
7. THE FRONT, SIDE AND REAR SETBACKS ARE ADJUSTED TO 0' FOR LOT 1, BLOCK 1; LOT 1, BLOCK 7; BLOCKS 8, 11, 33, 34, 36, 46 & 47; EXCEPT AS SHOWN ON THE SITE PLAN. OTHERWISE, THE 'R-3' ZONING REQUIREMENTS AND APPLICABLE DESIGN STANDARDS APPLY.
8. SIDEWALKS ALONG EAST SIDE OF S. 70TH STREET BETWEEN YANKEE HILL ROAD AND YANKEE WOODS DRIVE.
9. LOT WIDTH TO DEPTH RATIO.
10. LOT AREA.
11. LOT WIDTH.
12. BUILDING HEIGHT TO 45 FEET FOR MULTI-FAMILY BUILDING.
13. LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY.

PUD USE TABLE

TOTAL COMMERCIAL USES S.F. SHOWN	744,000 S.F.	PLEASE REFER TO THE FULL TRAFFIC STUDY PREPARED BY THE SCHEMMER ASSOCIATES FOR MORE INFORMATION.
TOTAL DWELLING UNITS SHOWN	1327 UNITS	
TOTAL DWELLING UNITS APPROVED	2137 UNITS	
UNALLOCATED DWELLING UNITS	810 UNITS	



TYPICAL PARKING LOT DETAILS
NO SCALE

ENGINEERS:

LYLE L. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

TOM RILEY
FLATWATER GROUP, INC.
1618 'L' STREET
LINCOLN, NE 68508 (402) 435-5441

JEFFERY HASE
THE SCHEMMER ASSOCIATES
1919 S. 40TH STREET, SUITE 302
LINCOLN, NE 68506 (402) 488-2500

OWNER/DEVELOPER:

LEWIS-STAROSTKA INC
429 INDUSTRIAL LANE
GRAND ISLAND, NE 68803

3AP-SE, L.L.C.
820 N. 48TH ST., SUITE 101
LINCOLN, NE 68504 (402) 421-7700

MIDWEST NET LEASE INVESTORS-SE L.L.C.
8200 CODY DRIVE, SUITE 'F'
LINCOLN, NE 68512 (402) 423-7377

RC KRUEGER DEVELOPMENT COMPANY
KRUEGER HOLDING COMPANY
8200 CODY DRIVE, SUITE 'F'
LINCOLN, NE 68512 (402) 423-7377

CALRUBY, LLC
8200 CODY DRIVE, SUITE 'F'
LINCOLN, NE 68512 (402) 423-7377

DOUBLE D LAND COMPANY LLC
8200 CODY DRIVE, SUITE 'F'
LINCOLN, NE 68512 (402) 423-7377

SURVEYOR:

LYLE L. LOTH
REGA ENGINEERING GROUP, INC.
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 484-7342

SHEET LEGEND:
**Refer to CZ05068E

COVER PAGE	1
SITE PLAN	2
ENLARGED SITE PLAN	3**
ENLARGED SITE PLAN	4**
ENLARGED SITE PLAN	5**
ENLARGED SITE PLAN	5A
UTILITY PLAN	6
GRADING PLAN	7
ENLARGED GRADING PLAN	8**
ENLARGED GRADING PLAN	9**
ENLARGED GRADING PLAN	10
ENLARGED GRADING PLAN	10A
STREET PROFILES	11
STREET PROFILES	12**
STREET PROFILES	13**
STREET PROFILES	14
STREET PROFILES	14A

VICINITY SKETCH

PROJECT 181228

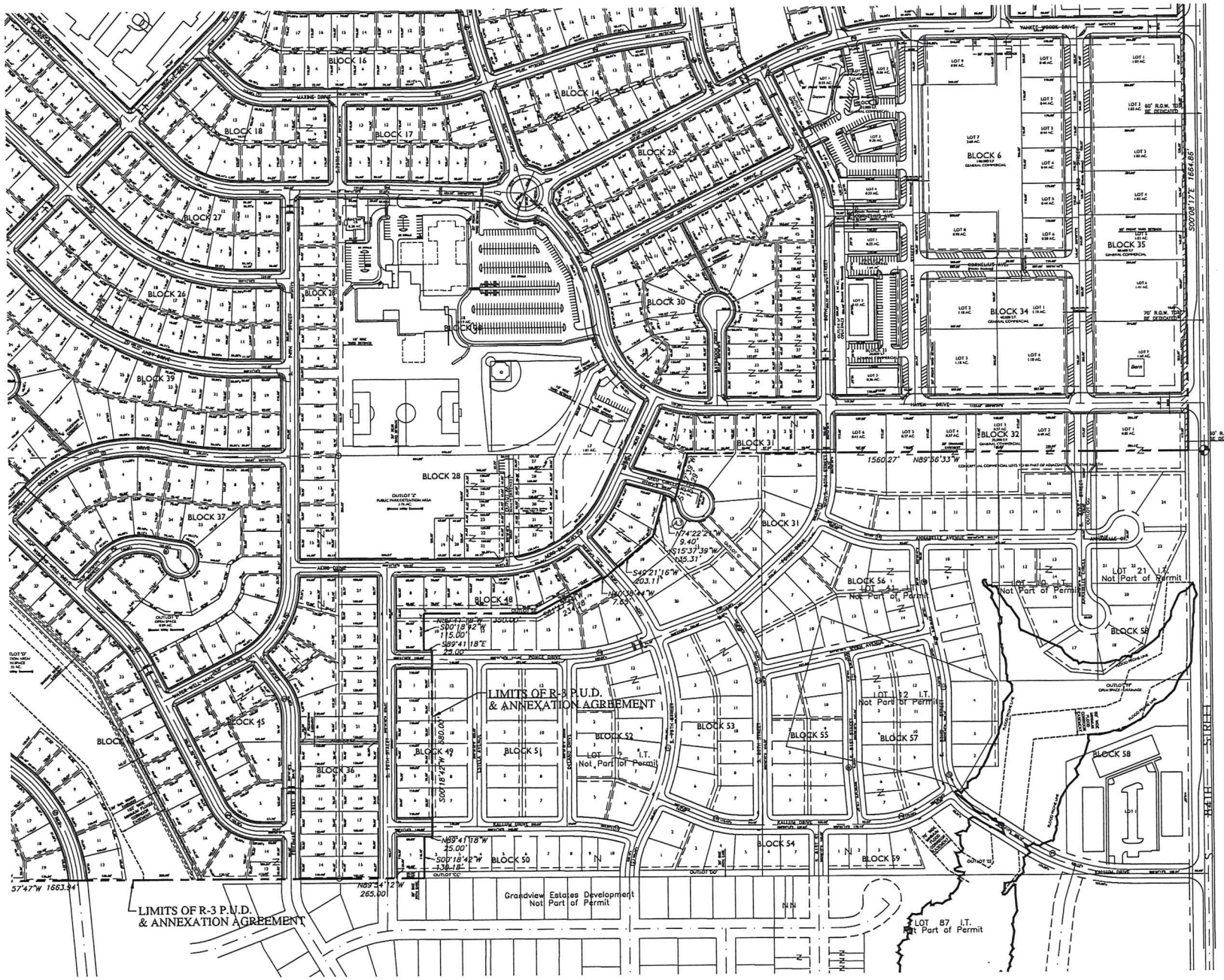
NO.	DESCRIPTION	DATE	BY

REVISIONS

REGA ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342
• ENGINEERING
• PLANNING
• LAND SURVEYING

DATE: 9/18/2019
DESIGNED BY: MLK
DRAWN BY: MLK
CHECKED BY: NPB/LLL

SHEET NO.
1 of 14



PROJECT
181228

NO.	DESCRIPTION	DATE	BY

REVISIONS

REGA
ENGINEERING
GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484-7342
• ENGINEERING
• PLANNING
• LAND SURVEYING

THE WOODLANDS AT YANKEE HILL
'R-3' PUD CHANGE OF ZONE #05068F
ENLARGED SITE PLAN
SOUTH 70TH STREET & YANKEE HILL ROAD

DATE: 9/18/2018
DESIGNED BY: MLK
DRAWN BY: MLK
CHECKED BY: NPB/LLL

SHEET NO.
5A of 14

REGA

ENGINEERING
GROUP, INC.

File No. 181228
September 18, 2019

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

RE: PLANNED UNIT DEVELOPMENT
THE WOODLANDS AT YANKEE HILL – CZ#05068F
South 70th Street & Yankee Hill Road

Dear David,

On behalf of R.C. Krueger Development Company, we are submitting an application for an amendment to The Woodlands at Yankee Hill Planned Unit Development (PUD) CZ#05068E. The application is requesting 15.97 acres to be brought into the boundary of the PUD which includes a change of zone and annexation of that property.

The additional area shall include 16 single family attached lots and 31 single family lots, for a total of 47 dwelling units. An outlot is designated as public park as well as storm water detention in Block 28, drainage in Block 48. The total dwelling units shown have been increased to 1327 units from 1280 units. The total dwelling units approved is proposed to be increased to 2137 units from 2026 units. This increase is calculated by the R-3 zoning density of 6.96 units per acre. The unallocated dwelling units also increases to 810 units from 746 units.

A note has been added to the General Notes which states that the maintenance of the detention area in Outlot Z shall be the responsibility of the developer. With allowing the detention to remain on the same outlot as the public park, the City of Lincoln retains the right and privilege to utilize the detention area when weather conditions allow.

To clarify the landscape screening requirements within the commercial areas, a note has been added to the General Notes. The note states that each building shall be viewed individually and not collectively when addressing landscape requirements at time of building permits.

The private driveway located within Block 28 is located on an outlot and is shown with a total of 60 foot wide public access, sanitary sewer, water and storm sewer easement for the installation of public sanitary sewer and water. The private driveway outlot also includes 4 additional parking stalls for the adjacent single family attached lots.

A 20 foot wide bike path easement has been shown along the south line of Block 50. This location has been discussed with the Park and Recreation Department.

A conceptual layout has been shown for the 64+ acres to the east of the 15.97 acre area that is being added to the PUD with this application. The grading and drainage information is being submitted with this application over the entire area (existing, currently requested and future). This is to provide the Watershed Department the knowledge and understanding of the area when the entire area is developed.

The street profiles of South 81st Street, South 83rd Street and Cornelius Avenue between Yankee Woods Drive and Hayek Drive have been modified to reflect the current construction plans being processed through the City. No other revisions are being made to the existing area already within the Planned Unit Development at this time. Please notify me if there are any questions or comments.

Sincerely,

Marcia L. Kinning
Cc: Rick Krueger, Christina Melgoza
Enclosed: Application Form
Application Fee of $3,623.05

THE WOODLANDS AT YANKEE HILL
P.U.D. #05068F
ANNEXATION
LEGAL DESCRIPTION

Lot 93 of Irregular Tracts (I.T.) located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 27; Thence on the north line of the Southeast Quarter of said Section 27, N89°56'33"W, a distance of 1379.74 feet to the north common corner of said Lot 93 I.T. and Lot 41 of Irregular Tracts located in the Southeast Quarter of said Section 27; Thence continuing on the north line of the Southeast Quarter of said Section 27 also the common line of said Lot 93 I.T.; Block 2, The Woodlands at Yankee Hill 20th Addition; and Lot 2, The Woodlands at Yankee Hill 24th Addition, N89°56'33"W, a distance of 230.49 feet to the common corner of Outlot A and Lot 2, The Woodlands at Yankee Hill 24th Addition, also the **POINT OF BEGINNING**;

Thence S15°37'39"W, a distance of 153.29 feet to a circular curve to the left having a radius of 44.00 feet, a central angle of 38°20'43" and whose chord (29.07 feet) bears N55°04'54"W;

Thence along the arc of said circular curve 29.63 feet to a point of tangency;

Thence N74°22'21"W, a distance of 9.40 feet;

Thence S15°37'39"W, a distance of 135.31 feet;

Thence S49°21'16"W, a distance of 203.11 feet;

Thence N40°38'44"W, a distance of 7.65 feet;

Thence S61°17'44"W, a distance of 234.28 feet;

Thence N89°41'18"W, a distance of 350.00 feet:

Thence S00°18'42"W, a distance of 115.00 feet;

Thence S89°41'18"E, a distance of 25.00 feet;

Thence S00°18'42"W; a distance of 580.00 feet

Thence N89°41'18"W, a distance of 25.00 feet;

Thence S00°18'42"W, a distance of 130.18 feet to a point on the south line of said Lot 93 I.T., also a point on the north line of Block 3, Grandview Estates 4th Addition;

Thence on the common line of said Lot 93 I.T.; and Block 3 and Block 2, Grandview Estates 4th Addition, N89°54'12"W, a distance of 265.00 feet to the common corner of said Lot 93 I.T. and Lot 14, Block 2, The Woodlands at Yankee Hill 21st Addition, also the West 1/16 Corner of the Southeast Quarter of said Section 27;

Thence on the common line of said Lot 93 I.T. and Block 2 and Block 1, The Woodlands at Yankee Hill 21st Addition, N00°18'42"E, a distance of 1321.71 feet to the common corner of said Lot 93 I.T. and Lots 3 and 4, Block 1, The Woodlands at Yankee Hill 21st Addition;

Thence on the common line of said Lot 93 I.T.; Lots 2 and 3, The Woodlands at Yankee Hill 2nd Addition; and Outlot A, The Woodlands at Yankee Hill 24th Addition, S89°56'33"E, a distance of 1087.51 feet to the common corner of Outlot A and Lot 2, The Woodlands at Yankee Hill 24th Addition, also the **POINT OF BEGINNING** and containing a calculated area of 695,614.95 square feet or 15.97 acres.

THE WOODLANDS AT YANKEE HILL
P.U.D. #05068F
CHANGE OF ZONE FROM 'AG' TO 'R-3' PUD
LEGAL DESCRIPTION

Lot 93 located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 27; Thence on the north line of the Southeast Quarter of said Section 27, N89°56'33"W, a distance of 1379.74 feet to the north common corner of said Lot 93 I.T. and Lot 41 of Irregular Tracts located in the Southeast Quarter of said Section 27; Thence continuing on the north line of the Southeast Quarter of said Section 27 also the common line of said Lot 93 I.T.; Block 2, The Woodlands at Yankee Hill 20th Addition; and Lot 2, The Woodlands at Yankee Hill 24th Addition, N89°56'33"W, a distance of 230.49 feet to the common corner of Outlot A and Lot 2, The Woodlands at Yankee Hill 24th Addition, also the **POINT OF BEGINNING**;

Thence S15°37'39"W, a distance of 153.29 feet to a circular curve to the left having a radius of 44.00 feet, a central angle of 38°20'43" and whose chord (29.07 feet) bears N55°04'54"W;

Thence along the arc of said circular curve 29.63 feet to a point of tangency;

Thence N74°22'21"W, a distance of 9.40 feet;

Thence S15°37'39"W, a distance of 135.31 feet;

Thence S49°21'16"W, a distance of 203.11 feet;

Thence N40°38'44"W, a distance of 7.65 feet;

Thence S61°17'44"W, a distance of 234.28 feet;

Thence N89°41'18"W, a distance of 350.00 feet:

Thence S00°18'42"W, a distance of 115.00 feet;

Thence S89°41'18"E, a distance of 25.00 feet;

Thence S00°18'42"W; a distance of 580.00 feet

Thence N89°41'18"W, a distance of 25.00 feet;

Thence S00°18'42"W, a distance of 130.18 feet to a point on the south line of said Lot 93 I.T., also a point on the north line of Block 3, Grandview Estates 4th Addition;

Thence on the common line of said Lot 93 I.T.; and Block 3 and Block 2, Grandview Estates 4th Addition, N89°54'12"W, a distance of 265.00 feet to the common corner of said Lot 93 I.T. and Lot 14, Block 2, The Woodlands at Yankee Hill 21st Addition, also the West 1/16 Corner of the Southeast Quarter of said Section 27;

Thence on the common line of said Lot 93 I.T. and Block 2 and Block 1, The Woodlands at Yankee Hill 21st Addition, N00°18'42"E, a distance of 1321.71 feet to the common corner of said Lot 93 I.T. and Lots 3 and 4, Block 1, The Woodlands at Yankee Hill 21st Addition;

Thence on the common line of said Lot 93 I.T.; Lots 2 and 3, The Woodlands at Yankee Hill 2nd Addition; and Outlot A, The Woodlands at Yankee Hill 24th Addition, S89°56'33"E, a distance of 1087.51 feet to the common corner of Outlot A and Lot 2, The Woodlands at Yankee Hill 24th Addition, also the **POINT OF BEGINNING** and containing a calculated area of 695,614.95 square feet or 15.97 acres.

Woodlands @ Yankee Hill
AN19008
Brian Will
Review #1
Received 9/19/19
Reviewed by Tim Zach 9/27/19

Corrections Required

There are a number of issues related to grading and drainage that need to be addressed. These issues may result in loss of lots, or significant grading changes. See detailed comments below.

1. Plan Sheets:
    a. Add the following notes to the plans:
        i. A floodplain development permit will be required prior to any work in the mapped floodprone area
        ii. The revised floodprone area must be adopted by the City Council prior to platting any lots in or adjacent to the current or revised floodprone area and after all modifications to the floodprone area have been completed.
        iii. All proposed lots that drain to the Upper Wagon Train watershed may not be final platted until the regional detention facilities are constructed per the requirements set forth in the Rokeby Coalition agreement. This includes those lots located in the subareas A3, SSS, TTT, UUU, VVV, WWW, and XXX.
    b. Show the boundary of the proposed floodprone area, and floodprone cross sections and BFEs.
    c. All locations where a storm pipe cuts between two properties shall have a 30 ft outlot centered on the storm pipe. The only exception is at locations where the 100-year overflow does not follow the storm drain pipe or the storm pipe conveys the 100-year flow, a 30 ft easement is allowed.
        i. Need a 30 ft outlot between Lots 11-12 Block 32 and Lots 16-17 Block 58
    d. Set lowest floor elevations for all lots in or adjacent to the currently floodprone area at 1 ft above the revised 100-year water surface elevation. (i.e. Lots 1-4, 17-20, 23 Block 58, Lot 4 Block 59)
    e. Set minimum opening elevations for all lots adjacent to detention cells or water quality cells at 1 ft above either the 100-year water surface elevation, or the overtopping elevation, whichever is higher (i.e. Lots 4-17 Block 58, Lots 12-16 Block 28)
    f. Set minimum opening elevations for all lots upstream of a road crossing at 1 ft above either the 100-year water surface elevation or the overtopping elevation of the road, whichever is higher (i.e. Lots 1-2 Block 58)
    g. Outlot BB conveys flow through Lot 8 Block 48. Need to revise the grading such that 100-year flow does not impact this lot, and show how it will enter the storm drain system/street.
    h. Add flow arrows along all lots lines where the grading is less than 2%.
    i. Detention E and the water quality cell both need to have at least a 2% bottom slope.
    j. No grading is allowed in the minimum corridor, except necessary for road crossings. Remove grading shown in minimum corridor on Sheet 7 (1370 contour).
    k. Show the grading for the bike trail, specifically how it will cross Kallum Dr. and that it will be up above the 2-year elevation.

2. Drainage Report:
    a. Provide the culvert sizing analysis for the Kallum Drive crossing of the floodprone area. This culvert must be sized so that there is no overtopping from the 50-year storm event. Per the grading plan, this road overtops at less than a 2-year frequency. This crossing will also need to be included in the revised floodprone model.
    b. Provide an exhibit in the drainage report showing the areas cut and fill in the floodplain, and provide calculations for the cut/fill volumes.
3. Water Quality:
    a. Provide calculations for rip rap slope stability to verify 4:1 slope okay. May need to flatten slope.
    b. Provide measures to prevent clogging of the water quality orifice. This could be a perforated riser pipe, clean gravel buffer, slotted weir, or another measure that will prevent clogging. With the outlet structure being 5 ft above the orifice, it will be very difficult to safely clean out the orifice. Will also need a concrete pad at the base of the outlet structure for ease of cleaning debris.
    c. Submit the maintenance plan for the water quality basin for review.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

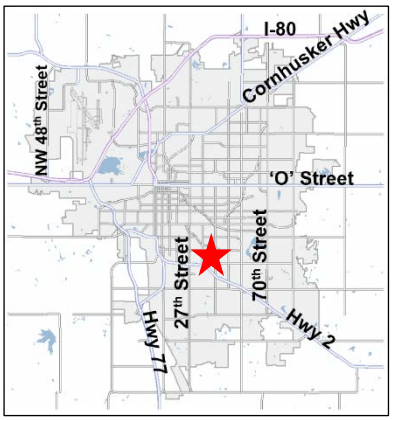
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone 2463F	No	The 3 Amigos Properties, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS**
October 16, 2019	None	4747 Old Cheney Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Highpointe Addition Planned Unit Development (PUD) to increase the boundary by approximately .76 acres to the east and to change the underlying zoning from O-2 to B-2 PUD. Waivers that were previously approved are also being requested, including 1) to reduce the side yard setback along the west property line from 20' to 13' for the building and to 10' for the parking, on Lot 3 only and a 2) waiver to adjust the parking requirements for the B-2 zoning district to 1:300, regardless of use.



JUSTIFICATION FOR RECOMMENDATION

This site is appropriate for a mix of office, commercial, and residential uses. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT
Marcia Kinning, REGA Engineering Group
(402) 484-7342
marcia@regaeng.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed zoning aligns with the commercial future land use designation as shown in the Comprehensive Plan. Also, the proposal should not significantly impact the adjacent properties.

WAIVERS

1. To reduce the side yard setback along the west property line from 20' to 13' for the building and to 10' for the parking, on Lot 3 only. (Previously Approved)

2. Adjustment to parking requirements for the B-2 zoning district to 1:300, regardless of use. (Previously Approved)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 – Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

P. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors

- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
  - In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas as opposed to existing neighborhoods.
  - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
  - Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
  - On at least one arterial street to help provide for traffic and utility capacity and access to transit.
  - In areas appropriate for residential mixed use redevelopment, outside of areas identified as Industrial Centers and Highway Oriented Commercial Areas in LPlan 2040 to avoid conflicts with health and safety.
  - This criterion encourages redevelopment while protecting sensitive environmental areas.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
  - Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
  - Occur on sites supported by adequate road and utility capacity.
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
  - Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
  - Help to create neighborhoods that include homes, stores, workplaces, schools, and places to recreate.
  - Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.
  - Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Enhance Downtown's role as the heart of the City. A strong downtown is important to the economic future of the community. Lincoln's Downtown is unique in the community as the home of State government, the State Capitol Building, and the flagship campus of the University of Nebraska. Together with Antelope Valley, Haymarket and the surrounding neighborhoods, it forms a vital core for the City.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage commercial areas and limited industrial areas to make available opportunities for individuals and/or organizations to raise and market local food.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.

- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

ANALYSIS

1. The applicant proposes to amend the PUD because a business moved into a vacant portion of the existing building without obtaining a Change of Occupancy permit. They were unaware of this requirement as no construction was necessary to any interior or exterior portion of the building, so no Building Permit was required.
2. Additionally, there is possibly signage on the building that is in violation of the current Special Permit (SP) 1507. As some signs on the building were installed without a Sign Permit.
   2.1. SP1507 was approved with higher restrictions on signage on the building because at the time of approval there was residential zoning to the east of the property. So those restrictions were meant to protect those adjacent properties. However, since then, the property to the east has been rezoned to O-3. Additionally, to the south there is sufficient buffer between the building and the apartments to the south. So those restrictions with SP1507 are no longer necessary.
3. This is a request for an expansion of the Highpointe Addition PUD (CZ2463F). The boundary of the existing PUD would be expanded to the east to include approximately .76 acres and to change the underlying zoning district from O-2 to B-2 PUD for a total of 39.86 acres.
4. Currently, this PUD is approved for 182 dwelling units and 10,800 square feet of commercial floor area on approximately 39.1 acres.
5. This amendment would expand the boundary to include a property that has an existing building of approximately 10,300 square feet of commercial floor area. If approved, this PUD would include 182 dwelling units and a total of 21,100 square feet of commercial floor area.
6. In 1982, SP1507 was approved on this property under Lincoln Municipal Code (LMC) 27.63.280 Expansion of Nonconforming Uses. A waiver to reduce the side yard setback on the west property line from 20' to 13' for the building and to 10' for the parking was granted. SP1507 has been amended throughout the years and is currently approved as SP1507B.
7. Due to the request to bring this property into the PUD, there is a recommended condition to rescind SP1507.
8. The same waiver to reduce the side yard setback along the west property line from 20' to 13' for the building and to 10' for the parking, is requested with this PUD (for Lot 3 only).
9. The Planning Commission previously granted a waiver to adjust parking requirements for the B-2 zoning district as 1:300, regardless of use for CZ2463E Highpoint Addition PUD.
10. With this application, cross parking is also being requested throughout the entire PUD.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Commercial; O-2

SURROUNDING LAND USE & ZONING

North: Commercial; B-2
South: Multifamily; R-3
East: Commercial; O-2
West: Commercial; B-2

APPLICATION HISTORY – CZ2463F

Jun 1989 CZ2463 approving the Highpointe PUD was approved.

May 1990 CZ2463A was approved adding two single-family dwellings as part of the PUD.

Nov 1993 CZ2463B was approved allowing an expanded range of commercial uses in the commercial component of the PUD.

Jun 1994 CZ2463C was approved allowing parking stalls in side yard setback.

Sep 2009 CZ2463D was approved to allow a 50 square foot in area, 6'-tall changeable copy sign for the commercial component of the PUD.

Sept 2015 CZ2463E approved to change the zoning over the commercial portion from R-3 PUD to B-2 PUD and to allow for the sale of alcohol for consumption on the premises in conjunction with a restaurant as a permitted use and to reduce the required parking to 1 per 300 square feet of floor area; regardless of use.

APPLICATION HISTORY – SP1507B

1967 Changed from AA Rural and Public Use to A-1 Single Family during the 1967 Zoning Map Update.

Apr 1979 A request to change the zone from A-1 to K Light Industry was denied and a special permit to enlarge a nonconforming use was granted.

May 1979 During the 1979 Zoning Update the zoning was changed on this property to R-3 Residential.

Jan 1982 A special permit was approved by City Council for expansion of the nonconforming use.

Oct 1984 A change of zone from R-3 to H-4 General Commercial was requested and denied.

July 1992 A change of zone R-3 to O-2 Suburban Office was requested and approved.

June 1994 Special Permit #1507 to construct a 9,900 square foot commercial building on this site was approved.

Mar 1995 An administrative amendment to locate a ground sign was approved and another amendment to allow office uses was also approved.

May 1995 Special Permit #1507A was approved to allow additional wall and window signs.

June 2011 To convert a nonconforming retail use to a permitted medical office use and to reduce the parking for medical office on the property.

APPROXIMATE LAND AREA: .76 acres

LEGAL DESCRIPTION: Lot 82 of Irregular Tracts (I.T.) located in the Northwest Quarter of Section 17, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

_____

Dessie E. Redmond, Planner
(402) 441-6373 Date: October 8, 2019

Applicant: Marcia Kinning
REGA Engineering Group, INC.
601 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: The 3 Amigos Properties, LLC
8200 Cody Drive, Suite F
Lincoln, NE 68512

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CONDITIONS OF APPROVAL – CHANGE OF ZONE 2463F

This approval permits 182 dwelling units and 21,100 square feet of commercial floor area with the following waivers:

1. To reduce the side yard setback along the west property line from 20' to 13' for the building and to 10' for the parking, on Lot 3 only.

2. Adjustment to parking requirements; for the B-2 zoning district, to 1:300, regardless of use.

Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **4** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

   1.1 Remove from General Notes, "The Parking requirement is one space per 300 square feet of floor area, regardless of use."

   1.2 Add under Waivers, "Adjustment to parking requirements for the B-2 zoning district to 1:300, regardless of use."

   1.3 Revise the Waiver regarding setback to say, "Side yard setback along west property line from 20' to 13' for the building and to 10' for parking, on Lot 3 only."

   1.4 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

   1.5 Revise the Vicinity Map so it's legible.

2. Before receiving building permits, the developer shall 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 planned unit development has been recorded.

   2.2 Verification that the required easements as shown on the site plan are recorded with the Register of Deeds.

Standard Conditions:

3. The following conditions are applicable to all requests:

   3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

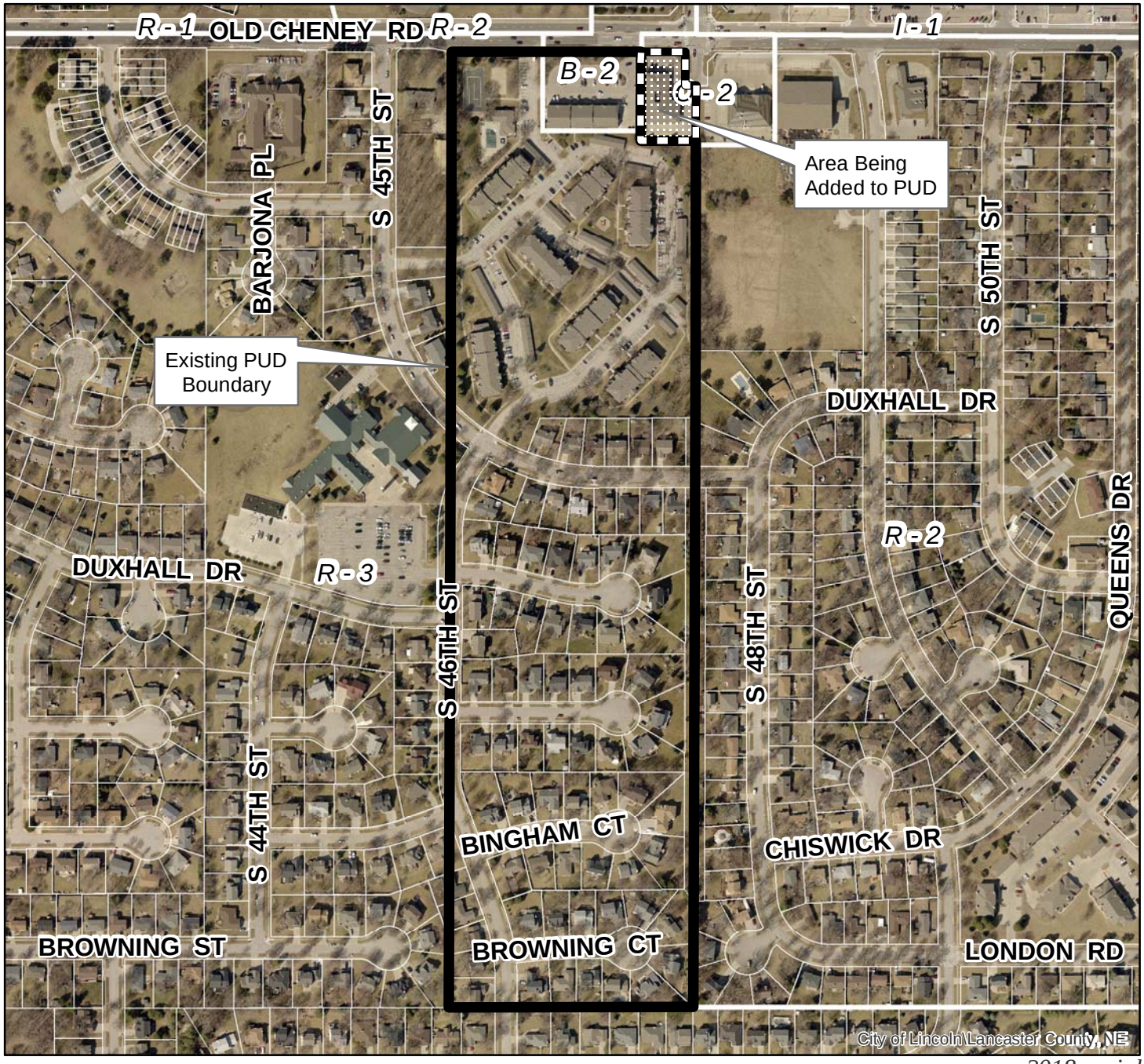
   3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

   3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

   3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

3.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

3.6 The site plan as approved with this ordinance voids SP1507, SP1507A and SP1507B and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



2018 aerial

Change of Zone #: CZ2463F (O-2 to B-2)
Highpointe PUD
S 48th St & Old Cheney Rd

Zoning:

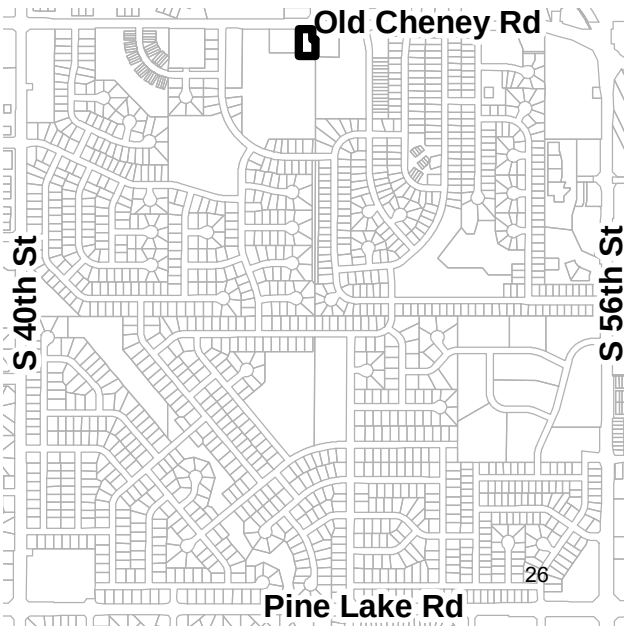
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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.17 T09N R07E

Area of Application

Zoning Jurisdiction Lines

Existing City Limit



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ2463F)

PLANNED UNIT DEVELOPMENT
AMENDMENT TO CZ#2463F

NO.	REVISIONS DESCRIPTION	DATE	BY

PROJECT 191129

REGA ENGINEERING GROUP, INC.
801 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342
- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

GENERAL NOTES

1. NO COMMERCIAL CAN BE STARTED UNTIL AT LEAST 50% OF RESIDENTIAL IS COMPLETE OR PLATTED AND THEN ONLY AT THE SAME PERCENTAGE AS THE RESIDENTIAL.
2. USES FOR THE B-2 AREA ARE AS PER THE B-2 ZONING DISTRICT, EXCEPT THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN CONJUNCTION WITH A RESTAURANT IS A PERMITTED USE.
3. THE SETBACK ALONG THE EAST PROPERTY LINE IS ADJUSTED FROM 30' TO 25'.
4. THE SIX AND FOURTEEN STALL GARAGES NEXT TO THE EAST PROPERTY LINE ARE REPLACED WITH NINE SURFACE SPACES AND A TEN CAR GARAGE.
5. THE PARKING REQUIREMENT IS ONE SPACE PER 300 SQUARE FEET OF FLOOR AREA REGARDLESS OF USE IN THE B-2 AREA.
6. A COMMON ACCESS EASEMENT IS GRANTED OVER ALL DRIVEWAYS, PARKING STALLS AND SIDEWALKS IN THE B-2 AREA ONLY.
7. CROSS PARKING WITHIN THE PUD IS ALLOWED.

WAIVER

1. SIDE YARD SETBACK ON WEST SIDE OF LOT 3 FROM 20' TO 13' FOR BUILDING AND TO 10' FOR PARKING.

PUD – OVERALL LEGAL DESCRIPTION

Lot 82 Northwest of Irregular Tracts; Lot 1 & 2, and Outlot A, Block 1, and Outlot A, Block 4, Highpointe Addition; Lots 1 – 25, Block 2, and Lots 1 – 3, Block 3, Highpointe 1st Addition; Lots 1 – 4, Block 1, and Lots 7 – 30, Block 2, Highpointe 2nd Addition; Lot 1, Block 1 and Lots 1 & 2, Block 2, Highpointe 3rd Addition; a portion of Lots 1 & 2, Highpointe 4th Addition; a portion of Lot 1, Barjona Heights 3rd Addition; and the adjacent street right-of-way, all located in the Northwest Quarter of Section 17, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Containing an area of 39.58 acres.

CHANGE OF ZONE FROM O-2 TO B-2 LEGAL DESCRIPTION

Lot 82 of irregular Tracts (I.T.) located in the Northwest Quarter of Section 17, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northeast Corner of the Northwest Quarter of said Section 17; Thence on the east line of the Northwest Quarter of said Section 17, on an assumed bearing of S00°12'11"W, a distance of 140.00 feet to the POINT OF BEGINNING;

Thence continuing on the east line of the Northwest Quarter, also the east line of said Lot 82, S00°12'11"W, a distance of 150.00 feet to the southeast corner of said Lot 82;

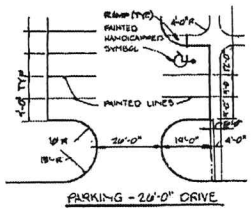
Thence on the south line of said Lot 82, N89°57'12"W, a distance of 150.00 feet to the southwest corner of said Lot 82;

Thence on the west line of said Lot 82, N00°12'11"E, a distance of 240.00 feet to the northwest corner of said Lot 82;

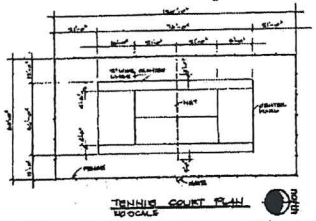
Thence on the north line of said Lot 82, S89°57'12"E, a distance of 120.00 feet to a point on the west line of South 48th Street;

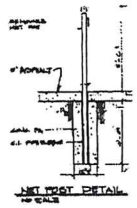
Thence on the west line of South 48th Street, S00°12'11"W, a distance of 90.00 feet;

Thence S89°57'12"E, a distance of 30.00 feet to the POINT OF BEGINNING and containing a calculated area of 0.76 acres.

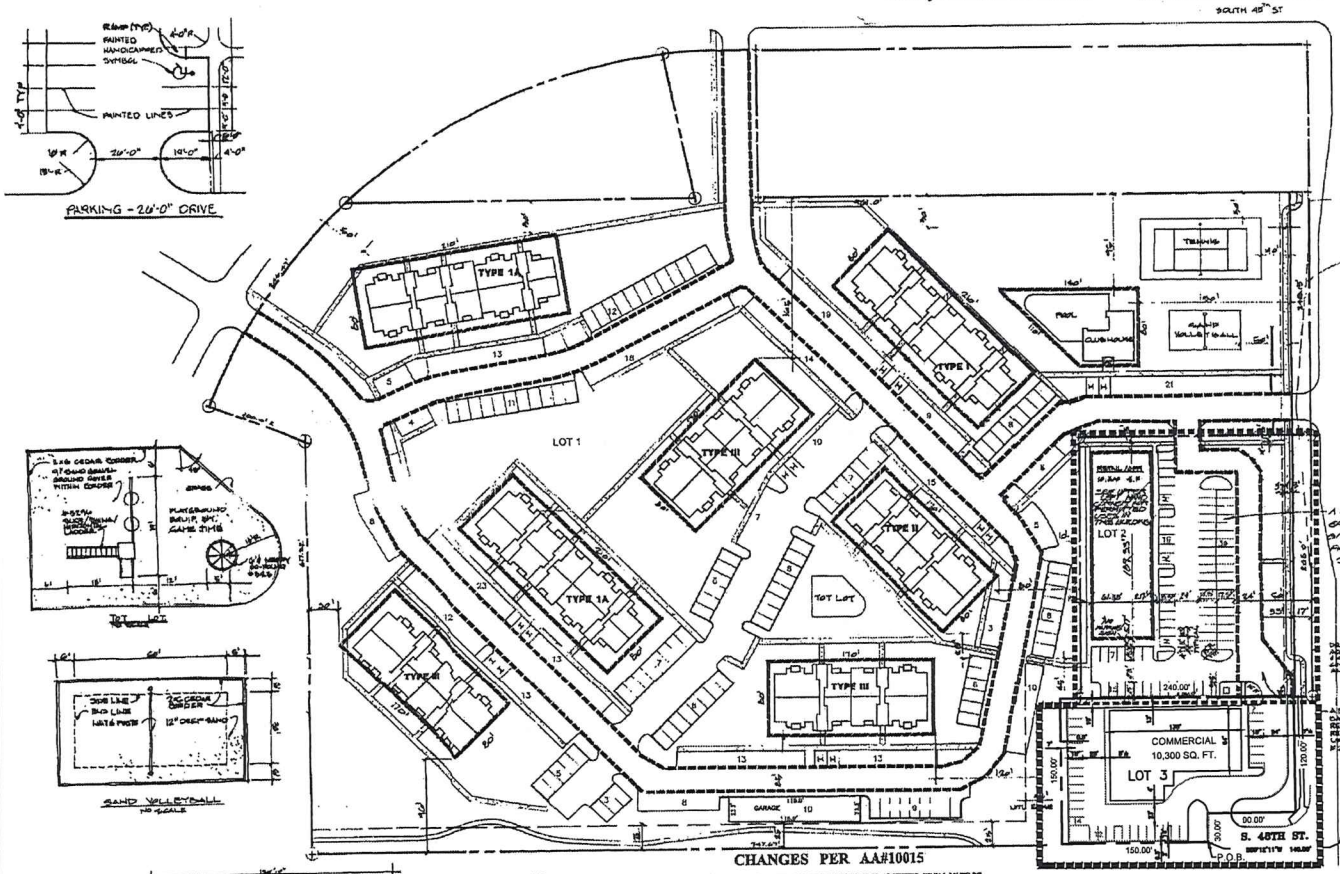


PARKING - 26'-0" DRIVE


TENNIS COURT PLAN


NET POST DETAIL

LEGEND
- COMMON LOT LINES: BACK
- BLDG. ENVELOPES

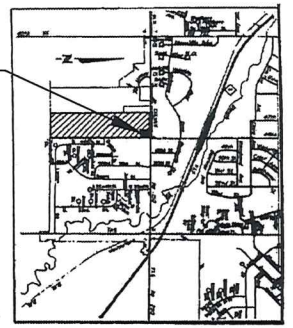


CHANGES PER AA#10015

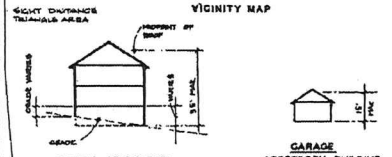
1. THE SETBACK ALONG THE EAST PROPERTY LINE IS ADJUSTED FROM 30' TO 25'.
2. THE SIX AND FOURTEEN STALL GARAGES NEXT TO THE EAST PROPERTY LINE ARE REPLACED WITH NINE SURFACE SPACES AND A TEN CAR GARAGE.

SITE PLAN

north



VICINITY MAP



GARDEN APARTMENTS

GARAGE ACCESSORY BUILDING

TYPICAL BUILDING SECTIONS

BUILDING STATISTICS

APARTMENT DEVELOPMENT

LAND AREA 13.77 ACRES

APARTMENT MIX	1 BED (1A) (790 S.F. EA.)		54
	1 BED (1B) (639 S.F. EA.)		36
	1 BED (1C) (580 S.F. EA.)		14
	2 BED (2A) (1,145 S.F. EA.)		78
	TOTAL UNITS		182

COMMERCIAL DEVELOPMENT

LAND AREA 2.2 ACRES
BUILDING AREA 20,700 S.F.

UNIT BREAKDOWN

TYPE I -	1 BR (1A)	6	TYPE IA -	1 BR (1A)	6
	1 BR (1B)	6		1 BR (1B)	6
	1 BR (1C)	6		1 BR (1C)	4
	2 BR (2A)	12		2 BR (2A)	12
		30			28
TYPE II -	1 BR (1A)	18	TYPE III -	1 BR (1A)	6
	2 BR (2A)	6		1 BR (1B)	6
		24		2 BR (2A)	12
					24

BUILDING TYPES

TYPE I	(1) X 30 UNITS =	30
TYPE IA	(2) X 28 UNITS =	56
TYPE II	(1) X 24 UNITS =	24
TYPE III	(3) X 24 UNITS =	72
TOTAL UNITS		182

PARKING TABLE

LOT	DWELLING UNITS	SF	USE	PARK RATIO	REQ. PARKING	PROVIDED PARKING
1	182		APARTMENTS	2/1 UNIT	364	370
2		10,300	COMMERCIAL	1:300	35	35
3		10,300	COMMERCIAL	1:300	35	33
TOTAL					434	478

HIGHPOINTE ADDITION
4747 OLD CHENEY ROAD
SITE PLAN

DATE: 09-18-2019
DESIGNED BY: -
DRAWN BY: SDB, MLK
CHECKED BY: NB

SHEET NO.
1 of 1

GENERAL NOTES

1. NO COMMERCIAL CAN BE STARTED UNTIL AT LEAST 50% OF RESIDENTIAL IS COMPLETE OR PLATTED AND THEN ONLY AT THE SAME PERCENTAGE AS THE RESIDENTIAL.
2. USES FOR THE B-2 AREA ARE AS PER THE B-2 ZONING DISTRICT, EXCEPT THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN CONJUNCTION WITH A RESTAURANT IS A PERMITTED USE.
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6. A COMMON ACCESS EASEMENT IS GRANTED OVER ALL DRIVEWAYS, PARKING STALLS AND SIDEWALKS IN THE B-2 AREA ONLY.
7. CROSS PARKING WITHIN THE PUD IS ALLOWED.

WAIVER

1. SIDE YARD SETBACK ON WEST SIDE OF LOT 3 FROM 20' TO 13' FOR BUILDING AND TO 10' FOR PARKING.

REGA

ENGINEERING
GROUP, INC.

File No. 191129
September 18, 2019

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

RE: PLANNED UNIT DEVELOPMENT
HIGHPOINTE ADDITION – CZ#2463F
4747 Old Cheney Road

Dear David,

On behalf of The 3 Amigos Properties, LLC, we are submitting an application for an amendment to Highpointe Addition (PUD) CZ#2463E. The application is requesting 0.76 acres to be brought into the boundary of the PUD which includes a change of zone from O-2 to B-2 of that property.

The additional area is currently Special Permit #1507B. We request at this time that this special permit be rescinded.

An existing commercial building of 10,300 square feet along with parking and driveways will remain as it exists on the property being brought into the PUD. A waiver is being requested for the side yard setback along the west line of the addition which adjusts the 20 feet to 13 feet for the building and 10 feet for the parking. This waiver was part of the previous special permit on the property.

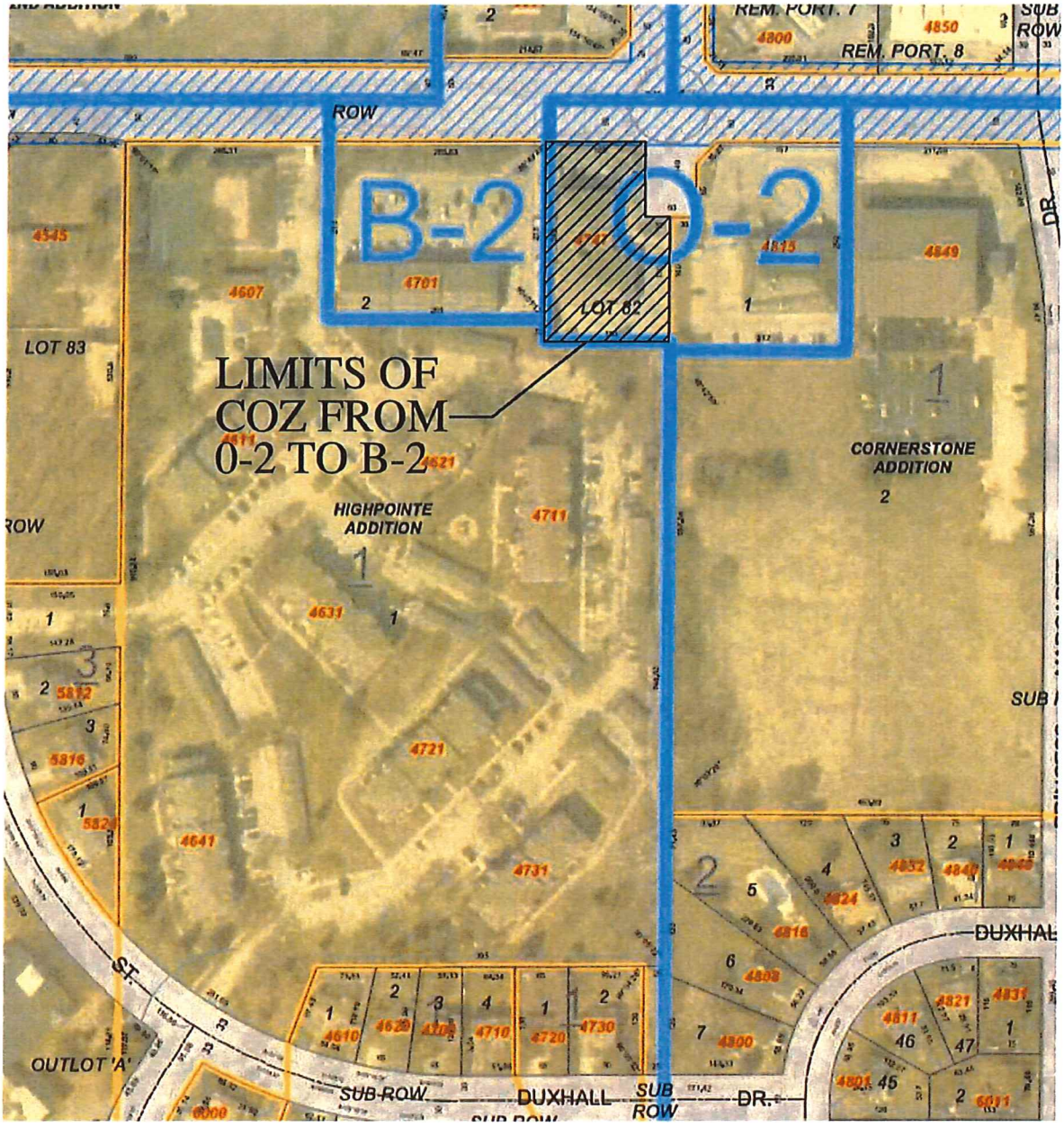
Cross parking within the PUD is to be allowed to meet the parking requirements for each use.

A public access easement will be filed separately at the Register of Deeds which follows the existing driveway from the west line to the east line of Lot 3 located on the north end of the lot.

Sincerely,

Marcia L. Kinning
Cc: Rick Krueger, Christina Melgoza
Enclosed: Application Form
Application Fee of $1,113.40

HIGHPOINTE ADDITION
CHANGE OF ZONE
FROM 0-2 TO B-2



NORTH
SCALE 1" = 200'

REGA
ENGINEERING
GROUP, INC.

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE:
09/18/2019

PROJECT
191129

SHEET NO.
1 of 1

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

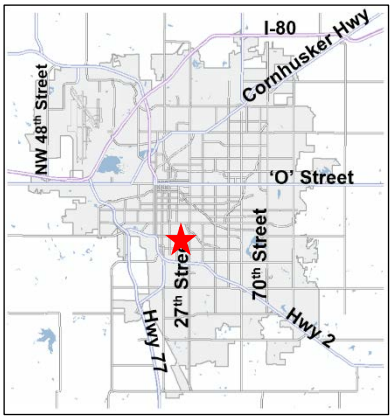
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #19022	No	Dane C. & Angela S. Todd
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 16, 2019	SP18044	3460 East Pershing Road, Lincoln NE

RECOMMENDATION: APPROVAL WITH PRESERVATION GUIDELINES

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-2 Residential District to R-2 Residential District with landmark overlay. The owners seek this landmark designation in order to apply for a special permit to construct a garage at the rear of their property.



JUSTIFICATION FOR RECOMMENDATION

The Landmark designation provides both protection and incentives for preserving the historic character of the property, consistent with the purposes of LMC27.57 (Historic Preservation District). The property is identified as a contributing property to the significance of the Woodsshire Historic Residential District, which is listed on the National Register of Historic Places. The Historic Preservation Commission unanimously recommended approval of this landmark designation.

APPLICATION CONTACT
Dane Todd
(402)430-0403
chad.d.mohr@gmail.com

STAFF CONTACT
Ed Zimmer, (402)441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 3.11 – Strategies for Cultural and Historic Landscapes: Document or promote historic, cultural and archeological sites throughout the City and County.

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. 4.9 - Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

ANALYSIS

1. This is a request for designating the property as a local landmark, while retaining the underlying R-2 Residential District.
2. The Beeler House was built by A. O. Anderson by William R. Morton in 1929 for J. B. Beeler. It is significant as a fine Tudor Revival style house, plus its association with an early resident, Jack Beeler, who was a pioneer aviator.
3. The proposed preservation guidelines for the Beeler House are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln area landmarks.
4. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on Feb. 21, 2019 (excerpt from meeting record attached). The Commission also recommended that staff work with the applicant to strengthen the design of the proposed garage, a successful process which was only recently completed (hence the delay).

EXISTING LAND USE & ZONING: R-2, Residential District.

SURROUNDING LAND USE & ZONING

R-2 Residential District on every side

APPROXIMATE LAND AREA: 10,248 square feet, more or less

LEGAL DESCRIPTION: Lot 16, Block 5, Woodsshire, (except the east 25 feet for S. 20th St.) in Lincoln, Lancaster County, Nebraska.

Prepared by

_____
Ed Zimmer, Planner

Date: October 3, 2019

Applicant: Dane and Angela Todd
3460 East Pershing Road
Lincoln, Nebraska 68502
danetodd@gmail.com

Contact: Dane Todd
3460 East Pershing Road
Lincoln, Nebraska 68502
danetodd@gmail.com

Owner: Dane and Angela Todd
3460 East Pershing Road
Lincoln, Nebraska 68502

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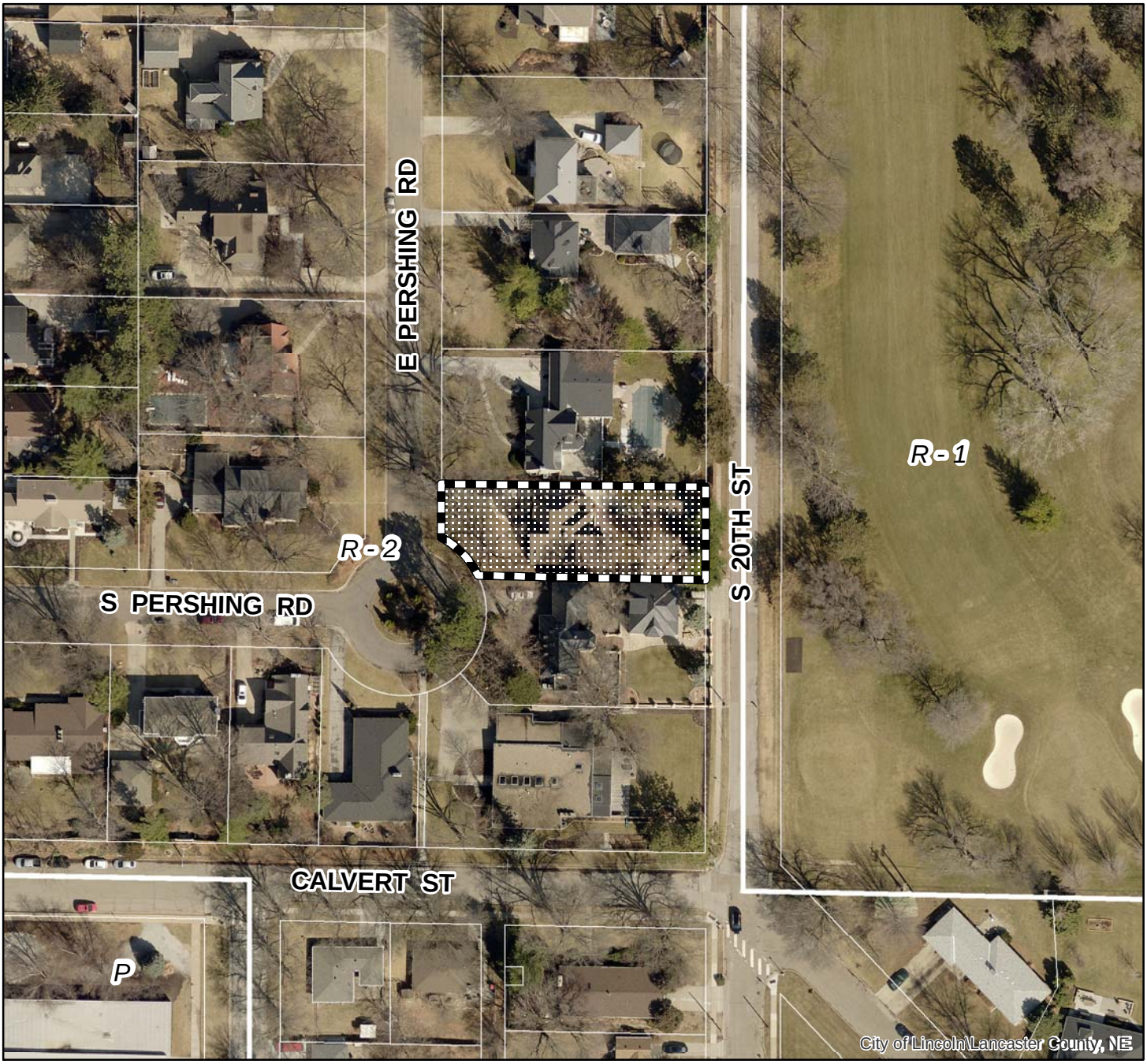
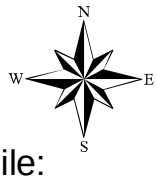


2018 aerial

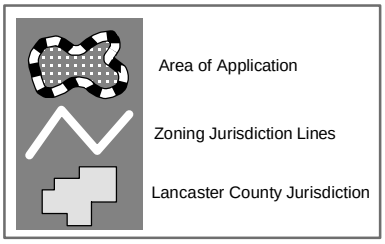
Change of Zone #: CZ19022 and Special Permit #: SP18044
E Pershing Dr & S Pershing Dr

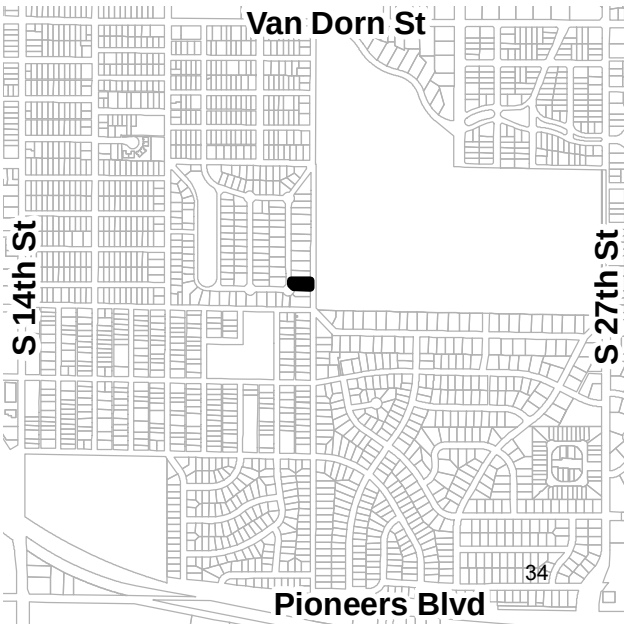


Zoning:

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.01 T09N R06E





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CITY OF LINCOLN

Print Form

Planning Department Application Request Form

Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508
Phone 402-441-7491 / Fax 402-441-6377
plan@lincoln.ne.gov

Date 9/23/19

	Application Type	Subtype	Category	Office Use Only: File #	Office Use Only: PC Final Action
+ -	~~Special Permit~~ changeofzone	New Special Permit	27.63.400 Historic Preservation	CZ19022 SP 18044	☐

Project Name Todd Historic Landmark Designation & special permit

Address/General Location 3460 E Pershing Rd

Legal Description WOODSSHIRE, BLOCK 5, Lot 16, EX E25' FOR ST
(Attach legal if necessary.)

Parcel ID Number(s) (PID) 09-01-131-034-000

Number of Acres 0.24 Number of lots being platted *(Not outlots)* App # Being Amended

THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."
2. **FEE** (View Fee Schedule) Note: Make checks payable to the City of Lincoln.
3. **SITE PLAN** The site plan shall be submitted electronically using e-plan. (View instructions on eplan submittal)

NOTE: See Forms & Fees section of Planning Department website for checklists with specific requirements for each type of project.

*** This application may be returned as incomplete if all requested information is not provided. ***
The City reserves the right to ask for additional information to process this application.

Property Owner Name Dane and Angela Todd Phone (402) 430-0403
Address 3460 E Pershing Rd Email danetodd@gmail.com
City Lincoln State Nebraska Zip 68502

Applicant Name Dane Todd Phone (402) 430-0403
Address 3460 E Pershing Rd Email danetodd@gmail.com
City Lincoln State Nebraska Zip 68502

Contact Name *Dane Todd* Phone (402) 430-0403
Address 3460 E Pershing Rd *Email* *danetodd@gmail.com*
City Lincoln State Nebraska Zip 68502

ProjectDox Contact *ProjectDox Email*

Applicant Signature: Dane Todd Angela Todd

* Property Owner Signature: Dane Todd Angela Todd

** NOTE: If application is for a special permit or a use permit and the applicant is not the owner of the property, the property owner must sign the application or the applicant must attach written permission of the owner authorizing the applicant to sign on behalf of the owner. By signing this application request form or granting the applicant permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.*

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

1. NAME

Historic	Beeler House
and/or Common	
NeHBS Site	LC13:D04-023

2. LOCATION

Address	3460 East Pershing Road, Lincoln, NE 68502

3. CLASSIFICATION

Proposed Designation
__Landmark District
_X_Landmark

Category
__district
_X_building(s)
__structure
__site
__object

Present Use
__agriculture
__commercial
__educational
__entertainment
__government
__industrial
__military
__museum
__park
_X_private residence
__religious
__scientific
__transportat'n
__other

4. OWNER OF PROPERTY

Name	Dane C. & Angela S. Todd
Address	3460 East Pershing Road, Lincoln, NE 68502

5. GEOGRAPHICAL DATA

Legal Description	Lot 16, Block 5, Woodsshire (except east 25 feet for S. 20th St.), Lincoln, Lancaster County, Nebraska
Property ID Number	0901131034000
Number of Acres or Square Feet:	10,248 sq. ft. (more or less)

6. REPRESENTATION IN EXISTING SURVEYS

Title Historic and architectural survey of Lincoln, Nebraska

Date on-going __State __County _X_Local

Depository for survey records Lincoln/Lancaster County Planning Dept.

City Lincoln State Nebraska

Is proposed Landmark or Landmark District listed in the National Register?

_X_ yes, within Woodsshire Residential Historic District date listed March 29, 2011
__ no

7. DESCRIPTION AND HISTORY

Condition

X excellent	__deteriorated	X unaltered	X original site
__good	__ruins	__altered	__moved date
__fair	__unexposed		

DESCRIPTION:

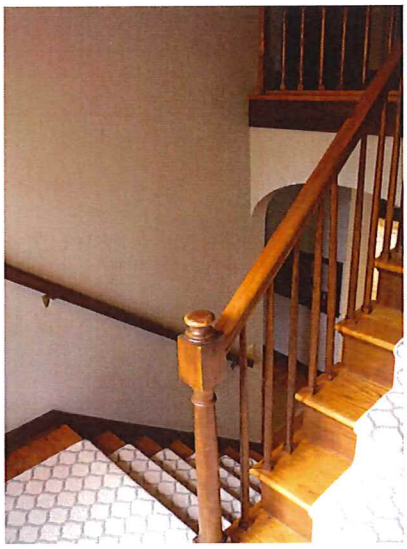
Beeler house from southwest, 2019

The Beeler House is a high-style Tudor Revival residence, predominantly clad in red brick laid in running bond, with substantial limestone accents on the principal, west façade, and wide, rough-edged clapboards on the dormers and gable ends. The complex roof includes a steep façade gable encompassing most of the street façade and sweeping down to form the north side of a gable over the projecting, limestone-clad entry with an arched doorway and two small side lights. That main gable stands forward of an equally steep hipped roof over the north side of the house, while the south side features a shed dormer and a lower cross-gable over the southeast portion of the home.

The arched main entry is echoed by an open limestone arch at the southwest corner of the façade, accessing a recessed porch with four brick arches facing south. Limestone also extends across the west and north facades up to

the first floor window sills, and forms quoins accenting the northwest corner of the house. Two small dormers pierce the eaves of the hipped roof on the west and north sides.

The interior of the Beeler House has largely been modernized but period features include a limestone surround on the first floor fireplace (above) and the staircase with wooden handrails and spindles (below).



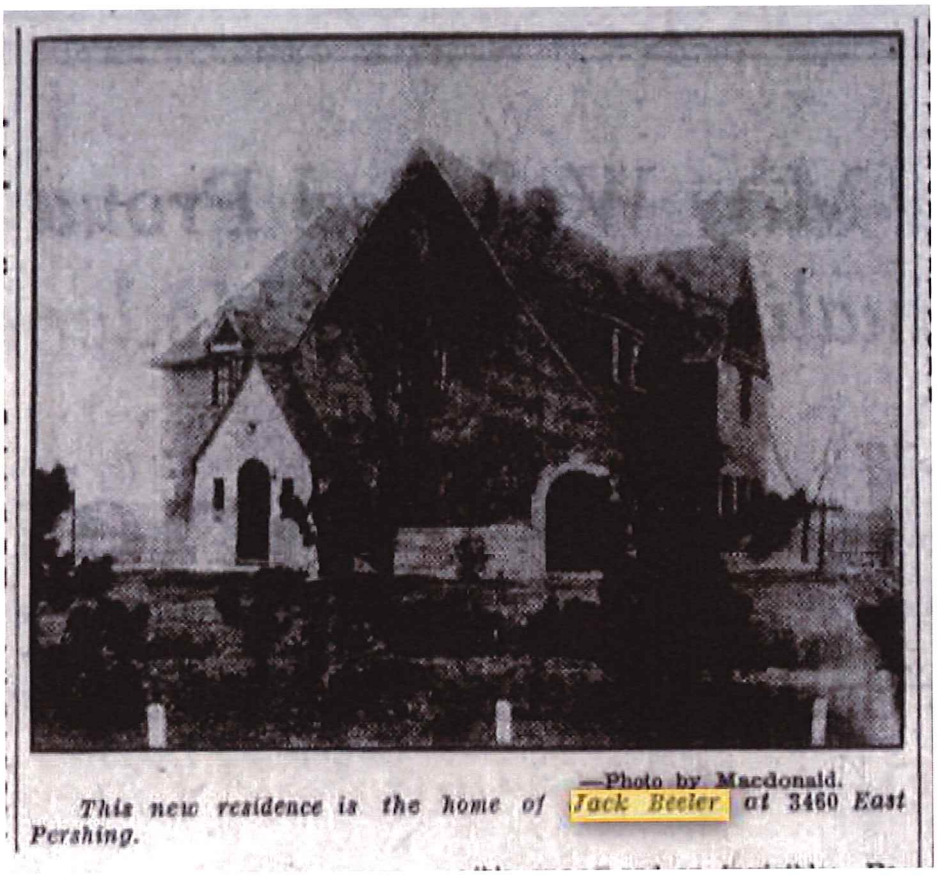
Beeler House, main façade from west, 2019

HISTORY:

The house was built in 1929 by A. O. Anderson for J. B. Beeler. Anderson had operated a hardware store in Waverly before he began general contracting in Lincoln in 1925. He build stylish, substantial masonry houses throughout Lincoln, especially in southern neighborhoods, before his death in 1948. No architect is identified in the building records for 3460 E. Pershing but it fits very well among the substantial Period Revival houses of Woodsshire.

Mr. Anderson

Nebr. State Journal,
July 26, 1948, p. 1



—Photo by Macdonald.

This new residence is the home of Jack Beeler at 3460 East Pershing.

Lincoln State Journal,
March 23, 1930

The greater historic significance of the property relates to the occupants. Jack ("J. B") Beeler was a rancher from Glen Elder, Kansas; the house was constructed for his estranged wife and their two sons, Richard and Jack. A 1933 note in the *Sunday State Journal & Star* reported that Mrs. Beeler was hostess for a celebration at the house for the 18th birthday of her son Richard. The party favors all had aviation themes, as Jack, a Lincoln High senior, was already a licensed pilot. Another brief story in Sept. of 1933 indicated that Richard and his 12-year-old brother Jack had flown to Chicago in Jack's Curtiss-Wright plane to attend international air and balloon races.

Richard attended the University of Nebraska in 1934 but apparently did not graduate, as his avocation of flying became his vocation. He bought a new plane in Wichita in 1934 and was reported to be living in Chicago that year, although he occasionally flew home to visit his mother Mabel. In May 1937 he assisted in ferrying six new planes to

Central America for the Honduran national air force. On his return, he married Lucile Papik of Lincoln, with the wedding held at 3460 East Pershing. They had dated in high school and she later recalled that some of those dates consisted of flying with Richard to his father's ranch in Kansas. The couple settled in Lincoln for a few years where Richard was a "transport air pilot and instructor." His draft registration in 1940 listed his employer as Lincoln Airplane and Flying School. With the outbreak of WWII, Richard Beeler relocated to Lakeland and then Avon Park, Florida, where he was director of flying training military pilots at Lodwick Aviation Military Academy. He remained a professional aviator and instructor for the rest of his career.

—Photo by Anderson.
MRS. RICHARD BEELER.
Mrs. Beeler was Miss Lucile Papik before her wedding on Aug. 14.

Sunday Journal & Star, Sept. 5, 1937[a]

GREG FIGHT/Tribune photo

Richard Beeler's passion for flying started when he was an elementary school student and has intensified through the years. The 1941 Stearman N2S-4 Kaydet is similar to ones Beeler flew.

Tampa (Florida) Tribune, April 17, 1999

Since Beeler's interest in aviation predated his move to Lincoln, it is surely coincidence that his Lincoln home was built on the site where Charles Lindbergh had learned to fly less than a decade earlier. But Beeler's ability to transform his youthful hobby into a lifelong profession exemplifies Lincoln's participation in the rapid maturation of aviation from Lindbergh's barnstorming start to a significant part of modern military and transportation.

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[a] The wedding announcement noted "The bride wore a navy blue taffeta suit, with blue and white accessories, and a gardenia corsage."

8. SIGNIFICANCE

Period	Areas of Significance-Check and justify	
_prehistoric	_archeology-prehistoric	_landscape architecture
_1400-1499	_archeology-historic	_law
_1500-1599	_agriculture	_literature
_1600-1699	X_architecture	_military
_1700-1799	_art	_music
_1800-1899	_commerce	_philosophy
X_1900-	_communications	_politics/government
	_community planning	_religion
	_conservation	_science
	_economics	_sculpture
	_education	_social/humanitarian
	_engineering	_theater
	_exploration/settlement	X transportation (aviation)
	_industry	_other (specify)
	_invention	

Specific dates: 1929; 1929-1940

Builder/Architect: A. O. Anderson, contractor

Statement of Significance:
The Beeler House is a fine example of the Tudor Revival style and a solid contributor to the character of the Woodsshire Residential Historic District. Its association with Richard Beeler, an earlier Lincoln aviator and life-long aviation instructor, further connects the Woodsshire area to Lincoln's storied role in the development of transportation.

9. STANDARDS FOR DESIGNATION
(Check one(s) that apply)

_X_Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;

_X_Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or

__ Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES
Lancaster County Deeds
City of Lincoln Building permit (1929)
See newspaper references in text and photo captions.

11. FORM PREPARED BY:

Name/Title: *Ed Zimmer, historic preservation planner* Date Submitted *9/17/19 based on 2/15/19 memo to HPC*

Organization: *Lincoln/Lancaster County Planning Dept.*

Street & Number *555 S. 10th St.* Telephone *402-441-6360*

City or Town *Lincoln* State *Nebraska*

Signature

FOR HISTORIC PRESERVATION COMMISSION USE ONLY:

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED

LANDMARK/LANDMARK DISTRICT NUMBER

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Approved:

*City Council*_____
(date)

PRESERVATION GUIDELINES FOR
Beeler House
3460 East Pershing Road, Lincoln, NE 68502

1. Architectural Review of Landmark:

a. Photographs: On file in Planning Department.
b. Important architectural features: **Exterior:** Brick exterior with stone and wood accents, multiple gables and dormers
c. Important landscape features: mature oak tree in front yard
d. Architectural style and date: Tudor Revival; A. O. Anderson, builder, 1929
e. Additions and modifications: high degree of integrity

2. Notice of Work Needing Certificate:

A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:

1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
3. Work involving:
    a. Replacement of exterior material and trim on west or south facades;
    b. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from west or south;
    c. Addition of awnings;
    d. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
    e. The addition or replacement of signs;
    f. Moving structures on or off the site;
    g. Installation of electrical, utility, and communications services on principal (west or south) facades;
    h. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the west or south facades.
    i. Any addition of pavement west of house.

j. Painting of unpainted masonry.

k. Removal of oak tree in front yard, except if documented to be hazardous.

B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:

1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
2. Changes involving color and landscaping, except as previously noted;
3. Interior changes involving no exterior alteration.

C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed $100.00. Each and every day that such violation continues after notification may constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

3. Standards for Owner and Preservation Commission:

The following standards serve as a guide to the Landmark property owner in the preservation of their building. It is also intended that these Standards will aid the Commission in making decisions regarding issuance or denial of a Certificate.

When a decision on issuing or denying a Certificate is requested, the more definitive the presentation by the applicant, the easier it will be to convey and comprehend the effect of the proposed change. The owner or representative should plan to attend the public hearing to discuss the proposed work. When an application is being reviewed, it will be the responsibility of the applicant to demonstrate that the new work is compatible with these Standards.

A strict interpretation of these guidelines may be waived by the Preservation Commission if the applicant develops a design solution which meets the spirit and intent of the Historic Preservation Ordinance. In addition, although the owner of the landmark must receive Certificates for work identified above, a broader interpretation of the Guidelines for this property may be allowed by the Preservation Commission.

(Based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings)

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be physical, based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

GUIDELINES FOR APPLYING THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION

THE ENVIRONMENT

Recommended	*Not Recommended*
Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.	Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.
Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs that have traditionally linked buildings to their environment.	Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.
Using new plant materials, fencing, walkways, street lights, signs and benches that are compatible with the character of the neighborhood in size, scale, material and color.	Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials that are out of scale or inappropriate to the neighborhood.

BUILDING SITE

Recommended	*Not Recommended*
Identifying plants, trees, fencing, walkways, outbuildings, and other elements that might be an important part of the property's history and development.	
Retaining plants, trees, fencing, walkways, street lights, signs, and benches that reflect the property's history and development.	Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.
Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.	Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.
Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.	

BUILDING: STRUCTURAL SYSTEMS

Recommended	*Not Recommended*
Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.	Disturbing existing foundations with new excavations that undermine the structural stability of the building.
Undertaking stabilization and repair of weakened structural members and systems.	Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.
Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.	

BUILDING: EXTERIOR FEATURES

MASONRY: Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco and Mortar*

Recommended	*Not Recommended*
Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.	Applying waterproof or water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.
Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.	Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.
Duplicating old mortar in composition, color and texture.	Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
Duplicating old mortar in joint size, method of application, and joint profile.	Repointing with mortar joints of a differing size or joint profile, texture or color.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.	
Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.	Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.
Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.	Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.
Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.	Removing architectural features such as cornices, brackets, railings, shutters, window architraves and doorway pediments.
Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.	Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

* For more information consult Preservation Briefs: 1: "The Cleaning and Waterproof Coating of Masonry Buildings" and Preservation Briefs: 2: "Repointing Mortar Joints in Historic Brick Buildings." Both are available from Technical Preservation Services Division, Heritage Conservation & Recreation Service, U. S. Department of the Interior, Washington, D.C. 20240

WOOD: Clapboard, Weatherboard, Shingles and Other Wooden Siding

Recommended	*Not Recommended*
Retaining and preserving significant architectural features, whenever possible.	Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.
Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape and texture the old as closely as possible.	Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS: Cast Iron, Steel, Pressed Tin, Aluminum, Zinc

Recommended	*Not Recommended*
Retaining original material, whenever possible.	Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.
Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.	Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

Recommended	*Not Recommended*
Preserving the original roof shape.	Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.
Retaining the original roofing material, whenever possible.	Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.
Providing adequate roof drainage and insuring that the roofing materials provide a weather-tight covering for the structure.	
Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.	Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.
Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.	Stripping the roof of architectural features important to its character.

Windows and Doors

Recommended	*Not Recommended*
Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware.	Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.

Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.

Installing visually unobtrusive storm windows and doors, where needed, that do not damage existing frames and that can be removed in the future.

Using original doors and door hardware when they can be repaired and reused in place.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing inappropriate new window or door features such as aluminum storm and screen window insulating glass combinations that require the removal of original windows and doors.

Installing plastic, canvas, or metal strip awnings or fake shutters that detract from the character and appearance of the building.

Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, and Steps

Recommended

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Not Recommended

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as handrails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

Recommended

Discovering the historic paint colors and finishes of the structure and repainting with those colors to illustrate the distinctive character of the property.

Not Recommended

Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.

Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

NEW CONSTRUCTION

Recommended	*Not Recommended*
Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.	
Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.	Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.
Using contemporary designs compatible with the character and mood of the building or the neighborhood.	Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.
Protecting architectural details and features that contribute to the character of the building.	Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades. Adding new floors or removing existing floors that destroy important architectural details, features and spaces of the building.

MECHANICAL SYSTEMS: Heating and Air Conditioning, Electrical, Plumbing, Fire Protection

Recommended	*Not Recommended*
Installing necessary mechanical systems in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.	Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical system.
Utilizing early mechanical systems, including plumbing and early lighting fixtures, where possible.	Attaching exterior electrical and telephone cables to the principal elevations of the building.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing the vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.

Insuring adequate ventilation of attics, crawlspaces, and cellars to prevent moisture problems.	Concealing or "making invisible" mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.
Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.	Installing "dropped" acoustical ceilings to hide mechanical equipment. This destroys the proportions and character of the rooms.
	Installing foam, glass fiber, or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.
Placing television antennas and mechanical equipment, such as air conditioners, in an inconspicuous location.	Placing television antennas and mechanical equipment, such as air conditioners where they can be seen from the street.

Excerpt from MEETING RECORD

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, February 21, 2019, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE	Liz Bavitz, Melissa Dirr Gengler, Jim Hewitt, Jim Johnson, and Gregory Newport; Greg McCown and Jim McKee absent.
OTHERS IN ATTENDANCE:	Ed Zimmer, Stacey Hageman, Amy Huffman and Chelsey Pounds of the Planning Department; the media and other interested citizens.
STATED PURPOSE OF MEETING:	Historic Preservation Commission Meeting

RECOMMENDATION ON DESIGNATION OF THE BEELER HOUSE, 3460 EAST PERSHING ROAD, AS A LANDMARK, AND RECOMMENDATION ON A SPECIAL PERMIT FOR HISTORIC PRESERVATION FOR THE SAME.
PUBLIC HEARING: **February 21, 2019**

Members present: Bavitz, Gengler, Johnson, and Newport; Hewitt, McCown and McKee absent.

Dane Todd, 3460 E. Pershing Rd., stated their 100 year old home has a detached garage in the back. There is a fence within a few feet of that garage, which sits near the lot line. They would like to be able to expand the garage to fit two cars, particularly with the single, narrow drive which makes it nearly impossible to park two cars at a time and they would like to be able to park a second vehicle to avoid street parking. They would also like to build a story above the garage to use as a gym space and to have a deck off the back to take advantage of the view, which overlooks the Country Club. Design elements would be in keeping with the home and neighborhood. The idea has been discussed with neighbors, was presented at their HOA meeting and emails were sent out to answer questions. Only one was received.

Emily Faubel, Woodsshire HOA President, said she had two calls of support for this project. They are in support of investment in the property to make it livable and to make updates to accommodate modern living needs, all while maintaining the character of the neighborhood.

Todd said the fence is inches away from the garage. Their goal would be to maintain the north wall and expand it. They have talked about keeping the brick taken down from the side of the garage to widen it south and extend the back portion to 20th Street, an area that is unusable now. The area does not get sun and is mud all year. They do not want kids playing in that area and the extension would provide extra storage which is lacking in these older homes. On top of that would be the deck. Newport commented that the wall may need to be pushed back. Todd said

they have discussed that option. The whole yard is 60 feet wide and there are two frontages—East Pershing and South 20th. Other options were considered but involved giving up access to the current drive.

Zimmer said this is packaged as a landmark special permit because that permit allows adjustments to yard area. It is important to be sensitive to the appearance, but in this case, the affected area is only visible to the adjacent neighbors who are here in support. This method has been used to solve similar issues in other neighborhoods. Faubel commented that there are cedar trees between their properties and this proposal will not look unusual in their neighborhood.

Zimmer said the landmark side of this application centers on one of the original residents of the house, Richard Beeler. When his parents had the house built in 1930, he was already a licensed pilot, although he was still in high school. The Woodsshire area was where Lindbergh learned to fly. Beeler reflects a next phase of Lincoln's aviation history, as he spent a life-long career in aviation. He was a flight instructor, first in Lincoln and then in Florida, where in WWII he trained Army Air Corps pilots. One story about Mr. Beeler is that even while a student at Lincoln High School, he flew his sweetheart (later his wife) to his father's ranch in Kansas on dates. His story adds the history of aviation in Lincoln.

ACTION:

Newport asked if separate motions are needed. Zimmer said that the landmark comes first, then the project is on a plausible track and issues with the garage can be resolved through the special permit.

Gengler asked if it would be necessary for the applicant to return during the design stage. Zimmer suggested that it could be delegated to staff due to lack of visibility.

Gengler moved for approval, including further discussion with staff regarding the visibility and design of the project; seconded by Newport and carried, 4-0: Bavitz, Gengler, Johnson and Newport voting 'yes'; Hewitt, McCown and McKee absent.

F:/Boards/HPC/Minutes/2019/HPC022119excerpt.doc

CITY OF LINCOLN NEBRASKA

LANCASTER COUNTY NEBRASKA

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

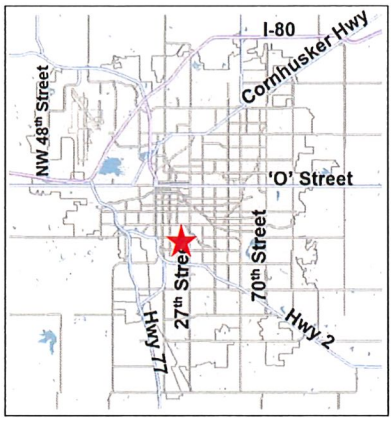
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #18044	No	Dane C. & Angela S. Todd
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 16, 2019	CZ19022	3460 East Pershing Road, Lincoln NE

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

The homeowners are requesting a Special Permit for Historic Preservation in order to expand or construct a garage with workout space in their rear yard. To match the Tudor Revival style of the house they are seeking a waiver to the height limit. They also wish to retain portions of the existing garage and seek a waiver to expand on the current site. They also seek conditioned space in the new garage for an upper level workout space, which would require another waiver at the preferred location in the rear yard.



JUSTIFICATION FOR RECOMMENDATION

Adding the protection of Lincoln landmark designation supports the retention of a significant historic structure in the National Register-listed Woodsshire Historic Residential District. Landmark designation is a requirement to seeking a Special Permit for Historic Preservation, which provides incentives for the continued productive use of investment in neighborhood infrastructure and the house, as is strongly encouraged by the Lincoln/Lancaster County 2040 Comprehensive Plan.

APPLICATION CONTACT

Dane Todd
(402)430-0403
chad.d.mohr@gmail.com

STAFF CONTACT

Ed Zimmer, (402)441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

WAIVERS

Waivers to zoning requirements including

- 27.72.120 (c) iii, to allow an accessory building height not to exceed 25 feet instead of 15 feet;
- 27.72.120 (e), to allow an accessory building with conditioned space in the rear yard and in a portion of the 20th Street front yard east of (behind) the house;

and authorizing the Planning Director to approve other waivers as necessary to build the specific design proposed.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods:
Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

•

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. 4.9 - Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 7.9 - Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This is a request for a special permit for historic preservation to allow construction of a rear-yard garage and workout space totaling not more than 1600 square feet total on two levels, with conditioned space.
2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

2.1 The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:

The significance of the structure is presented in the landmark application attached to the associated report on CZ19022, which states: *The Beeler House is a fine example of the Tudor Revival style and a solid contributor to the character of the Woodsshire Residential Historic District. Its association with Richard Beeler, an earlier Lincoln aviator and life-long aviation instructor, further connects the Woodsshire area to Lincoln's storied role in the development of transportation.* The landmark application has been recommended for approval by the Historic Preservation Commission.

The "degree of variation" requested from permitted uses in the R-2 Residential District is not large—garages and other accessory spaces are customary in backyards in residential districts. The waivers are to allow the preferred design, compatible with the architecture of the historic house, and to maintain usable space in the backyard by expanding the current garage location. If the garage and workout space were placed at a more central back yard location, outside the required yards, the conditioned space would be allowed by right.

2.2 The extent to which economic factors necessitate the change in use:
The owners have not stated a specific economic factor.

2.3 The extent of proposed exterior change to the structure or site:
The original historic house would not be altered by this project. From the public right-of-way, the nicely designed new garage would mainly be visible only at a distance of over 110 feet, at the end of the narrow driveway, or from South 20th Street behind the house.

Landmark designation and the accompanying design review process provide protection for the building and site. A condition is included in this recommendation to require a more specific, dimensioned site plan to accompany any future proposals for the site.

2,4 The impact on the surrounding area:
This accessory building is anticipated to have an impact on the surrounding area similar to that of the existing garage and very comparable to that of many garages found in residential neighborhoods. Its height would be similar to historic garages which sometimes included chauffer quarters on an upper level, although in this case the space would not provide a dwelling unit, but rather a workout space.

2.5 The compatibility of the proposed use to the structure or site and the surrounding area:
This accessory building would be located in a typical neighborhood location for garages and similar structures, and is designed for compatibility with the character of Woodsshire.

2.6 The manner in which the public will be benefitted by such proposed use:
The proposal would increase investment in a well-established neighborhood, on existing infrastructure, while maintaining the architectural character of a National Register district.

The Historic Preservation Commission unanimously recommended approval of the request for landmark designation and a special permit for historic preservation to construct the garage on February 21, 2019 (excerpt from meeting record attached to CZ19022). The Commission voted to recommend that staff and the owners work together to refine the garage design, which was accomplished over the time that has elapsed since the Preservation Commission action. The design is attached.

3. The waivers requested by this special permit to the height of the proposed accessory building and to its placement in the rear of the house increase its compatibility with the architectural character of the landmark house and historic district. Authorizing the Planning Director to review and approve any additional (unanticipated) waivers necessary to build the proposed design assures that this compatible design will be the one built.

EXISTING LAND USE & ZONING: R-2, Residential District.

SURROUNDING LAND USE & ZONING

R-2 Residential District on every side; Country Club of Lincoln to the east (across S. 20th Street)

APPROXIMATE LAND AREA: 10,248 square feet, more or less

LEGAL DESCRIPTION: Lot 16, Block 5, Woodsshire, (except the east 25 feet for S. 20th St.) in Lincoln, Lancaster County, Nebraska.

Prepared by

Ed Zimmer, Planner

Date: October 3, 2019

Applicant: Dane and Angela Todd
3460 East Pershing Road
Lincoln, Nebraska 68502
danetodd@gmail.com

Contact: Dane Todd
3460 East Pershing Road
Lincoln, Nebraska 68502
danetodd@gmail.com

Owner: Dane and Angela Todd
3460 East Pershing Road
Lincoln, Nebraska 68502

CONDITIONS OF APPROVAL - SPECIAL PERMIT #18044

Per Section 27.63.400 this approval permits historic preservation use of the Beeler House and its site by waiving

- 27.72.120 (c) iii, to allow an accessory building height not to exceed 25 feet instead of 15 feet;
- 27.72.120 (e), to allow an accessory building with conditioned space in the rear yard and in a portion of the 20th Street front yard east of (behind) the house;

In order to add a detached garage and workout space, with conditioned space, of the design and location shown in the attached plans, and authorizing the Planning Director to approve any waivers necessary to accomplish the project as shown.

Site Specific Conditions:

1 The City Council approved designation of Beeler House as a Landmark.

2 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, showing all setbacks and yards, buildings, parking and circulation elements, and similar matters.

3 Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.

4 Before receiving building permits provide the following documents to the Planning Department:

4.1 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:

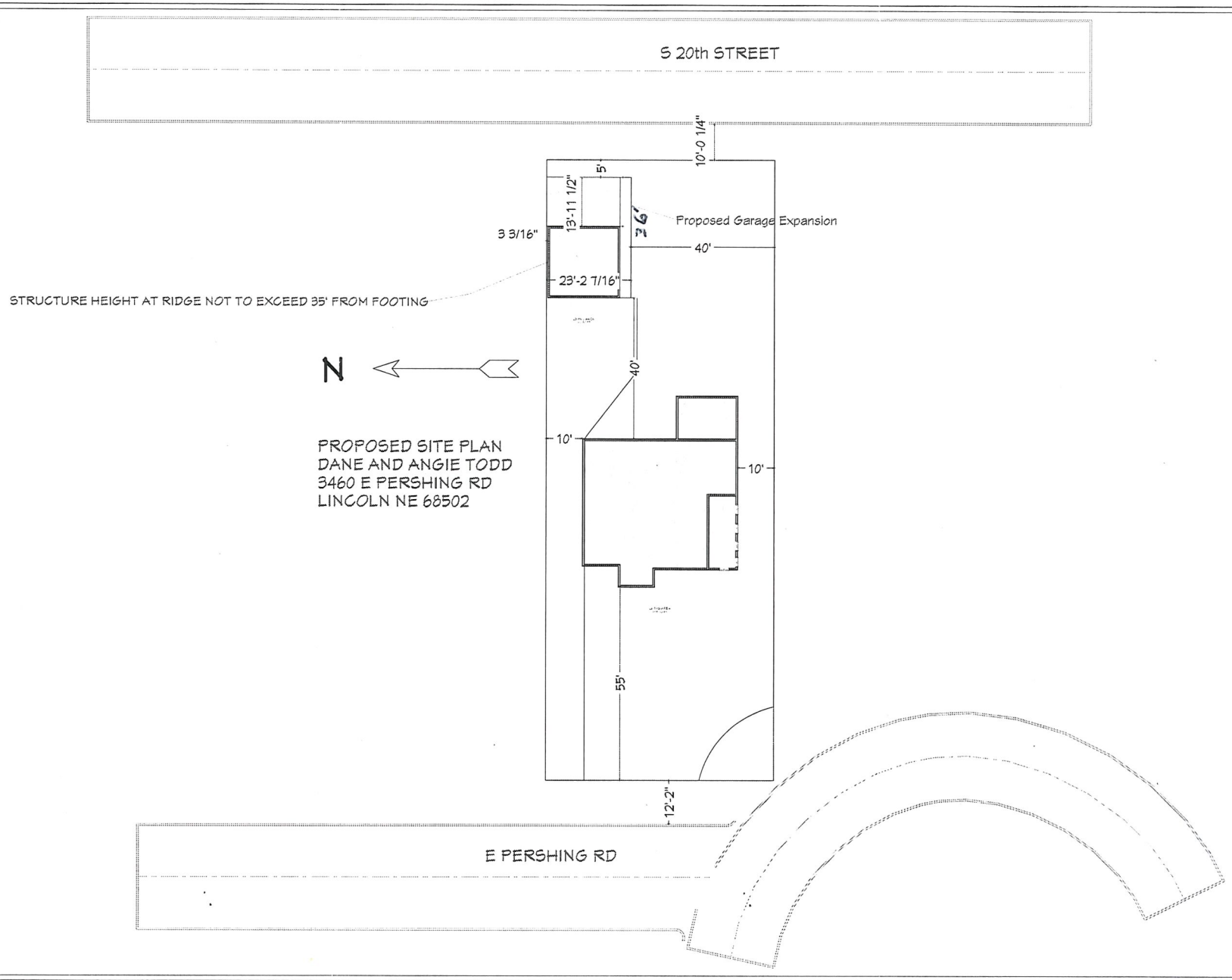
5. The following conditions are applicable to all requests:

5.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.

5.2 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.

5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



PROPOSED SITE PLAN
DANE AND ANGIE TODD
3460 E PERSHING RD
LINCOLN NE 68502

1st Floor

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DANE AND ANGIE TODD
3460 E PERSHING RD
LINCOLN NE 68502

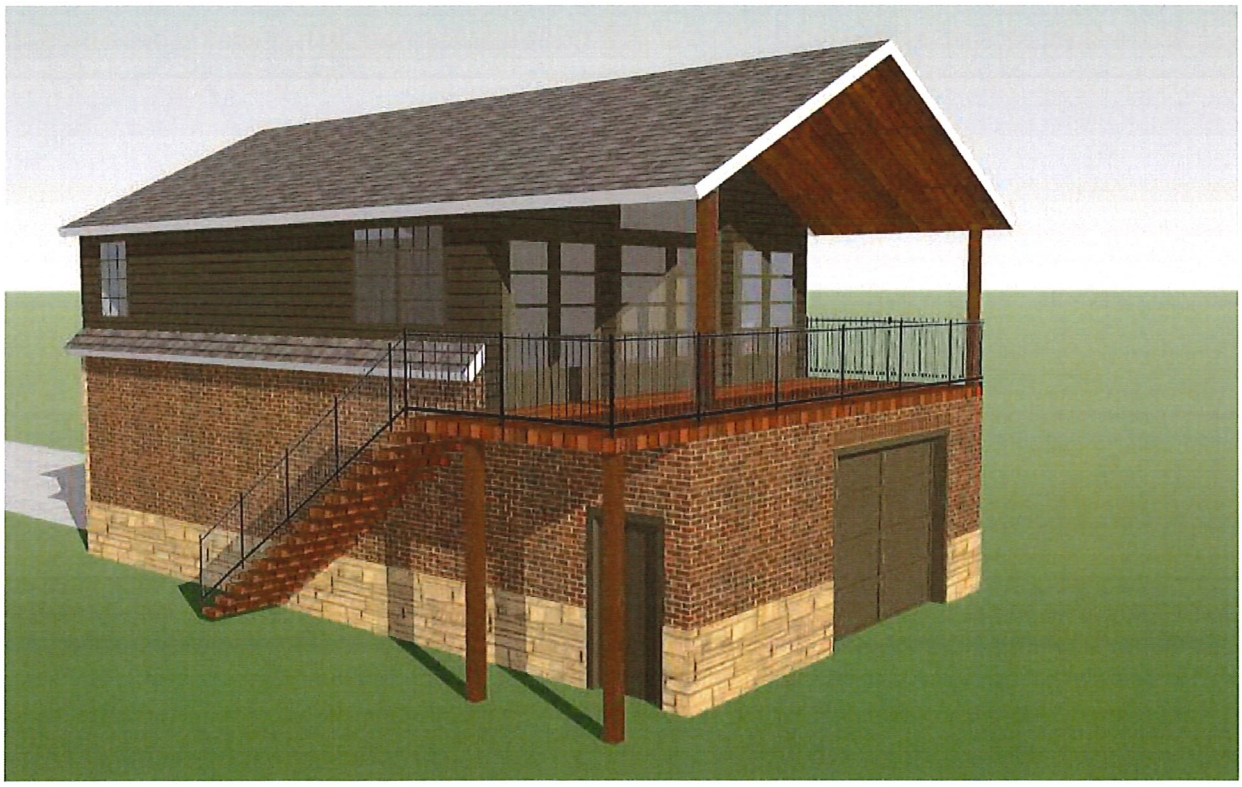
DRAWINGS PROVIDED BY:
GOINGS HOMES LLC

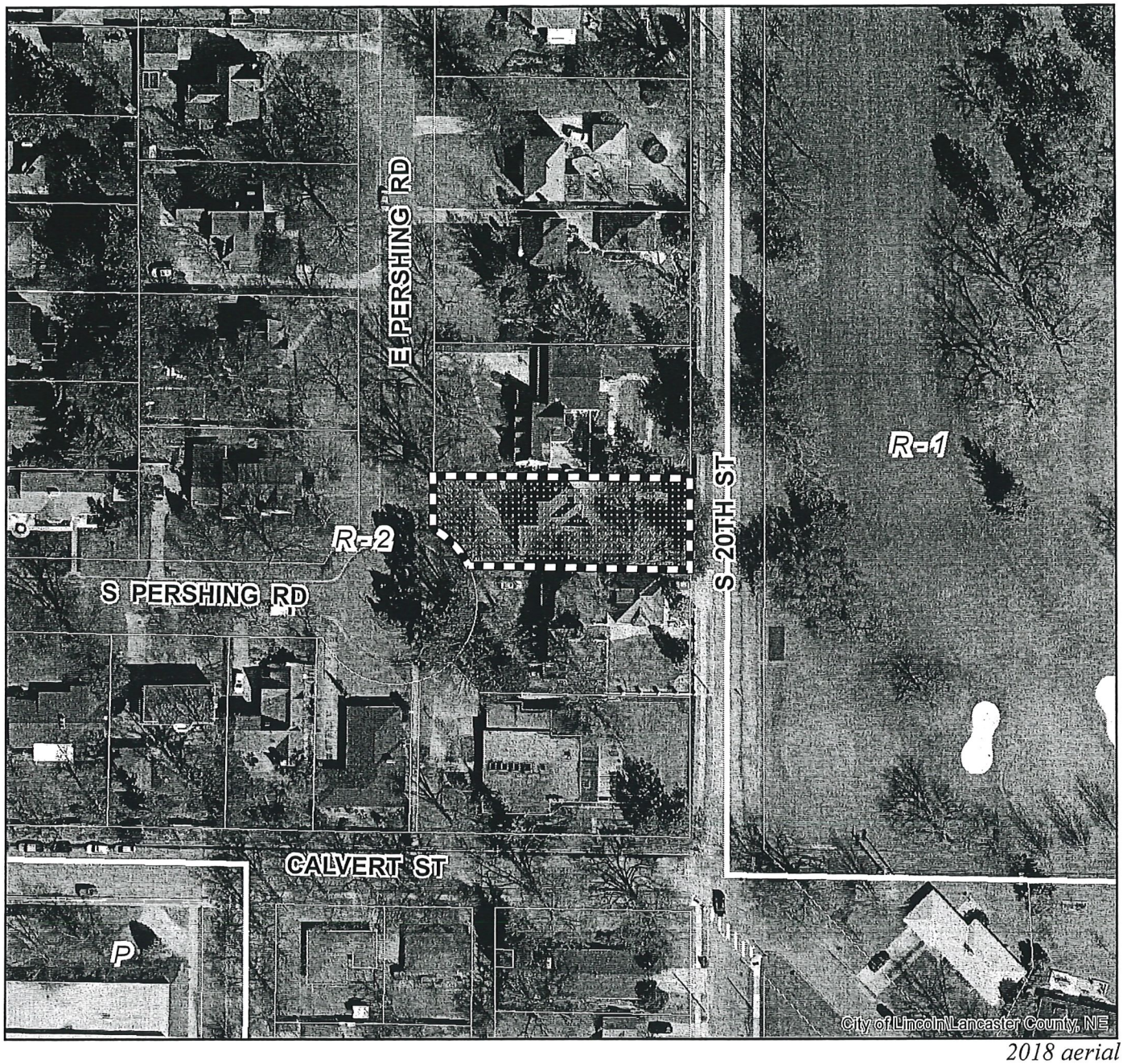
DATE:
10/30/18

SCALE:
1/12"=1'0"

SHEET:
P-1

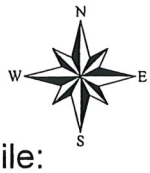
Requested Garage design from SW (top) and SE (bottom)





2018 aerial

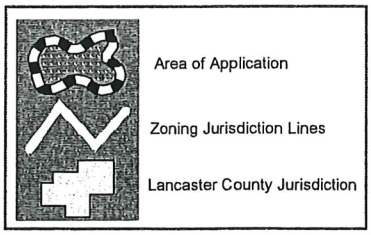
Change of Zone #: CZ19022 and Special Permit #: SP18044
E Pershing Dr & S Pershing Dr

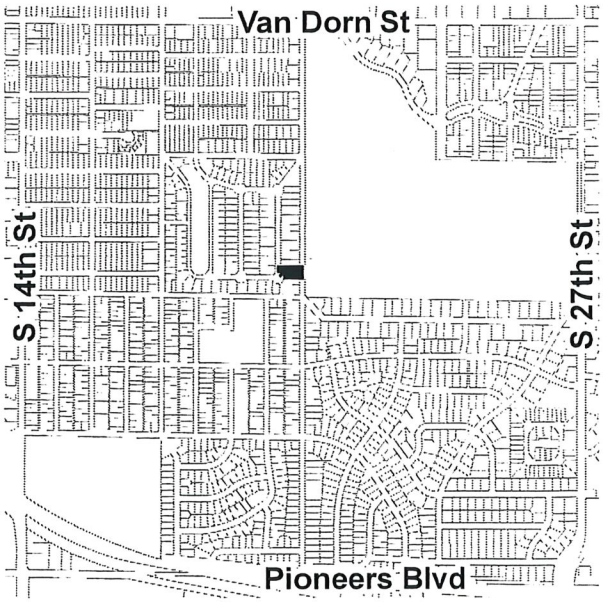


One Square Mile:
Sec.01 T09N R06E

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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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ19022)

CITY OF LINCOLN

Print Form

Planning Department Application Request Form

Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508
Phone 402-441-7491 / Fax 402-441-6377
plan@lincoln.ne.gov

Date 9/23/19

	Application Type	Subtype	Category	Office Use Only File #	Office Use Only PC Final Action
+ -	~~Special Permit~~ change of zone	New Special Permit	27.63.400 Historic Preservation	CZ19022 SP 18044	☐

Project Name Todd Historic Landmark Designation & special permit

Address/General Location 3460 E Pershing Rd

Legal Description WOODSSHIRE, BLOCK 5, Lot 16, EX E25' FOR ST
(Attach legal if necessary.)

Parcel ID Number(s) (PID) 09-01-131-034-000

Number of Acres 0.24 Number of lots being platted *(Not outlots)* App # Being Amended

THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."
2. **FEE** (View Fee Schedule) Note: Make checks payable to the City of Lincoln.
3. **SITE PLAN** The site plan shall be submitted electronically using e-plan. (View instructions on eplan submittal)

NOTE: See **Forms & Fees** section of Planning Department website for checklists with specific requirements for each type of project.

*** This application may be returned as incomplete if all requested information is not provided. ***
The City reserves the right to ask for additional information to process this application.

Property Owner Name Dane and Angela Todd Phone (402) 430-0403

Address 3460 E Pershing Rd Email danetodd@gmail.com

City Lincoln State Nebraska Zip 68502

Applicant Name Dane Todd Phone (402) 430-0403

Address 3460 E Pershing Rd Email danetodd@gmail.com

City Lincoln State Nebraska Zip 68502

Contact Name *Dane Todd* Phone (402) 430-0403

Address 3460 E Pershing Rd *Email* *danetodd@gmail.com*

City Lincoln State Nebraska Zip 68502

ProjectDox Contact *ProjectDox Email*

Applicant Signature: Dane Todd

* Property Owner Signature: Angela Todd

** NOTE: If application is for a special permit or a use permit and the applicant is not the owner of the property, the property owner must sign the application or the applicant must attach written permission of the owner authorizing the applicant to sign on behalf of the owner. By signing this application request form or granting the applicant permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.*

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

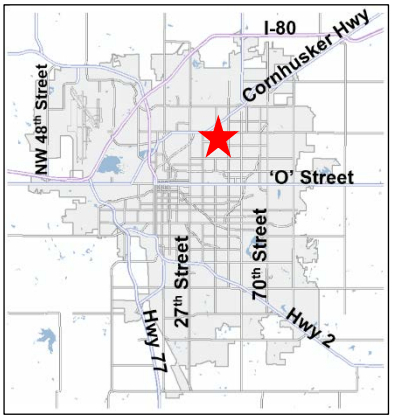
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	OWNERS
Street and Alley Vacation #19007 Change of Zone #19025	No	WPLA LLC (Applicant) Huntington Group LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS**
October 16, 2019	None	4000 Huntington Avenue (Applicant) 3711 Baldwin Avenue

RECOMMENDATIONS: STREET VACATION - CONFORMS TO THE COMPREHENSIVE PLAN
CHANGE OF ZONE - APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for a Street Vacation and Change of Zone. The proposal is to vacate unused right-of-way in N. 40th Street between Baldwin Avenue and Huntington Avenue and a Change of Zone from R-5 to R-6 on the two adjacent properties. The applicant is requesting the Change of Zone over their property at 4000 Huntington Ave. and the vacation area. The Planning Department included the other property at 3711 Baldwin Avenue in the change of zone.



JUSTIFICATION FOR RECOMMENDATION

Vacation of the public right-of-way will allow it to be included as part of the adjoining owner's property. A pedestrian way easement will be retained to preserve pedestrian connectivity through this proposed large block. Utility easements will also be retained over existing facilities.

The Change of Zone is appropriate because there are multiple properties zoned R-6 along the Huntington/Leighton Avenue corridor. R-6 zoning is suitable for these properties developed with multi-family dwellings to encourage higher densities in the future.

APPLICATION CONTACT
Ann Post, (402) 475-1075 or
apost@baylorevnen.com

STAFF CONTACT
Rachel Jones, (402) 441-7603 or
rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The requests conform to the Comprehensive Plan. This right-of-way is unused as a street and its vacation is acceptable because the necessary easements will be retained including a pedestrian connection. The proposed zoning aligns with the designated future land use of Urban Density Residential and the goals for appropriate increases in housing density.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 – This segment of N. 40th Street is not shown on the Functional Street and Road Classification plan. Local streets are not included in the functional classification.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

P. 7.2 - Neighborhoods & Housing Guiding Principles
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.9 – Strategies for Redevelopment in Existing Neighborhoods
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

ANALYSIS

1. The applicant, WPLA LLC requests a vacation of the N. 40th Street right-of-way between Baldwin Avenue and Huntington Avenue. They also request a Change of Zone from R-5 to R-6 over the vacation area and their adjacent property at 4000 Huntington Avenue, described as Lots 1-24, Block 35, G.M. Barnes Subdivision and adjacent vacated alley. The property contains a multi-family building and parking lot. WPLA LLC plans to purchase the entire vacated area to facilitate future development of their property.
2. The Planning Department requests to include an additional property in the Change of Zone, which is located on the west side of the vacation area and also contains multi-family dwellings, addressed as 3711 Baldwin Avenue and described as Blocks 36-38, G.M. Barnes Subdivision and adjacent vacated streets and alleys. The property at 3711 Baldwin Avenue is a participant in the street vacation as the other adjoining owner.
3. The vacation area is comprised of approximately 17,505 square feet and described as the N. 40th Street right-of-way between Baldwin and Huntington Avenues. The vacation area is vacant open space and is not being used as a street.
4. 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.
5. There is an existing sanitary sewer line across the vacation area. A 30-foot wide easement will be retained over the sewer line to ensure continued access for maintenance. Buildings are prohibited in the easement area.
6. A pedestrian way easement will be retained connecting Baldwin and Huntington due to the long block length created by the vacation. N. 38th Street and N. 39th Street segments between Baldwin and Huntington were approved in 1997 and created the existing large block west of 40th Street.

   The Subdivision Ordinance requires a pedestrian way when a block exceeds 1,000 feet in length if a subdivision is proposed. The block length created in this case would be approximately 1,697 feet so a pedestrian connection should be retained based on this guidance. It would be located in a 15-foot wide easement with a 5-foot wide sidewalk at the west edge of the vacation area as requested by the applicant. The sidewalk must be installed within two years and must meet ADA standards.

7. The R-6 zoning district has lesser open space requirements and allows higher density for most housing types. R-6 zoning is supported in this location because it exists to the east adjacent to Huntington/Leighton Avenue (see attached exhibit). Huntington and Leighton Avenues are classified as minor arterials in the Access Management Policy and higher density is appropriate along those streets. These properties have a similar character and are suitable for denser zoning. If additional requests were made in the future for R-6 zoning along Huntington and Leighton they would be considered. No known nonconforming conditions would be created by the zone change and it should not impact current operations of either property.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Multi-family dwellings; R-5

SURROUNDING LAND USE & ZONING

North, East and West: Single family and multi-family residential; R-5
South: University of Nebraska-Lincoln East Campus; P

APPLICATION HISTORY

June 1983 Board of Zoning Appeals #1419 was approved permitting a reduction in the required parking from 51 to 42 spaces on the applicant's property, Lots 1-24, Block 35, G.M. Barnes Subdivision.

APPROXIMATE LAND AREA:

Street Vacation: 17,505 square feet or 0.40 acres
Change of Zone: 87,476 square feet or 2.01 acres (Applicant Requested Area); 298,336 square feet or 6.85 acres (City Requested Area)

LEGAL DESCRIPTIONS:

Street Vacation: N. 40th Street from the north line of Huntington Avenue to the south line of Baldwin Avenue, adjacent to the following property:

Lots 1-24, Block 35, and the adjacent vacated east-west alley, except the south 10 feet of Lots 13-24; Lots 1-24, Block 36, Lots 1-24, Block 37, Lots 1-24, Block 38, and the adjacent vacated east-west alleys and streets, except for the south 10 feet for the street; G.M. Barnes Subdivision of Blocks 35-39, 45-48, and 55-58, Pitcher and Baldwins Addition to University Place, all located in the NE 1/4 of Section 18-10-7, Lincoln, Lancaster County, Nebraska.

Change of Zone: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: October 10, 2019

Owner 1 (Applicant): WPLA LLC
927 M Street
Lincoln, NE 68508

Owner 2: Huntington Group LLC
3711 Baldwin Avenue
Lincoln, NE 68504

Contact: Ann Post
1248 O Street
Lincoln, NE 68508
(402) 475-1075 or apost@baylorevnen.com

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CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #19007

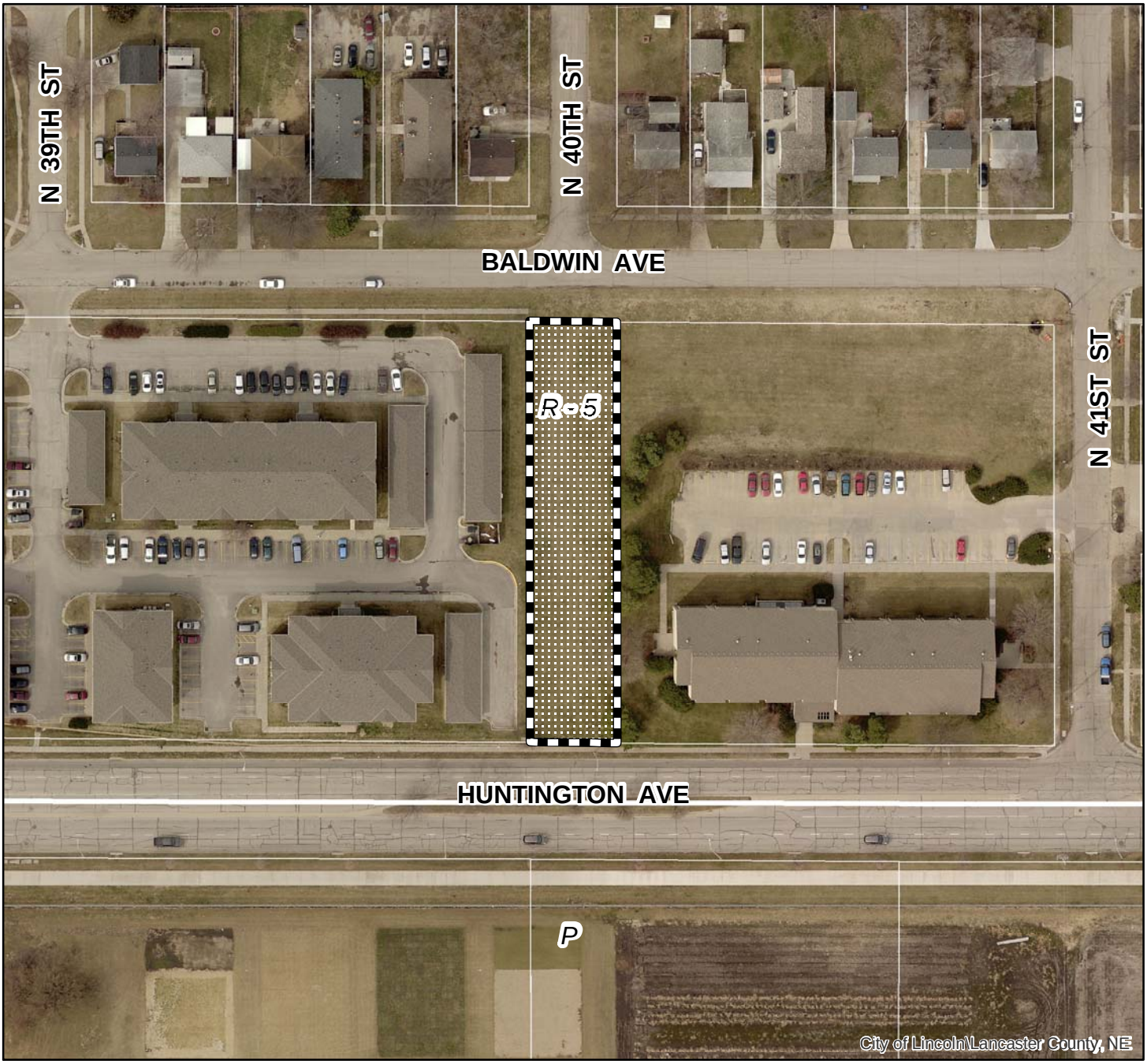
BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

1.2 Include retention of utility easements by City with deed transfer.

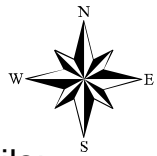
1.3 Retain a 15-foot wide pedestrian way easement along the west side of the vacation area that connects Baldwin Avenue and Huntington Avenue. Demonstrate that the sidewalk can meet ADA standards to the satisfaction of the Transportation and Utilities Department.

1.4 Complete the sidewalk in the pedestrian way easement or post a surety in an amount to be determined by the Transportation and Utilities Department to guarantee the installation of the sidewalk in the pedestrian way easement. The sidewalks in the pedestrian way easements shall be completed within two (2) years following approval of this vacation.



2018 aerial

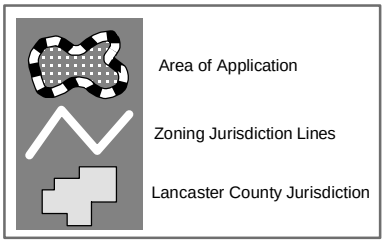
Street and Alley Vacation #: SAV19007
N 40th St & Baldwin Ave



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.18 T10N R07E



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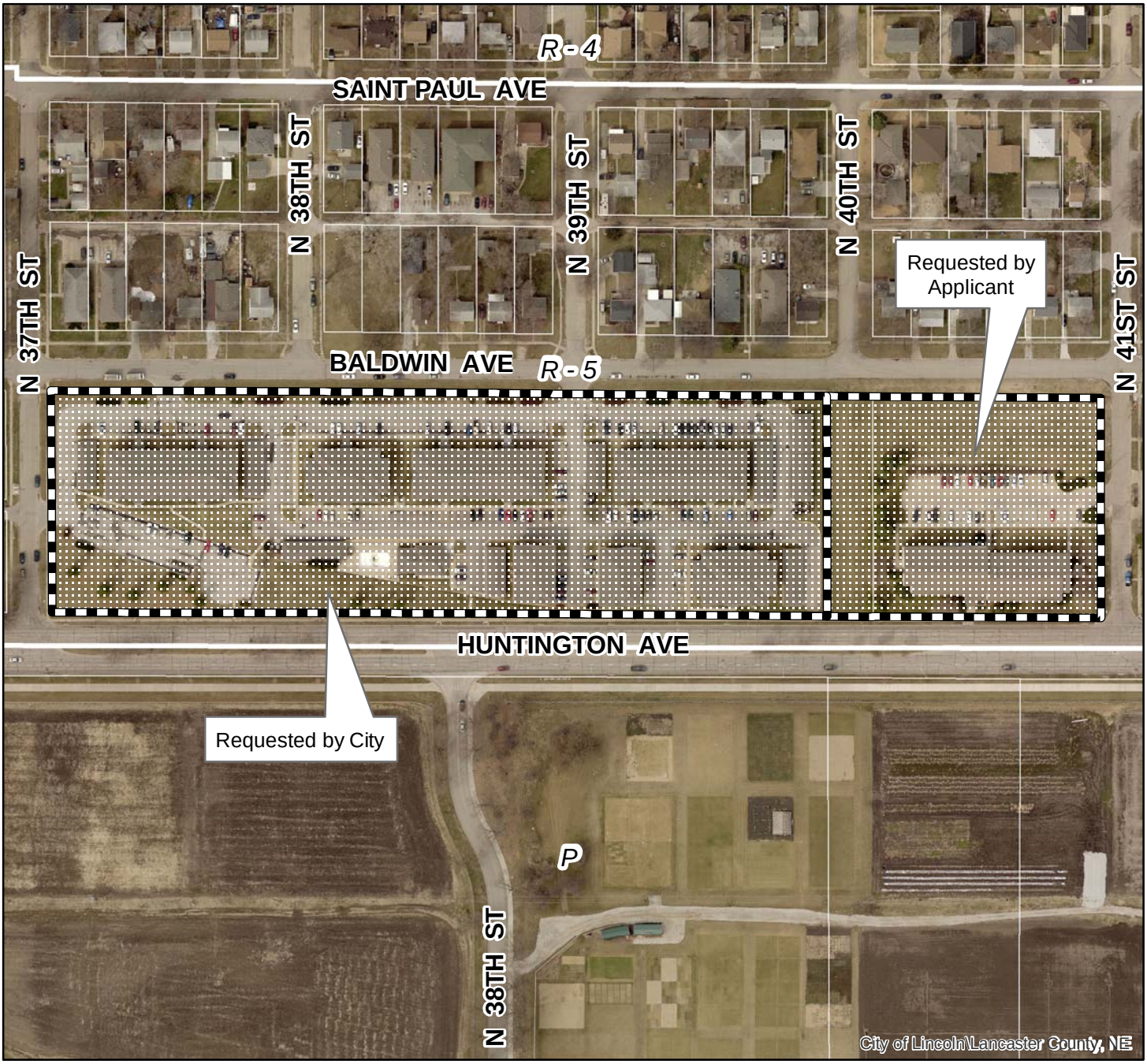
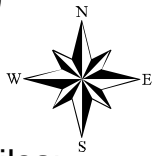


2018 aerial

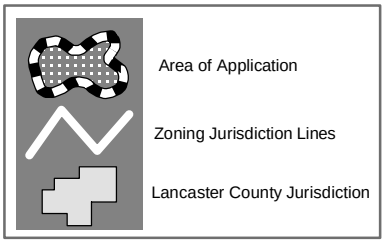
Change of Zone #: CZ19025 (R-5 to R-6)
N 40th St & Huntington St

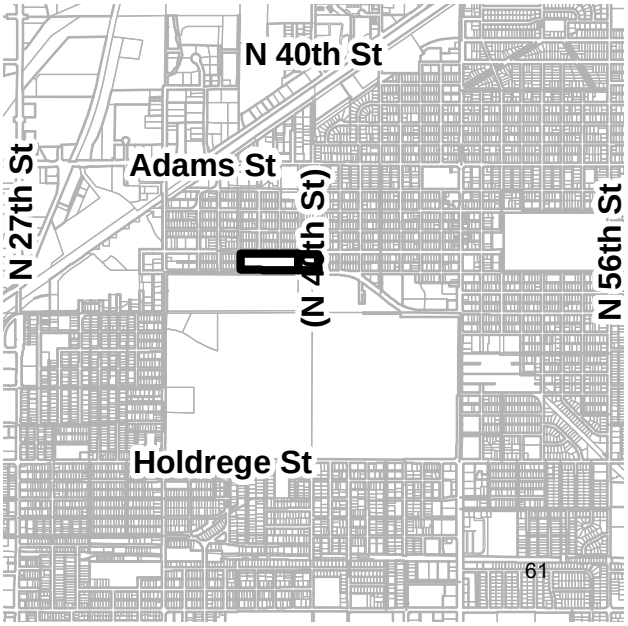


Zoning:

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

Two Square Miles:
Sec.18 T10N R07E
Sec.17 T10N R07E





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Legal Description

Change of Zone from R-5 to R-6

Requested by Applicant:

Lots 1 through 24 inclusive, Block 35, and the vacated east-west alley abutting thereon, except the south 10 feet of Lots 13 to 24, G.M. Barnes Subdivision of Blocks 35, 36, 37, 38, 39, 45, 46, 47, 48, 55, 56, 57, and 58, Pitcher and Baldwins Addition to University Place, located in the NE 1/4 of Section 18-10-7, Lincoln, Lancaster County, Nebraska.

And

The vacated N 40th Street right-of-way from the north right-of-way line of Huntington Avenue to the south right-of-way line of Baldwin Avenue.

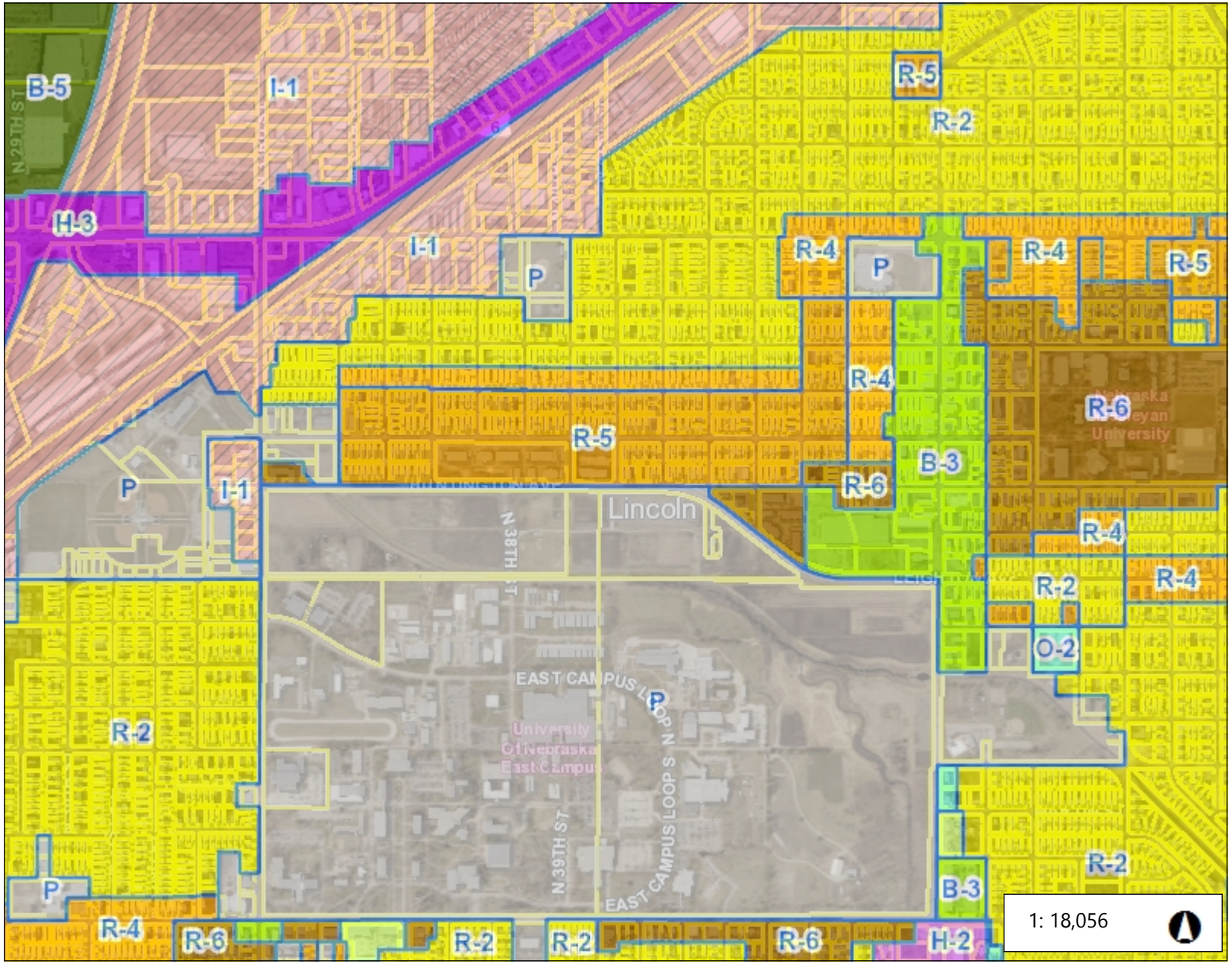
Together With

Requested by City:

Lots 1-24, Block 36, Lots 1-24, Block 37, Lots 1-24, Block 38, and the adjacent vacated east-west alleys and streets, except for the south 10 feet for the street, G.M. Barnes Subdivision of Blocks 35, 36, 37, 38, 39, 45, 46, 47, 48, 55, 56, 57, and 58, Pitcher and Baldwins Addition to University Place, located in the NE 1/4 of Section 18-10-7, Lincoln, Lancaster County, Nebraska.

Development Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

Existing Zoning - Huntington/Leighton Avenue Corridor



Legend

- Zoning Boundaries & Labels

Lincoln Zoning

- AG Agriculture
- AGR Agricultural Residential
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- R-5 Residential
- R-6 Residential
- R-7 Residential
- R-8 Residential
- R-T Residential Transition
- P Public Use
- O-1 Office
- O-2 Suburban Office
- O-3 Office Park
- B-1 Local Business
- B-2 Planned NBHD Business
- B-3 Commercial
- B-4 Lincoln Center Business
- B-5 Planned Regional Business
- H-1 Interstate Commercial
- H-2 Highway Business
- H-3 Highway Commercial
- H-4 General Commercial

Notes

0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email plan@lincoln.ne.gov and you will be directed to the appropriate department.

BAYLOR EVNEN

Randall L. Goyette [IA]*
Stephen S. Gealy
Dallas D. Jones
David A. Dudley
Brenda S. Spilker
Timothy E. Clarke [IA]*
Robert S. Lannin [KS, MO]*
Andrew M. Loudon
Christina L. Ball [KS]*
Jenny L. Panko
Caroline M. Westerhold [IA]*
Jarrod P. Crouse
Jennifer S. Caswell [CO]*
Paul T. Barta [IA]*
Torrey J. Gerdes [IA]*
Brett E. Ebert [IA]*
Emily R. Motto [IA]*
Michael D. Reisbig [IA]*
Susan M. Foster
Andrew D. Weeks
Thomas B. Shires [IA]*
Ann K. Post
Kara E. Brostrom
Christopher M. Schmidt
Eric J. Sutton [IA]*
Katherine Q. Martz [IA]*
Jenna M. Christensen
Of Counsel:
Robert T. Grimit
Donald R. Witt
Walter E. Zink II
W. Scott Davis
Peter W. Katt
Mark A. Hunzeker
*Admitted In Other States

September 18, 2019

Via Hand Delivery
Rachel Jones
Planner
Lincoln/Lancaster County Planning Department
555 S 10th Street, Suite 213

RE: Huntington Vacation and Rezone – Change of Zone and Street Vacation

Dear Ms. Jones:

I represent WPLA LLC which seeks to vacate the N 40th Street right of way between Huntington Avenue and Baldwin Avenue and rezone this property, together with its adjacent property located at 4000 Huntington Ave to R-6 zoning.

Enclosed please find:

1. City of Lincoln Application Request Form – Change of Zone with attached legal description.
2. Map – Depiction of the property requested to be rezoned from R-5 to R-6.
3. Application Fee – a check in the amount of $988 as an application fee for a change of zone of an area greater than 1 acre.
4. City of Lincoln Application Request Form – Street and Alley Vacation.
5. Vacation of Public Ways Information Sheet and Petition to Vacate Public Way – on behalf of WPLA LLC.
6. Vacation of Public Ways Information Sheet and Petition to Vacate Public – on behalf of Huntington Group LLC with attached legal description.
7. Application Fee – a check in the amount of $206 as an application fee for vacation of a public way.

If there are any questions you are welcome to contact me.

Sincerely,

Ann K Post

Ann K. Post
For the Firm
APost@baylorevnen.com

Enclosure

2665600

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

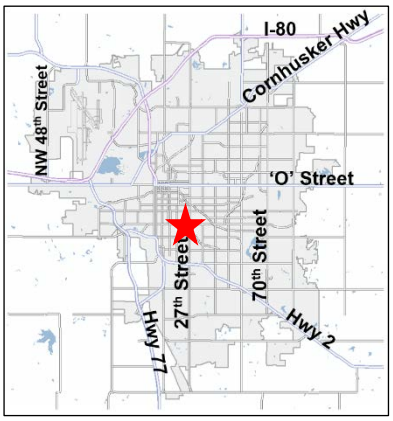
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	OWNER
Special Permit 19045	Yes	Kimberly Rempel
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 16, 2019	None	2672 Sewell Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

A request per Section 27.63.280 for Expansion of a Nonstandard Use to accommodate the reconstruction of an attached garage with setback reductions. The property is located at the northwest corner of Sewell Street and S. 27th Street. Table 27.72.020(a) requires a front yard (east) setback of 25', a side yard (west) setback of 5' and a rear yard (north) setback of 15.4 feet. The request is to reduce the front yard setback to 22 feet, the side yard setback to 3 feet, and the rear yard setback to 11 feet.



JUSTIFICATION FOR RECOMMENDATION

The nonconforming condition is caused by the fact that the building was constructed in 1923 and predates the current Zoning Ordinance requirements for principal structure setbacks.

The proposed garage reconstruction will extend 3 feet further north toward the rear setback and will be in the same general location. The proposal will not negatively impact the neighbors and will allow for an addition to a garage to current building code standards.

APPLICATION CONTACT
Kimberly Rempel, (402) 202-3754 or kimberly.rempel@homerealestate.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages maintaining appropriate density and unique architectural features within existing neighborhoods, and a variety of housing types. This proposal maintains an existing feature within an established neighborhood, and is typical of other special permits approved to allow reconstruction of a garage.

WAIVERS

1. Reduction of the front yard setback from 25 feet to 22 feet. (Recommend Approval)
2. Reduction of the rear yard setback from 15.4 feet to 11 feet. (Recommend Approval)
3. Reduction of the side yard setback from 5 feet to 3 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. 12.4 – Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 7.2 – Neighborhoods & Housing Guiding Principles

- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.9 – Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Encourage well-designed and appropriately placed density, including within existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This is an application to allow a 3 foot extension for the reconstruction of an existing attached garage. The property is located at the northwest corner of Sewell Street and S. 27th Street and is 0.09 acres in size. The existing structure was built in 1923 and is nonconforming because it does not meet the front, side or rear yard setback requirements for the main structure.

2. The property is zoned R-2 Residential. This district for single family dwellings has a 25' front yard setback, 5' side yard setback, and the rear yard is the smaller of 20' or 20% of the lot depth. Corner lots have two front yards, one for each street frontage. In this case, the lot is 77 feet deep (north to south) and so the minimum rear yard setback required is 15.4 feet. Per 27.72.120 Accessory Buildings, accessory buildings which are attached to or not located more than six feet from the main building are considered part of the main building and must comply with the height, front, side, and rear yard requirements of the main building.

3. The requested setback waivers are to accommodate a reconstruction of the attached garage with a three foot addition which is considered part of the main structure for setback purposes. These waivers include reduction of the front yard setback from 25 feet to 22 feet, reduction of the side yard setback from 5 feet to 3 feet, and reduction of the rear yard setback from 15.4 feet to 11 feet. The applicant indicates that they need to remove the garage and rebuild with an access door from their kitchen into the garage, making it accessible from the home. In order to do this, a 3 foot landing is needed for steps down to the garage floor. The addition would not extend any closer to the front or side yards and would only extend 3 feet closer to the rear (north) property line.

4. Lincoln Transportation & Utilities-Engineering Services noted in the review of this proposal that the applicant's private sanitary sewer lines should be identified as there is a concern the service may cross properties to get to the sanitary main, however, this request will not affect public infrastructure. The note is informational for the applicant respective of their private infrastructure.

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 structure was constructed in 1923 prior to the current Zoning Ordinance requirements.

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 garage will be situated in the same general location as the existing garage, and only slightly larger. Front and side setbacks will not change, only the rear yard setback is being reduced from existing by 3 feet.

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

   There will be no change in terms of density of land use or effects on adjacent property as the garage will only be slightly larger than the existing and no other change to the property.

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

   If the Special Permit were not granted the applicant could not feasibly undertake the garage reconstruction and still meet today's setbacks.

7. The special permit is warranted because: 1) the existing attached garage predates current Zoning Ordinance requirements, 2) the new garage will be reconstructed in the same general location with slight increase in size, 3) the new garage will be built to current building code standards and 4) there will be no negative impact to the neighborhood or the adjacent property and 5) special permits for expansion of nonconforming to allow garage reconstruction have been approved numerous times.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single Family Detached; R-2

SURROUNDING LAND USE & ZONING

North: Single Family Detached; R-2
South: Single Family Detached: R-2
East: Single Family Detached; R-2
West: Single Family Detached; R-2

APPROXIMATE LAND AREA: 0.09 acres

LEGAL DESCRIPTION: The South 77 feet of Lot 20, Block 4, Sheridan Place, located in the SE 1/4 of Section 36-10-6, Lincoln, Lancaster County, Nebraska

Prepared by

_____

George Wesselhoft, Planner
gwesselhoft@lincoln.ne.gov or at
402-441-6366

Date: October 3, 2019

Owner: Kimberly Rempel
2672 Sewell Street
Lincoln, NE 68502
(402) 202-3754 or kimberly.rempel@homerealestate.com

Applicant/Contact: Kimberly Rempel
2672 Sewell Street
Lincoln, NE 68502
(402) 202-3754 or kimberly.rempel@homerealestate.com

F:\DevReview\SP\19000\SP19045 2672 Sewell Garage.gjw.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT 19045

Per Section 27.63.280 this approval permits the reconstruction of an attached garage, with reduction of the front yard setback from 25 feet to 22 feet, reduction of the rear yard from 15.4 feet to 11 feet, and reduction of the side yard setback from 5 feet to 3 feet.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including **2** copies.

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:

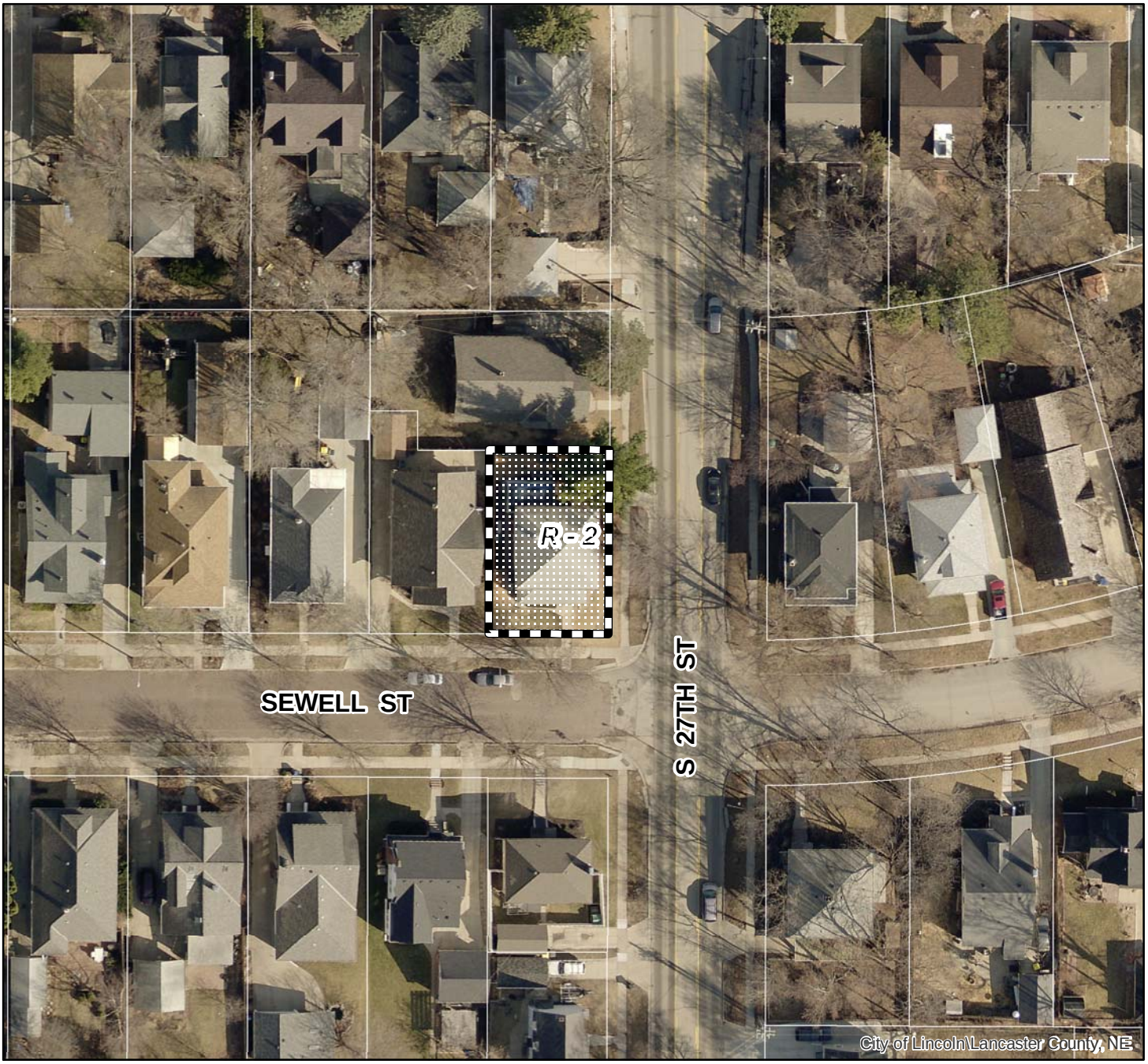
3. The following conditions are applicable to all requests:

    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 #: SP19045
S 27th St & Sewell 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
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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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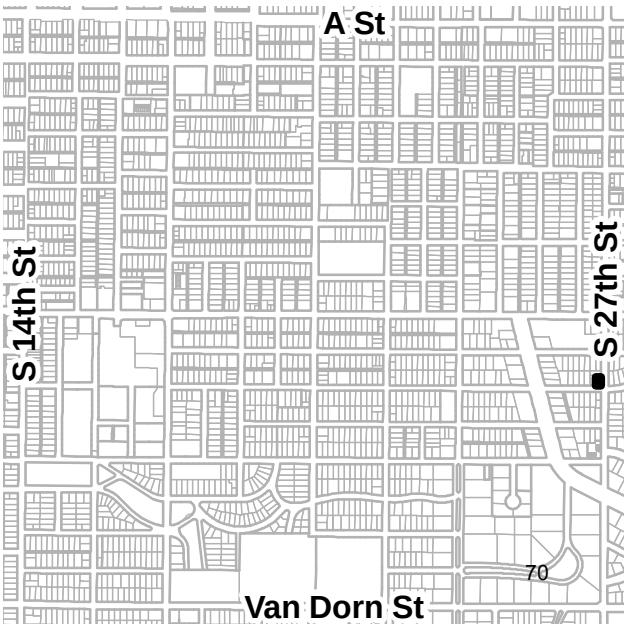
N W E S

One Square Mile:
Sec.36 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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September 17, 2019
2672 Sewell Street
Lincoln, NE 68502

RE: Application Letter for special permit

Dear Planning Commission,

I am requesting a special permit to rebuild my garage at 2672 Sewell Street. The existing garage is not repairable due to deterioration from weather and insects. The existing garage is currently 14 feet off of the back, North property line and 4 feet off of the West property line. I would like to remove the garage and rebuild with an access door from my kitchen into the garage, making it easily accessible from the home. To do this I need to add a 3 foot landing as I need to have 4 steps down to the garage floor. I will also be pouring new concrete inside the garage and the approach to the new garage. My proposed garage will be the same length, 19.5 feet and I am requesting to build it 3 feet wider to accommodate the landing and steps. The new garage will be 12 feet wide. This will now make my back yard, North set back 11 feet.

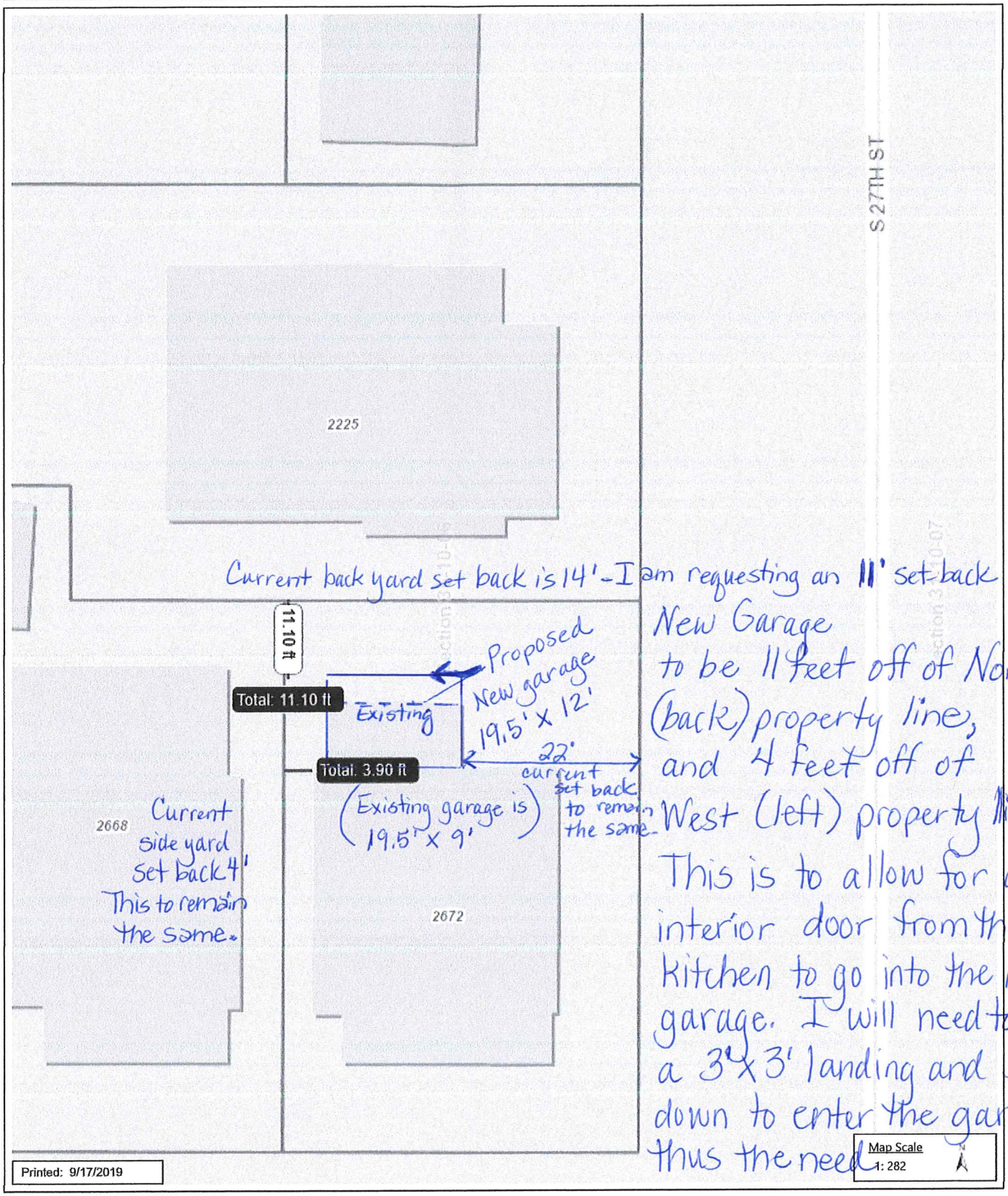
The legal description is: **SHERIDAN PLACE, BLOCK 4, Lot 20, S77'**
Property ID is 10-36-407-020-000
Primary Class is R1 Residential Improved, Single Family
Zoning: R2

Thank you very much for your consideration to allow me to improve my property and value of my home.

Sincerely,
Kimberly Rempel

GIS Viewer
CITY OF LINCOLN - LANCASTER COUNTY, NE

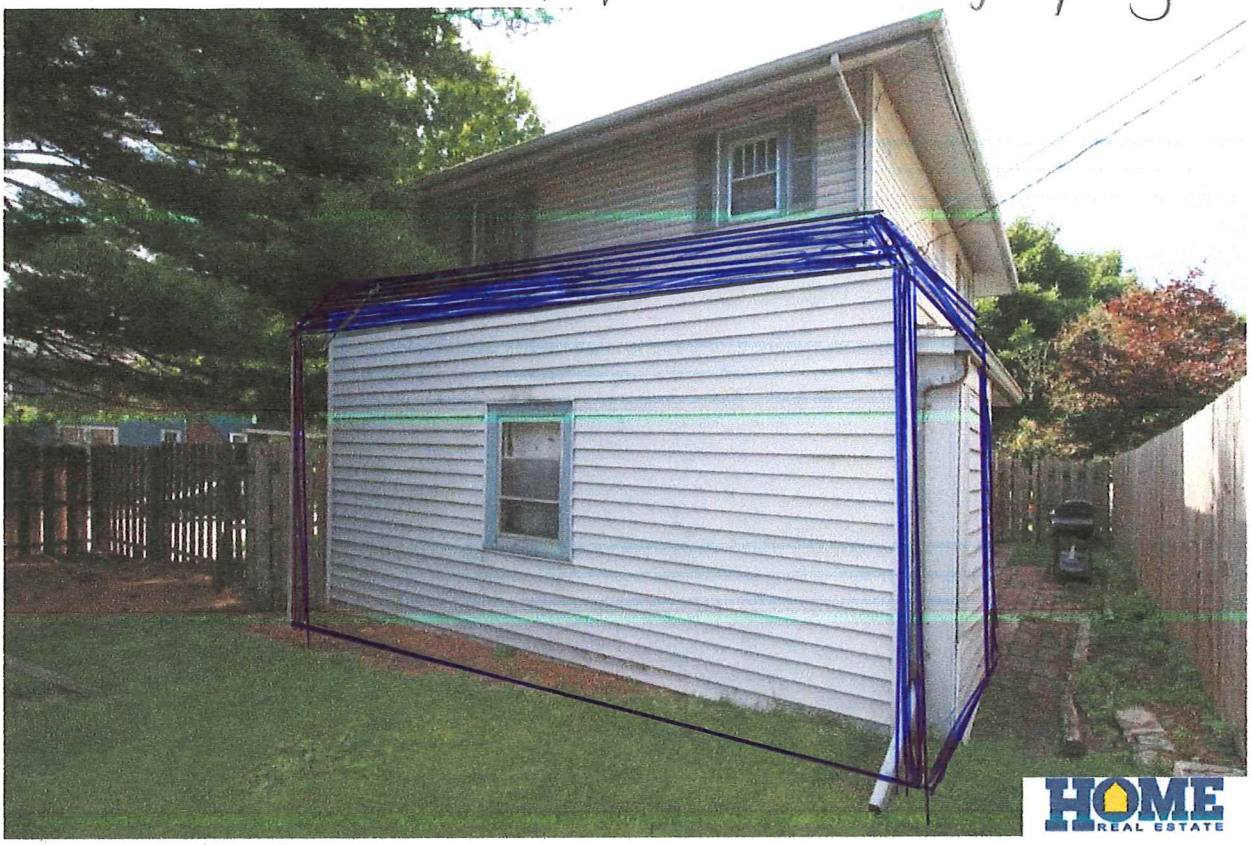
City of Lincoln\Lancaster County GIS Map

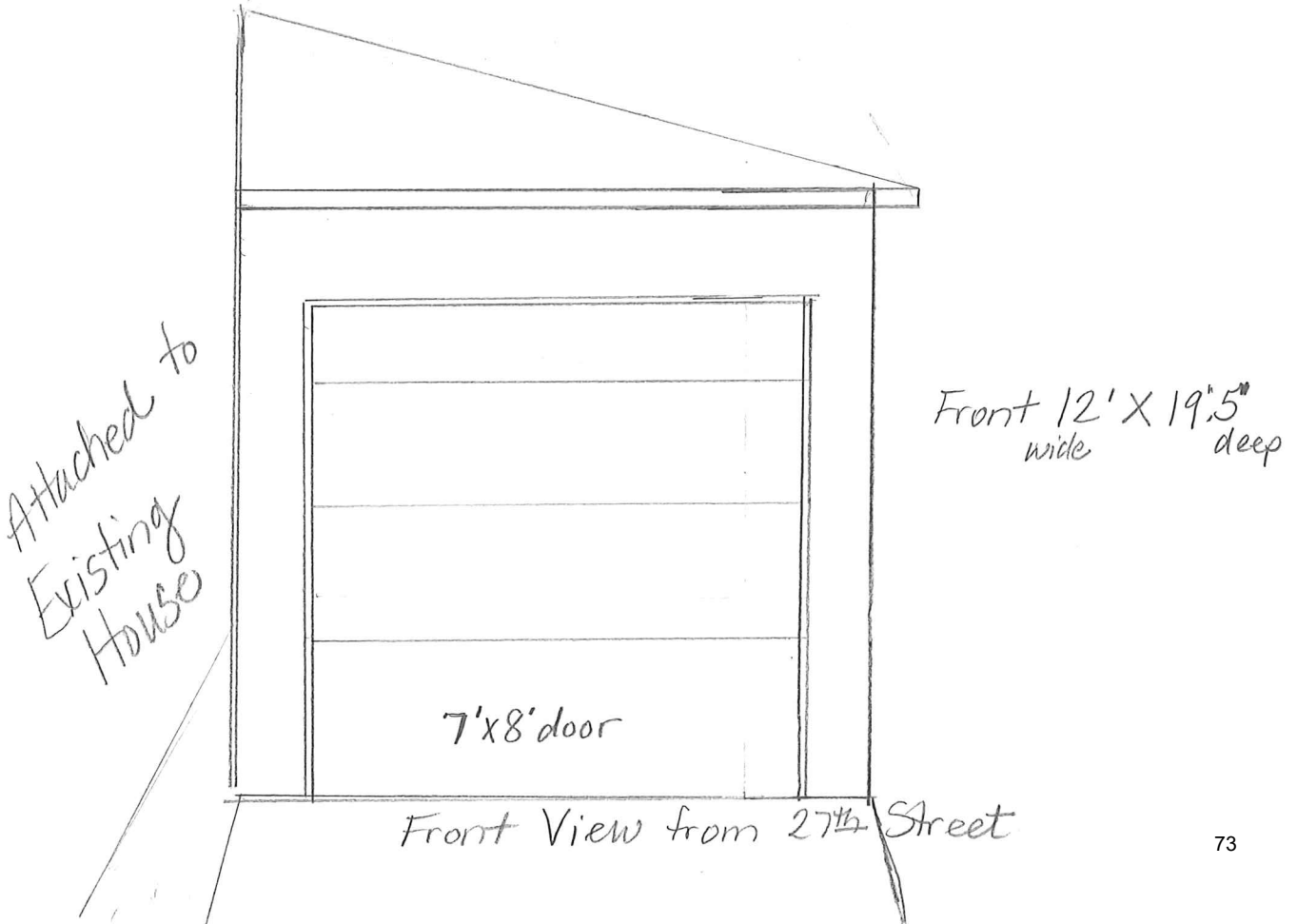


Current back yard set back is 14'-I am requesting an 11' set-back New Garage to be 11 feet off of North (back) property line, and 4 feet off of West (left) property line. This is to allow for an interior door from the kitchen to go into the new garage. I will need to add a 3'x3' landing and 3 steps down to enter the garage, thus the need for a wider garage.

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email assessor@lancaster.ne.gov and you will be directed to the appropriate department.

Outline of proposed New Garage w/ Angled Roof





LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

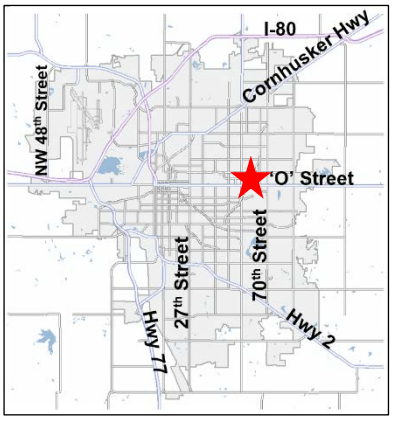
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	OWNER/DEVELOPER
Pre-Existing Use Permit No. 3AI	No	Austin Realty Investments
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 16, 2019	None	225 N. Cotner Blvd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Pre-Existing Use Permit (PEUP) for Gateway Shopping Center for the property located at the northwest corner of N. Cotner Boulevard and P Street. This property was approved as part of PEUP No. 3AG in April, 2016 for up to 153 units of multi-family housing or to construct 36,000 square feet of commercial or any combination thereof with waivers to increase maximum building height from 40 to 55 feet and to reduce residential parking from 2 to 1.4 stalls per dwelling unit. The applicant is requesting minor modifications to the PEUP relating to certain waivers, including increasing the height limit to 65 feet, reducing parking requirements to 1.35 stalls/unit, to allow architectural facade treatments to extend 12 inches beyond foundation walls, and to allow balconies to extend up to 3 feet beyond the setback in all yards.



JUSTIFICATION FOR RECOMMENDATION

Mixed-use that includes residential and commercial is appropriate for this site. This site can be easily served by existing infrastructure such as roads and utilities. Multiple commercial areas are located within walking distance of this site which makes this location desirable for residential development. The further height allowance, parking reduction and setback adjustments will not negatively impact the neighborhood, adjacent properties and are compatible with the greater Gateway Mall area.

APPLICATION CONTACT
Mick Eckert, (402) 434-8494 or
meckert@civildg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site for commercial and within a mixed use redevelopment node which has the potential for 500-1,000 future dwelling units. Therefore, the proposal is consistent with the Comprehensive Plan.

WAIVERS

1. Height increase from 55 to 65 feet as measured from the average adjacent grade of the building to the highest point of the addition, excluding necessary mechanical appurtenances, provided that at least a 20 foot setback is provided to the north and to the west, except in the area adjacent to the L.E.S. substation. (Recommend Approval)
2. Reduction of required parking from 1.4 parking stalls per dwelling unit to 1.35 parking stalls per dwelling unit. (Conditional Approval)
3. Setback waiver to allow cantilever facade structures to extend out 12 inches beyond the foundation walls in

the front, rear and side yards. (Recommend Approval)

4. Setback waiver to allow balconies to extend up to 3 feet beyond the setback in the front, rear and side yards, so long as the balconies do not encroach upon adjacent property lines. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 – This property is shown as Commercial on the Future Land Use Map.

P. 6.2 – Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops".

P. 6.2 – Mixed Use Redevelopment should:
Provide a diversity of housing types and choices throughout each neighborhood for an increasing diverse population.

Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.

Incorporate and enhance street networks with multiple modes of transportation in order to maximum access and mobility options.

Promote activities of daily living within walking distance.

Help to create neighborhoods that include homes, stores, workplaces, schools and places to recreate.

Encourage residential mixed use for identified corridors and redevelop Regional, Community, Neighborhood and Mixed Use Office Centers identified as nodes.

P. 6.4 – Nodes may be classified as Regional, Community, Neighborhood or Mixed Use Office Centers and can be thought of as "villages within the city" with a broad range of land use types including civic, residential, special needs housing, retail, office and service.

P. 6.5 – This area is highlighted on the Mixed Use Redevelopment Nodes and Corridors Map and is recommended for an estimated potential of 500-1000 dwelling units.

P. 6.7 – Mixed Use Redevelopment Nodes and Corridors should strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary.

UTILITIES: This site is served by existing utilities.

TOPOGRAPHY: The property is generally flat with a steep upward slope on the west side of the lot.

TRAFFIC ANALYSIS: N Cotner Boulevard is classified as a Minor Arterial and P Street is a local street.

PUBLIC SERVICE: The nearest fire station is located at 901 N Cotner Boulevard.

ANALYSIS

1. This request is to amend the Pre-existing Use Permit for the property located at the northwest corner of N. Cotner Boulevard and P Street. This property was approved as part of PEUP No. 3AG in April, 2016 for up to 153 units of multi-family housing or to construct 36,000 square feet of commercial or any combination thereof with waivers to increase maximum building height from 40 to 55 feet and to reduce residential parking from 2 stalls to 1.4 stalls per dwelling unit. No change to the authorized uses is proposed. Rather, this request pertains to waivers to accommodate the final proposed design of the proposed multi-family housing.
2. The requested waivers include the following:

a) Amendment to existing Waiver #3 to increase allowable height from 55 feet to 65 feet. This is as measured from the average adjacent grade of the building to the highest point of the addition, excluding necessary mechanical appurtenances, provided that at least a 20 foot setback is provided to the north and to the west, except in the area adjacent to the L.E.S. Substation. This waiver adjustment is to accommodate a five story multi-family proposed building. Previously the proposal was for 4 stories of residential with 2 stories of underground parking. The current proposal is 4 stories of residential with 1 story of underground parking and 1 story of parking/amenity space. The number of proposed dwelling units has not changed and is still 153 units. The lowest level is parking and an underground garage. The first floor will include amenity space. Levels two through four will be the residential units. The top is level five which includes a gathering room with an outside deck on the east side. The Pre-Existing Use Permit 3AH for Gateway Shopping Center allows a waiver of building height from 40 to 65 feet for any new addition to the main Gateway Mall area (Area "A") measured from the average adjacent grade of the addition to the highest point of the addition, excluding necessary mechanical appurtenances. The proposed waiver request is consistent with the maximum allowable height through waiver for Gateway Mall. Further, the immediate neighbors include commercial properties to the north and west, including an L.E.S. facility, along with the adjoining rights of way of P Street and North Cotner Boulevard.

b) Amendment to existing Waiver #4 to reduce parking requirements from 1.40 parking stalls per dwelling unit to 1.35 parking stalls per dwelling unit. This waiver adjustment is requested since the number of units that are more than one bedroom is only 25%. The standard requirement for dwellings in the B-5 District is 2 parking stalls per dwelling unit. PEUP No. 3AG previously allowed a reduction to the 1.40 parking stalls as long as no more than 60 of the dwelling units (approximately 40%) contain more than one bedroom. The proposed reduction is justifiable with the condition that no more than 25% of the units are more than one bedroom.

c) Addition of new waiver to allow architectural cantilever facade treatments to extend out 12 inches beyond the foundation walls in all yards. This new waiver will allow for facade treatments to create a varying sense of depth than enhances the facade's aesthetics. This is a minor waiver request that while it significantly benefits the building aesthetics will not be significant in terms of external effects to the neighborhood.

d) Addition of new waiver to allow balconies to extend up to 3' beyond the setback in all yards, so long as they do not cross property lines. This new waiver is proposed to incorporate the balcony feature into the apartment units without compromising the internal square footage of the units. This is a minor waiver request that will not affect the neighborhood.

3. Change of Zone 16005 approved in April, 2016 rezoned the subject property from H-2 to B-5. This change of zone also rezoned the L.E.S. substation to the west at 300 S. 56th Street from R-2 to P. The B-5 district was supported on the west side of N. Cotner Boulevard for several reasons. Mixed-used infill and redevelopment at this location is appropriate given its proximity to major transportation corridors and commercial centers. Residential units on this block will continue to support the redevelopment efforts surrounding Gateway Mall and along O Street. Multi-family residential could be allowed in an "R" district Community Unit Plan or Planned Unit Development, but the B-5 district allows for higher density and allows mixed-use. It is likely that the remaining properties fronting N. Cotner between O and R Streets could be rezoned to B-5 in the future to support additional mixed-use, higher density development.

4. Gateway Mall and the surrounding blocks are identified as a redevelopment node in the Comprehensive Plan. Nodes are identified in the Comprehensive Plan as "Commercial Centers…that are encouraged to be redeveloped into walkable residential mixed use centers." The redevelopment node map identifies the area surrounding Gateway Mall as a Primary Area for Mixed Use Redevelopment and notes that between 500 and 1,000 dwelling units could be developed in and around Gateway Mall.

5. The area is shown as commercial on the Future Land Use Map. The Comprehensive Plan recognizes that Mixed Use Redevelopment Nodes and Corridors supplement "Commercial" land use designation. This property is appropriate for mixed use redevelopment, which may include multi-family residential, and adheres to the future land use designation.

6. The site plan shows two driveways for access, one off P Street and off North Cotner Boulevard. The previously approved site plan from PEUP 3AG had related deviations approved by the Transportation & Utilities Department including:

a) A reduction to the minimum separation distance between the adjacent connections of 330' on North Cotner Boulevard.

b) A deviation of the required ¼ mile access breaks along North Cotner Boulevard, to utilize the existing left hand center turn lane.

c) A deviation for continued use of the existing left hand northbound turn lane in North Cotner (Non-Median Divided).

d) A deviation to the requirement that a right hand turn lane be constructed for southbound traffic on North Cotner Boulevard.

e) A deviation to maintain a 20' throat length on all access points.

f) The underground parking garage entry on North Cotner Boulevard shall be designed to allow two vehicles to stack on the driveway out of the southbound lane.

7. Residential developments in the B-5 district must provide a minimum amount of open space. The total amount required is figured based on the number of dwelling units. If 153 dwelling units are proposed, then approximately 3,500 square feet of open space is required, and would be addressed at the time of building permit.

8. The proposed redevelopment is a TIF project and was reviewed by the Urban Design Committee preliminarily on September 3, 2019 for initial input. Then on October 1, 2019 the Committee formally reviewed and approved the project (see minutes attached).

9. This location is appropriate for mixed-use and high-density residential. The site is already served by existing infrastructure and roads. The location is within walking distance of numerous commercial services including retail and grocery stores. The proposal conforms to the Redevelopment Nodes and Corridors concept and should further support redevelopment in the area. Subject to the conditions of approval this request is supported by the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Office Building (vacant, former Home Real Estate), B-5

SURROUNDING LAND USE & ZONING

North: Masonic Lodge: H-2
South: Bank; H-2
East: Ameritas Office: B-5
West: Retail Center, Utility Facility; H-2, P

APPROXIMATE LAND AREA: 1.80 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

_____
George Wesselhoft, Planner
Date: October 3, 2019

Owner/Applicant: Austin Realty Investments
7211 S. 27th Street
Lincoln, NE 68512

Contact: Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 434-8494
meckert@civildg.com

F:\DevReview\PEUP\PEUP3AI Gateway Use Permit.gjw.docx

CONDITIONS OF APPROVAL – PRE-EXISTING USE PERMIT 3AI

This approval permits up to 153 dwelling units or up to 36,000 square feet of commercial floor area or any combination thereof with waivers to increase the building height from 55 feet to 65 feet as measured from the average adjacent grade of the building to the highest point of the addition, excluding necessary mechanical appurtenances provided that at least a 20 foot setback is provided to the north and to the west, except in the area adjacent to the L.E.S Substation, to reduce required residential parking from 1.40 parking stalls per dwelling unit to 1.35 parking stalls per dwelling unit as long as no more than 25% of the units have more than one bedroom, and setback waiver to allow cantilever facade structures to extend out 12 inches beyond the foundation walls in the front, rear and side yards and setback waiver to allow balconies to extend up to 3 feet beyond the setback in the front, rear and side yards, so long as the balconies do not encroach upon adjacent property lines.

Site Specific Conditions:

1. 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 upon approval before receiving building permits.

    1.1 Amend Waiver List 4: In Area 'H', 1.35 parking stalls per dwelling unit are required as long as the total number of apartment units with more than one bedroom does not exceed 25% of the total number of units. In Area 'I', 1.40 parking stalls are required per dwelling unit as long as the total number of apartment units with more than one bedroom does not exceed 40% of the total number of units.

    1.2 Include all information from most recent final approved plan (AA18051).

    1.3 Add Note 12 from PEUP3AG for reference: "Methods to meet water quality standards will be submitted and approved by Watershed Management prior to obtaining a building permit".

    1.4 Submit revisions as per LES 10/3/19 review.

Standard Conditions:

2. The following conditions are applicable to all requests:

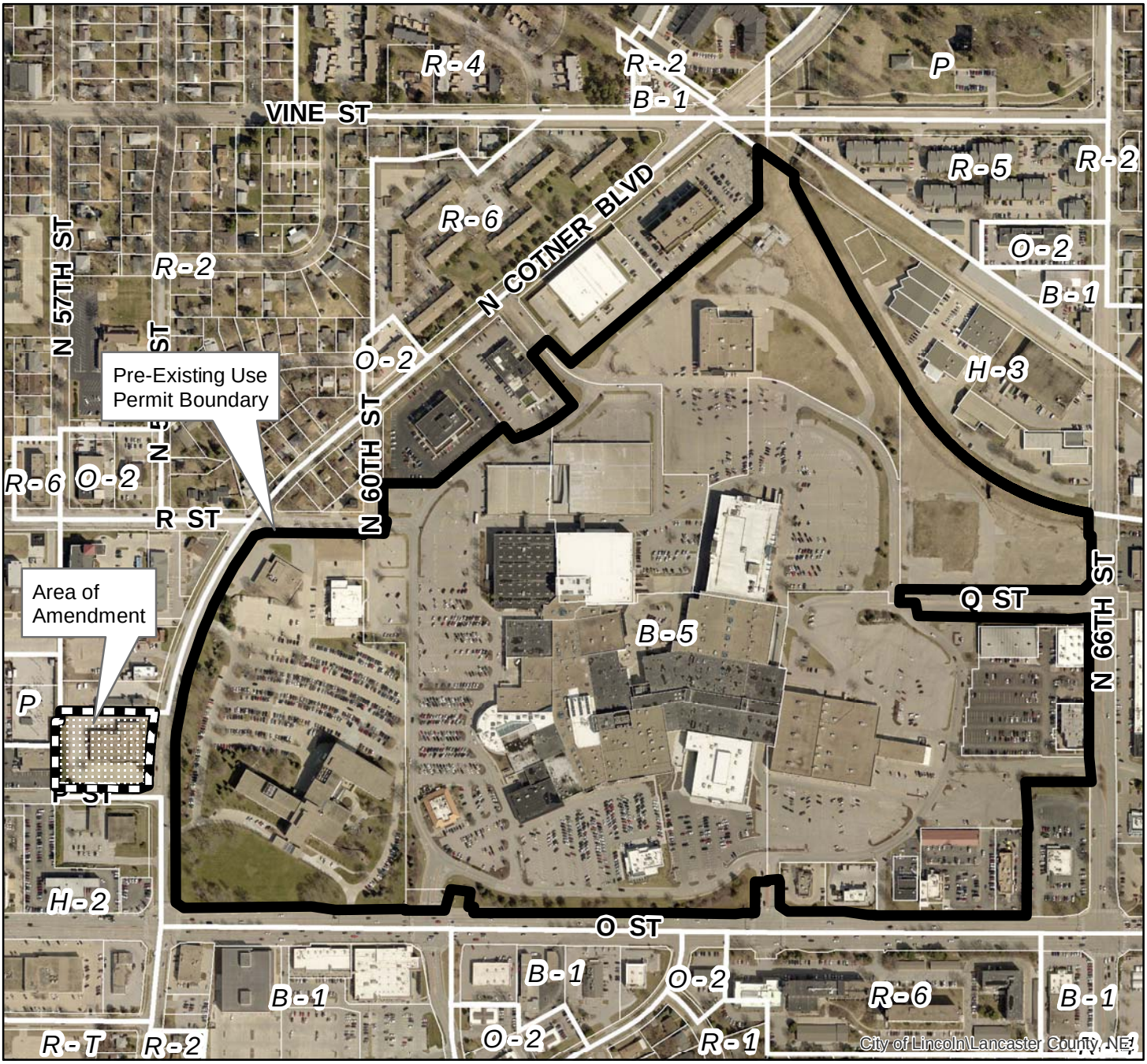
    2.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.

    2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

    2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

    2.4 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

    2.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



2018 aerial

Use Permit #: PEUP3AI
Gateway Shopping Center
N Cotner Blvd & P 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

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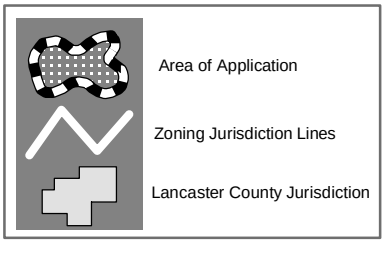
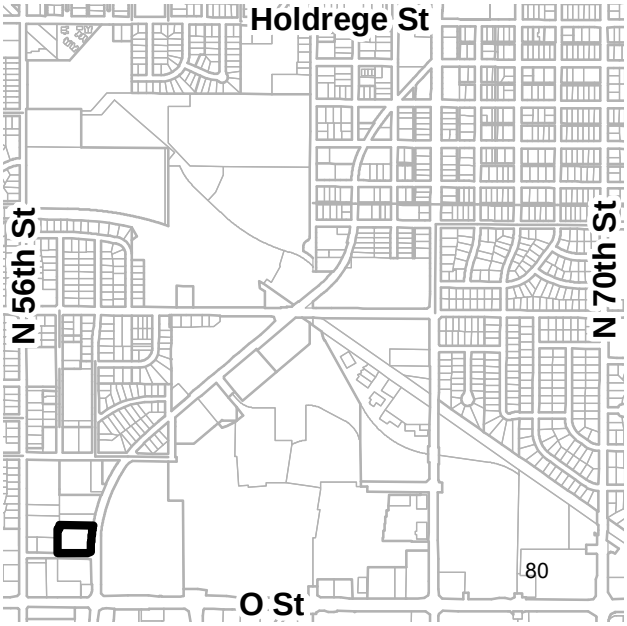
One Square Mile:
Sec.21 T10N R07E





File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (PEUP3AI)

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

September 18, 2019

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

Re: Application for Amendment to the Gateway Shopping Center Use Permit:
Civil Design Group Project: 2019-0099

Dear Mr. Cary:

On behalf of Austin Realty Investments, we submit the enclosed application for an amendment to the Gateway Shopping Center Use Permit. Specifically, we are requesting a series of waivers and seeking approval for the final site plan for Area "H" which is addressed as 225 N. Cotner Blvd. Area "H" was added to this use permit in 2016 in generic terms with a series of waivers and deviation requests for access based on preliminary design elements. Now that final design is completed we are amending and adding some specific waivers for Area "H" to better accommodate the final design product. The waivers for Area "H" include:

- Amending Waiver #3, to increase in height limit to 65' which is consistent with the greater Gateway Mall area.
- Amending Waiver #4, to adjust the parking requirements for Area "H" to be 1.35 stalls/unit since the number of units that are more than one bedroom is only 25%.
- Adding Waiver #5, to allow architectural cantilever façade treatments to extend out 12 inches beyond the foundation walls in all yards. This waiver will allow for façade treatments that create a varying sense of depth that enhances the façade's aesthetics.
- Adding Waiver #6, To allow balconies to extend up to 3' beyond the setback in all yards, so long as they do not cross property lines. This will allow of these vital tenant features to be incorporated into units without compromising the internal square footage of the units.

In conjunction with this submittal the following information is enclosed:

Use Permit Application
Use Permit Amendment Review Fee - $988.00
Height Elevation Exhibits
Façade Renderings

I hope this information and the use permit site plan provides you with adequate information to review this application. Please call me at 402-434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Austin Realty Investments
/Volumes/Public/F/Projects/2019/20190182/Landplanning/Doc/Use Permit letter 09-18-19.docx

LEGAL DESCRIPTION

LOTS 1 2, 3, 4, & 5, GATEWAY SHOPPING CENTER SUBDIVISION; LOT 1, 2, 3, & OUTLOT 'A', Q PLACE, EXCEPT EAST PART FOR STREET; LOT 256 OF IRREGULAR TRACTS EXCEPT THAT PART LYING NW OF A LINE 40' EAST OF THE CENTERLINE OF COTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; LOT 262 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT 544.35 SF IN SOUTH FOR STREET; LOT 265 OF IRREGULAR TACTS EXCEPT 2835.5 SF IF SOUTH PART FOR ROAD; LOT 266 OF IRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF 'O' STREET, (AREA 'H') LOT 163 IRREGULAR TRACT EXCEPT 182.63 SF IN THE SE CORNER FOR STREET; (AREA 'I') LOT 212 EXCEPT 3,741 SF FOR ROAD IN THE SE.

ALL LOCATED IN THE S $\frac{1}{2}$ OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA.

GATEWAY SHOPPING CENTER
PRE-EXISTING USE PERMIT

SIGN INVENTORY

SIGN DESIGNATION (SEE SITE PLAN)	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S
HEIGHT (FT.)	30	8	8	6	6	8	6	8	8	8	6	6	8	8	8	8	25	8
SQUARE FOOTAGE (SQ. FT.)	104	54	48	54	54	54	54	54	42	42	42	42	42	42	89	89	81	80
TYPE	CENTER	FREE-STANDING	FREE-STANDING	CENTER	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD	MENU BOARD	POLE SIGN	CENTER
SIGN DESIGNATION (SEE SITE PLAN)	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	JJ	KK	LL
HEIGHT (FT.)	12	18	8	5	5	5	4	4	4	4	4	4	4	4	4	4	4	6
SQUARE FOOTAGE (SQ. FT.)	92	95	72	55	55	55	12	12	12	12	12	12	12	12	12	12	12	32
TYPE	FREE-STANDING	POLE SIGN	FREE-STANDING	FREE-STANDING	FREE-STANDING	FREE-STANDING	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD

PARKING TABLE

AREA DESIGNATION	A	B	H	I
PERMITTED USES	COMMERCIAL	COMMERCIAL	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL
COMMERCIAL FLOOR AREA AND/OR DWELLING UNITS ALLOWED	1,177,580	312,855	153 APARTMENT UNITS	
EXISTING NUMBER OF PARKING STALLS IN DESIGNATED AREA	4,449	830	----	
CURRENT STALL REQUIREMENT PER 1:300 RATIO	3,926	710*	*207 PER WAIVER #4	*429 PER WAIVER #4 FOR APARTMENT UNITS

* COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.

PARKING TABLE

	A	B	H
PERMITTED USES	COMMERCIAL	COMMERCIAL	COMMERCIAL & RESIDENTIAL
COMMERCIAL FLOOR AREA AND/OR DWELLING UNITS ALLOWED	1,177,580	312,855	153 APARTMENT UNITS
EXISTING NUMBER OF PARKING STALLS IN DESIGNATED AREA	4,449	830	----
CURRENT STALL REQUIREMENT PER 1:300 RATIO	3,926	710*	*207 PER WAIVER #4

* COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.

WAIVER LIST

1. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET FOR ANY NEW ADDITION TO AREA "A" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.
2. PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE UNLESS OTHERWISE NOTED.
3. AREA "H", MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET AS MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE BUILDING TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES, PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED TO THE NORTH AND TO THE WEST, EXCEPT IN THE AREA ADJACENT TO THE L.E.S. SUBSTATION. AREA 'I' BUILDING HEIGHT FROM 40 TO 50 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED ON 66TH ST. & "Q" ST.
4. IN AREA 'H', 1.35 PARKING STALLS ARE REQUIRED & IN AREA 'I', 1.4 PARKING STALLS ARE REQUIRED PER DWELLING UNIT AS LONG AS THE TOTAL NUMBER OF APARTMENT UNITS WITH MORE THAN ONE BEDROOM DOES NOT EXCEED 40% OF THE TOTAL NUMBER OF UNITS.
5. IN AREA 'H' FOR CANTILEVER STRUCTURES TO EXTEND OUT 12 INCHES BEYOND THE FOUNDATION WALLS IN THE FRONT, REAR AND SIDE YARDS.
6. IN AREA 'H' FOR BALCONIES TO EXTEND UP TO 3 FEET BEYOND THE SETBACK IN THE FRONT, REAR AND SIDE YARDS, SO LONG AS THE BALCONIES DO NOT ENCROACH UPON ADJACENT PROPERTY LINES.

DEVIATION LIST (AREA 'H'): PREVIOUSLY APPROVED BY PUBLIC WORKS AND UTILITIES ON MARCH 30, 2016

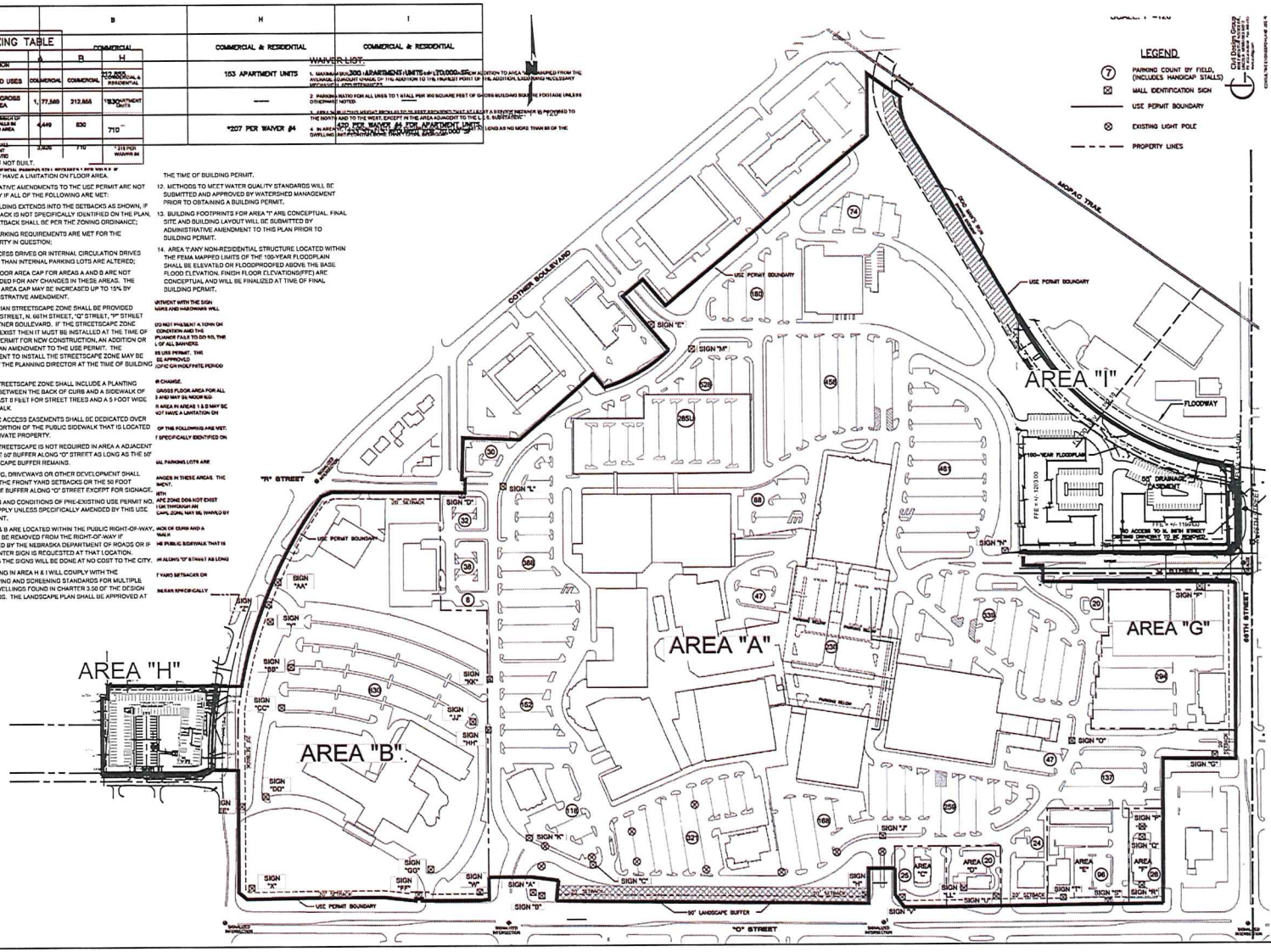
1. A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN ADJACENT CONNECTIONS OF 330' ON N COTNER BLVD
2. A DEVIATION OF THE REQUIRED ½ MILE ACCESS BREAKS ALONG N. COTNER BLVD, TO UTILIZE EXISTING LEFT HAND CENTER TURN LANE
3. A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND NORTHBOUND TURN LANE IN N COTNER (NON-MEDIAN DIVIDED)
4. A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N. COTNER BLVD
5. A DEVIATION TO MAINTAIN A 22' THROAT LENGTH ON ALL ACCESS POINTS.
6. THE UNDERGROUND PARKING GARAGE ENTRY ON N. COTNER BLVD SHALL BE DESIGNED TO ALLOW TWO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE

GENERAL NOTES:

1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
2. BANNER SIGNS (RESOLUTION A-88555)
   A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS SITE PLAN.
   B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 ½ FEET IN AREA.
   C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLES IN A WAY THAT THEY REMAIN RIGID.
   D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
   E. EXISTING LANDSCAPE MATERIALS ALONG THE O STREET FRONTAGE SHALL REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
   F. THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
   G. BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TORN OR FADED APPEARANCE.IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTEE AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
   H. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITTEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THE THESE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.
3. IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND SUBJECT TO MINOR CHANGE.
4. IN AREAS A-G THE PARKING REQUIREMENT IS 1 SPACE PER 300 SQUARE FEET OF GROSS FLOOR AREA FOR ALL USES. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.
5. AREA A IS PERMITTED AT 1,330,600 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS 1 & 8 MAY BE INCREASED ADMINISTRATIVELY UP TO 15% OF THESE AMOUNTS. AREAS G-O DO NOT HAVE A LIMITATION ON FLOOR AREA.
6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
   A. NO BUILDING EXTENDS INTO THE SETBACKS AS SHOWN, IF A SETBACK IS NOT SPECIFICALLY IDENTIFIED ON THE PLAN, THE SETBACK SHALL BE PER THE ZONING ORDINANCE;
   B. THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY IN QUESTION;
   C. NO ACCESS DRIVES OR INTERNAL CIRCULATION DRIVES OTHER THAN INTERNAL PARKING LOTS ARE ALTERED;
   D. THE FLOOR AREA CAP FOR AREAS A AND B ARE NOT EXCEEDED FOR ANY CHANGES IN THESE AREAS. THE FLOOR AREA CAP MAY BE INCREASED UP TO 15% BY ADMINISTRATIVE AMENDMENT.
7. A PEDESTRIAN STREETSCAPE ZONE SHALL BE PROVIDED ALONG "O" STREET, N. 66TH STREET, "Q" STREET, "P" STREET AND N. COTNER BOULEVARD. IF THE STREETSCAPE ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR NEW CONSTRUCTION, AN ADDITION OR THROUGH AN AMENDMENT TO THE USE PERMIT. THE REQUIREMENT TO INSTALL THE STREETSCAPE ZONE MAY BE WAIVED BY THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.
   A. THE STREETSCAPE ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE BACK OF CURB AND A SIDEWALK OF AT LEAST 8 FEET FOR STREET TREES AND A 5 FOOT WIDE SIDEWALK.
   B. PUBLIC ACCESS EASEMENTS SHALL BE DEDICATED OVER ANY PORTION OF THE PUBLIC SIDEWALK THAT IS LOCATED ON PRIVATE PROPERTY.
   C. THE STREETSCAPE IS NOT REQUIRED IN AREA A ADJACENT TO THE 50' BUFFER ALONG "O" STREET AS LONG AS THE 50' LANDSCAPE BUFFER REMAINS.
8. NO PARKING, DRIVEWAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACKS OR THE 50 FOOT LANDSCAPE BUFFER ALONG "O" STREET EXCEPT FOR SIGNAGE.
9. ALL TERMS AND CONDITIONS OF PRE-EXISTING USE PERMIT NO. 3 SHALL APPLY UNLESS SPECIFICALLY AMENDED BY THIS USE AMENDMENT.
10. SIGNS A & B ARE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, THEY WILL BE REMOVED FROM THE RIGHT-OF-WAY IF REQUESTED BY THE NEBRASKA DEPARTMENT OF ROADS OR IF A NEW CENTER SIGN IS REQUESTED AT THAT LOCATION. REMOVING THE SIGNS WILL BE DONE AT NO COST TO THE CITY.
11. SCREENING IN AREA H & I WILL COMPLY WITH THE LANDSCAPING AND SCREENING STANDARDS FOR MULTIPLE FAMILY DWELLINGS FOUND IN CHARTER 3.50 OF THE DESIGN STANDARDS. THE LANDSCAPE PLAN SHALL BE APPROVED AT THE TIME OF BUILDING PERMIT.
12. METHODS TO MEET WATER QUALITY STANDARDS WILL BE SUBMITTED AND APPROVED BY WATERSHED MANAGEMENT PRIOR TO OBTAINING A BUILDING PERMIT.
13. BUILDING FOOTPRINTS FOR AREA "I" ARE CONCEPTUAL. FINAL SITE AND BUILDING LAYOUT WILL BE SUBMITTED BY ADMINISTRATIVE AMENDMENT TO THIS PLAN PRIOR TO BUILDING PERMIT.
14. AREA "I" ANY NON-RESIDENTIAL STRUCTURE LOCATED WITHIN THE FEMA MAPPED LIMITS OF THE 100-YEAR FLOODPLAIN SHALL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE FLOOD ELEVATION. FINISH FLOOR ELEVATIONS(FFE) ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF FINAL BUILDING PERMIT.

LEGAL DESCRIPTION

LOTS 1 2, 3, 4, & 5, GATEWAY SHOPPING CENTER SUBDIVISION; LOT 1, 2, 3, & OUTLOT 'A', O PLACE, EXCEPT EAST PART FOR STREET; LOT 256 OF IRREGULAR TRACTS EXCEPT THAT PART LYING NW OF A LINE 40' EAST OF THE CENTERLINE OF COTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; LOT 262 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT 544.35 SF IN SOUTH FOR STREET; LOT 265 OF IRREGULAR TACTS EXCEPT 2630.5 SF IF SOUTH PART FOR ROAD; LOT 266 OF IRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF 'O' STREET; (AREA 'H') LOT 163 IRREGULAR TRACT EXCEPT 182.63 SF IN THE SE CORNER FOR STREET; (AREA 'I') LOT 212 EXCEPT 3,741 SF FOR ROAD IN THE SE.
ALL LOCATED IN THE S½ OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA.



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8535 EXCELSIOR BLVD., SUITE 200
HOPKINS, MINNESOTA 55343
P: 952.912.2490 F: 952.912.2499
www.civildg.com

CONSULTING ENGINEERS ◆ LAND USE PLANNERS
CIVIL ◆ SURVEY ◆ SITE DEVELOPMENT ◆ PLANNING ◆ ZONING

REVISIONS

NO.	DESCRIPTION	DATE

GATEWAY SHOPPING CENTER
AMENDED USE PERMIT PEUP3AF
SITE PLAN
LINCOLN, NEBRASKA

2019

Drawn by	JBH
Checked by	-
Approved by	-
Project no.	2003-0182
Drawing no.	-
Date	03/15/2019

SHEET
1 OF 2

WAIVER LIST

1. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET FOR ANY NEW ADDITION TO AREA "A" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.

2. PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE UNLESS OTHERWISE NOTED.

3. AREA 'H', MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET AS MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE BUILDING TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES, PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED TO THE NORTH AND TO THE WEST, EXCEPT IN THE AREA ADJACENT TO THE L.E.S. SUBSTATION. AREA 'I' BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED ON 66TH ST. & "Q" ST.

4. IN AREA 'H', 1.35 PARKING STALLS ARE REQUIRED & IN AREA 'I', 1.4 PARKING STALLS ARE REQUIRED PER DWELLING UNIT AS LONG AS THE TOTAL NUMBER OF APARTMENT UNITS WITH MORE THAN ONE BEDROOM DOES NOT EXCEED 40% OF THE TOTAL NUMBER OF UNITS.

5. IN AREA 'H' FOR CANTILEVER STRUCTURES TO EXTEND OUT 12 INCHES BEYOND THE FOUNDATION WALLS IN THE FRONT, REAR AND SIDE YARDS.

6. IN AREA 'H' FOR BALCONIES TO EXTEND UP TO 3 FEET BEYOND THE SETBACK IN THE FRONT, REAR AND SIDE YARDS, SO LONG AS THE BALCONIES DO NOT ENCROACH UPON ADJACENT PROPERTY LINES.

DEVIATION LIST (AREA 'H'): PREVIOUSLY APPROVED BY PUBLIC WORKS AND UTILITES ON MARCH 30, 2016

1. A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN ADJACENT CONNECTIONS OF 330' ON N COTNER BLVD
2. A DEVIATION OF THE REQUIRED $\frac{1}{4}$ MILE ACCESS BREAKS ALONG N. COTNER BLVD, TO UTILIZE EXISTING LEFT HAND CENTER TURN LANE
3. A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND NORTHBOUND TURN LANE IN N COTNER (NON-MEDIAN DIVIDED)
4. A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N. COTNER BLVD
5. A DEVIATION TO MAINTAIN A 20' THROAT LENGTH ON ALL ACCESS POINTS
6. THE UNDERGROUND PARKING GARAGE ENTRY ON N. COTNER BLVD SHALL BE DESIGNED TO ALLOW TWO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE

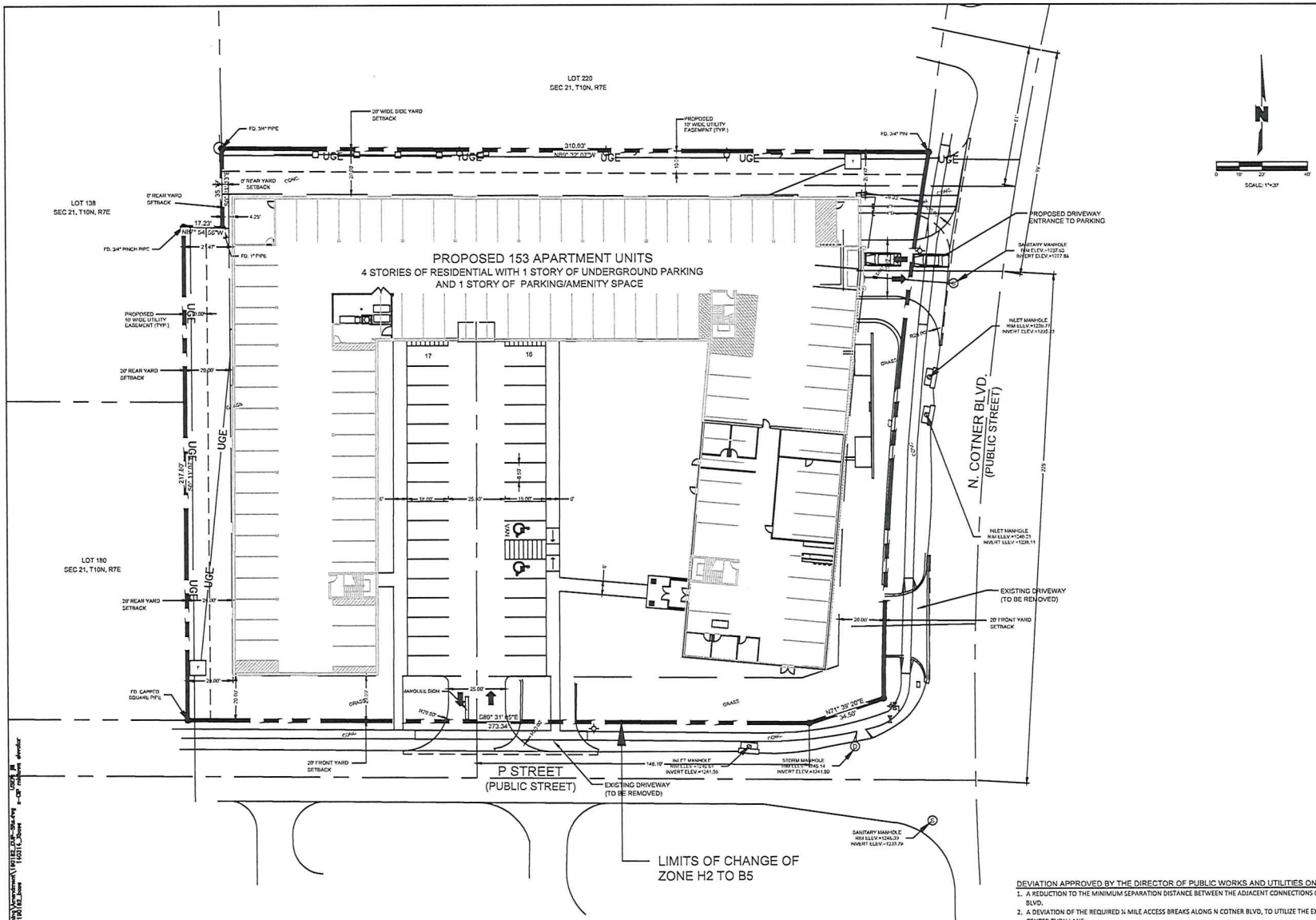
S
8
60
NTER
LL
6
32
BOARD

SCALE: 1" = 120'

Sign Group
TIVE WOODS DR.,
EBRASKA 68512
494 Fax 866-215-
om

RS • LAND USE PI

85



CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C2	1474.73'	9°25'15"	121.52'	242.48'	242.21'	N05°00'26"E

DEVIATION APPROVED BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES ON MARCH 30, 2016:

1. A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN THE ADJACENT CONNECTIONS OF 330' ON N COTNER BLVD.
2. A DEVIATION OF THE REQUIRED ¼ MILE ACCESS BREAKS ALONG N COTNER BLVD, TO UTILIZE THE EXISTING LEFT HAND CENTER TURN LANE.
3. A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND NORTHBOUND TURN LANE IN N COTNER (NON-MEDIAN DIVIDED).
4. A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N COTNER BLVD.
5. A DEVIATION TO MAINTAIN A 20' THROAT LENGTH ON ALL ACCESS POINTS.
6. THE UNDERGROUND PARKING GARAGE ENTRY ON N. COTNER BLVD. SHALL BE DESIGNED TO ALLOW TWO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE.

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REVISIONS

DATE	DESCRIPTION
11/30/16	PER CITY REVIEW COMMENTS

225 N. COTNER BLVD.
AMENDED USE PERMIT PEUP3AF

DETAILED SITE PLAN

2016

LINCOLN, NEBRASKA

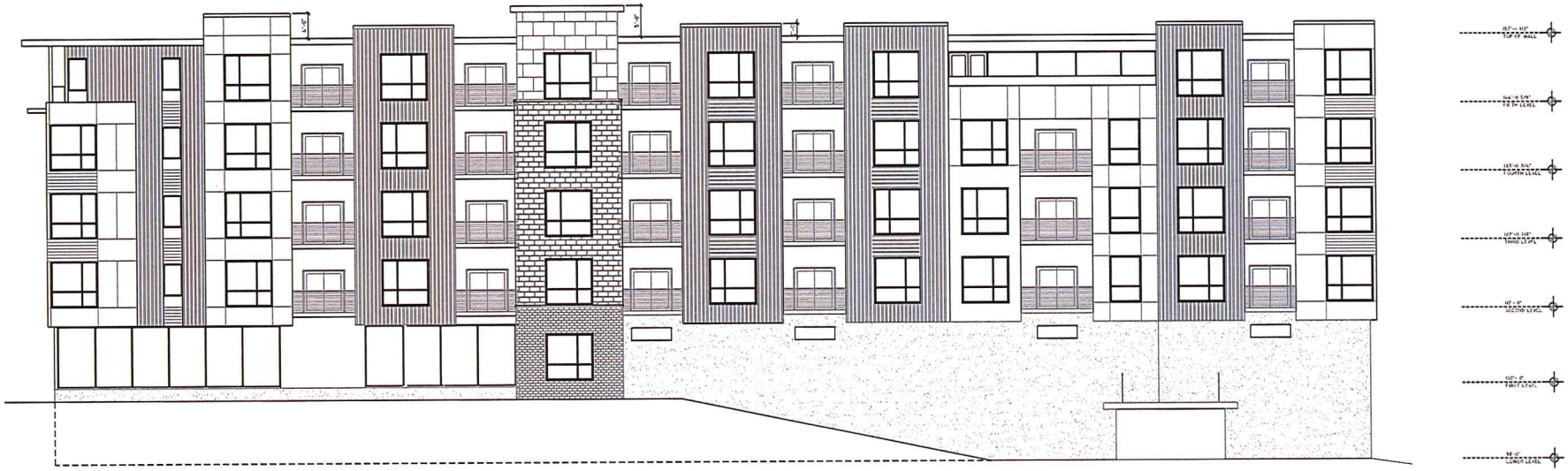
drawn by: jds
checked by: -
approved by: -
project no.: 2014-0214
drawing no.: -
date: 03/17/2016

SHEET
1A

DWG: P:\Projects\2014\2014-0214\Landscape\Amendment\UNITE_CUP_3Sq.dwg
DATE: Sep 19, 2016 - 1:50:02pm
XREFs: 11031_Base
11031_Dims
USER_IN
2-car medium divider

Y | 8 — SOUTH ELEVATION

1/8" = 1'-0"



Y | 1 — EAST ELEVATION

1/8" = 1'-0"

studio 951

studio951 Ltd.

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COTHER AND P APARTMENTS

255 N. COTHER
LINCOLN, NE

ELEVATIONS

Job No > 19-056

A3.01

Y | 8 — COURTYARD SOUTH ELEVATION

1/8" = 1'-0"

Y | 1 — COURTYARD WEST ELEVATION

1/8" = 1'-0"

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COTNER AND P APARTMENTS

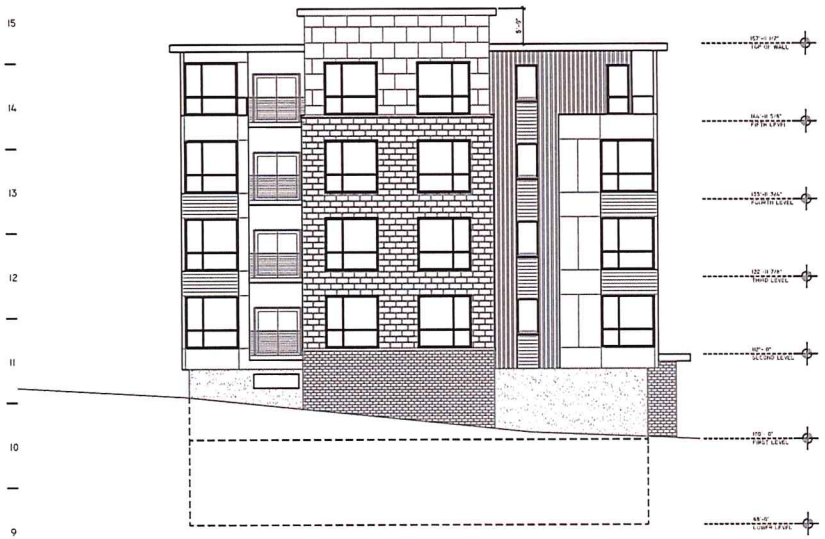
255 N. COTNER
LINCOLN, NE

ELEVATIONS

NO.	ISSUED FOR	DATE

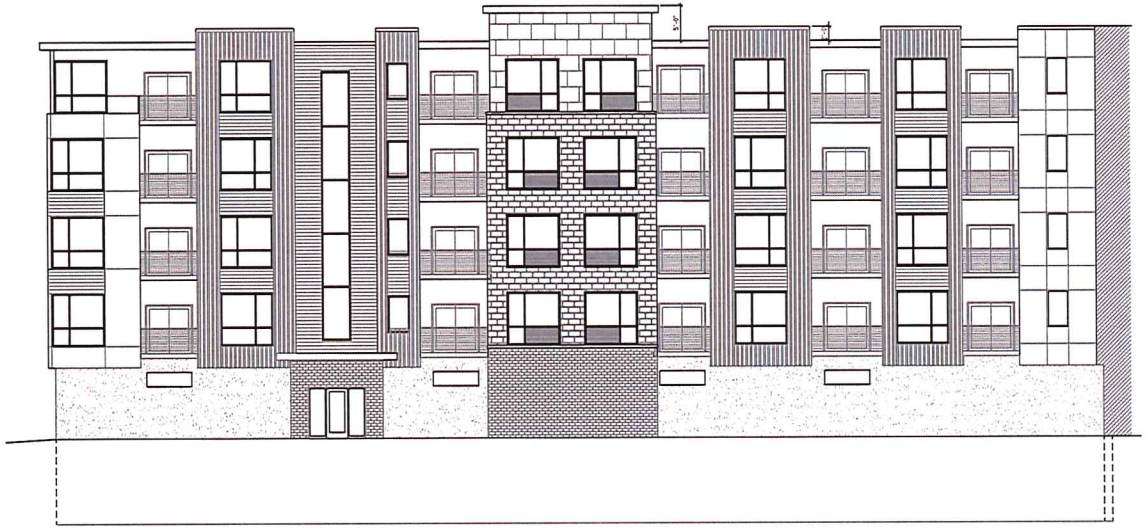
JOB NO.: 19-056

A3.02



Y | 8 — SOUTH ELEVATION

1/8" = 1'-0"



Y | 1 — COURTYARD EAST ELEVATION

1/8" = 1'-0"

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COTHER AND P APARTMENTS

255 N. COTHER

LINCOLN, NE

ELEVATIONS

Job No.> 19-056

A3.03

EAST ELEVATION

1/8" = 1'-0"

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COTNER AND P APARTMENTS

255 N. COTNER
LINCOLN, NE

ELEVATIONS

NO.	ISSUED FOR:	DATE:

Job No.: 19-056

A3.04

R | 8 — PARTIAL NORTH ELEVATION
1/8" = 1'-0"

Y | 1 — PARTIAL NORTH ELEVATION
1/8" = 1'-0"

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COTNER AND P APARTMENTS
255 N. COTNER
LINCOLN, NE
ELEVATIONS

Job No.> 19-056

A3.05

MEETING RECORD

NAME OF GROUP:	URBAN DESIGN COMMITTEE
DATE, TIME AND PLACE OF MEETING:	October 1, 2019, 3:00 p.m., Conference Room 210, County-City Building, 555 S. 10th Street, Lincoln, NE.
MEMBERS IN ATTENDANCE:	Amber Brannigan, Emily Casper, Tammy Eagle Bull, Tom Huston, Gill Peace and Michelle Penn; (Trent Reed absent).
OTHERS IN ATTENDANCE:	Stacey Hageman and Teresa McKinstry of the Planning Dept.; Dept.; Dallas McGee of Urban Development; Dave Johnson of Studio 951; Randy Chevalier with CIP; John Hathaway with Architectural Design Associates; Gian Chan from Stone Elephant LLC; and Matt Olberding of Lincoln Journal Star.

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

REDEVELOPMENT AT COTNER & P STREET:

Members present: Brannigan, Casper, Eagle Bull, Huston, Peace and Penn; Reed absent.

Dave Johnson stated that he appeared last month to present the project. Today is to present the proposed landscaping. This was the former site of the Home Real Estate building, which was demolished. There will be a total of six levels, five stories by code definition. Turf and ground covers are proposed for surrounding the building, along with trees. There is an outdoor amenity area with a pool, plaza and sitting areas. The pool will most likely be only four or five feet deep. It will be surrounded by a fence. The lowest level will be parking with the entrance off Cotner Blvd. The lower level off P St. will be parking next to the indoor amenity area. He showed examples of different materials in the area. They are proposing textured limestone for the first story. Above that, they are proposing a smoother limestone. There are a couple of areas where a prefinished siding will be used. There will be some gray corrugated metal for accent areas. The windows and doors will be light gray with a black handrail on the fencing. The darker insets are where a Hardi product will be used. The grade will be moved up against the building where possible. We propose evergreen type trees on the corner. The courtyard will have a green wall with some type of vine growing up against it.

Huston believes this group was asking for landscape along P St. and Cotner Blvd. Johnson stated they do not have that information yet.

Peace would like to know more about the windows. Johnson stated that right now, they are looking at Pella. Sometimes PTACs (Packaged Terminal Air Condition) have a box that sticks outside. These will be flush with the window system. There will be a few studio units that have these. Peace believes the materials are all nice, but sometimes white vinyl windows or light gray stand out. If you have the ability to look at other options, he would recommend Pella Impervia windows. Johnson would love to look at those, but choices had to be made. With the Pella 100 series, you are limited to white, taupe or gray. He has to wait and see how the estimates look before knowing if they could a different window.

Peace remembers talking about the landscaping at the last meeting. He likes the plan and the landscaping he has seen so far. The Cotner Blvd. side is a challenge. He would almost encourage not to place turf on that side. Johnson noted that they are proposing more of a groundcover.

Huston is interested in the Comprehensive Plan that notes sites like this are for infill and density. That is what this is. He is interested to see how this works.

Peace understands the applicant is still working on cost and budgeting. He inquired on the approximate build price on each parking stall. Johnson believes they are pushing high 20's.

Casper asked if pets will be allowed. There doesn't seem to be a good pet site. Randy Chevalier thinks perhaps they will have a spot for pets on the north side. They were thinking that pets will be allowed. Johnson agreed. There would be access through the parking garage.

Penn wondered how high the parapets are. Johnson replied that all the air conditioners will be standard residential size. We are taking water off the edges and collecting in others. He pointed out where the parapets will be. Some are seven feet tall. Some are three to four, and there are other areas where the roof is not a parapet at all. We have done some site studies in the area. Penn thinks there might be some vantage points where the units are visible. Johnson thinks with the other buildings in the area, they will not be visible.

Stacey Hageman noted that waivers are being looked at for height, parking and some setbacks. Johnson stated they received an opinion from Building and Safety that some balconies are in the setbacks. There is one part of the radius where the decks stick out a few feet. They just want to make sure this interpretation is covered. Hageman added this will appear before Planning Commission in two weeks. Johnson added they also need a waiver for the height and two parking stalls. They are over the 1 to 1 on inside stalls. There are outside stalls built in for visitors.

ACTION:

Huston moved approval, along with approval of the requested waivers, seconded by Peace. Motion for approval carried 6-0: Brannigan, Casper, Eagle Bull, Huston, Peace and Penn voting 'yes'; Reed absent.

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

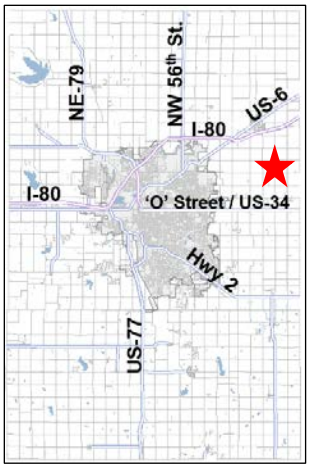
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Miscellaneous #19003	No	Michael and Rhonda McClellan
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 16, 2019	None	4180 N. 148th St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This request is to vacate the plat of McClellan Estates Addition. The plat vacation will allow a driveway to be relocated.



JUSTIFICATION FOR RECOMMENDATION

Vacating the final plat will allow the owners to move the driveway to their preferred location. The plat should be vacated, but retain the right-of-way along Havelock Avenue dedicated with this final plat.

APPLICATION CONTACT

Michael and Rhonda McClellan,
402-304-5437 R-honda@outlook.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The plat vacation is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

ANALYSIS

1. This request is to vacate the plat of McClellan Estates Addition. The applicant's letter states the reason for the plat vacation is to allow the drive to be relocated. The location of the driveway will be at the previous location before the final plat was approved.
2. McClellan Estates Addition final plat was approved under the conditions of AG Preservation per Lancaster County Zoning Section 4.016. One of the conditions is that lots shall be accessed by a single shared driveway which shall be in a 60' wide public access and utility easement. The easement cannot be within the lot. The access easement is

the only access allowed to N. 148th Street. The previous driveway was required to be removed as a condition of approving the McClellan Estates Addition final plat.

3. At the time of the final plat AG Preservation was the only recourse to be able to have the house on a lot less than 20 acres. The AG District requires a minimum lot size of 20 acres unless a farmstead split or AG Preservation is done. The farmstead split requires that a single family dwelling has existed on the land for more than 5 years. The dwelling had been on the land for less than 5 years which made AG Preservation their only option.
4. If this final plat is vacated, the restriction on access would be removed. Lot 1 and Outlot A of McClellan Estates would revert back to an irregular tract.
5. Fifty feet of right of way along Havelock Avenue was dedicated with the final plat. With the vacation of the final plat, the street right-of-way will also be vacated, unless the Lancaster County Board of Commissioners chooses to retain the right-of-way. The County Engineering Department has requested to retain the right-of-way along Havelock Avenue.
6. Section 3.19 of the Lancaster County Subdivision Regulations allows that "The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat with the Planning Department."
7. Utility easements are vacated when a final plat is vacated. The only easement on this plat is the 60' public access and utility easement. Norris Public Power District does not object to this plat vacation.
8. The applicant does not gain anything by creating a final plat and then vacating it. No additional lots were created. The plat vacation simply returns the lots to their original state, minus the right-of-way.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Single family dwelling and farm ground

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm Ground
South:	AG-Agriculture	Farm ground and 2 dwellings on acreage lots.
East:	AG-Agriculture	Farm ground
West:	AG-Agriculture	Farm ground and 1 dwelling on an acreage lot.

APPROXIMATE LAND AREA: 38 acres, more or less

LEGAL DESCRIPTION: Lot 1 and Outlot A, McClellan Estates Addition located in the NW ¼ of Section 10, Township 10 North, Range 8 East, Lancaster County, NE

Prepared by

_____
Tom Cajka, Planner

Date: October 1, 2019

Applicant: Michael and Rhonda McClellan
4180 N. 148th St.
Lincoln, NE 68527
402-304-5437
R-honda@outlook.com

Contact/Owner: Same as applicant

F:\DevReview\MISC\19000\MISC19003.tjc.docx

CONDITIONS OF APPROVAL – MISCELLANEOUS #19003

This approval permits McClellan Estates Addition final plat to be vacated per Section 3.19 of the Lancaster County Subdivision Regulations with the condition that the right-of-way along Havelock Avenue is retained.

2018 aerial

Miscellaneous #: MISC19003
Plat Vacation
N 148th St & Havelock Ave

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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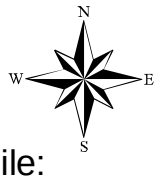
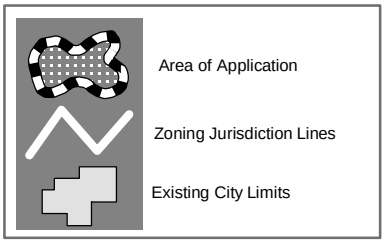
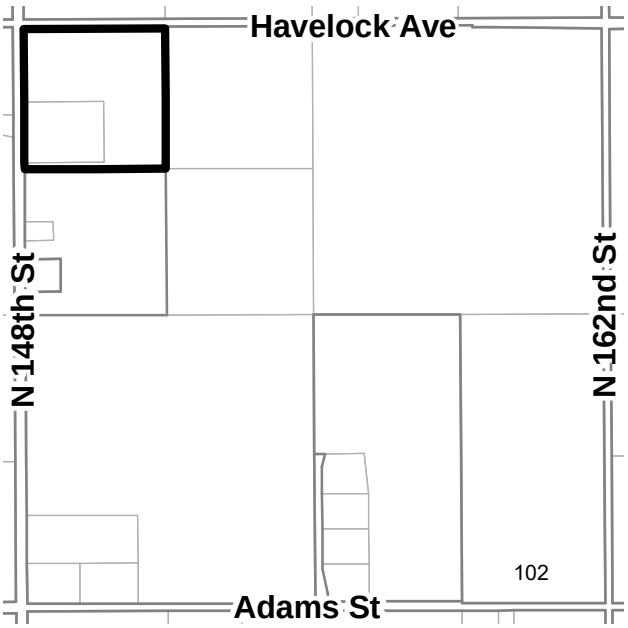


One Square Mile:
Sec.10 T10N R08E





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MCCLELLAN ESTATES ADDITION

FINAL PLAT

Scale: 1"= 200'

Legend
- Corners Found
- Corners Found ( )
- Corners Set (5/8" Rebar W/ LS5 Cap)
- Survey Marker
- Temporary Point
- R Record Distance
- M Measured Distance
- W.C. Witness Corner
- Fence

CORNER TIES – SECTION 10, T10N, R8E

NW CORNER – FOUND L.C.S.M. 2" ALUMINUM CAP.

108.02' NW TO A 5/8" REBAR/
99.97' NE TO A 1" IRON PIPE.
99.95' SE TO A 1" IRON PIPE.

N1/4 CORNER – FOUND L.C.S.M. 2" ALUMINUM CAP.

32.87' NORTH TO A 3/4" IRON PIPE.
46.36' NE TO A 3/4" IRON PIPE.
46.00' SE TO A 3/4" IRON PIPE.

W1/4 CORNER – FOUND L.C.S.M. 2" ALUMINUM CAP.

80.14' NW TO A 5/8" REBAR.
80.21' SE TO A 5/8" REBAR.
41.28' SW TO A 5/8" REBAR.

CENTER SECTION – FOUND 5/8" REBAR WITH CAP.

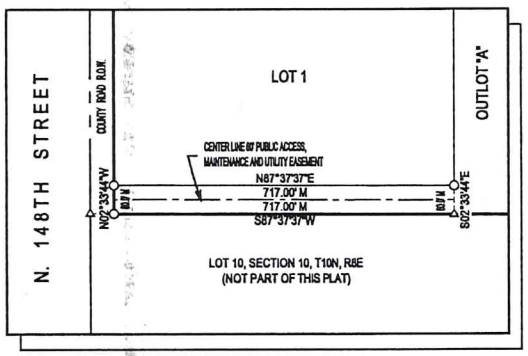
16.06' NNW TO A SPIKE IN THE EAST FACE OF CORNER POST.
18.62' NNW TO A SPIKE IN TOP OF BRACE POST.
16' NORTH TO FENCE WEST.
2' WEST TO FENCE NORTH.

N1/16,NW1/4 – SET 5/8" REBAR WITH PLASTIC CAP.

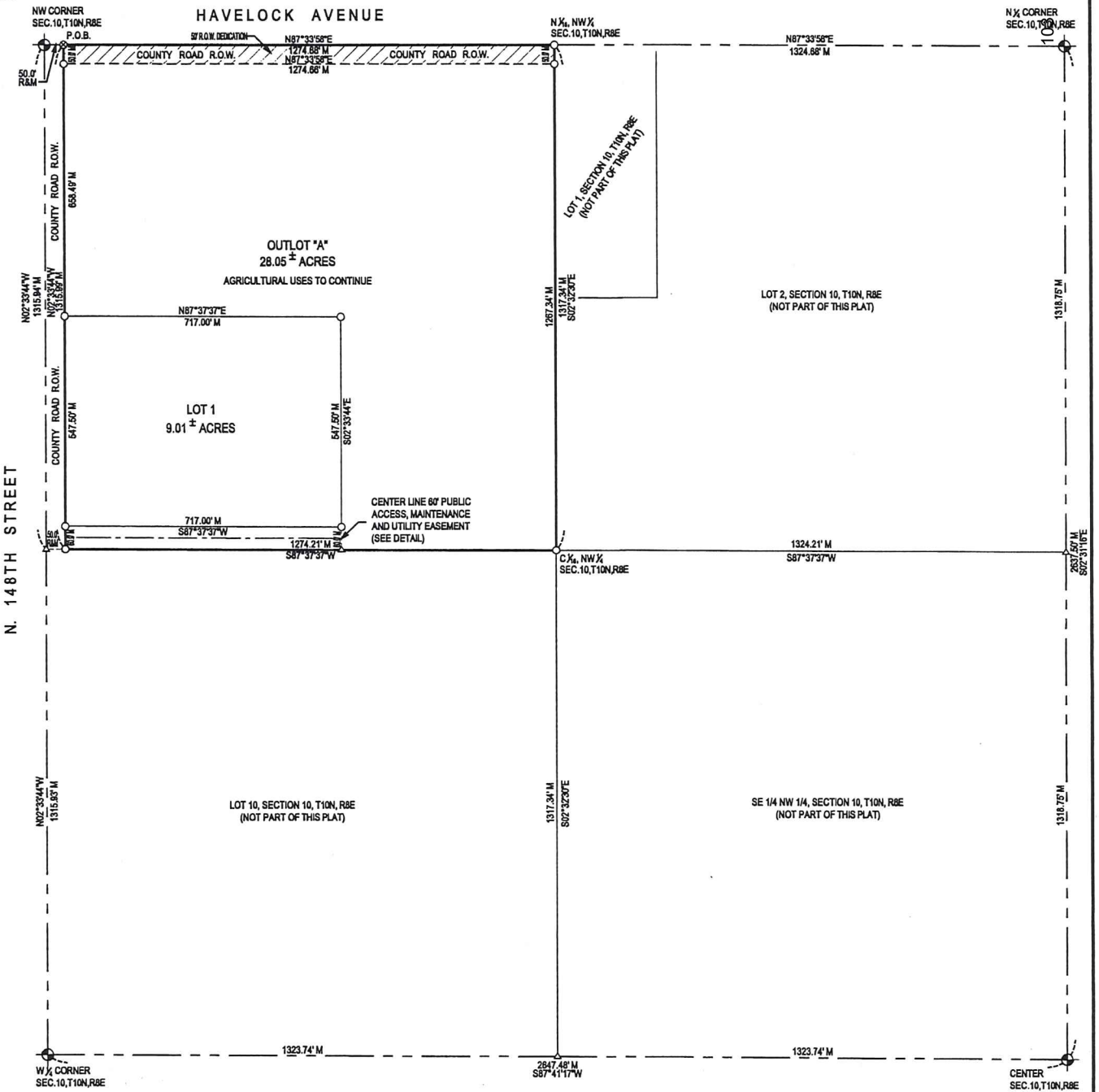
32.19' NE TO A NAIL IN DISK IN TOP OF WEST END C.M.P.
52.27' SE TO A SPIKE IN THE WEST FACE OF 18" TREE.
33.00' SOUTH TO A 5/8" REBAR WITH PLASTIC CAP.

C1/16,NW1/4 – SET 5/8" REBAR WITH PLASTIC CAP.

46.91' SSE TO A SPIKE IN THE NORTH FACE OF 18" TREE.
12.52' NE TO A NAIL IN DISK IN THE SOUTH FACE OF FENCE POST.
12' EAST TO FENCE NORTH.



ACCESS EASEMENT DETAIL
NO SCALE



MCCLELLAN ESTATES ADDITION
FINAL PLAT

Inst # 2015012901 Mon Apr 06 11:05:56 CDT 2015
Filing Fee: $38.00 opcokg
Lancaster County, NE Assessor/Register of Deeds Office PLAT
Pages 3

104

MCES #5183

FINAL PLAT DEDICATION

THE FOREGOING PLAT, KNOWN AS MCCLELLAN ESTATES ADDITION, AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, THE SOLE OWNERS, AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO LANCASTER COUNTY, WINDSTREAM NEBRASKA INC., TIME WARNER CABLE MIDWEST L.L.C., BLACK HILLS ENERGY, AND NORRIS PUBLIC POWER DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.

LANCASTER COUNTY, ITS SUCCESSORS AND ASSIGNS ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

DIRECT VEHICULAR ACCESS TO NORTH 148TH STREET IS HEREBY RELINQUISHED EXCEPT AT THE 60 FOOT PUBLIC ACCESS EASEMENT AS SHOWN.

DIRECT VEHICULAR ACCESS TO HAVELOCK AVENUE IS HEREBY RELINQUISHED.

THE 60 FOOT PUBLIC ACCESS, MAINTENANCE AND UTILITY EASEMENT SHOWN THEREON SHALL BE USED FOR PUBLIC ACCESS AND THE PUBLIC IS HEREBY GRANTED THE RIGHT OF SUCH USE. OWNERS OF ALL LOTS AND OUTLOTS WITH ACCESS TO THIS EASEMENT ARE HEREBY GRANTED THE RIGHT TO MAINTAIN, REPAIR, OR REBUILD THE DRIVEWAY WITHIN THIS ACCESS EASEMENT AS NECESSARY.

THE 50.00 FOOT WIDE RIGHT-OF-WAY SHOWN ALONG HAVELOCK AVENUE IS HEREBY DEDICATED TO THE PUBLIC.

MICHAEL J. MCCLELLAN (HUSBAND)

RHONDA L. MCCLELLAN (WIFE)

ACKNOWLEDGEMENT OF NOTARY

STATE OF Nebraska)
) ss.
COUNTY OF Lancaster)

ON THIS 2nd DAY OF March, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME MICHAEL J. MCCLELLAN (HUSBAND), PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION OF THE FOREGOING PLAT AND HE ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

GENERAL NOTARY - State of Nebraska
AARON M SCHMITZ
My Comm. Exp. Oct. 8, 2018

MY COMMISSION EXPIRES THE 8 DAY OF October, 2018

ACKNOWLEDGEMENT OF NOTARY

STATE OF Nebraska)
) ss.
COUNTY OF Lancaster)

ON THIS 2nd DAY OF March, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME RHONDA L. MCCLELLAN (WIFE), PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION OF THE FOREGOING PLAT AND HE ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

GENERAL NOTARY - State of Nebraska
AARON M SCHMITZ
My Comm. Exp. Oct. 8, 2018

MY COMMISSION EXPIRES THE 8 DAY OF October, 2018

PLANNING DIRECTOR'S APPROVAL

THE PLANNING DIRECTOR PURSUANT TO SECTION 3.16 OF THE LANCASTER COUNTY LAND SUBDIVISION REGULATIONS HEREBY APPROVES THIS FINAL PLAT.

for PLANNING DIRECTOR

APRIL 3, 2015
DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE SUBDIVISION TO BE KNOWN AS "MCCLELLAN ESTATES ADDITION", A SUBDIVISION OF LOT 12 OF IRREGULAR TRACTS, LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 10, T10N, R8E OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID LOT 12, SAID POINT BEING ON THE EASTERLY R.O.W. LINE OF N. 148TH STREET; THENCE N87°33'58"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 12, 1274.68 FEET TO THE NE CORNER OF SAID LOT 12; THENCE S02°32'30"E ON THE EAST LINE OF SAID LOT 12, 1317.34 FEET TO THE SE CORNER OF SAID LOT 12; THENCE S87°37'37"W ON THE SOUTH LINE OF SAID LOT 12, 1274.21 FEET TO THE SW CORNER OF SAID LOT 12, SAID POINT BEING ON THE EASTERLY R.O.W. LINE OF N. 148TH STREET; THENCE N02°33'44"W ON THE WEST LINE OF SAID LOT 12, 1315.99 FEET TO THE POINT OF BEGINNING. CONTAINING 38.52 ACRES MORE OR LESS.

LESLIE J. SIEDSCHLAG, NEBRASKA L.S. NO. 469

03/11/2015
DATE

NEBRASKA REGISTERED LS-469 LAND SURVEYOR LESLIE J. SIEDSCHLAG

L & S SURVEYING
P.O. BOX 354, CRETE, NE 68333

Autodesk Docs://L & S Surveying Shared/2015/2015-469 - Plat Revised MCCLELLAN.rvt

Michael J. McClellan	4180 N 148th ST Lincoln, NE 68527 402-304-5477 michaeljmcclellan@outlook.com

September 17, 2019

Lancaster County Commissioners
555 South 10th ST, Room 110
Lincoln, NE 68508

Dear Lancaster County Commissioners:

As the owners of parcel 2310100001000, Rhonda and Michael McClellan respectfully request that the Lancaster County Board of Commissioners vacate the McClellan Estates Addition final plat (FPPL14109). Five years ago we needed to establish an Ag Preservation Subdivision in order to obtain the mortgage for our then new home. As a part of that effort we had to establish an easement which dictated the location of the access point to the property. What we did not realize at the time was that the easement we selected actually created a visibility and therefore safety issue to the north of the access point.

Over the past couple of months, Rhonda and I have participated in meetings with Commissioners Schorr and Vest, County Engineer Dingman, County Surveyor Schroeder, and consultation with County Planner Cajka. As a result, we believe that the best way to achieve the desired result of a safer access point is to abandon the referenced plat and then re-plat the property using the farmstead split option that was not available five years ago due to the age of the home.

Again, as a first step toward the desired result, we appreciate the Board's consideration of our request to vacate final plat FPPL14109.

Sincerely,

Michael McClellan

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 #19013

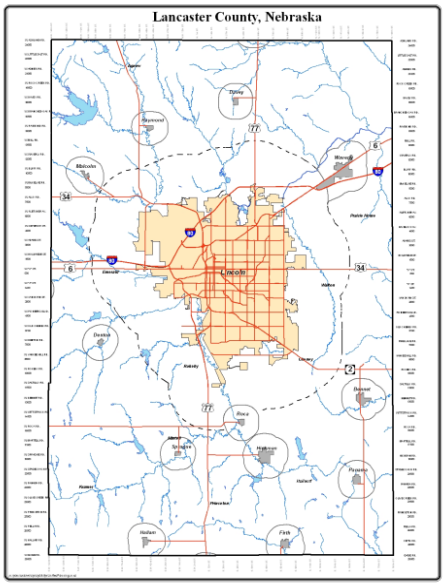
FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
October 16, 2019

RELATED APPLICATIONS
None

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

PROPOSAL:
Pursuant to Resolution 1521, passed by the Board of County Commissioners on December 30, 1958, the Planning Commission is to review the proposed *Lancaster County Road and Bridge Construction Program, Fiscal Years 2020 and 2021-2025* with regard to its conformity with the Comprehensive Plan.



CONCLUSION:
Pavement and grading projects within the proposed *Lancaster County Road and Bridge Construction Program, FY 2020 and 2021-2025* have been reviewed with regard to their compatibility with the current *2040 Lincoln City-Lancaster County Comprehensive Plan*.

The proposed *Program* is found to emphasize roads functioning as arterials and it is recommended that this emphasis be continued. The County Engineer and City of Lincoln are also encouraged to continue to cooperate in administering all phases of the road and street programs. Coordination of project operations and construction improves efficiencies and economics and results in a better transition from county roads to city streets.

The overall finding and recommendation is that the Planning Commission find the proposed *Lancaster County Road and Bridge Construction Program for FY 2020 and 2021-2025*, to be generally in conformance with the current *2040 Lincoln City-Lancaster County Comprehensive Plan*.

APPLICATION CONTACT
Pam Dingman, County Engineer
(402) 441-7681 or
PDingman@lancaster.ne.gov

STAFF CONTACT
Allan Zafft,
Transportation Planner
Lincoln-Lancaster Planning Department
(402) 441-6369 or
azafft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Staff Analysis:

The Lancaster County Rural Road Projects on map 10.18 (page 10.63) and table 10.10 (page 10.64) in the transportation element of the *current 2040 Lincoln City-Lancaster County Comprehensive Plan* shows categories of roads which include: existing paved county roads, County Projects, future road openings programmed for paving, and potential road closures. County road improvements beyond the current Lincoln Urban Area are considered candidates for paving on the Future Rural Road Project Needs analysis, map 10.11 (page 10.38). The emphasis of the *Lancaster County Road and Bridge Construction Program* is placed on the projects identified as funded/committed paving improvements over the life of the plan.

The Lincoln-Lancaster County Comprehensive Plan anticipates many changes over the planning period. Changing demographics and employment patterns will create challenges for provision of transportation services and facilities. At the same time, the Lancaster County Engineer faces significant financial challenges in the care and maintenance of an aging system as well as the changing demand for alternative transportation options.

> "There are 1,486 miles of rural roadways in Lancaster County that are managed by either the State of Nebraska or Lancaster County. The state manages all Interstate, U.S. and State Highways which make up more than 170 miles of rural highways. The County Engineer manages approximately 1,304 miles of roads in the rural road system of which approximately 1,022 miles are gravel surfaced, 237 miles are paved or asphalt, and about 43 miles remain unimproved dirt roads." (2040 Comprehensive Plan, page 10.15)

The 2040 Comprehensive Plan recognizes that the needs of Lancaster County outweigh the capital resources that are available during the planning horizon. Improvements to the rural road system will occur throughout the County but the amount of new pavement installed will depend upon the growth in traffic and population, and the fiscal resources available in the future to make the improvements.

> "Road improvement decisions in the County are triggered by daily traffic volumes with the amount of traffic dictating the type and degree of improvement necessary. When a road experiences traffic levels of 300 trips per day or more, a minimum of 100 feet of ROW may be acquired by the County and grading and drainage improvements may be made in anticipation of future improvement needs. At 400 trips per day, a roadway qualifies for paving, which should remain as an effective facility, with proper maintenance, until a level of 6,000 trips per day is reached. At that point a four-lane divided facility may be needed. The Future County Road Improvements Plan shows County roads which are likely candidates for two-lane paving in the future." (2040 Comprehensive Plan, page 10.37)

County roads identified in the Plan are identified as priority projects based upon a system wide priority setting analysis for the planning period. These roads function as arterials, collectors, or local roads. The program schedule for improvements depend largely upon the availability of funding and the determination of current system needs. Paving is based on daily vehicle counts, planning considerations, functions of roads, and identified deficiencies of roads. Through this evaluation, it is determined which roads should be paved with arterials receiving the first priority, followed by collectors, and then by local roads.

Review of Proposed Road Projects

The road projects contained in the proposed *Lancaster County Road and Bridge Construction Program* include engineering, right-of-way, grading and structures, pavement, 2nd-stage pavement, road maintenance and safety improvements. Outside the City of Lincoln, the Comprehensive Plan specifically identifies existing paved, future paved roads, programmed paving, potential two lane widening and road closures.

The first level of review of the *Road and Bridge Construction Program* included reviewing all road projects proposed for safety improvements, pavement, 2nd-stage pavement, pavement maintenance, and pavement widening. These projects were reviewed with regard to conformity with the Comprehensive Plan. The Road and Bridge Construction Program notes that according to the policy of the County Board, projects will not be approved for pavement unless they are included as "programmed paved roads" in the Comprehensive Plan or the Plan is amended.

2nd-stage pavement

Pavement on existing paved roads deteriorates due to use and weathering and requires regular maintenance to extend its life span. A technique County Engineering uses to add new life to older pavement or asphalt is called *2nd-stage pavement*. This process repairs any flaws in the existing surface and adds a new layer of an asphalt overlay to the top. This gives it a brand-new appearance and adds new life to older asphalt for less cost. With an asphalt overlay, the County Engineer is able to get more service out of the existing pavement or asphalt and avoid costly road rebuilding projects.

Second-stage paving projects are focused on existing paved roads that require an asphalt overlay and are maintenance projects. These are not specifically identified in the Comprehensive Plan but are system maintenance projects considered to be in general conformance with the Plan.

The following 2040 Comprehensive Plan maps/tables were used for this review:

- Rural Road Project Needs map 10.11 (page 10.38) to review "Existing Paved Roads" and "Funded/Committed Paving" projects;
- Rural Road Projects map 10.18 (page 10.63) and table 10.10 (page 10.64) to review Roadway Project Programming Priorities;
- Urban Area Fiscally Constrained Roadway Plan map 10.17 (page 10.61) and table 10.9 (page 10.60) to coordinate with urban area project programming priorities;
- Existing Functional Classification, map 10.3 (page 10.14)

The second level of review involved reviewing all projects that are scheduled for engineering, right-of-way, or grading and structures. This review was done to assure that county projects and city projects are coordinated and to assure that any improvements being proposed are in conformance with the long-range transportation plan as reflected in the *Lincoln City-Lancaster County Comprehensive Plan*.

Attached is a summary ***Improvement Projects Listing on New and Existing Paved Roads***, which briefly describes the improvements proposed for existing paved roads and new paving projects on existing gravel roads.

Program Funding Summary

	Completed in FY 2019		**FY 2020**	
Funding Source	**Roads**	**Bridges**	**Roads**	**Bridges**
County	$6,090,000	$4,133,000	$6,222,000	$3,000,000
City of Lincoln	$ 0	$ 0	$ 0	$ 0
Other Sources (NEMA)	$ 0	$ 0	$ 0	$ 0
State	$ 0	$ 0	$ 0	$ 0
Federal	$ 0	$ 0	$337,600	$ 0
TOTAL	$6,090,000	$4,133,000	$6,559,600	$3,000,000

Program Funding is primarily with Lancaster County funds through the County budgeting process. Other funds are obtained through the Nebraska Department of Transportation federal funds purchase program. In this program, the State purchases federal aid transportation funds from the county which allows the county to tailor projects to better meet their highway and bridge needs. Bridge replacement projects are costly and the County Engineer applies for federal-aid funding along with local funds to rehabilitate and replace deficient county bridges. Standby projects listed for FY 2020 are on the condition of receiving additional funds or the completion of construction agreements. The City of Lincoln contributes funds when projects are being coordinated with the County. The State may provide partial funding for road safety projects, State Recreation Roads and NEMA Hazard Mitigation for county bridges. Lancaster County may apply for federal funding from the Lincoln Metropolitan Planning Organization for road and bridge projects.

RUTS Project Coordination

An interlocal cooperation agreement between the City of Lincoln and Lancaster County was adopted in 2006 that establishes the *Rural-to-Urban Transition for Streets* (RUTS) program. The current interlocal RUTS agreement (currently under review) is to provide for the transition of county roads located within the three-mile zoning jurisdiction to city streets at the time of annexation into the City of Lincoln and encourages the City and County to cooperate in administering all phases of the road and street programs. The expected result is to improve efficiencies and economics resulting from unified operations and construction and a better transition from county roads to city streets. This planning provision promotes consistency between transportation improvements and planned urban development.

Lancaster County Bridge Program

One of the major functions of the Lancaster County Engineer is to build and maintain bridges in the county outside of the City of Lincoln incorporated area. The bridge program is responsible for monitoring the functional and structural integrity of all County bridges through regular inspection and reporting. The County Engineer continually seeks local, state and federal-aid funding to rehabilitate and replace deficient county public bridges. The three main goals of the bridge program are:

- Keep the bridges open and safe for public use.
- Preserve bridge infrastructure by having a formal bridge report file containing the history of inspections and an evaluation of the condition of the structure.
- Replace bridges with reliable new structures when rehabilitation is not feasible.

Eleven (11) bridge projects are identified for improvement in 2020 that include 3 engineering/concrete box culvert replacements, 1 for channel repairs, 1 for scour repairs, and 6 concrete box culvert replacements. (page 7 of the One and Six Year Program).

Environmental Compatibility

Environmental reviews need to be considered on all road and bridge projects in the *Lancaster County Road and Bridge Construction Program* to support and promote environmental stewardship. Project development needs to include consultation with local, state and federal environmental regulatory and coordinating agencies to identify potential environmental impacts and consider mitigation measures in the evaluation of alternative system improvements. Federal regulations state that the MPO must document in the transportation plan how environmental protection, wildlife management, land management and historic preservation agencies are consulted within the transportation planning process. Agency Consultation needs to include, but not be limited to, the Lancaster County Ecological Advisory Committee, Nebraska Department of Environmental Quality, Nebraska Game and Parks Commission, the Lincoln Watershed Management Division and the Army Corp of Engineers.

Internet Access to *Lancaster County Road and Bridge Construction Program*

The Plan is available on the web at http://www.lincoln.ne.gov/cnty/engin/index.htm or through the City-County InterLinc web-page site with the key word "Engineer."

Report Prepared by:

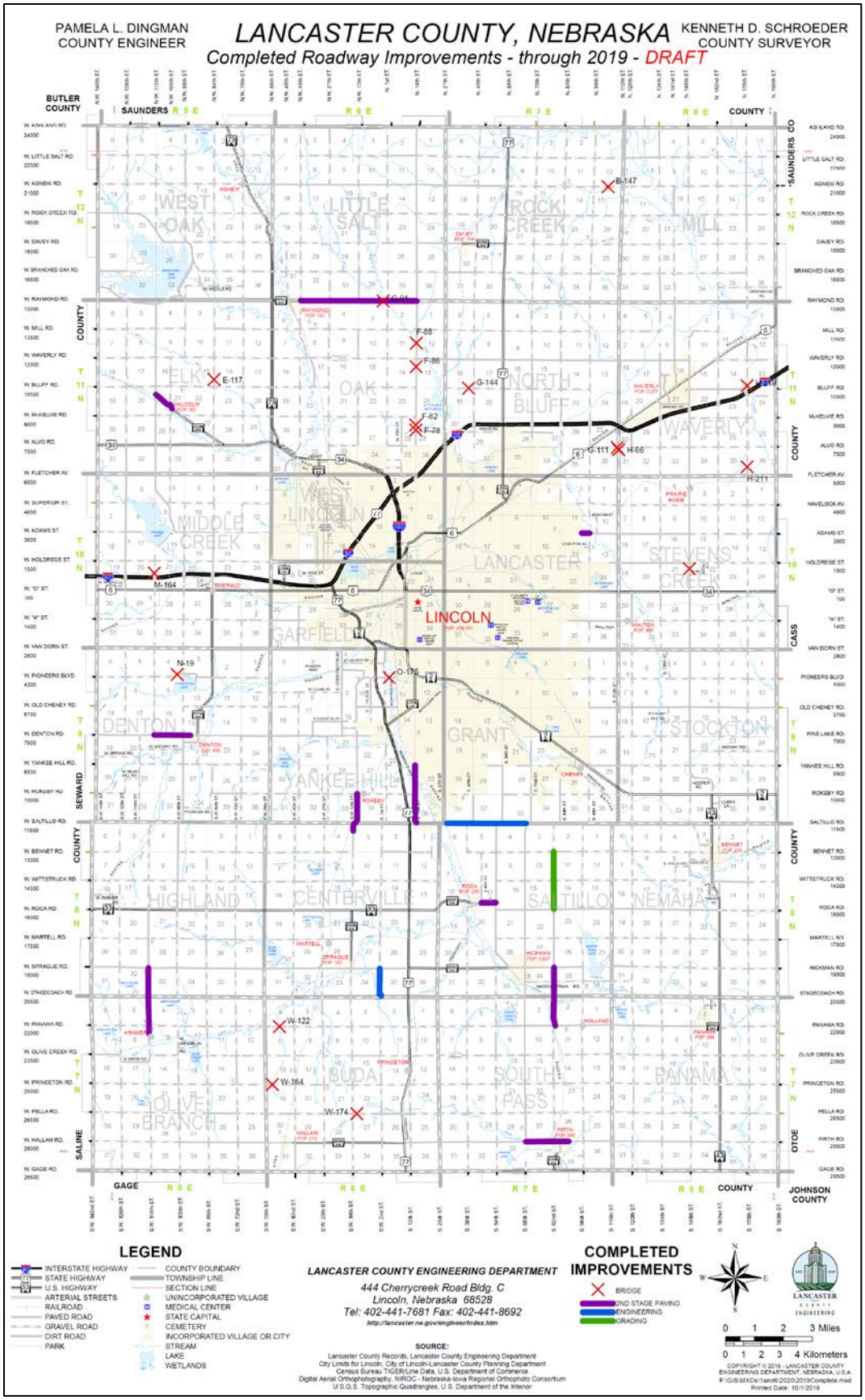
_____

Allan Zafft, Transportation Planner
Lincoln MPO / Lincoln-Lancaster Planning Department
(402) 441-6369 or azafft@lincoln.ne.gov

Date: October 7, 2019

Applicant:

Pam Dingman, County Engineer
County Engineering
444 Cherrycreek Road, Bldg. C
Lincoln, NE 68528
402) 441-7681 or PDingman@lancaster.ne.gov


PAMELA L. DINGMAN
COUNTY ENGINEER
LANCASTER COUNTY, NEBRASKA
KENNETH D. SCHROEDER
COUNTY SURVEYOR
Completed Roadway Improvements - through 2019 - DRAFT
BUTLER COUNTY
SAUNDERS COUNTY
SEWARD COUNTY
SALINE COUNTY
GAGE COUNTY
JOHNSON COUNTY
CASS COUNTY
OTOE COUNTY
LINCOLN
LEGEND
INTERSTATE HIGHWAY
STATE HIGHWAY
U.S. HIGHWAY
ARTERIAL STREETS
RAILROAD
PAVED ROAD
GRAVEL ROAD
DIRT ROAD
PARK
COUNTY BOUNDARY
TOWNSHIP LINE
SECTION LINE
UNINCORPORATED VILLAGE
MEDICAL CENTER
STATE CAPITAL
CEMETERY
INCORPORATED VILLAGE OR CITY
STREAM
LAKE
WETLANDS
LANCASTER COUNTY ENGINEERING DEPARTMENT
444 Cherrycreek Road Bldg. C
Lincoln, Nebraska 68528
Tel: 402-441-7681 Fax: 402-441-8692
http://lancaster.ne.gov/engineer/index.htm
SOURCE:
Lancaster County Records, Lancaster County Engineering Department
City Limits for Lincoln, City of Lincoln-Lancaster County Planning Department
Census Bureau TIGER/Line Data, U.S. Department of Commerce
Digital Aerial Orthophotography, NIROC - Nebraska-Iowa Regional Orthophoto Consortium
U.S.G.S. Topographic Quadrangles, U.S. Department of the Interior
COMPLETED IMPROVEMENTS
BRIDGE
2ND STAGE PAVING
ENGINEERING
GRADING
0 1 2 3 Miles
0 1 2 3 4 Kilometers
COPYRIGHT © 2019 - LANCASTER COUNTY ENGINEERING DEPARTMENT, NEBRASKA, U.S.A.
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Printed Date: 10/1/2019

Improvement Projects Listing on New and Existing Paved Roads

Road Projects Completed or In Progress in FY 2019

Improvement Projects as 2nd-stage pavement on an existing paved road and is in general conformance with the Comprehensive Plan.

The 2nd-stage paving projects are focused on an existing paved roads that require an asphalt overlay and are considered maintenance projects. These are not specifically identified in the Comprehensive Plan but are system maintenance projects and are in general conformance with the Plan.

- SW 12th Street (W Rokeby Road to 12000 SW 12th Street), 1.25 miles
- S 14th Street (Saltillo Road to Yankee Hill Road), 2.0 miles
- S 82nd Street (Panama Road to Hickman Road), 2.0 miles
- SW 114th Street (W Sprague Road to Village of Kramer), 2.6 miles
- Adams Street (Stevens Creek to City of Lincoln), 0.5 miles
- W Denton Road (SW 112th Street to Village of Denton), 1.29 miles
- Firth Road (68th Street to Firth Fire Station), 1.18 miles
- Malcolm Road (Village of Malcolm south to north), 0.85 miles
- Raymond Road (Village of Raymond to N 14th Street), 3.0 miles
- Roca Road (S 46th Street to S 56th Street), 0.5 miles

Grading for future paving of an existing gravel road and is in conformance with the Comprehensive Plan.

- S 82nd Street (Roca Road to Bennet Road), 1.3 miles

Engineering for improvements on an existing gravel road for intersection improvements. This is in general conformance with the Comprehensive Plan.

- SW 2nd Street (W Stagecoach Road intersection)

Engineering for improvements on an existing paved road. This is in conformance with the Comprehensive Plan.

- Saltillo Road (S 27th Street to S 68th Street), 3.0 miles

Bridge Projects Completed or In Progress in FY 2019

Engineering for future bridge improvements. These are in conformance with the Comprehensive Plan.

- N 14th Street (F-78) in Oak Township, W-25
- N 14th Street (F-82) in Oak Township, W-24
- N 14th Street (F-86) in Oak Township, W-13
- N 14th Street (F-88) in Oak Township, W-12

- NW 112th Street (M-164) in Middle Creek Township, W-21
- Adams Street (K-121) in Lancaster Township, S-11
- W Panama Road (W-122) in Buda Township, S-6
- W Pella Road (W-174) in Buda Township, S-22
- W Princeton Road (W-164) in Buda Township, S-18

Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- NW 84th Street (E-117) in Elk Township, W-14
- N 148th Street (J-143) in Stevens Township, Creek W-22 ^
- N 176th Street (H-211) in Waverly Township, W-36
- Agnew Road (B-147) in Rock Creek Township, S-12
- Alvo Road (G-111) in North Bluff Township, S-25 ^^
- Bluff Road (G-144) in North Bluff Township, S-18 ^^
- W Pioneers Boulevard (N-19) in Denton Township, S-4

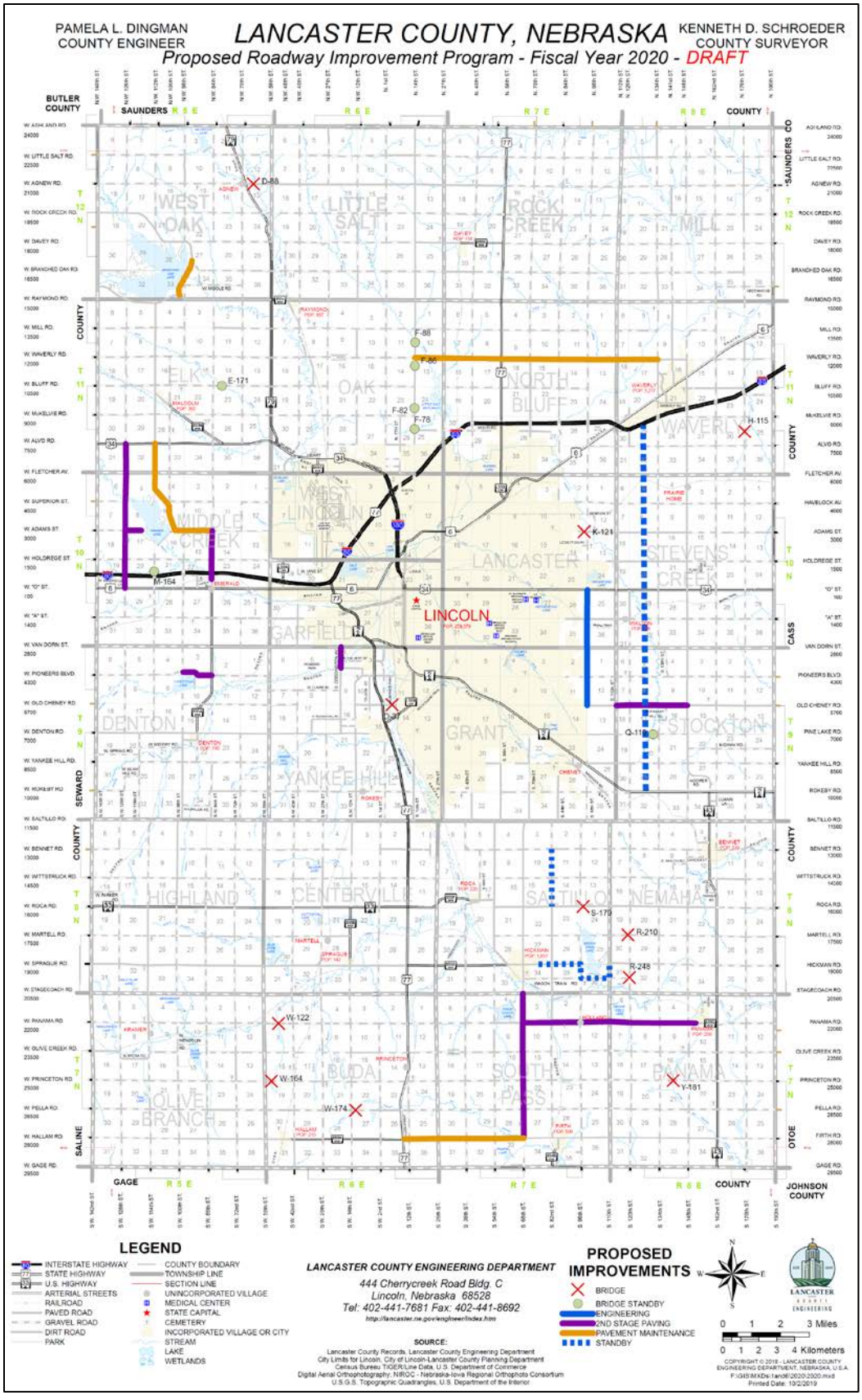
Scour Repair. Bridge structures were maintained with minor and major repairs.

- N 112th Street (H-66) in Waverly Township, W-31
- N 176th Street (H-119) in Waverly Township, W-13
- W Pioneers Boulevard (O-175) in Yankee Hill Township, S-2

Bridge replacement and bridge structures, in general conformance with the Comprehensive Plan.

- W Raymond Road (C-91) in Little Salt Township, S-34 [140' Concrete Slab Bridge]

^ *Carry-over project from FY 2018*
^^ *Carry-over from FY 2017*


PAMELA L. DINGMAN
COUNTY ENGINEER
LANCASTER COUNTY, NEBRASKA
KENNETH D. SCHROEDER
COUNTY SURVEYOR
Proposed Roadway Improvement Program - Fiscal Year 2020 - DRAFT
BUTLER COUNTY
SAUNDERS COUNTY
SEWARD COUNTY
SALINE COUNTY
GAGE COUNTY
JOHNSON COUNTY
CASS COUNTY
OTOE COUNTY
LINCOLN
D-88
E-171
F-88
F-86
F-82
F-78
H-115
K-121
M-164
Q-119
S-179
R-210
R-248
W-122
W-164
W-174
Y-181
LEGEND
INTERSTATE HIGHWAY
STATE HIGHWAY
U.S. HIGHWAY
ARTERIAL STREETS
RAILROAD
PAVED ROAD
GRAVEL ROAD
DIRT ROAD
PARK
COUNTY BOUNDARY
TOWNSHIP LINE
SECTION LINE
UNINCORPORATED VILLAGE
MEDICAL CENTER
STATE CAPITAL
CEMETERY
INCORPORATED VILLAGE OR CITY
STREAM
LAKE
WETLANDS
LANCASTER COUNTY ENGINEERING DEPARTMENT
444 Cherrycreek Road Bldg. C
Lincoln, Nebraska 68528
Tel: 402-441-7681 Fax: 402-441-8692
http://lancaster.ne.gov/engineer/index.htm
SOURCE:
Lancaster County Records, Lancaster County Engineering Department
City Limits for Lincoln, City of Lincoln-Lancaster County Planning Department
Census Bureau TIGER/Line Data, U.S. Department of Commerce
Digital Aerial Orthophotography, NIROC - Nebraska-Iowa Regional Orthophoto Consortium
U.S.G.S. Topographic Quadrangles, U.S. Department of the Interior
PROPOSED IMPROVEMENTS
BRIDGE
BRIDGE STANDBY
ENGINEERING
2ND STAGE PAVING
PAVEMENT MAINTENANCE
STANDBY
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Printed Date: 10/2/2019

Road Projects Programmed for FY 2020

Improvement Projects as 2nd-stage pavement on an existing paved road and are in general conformance with the Comprehensive Plan.

- NW 84th Street (W Haven Street to W O Street), 0.31 mile
- S 68th Street (Firth Road to Stagecoach Road), 5.01 miles
- NW 126th Street (W O Street to Hwy 34), 4.99 miles
- W Adams Street (NW 126th Street to 1/2 mile east), 0.50 mile
- S Coddington Avenue (W Burnham Road W Van Dorn Street), 0.64 mile
- Old Cheney Road (S 148th Street to S 112th Street), 2.47 miles
- Panama Road (S 68th Street to Panama City Limits), 6.25 miles
- W Pioneers Boulevard (SW 84th Street to SW 96th Street), 1.04 miles

Pavement maintenance other than an asphalt overlay on an existing paved road and are considered maintenance projects. These are not specifically identified in the Comprehensive Plan but are system maintenance projects and are in general conformance with the Plan.

- NW 112th Street (Hwy 34 to NW 84th & W Adams Streets), 4.51 miles
- NW Crounse Road (W Raymond Road to W Branched Oak Road), 1.38 miles
- Firth Road (S 68th Street to Hwy 77), 4.16 miles
- Waverly Road (N 14th Street to N 141st Street), 8.48 miles

Engineering for future road improvements. These are in conformance with the Comprehensive Plan.

- S 98th Street (Old Cheney Road to A Street), 3.0 miles
- S 98th Street (A Street to O Street), 1.0 miles

Road Projects Programmed as FY 2020 Standby Projects

Engineering and right of way for a future freeway. This is in conformance with the Comprehensive Plan. Funding is being coordinated with the City of Lincoln.

- East Beltway, Nebraska Highway 2/ South Beltway to I-80, 13.0 miles.

Improvement Projects as 2nd-stage pavement on an existing paved road and are in general conformance with the Comprehensive Plan.

- Hickman Road/S 96th Street/Wagon Train Road/S 110th Street (Hickman City Limits to Hickman Road & S 110th Street), 4.0 mile

Pavement of an existing gravel road. New pavement of an existing gravel road are projects that are specifically programmed in the Comprehensive Plan for paving require a finding of conformance with the Plan.

- S 82nd Street (Roca Road to Bennet Road), 2.10 miles

Bridge Projects Programmed for FY 2020

Engineering and Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- Martell Road (R-210) in Nemaha Township, S-19 [Engineering, Concrete Box Culvert]
- Roca Road (S-179) in Saltillo Township, S-13 [Engineering, Concrete Box Culvert]
- Wagon Train Road (R-248) in Nemaha Township, IN-31 [Engineering, Concrete Box Culvert]

Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- N 176th Street (H-115) in Waverly Township, W-25 [Concrete Box Culvert]
- Adams Street (K-121) in Lancaster Township, S-11 [Concrete Box Culvert]
- W Panama Road (W-122) in Buda Township, S-6 [Concrete Box Culvert]
- W Pella Road (W-174) in Buda Township, S-22 [Concrete Box Culvert]
- W Princeton Road (W-164) in Buda Township, S-18 [Concrete Box Culvert]
- Princeton Road (Y-181) in Panama Township, S-16 [Concrete Box Culvert]

Scour Repair and Channel Repair. Bridge structures were maintained with minor and major repairs.

- W Old Cheney Road (O-37) in Yankee Hill Township, S-11 [Scour Repair]
- W Agnew Road (D-88) in West Oak Township, S-12 [Channel Repair]

Bridge Projects Programmed as FY 2020 Standby Projects

Engineering and Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

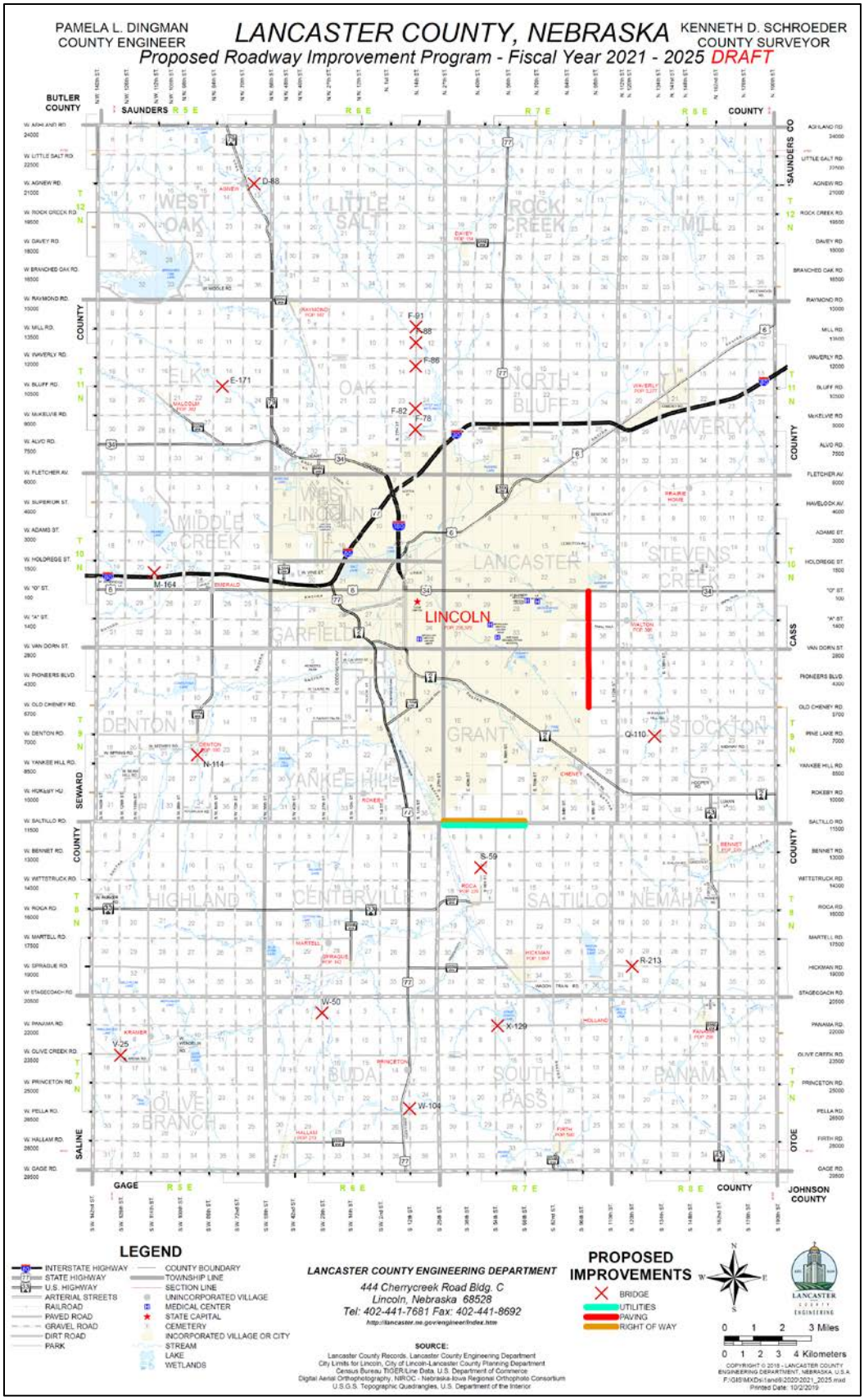
- W Bluff Road (E-171) in Elk Township, S-14 [Engineering, Concrete Box Culvert Replacement]

Engineering and bridge replacement and bridge structures, in general conformance with the Comprehensive Plan.

- N 14th Street (F-88) in Oak Township, W-12 [Concrete Slab Bridge]
- Pine Lake Road (Q-110) in Stockton Township, S-17 [Engineering, Concrete Slab Bridge]

Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- N 14th Street (F-78) in Oak Township, W-25 [Concrete Box Culvert]
- N 14th Street (F-82) in Oak Township, W-24 [Concrete Box Culvert]
- N 14th Street (F-86) in Oak Township, W-13 [Concrete Box Culvert]
- W Princeton Road (M-164) in Middle Creek, W-121 (Concrete Box Culvert]


PAMELA L. DINGMAN
COUNTY ENGINEER
LANCASTER COUNTY, NEBRASKA
KENNETH D. SCHROEDER
COUNTY SURVEYOR
Proposed Roadway Improvement Program - Fiscal Year 2021 - 2025 DRAFT
BUTLER COUNTY
SAUNDERS
COUNTY
SAUNDERS CO
SEWARD COUNTY
CASS COUNTY
SALINE COUNTY
OTOE COUNTY
GAGE
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U.S.G.S. Topographic Quadrangles, U.S. Department of the Interior
PROPOSED IMPROVEMENTS
BRIDGE
UTILITIES
PAVING
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0 1 2 3 Miles
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Printed Date: 10/2/2019

Road Projects Programmed for FY 2021-2025

Pavement of an existing gravel road and pavement on no existing road surface. These are in conformance with the Comprehensive Plan.

- S 98th Street (Old Cheney Road to A Street), 3.0 miles [Gravel-Pavement]
- S 98th Street (A Street to O Street), 1.0 miles [No Existing Road Surface-Pavement]

ROW, Utilities, and roadway improvements on a paved road. These are in conformance with the Comprehensive Plan.

- Saltillo Road (S 14th Street to S 68th Street), 3.8 miles [ROW-Utilities-Roadway Improvements]

Improvement Projects for 2nd-stage pavement and pavement maintenance on existing paved roads at various locations. In general conformance with the Comprehensive Plan.

Bridge Projects Programmed for FY 2021-2025

Engineering and Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- W Bluff Road (E-171) in Elk Township, S-14 [Engineering, Concrete Box Culvert Replacement]

Engineering and bridge replacement and bridge structures, in general conformance with the Comprehensive Plan.

- Pine Lake Road (Q-110) in Stockton Township, S-17 [Engineering, Concrete Slab Bridge]

Concrete Box Culvert replaced and upgraded. These are in general conformance with the Comprehensive Plan.

- S 12th Street (W-104) in Buda Township, W-24 [Concrete Box Culvert]
- N 14th Street (F-78) in Oak Township, W-25 [Concrete Box Culvert]
- N 14th Street (F-82) in Oak Township, W-24 [Concrete Box Culvert]
- N 14th Street (F-86) in Oak Township, W-13 [Concrete Box Culvert]
- N 14th Street (F-91) in Oak Township, W-1 [Concrete Box Culvert]
- SW 28th Street (V-25) in Olive Branch Township, W-17 [Concrete Box Culvert]
- SW 29th Street (W-50) in Buda Township, W-4 [Concrete Box Culvert]
- S 46th Street (S-59) in Saltillo Township, IN-8 [Concrete Box Culvert]
- SW 91st Street (N-114) in Denton Township, IN-22 [Concrete Box Culvert]
- Hickman Road (R-213) in Nemaha Township, S-29 [Concrete Box Culvert]
- W Princeton Road (M-164) in Middle Creek Township, W-121 [Concrete Box Culvert]

Bridge replacement and bridge structures, in general conformance with the Comprehensive Plan.

- N 14th Street (F-88) in Oak Township, W-12 [Concrete Slab Bridge]
- W Agnew Road (D-88) in West Oak Township, S-12 [Concrete Slab Bridge]
- Panama Road (X-129) in South Pass Township, S-4 [Concrete Slab Bridge]

-###-

CITY OF LINCOLN NEBRASKA

LANCASTER COUNTY NEBRASKA

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

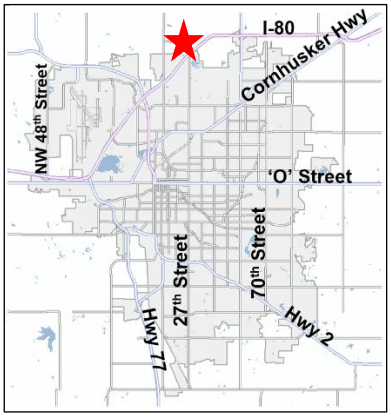
APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Annexation #19001 Change of Zone #19002 Comprehensive Plan Amendment #19001	No	Stone Bridge Creek LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 16, 2019	Text Amendment #19001	N. 27th Street and Arbor Road

RECOMMENDATIONS: COMPREHENSIVE PLAN AMENDMENT - APPROVAL
ANNEXATION AND CHANGE OF ZONE - CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for the proposed Stone Bridge Creek Planned Unit Development (PUD) and related Annexation and Comprehensive Plan Amendment. The application area is located north of Interstate 80 and west of N. 27th Street.

Up to 1,102 multi-family dwellings, 50 single family dwellings, and 850,000 square feet of commercial floor area are requested under the PUD. The annexation includes approximately 120 acres in the PUD boundary that are outside City limits. Waivers are requested to the standards for setbacks, lot dimensions, building height, and roadway dimensions. Corresponding changes are proposed to the future land use and commercial center designations in the Comprehensive Plan.



APPLICATION CONTACT
Brad Marshall, (402) 458-5672 or bmarshall@olsson.com

STAFF CONTACT
Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

JUSTIFICATION FOR RECOMMENDATION

The property to be annexed is contiguous to the City limits on the south. Revising the commercial center designations accommodates the developer while ensuring that commercial uses will still be available to serve the neighborhood. Potential conflict between new residential uses adjacent to industrial zoning is addressed by the land use restrictions in the existing I-3 Use Permit. The additional commercial land uses requested to be allowed through the PUD are appropriate and are not adjacent to the existing residential neighborhood.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land uses and density align with the 2040 Comprehensive Plan, pending approval of the related Comprehensive Plan Amendment to revise the future land uses and change the commercial center designation to a Community Center. The proposed future land use designations are supported by the goals of the Comprehensive Plan to provide flexibility in siting of new housing, consider impacts of industrial uses on adjacent property, and locate housing outside of Pipeline Planning Areas and away from hazardous chemical usage. Increasing the commercial center designation to a Community Center is supportable based on meeting several of the Incentive Criteria for increased floor area and combining the existing proposed Neighborhood and Mixed Use Office centers into one large center.

WAIVERS

1. B-2 and B-2 Plus zoning designation areas: Reduce setbacks to 0 feet for uses sharing a lot line within the PUD. (Recommend Approval)
2. B-2, B-2 Plus, and R-3 zoning designation areas: Allow double frontage lots as shown. (Recommend Approval)
3. R-3 zoning designation area: (Recommend Approval)
    a. Reduce the minimum lot area to 4,200 square feet and reduce the minimum average lot width to 40 feet for attached single family dwellings on Lots 23-26 and 32-41.
    b. Reduce the minimum radius of a cul-de-sac for Tiger Iron Circle to 30 feet.
    c. Reduce the roadway centerline radius to 125 feet.
4. R-5 and B-2 Plus zoning designation areas: Increase the building height from 35 feet and 40 feet to 55 feet. (Recommend Approval)
5. Allow lighting trespass across interior lot lines when there are abutting parking lots. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this area is shown as future urban density residential, industrial, commercial, and environmental resources on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 -

Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

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.

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.

P. 1.10 - This site is shown in Tier 1, Priority B on the Growth Tier Map.

P. 4.3 - Other important resources for providing community identity and orientation are entryway corridors, parks, trails, and open spaces. Key entryways provide indelible “first impressions” of a community. The community’s strong network of trails offers recreation and transportation alternatives, knitting together established and new neighborhoods. Parks provide neighborhood centers and community gathering places, and along with public street trees are major components of our urban forest, providing shade, beauty, and habitat.

P. 4.8 - This application is located along a Primary Entryway Corridor.

P. 4.7 - Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

P. 5.6 - This site is shown as a proposed Neighborhood Commercial Center and a proposed Mixed Use Office Center on Map 5.1 - Existing and Proposed Commercial Centers.

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

P. 10.19 - Pipeline Freight: There are 17 major pipelines in Lincoln and Lancaster County. The majority transport

petroleum or natural gas products. One of the lines transports anhydrous ammonia, which is a product used in agricultural production. All of the pipelines are managed by four firms in Lancaster County.

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

P. 5.7-5.8 - Strategies for Commercial Centers

- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.
- Discourage "four corner commercial development."
- Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.
- 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.
- Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
- Incorporate or enhance green space and other public spaces, where possible.
- Design streets and public spaces to enhance pedestrian activity and support multiple modes of transportation.
- Create a pedestrian-oriented environment in the physical arrangement of buildings and parking.
- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.
- Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
- Elevate building design for centers.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

P. 5.13 - Incentive Criteria for Community and Neighborhood Centers - Community and Neighborhood Centers meeting the criteria below are eligible to increase their floor area, as described in those sections.

- The center is located in a neighborhood with greater residential density than is typical for a suburban area, and the center itself contains higher density residential uses (density above 15 dwelling units per acre) integrated within the development.
- Provides a significant mix of uses, including office, service, retail, residential, and open space far more than typical single use centers.
- Includes multi-story buildings, including residential uses above stores and throughout the site.
- Integrates some light industrial or manufacturing uses within Community Centers.
- Provides public amenities such as recreational facilities, significant open space, plazas, public squares, and other types of public/community facilities or meeting areas.
- The center is supported by a street network with significant traffic capacity in the future, rather than on streets

that already have significant commercial development.

- Provides for a significant pedestrian orientation in the layout, including the physical arrangement of buildings and parking, with buildings oriented to pedestrians.
- Provides a “town center” orientation in the overall center plan to create a quality mixed use environment (e.g. by having design elements such as a “main street” environment with a row of on-street parking on both sides, slower traffic speeds, and the majority of parking at the rear with buildings, sidewalks, benches and other amenities oriented to pedestrians).
- Traffic, pedestrian circulation and utilities are planned to facilitate a future intensification of the center, if parking needs and requirements are reduced and traffic capacity allows for additional space in the center in the long term.
- Location is ¼ to ½ mile from major intersections in order to facilitate traffic movements.
- Provides for transit opportunities in the center design.

P. 12.14-12.15 - The ANNEXATION POLICY

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

ANALYSIS

1. This request is for a new Stone Bridge Creek Planned Unit Development (PUD) with up to 1,102 multi-family dwelling units, 50 single family dwelling units, and 850,000 square feet of commercial floor area. Changes to future land use and the commercial center designations are proposed. Areas within the PUD boundary that are outside City limits would be annexed.

2. The total PUD area is approximately 190 acres. Approximately 120 acres of the PUD is outside the City limits and is proposed for annexation. A Conditional Zoning and Annexation agreement will address improvements to the surrounding street network associated with the development. The applicant is also requesting a change of zone from AG Agriculture, R-3 Residential, B-2 Planned Neighborhood Business and I-3 Employment Center Districts to R-3 PUD. Zoning designation areas are identified with development following the respective regulations of those districts except as modified.

3. This application includes changes to future land use and commercial center designations associated with the proposed Stone Bridge Creek Commercial PUD. Previously part of this area was covered under applications for expanding the Stone Bridge Creek Community Unit Plan (CUP) with Special Permit #04004B and related Change of Zone and Comprehensive Plan Amendment. The latter two applications have been withdrawn. These prior applications are no longer planned by the developer and this PUD will supersede them and include additional area.

4. It is proposed to replace the existing Neighborhood Center and Mixed Use Office designations with a Community Center designation for this development. It is important to retain a commercial area in the vicinity because the Comprehensive Plan designates it for commercial and office centers that will serve the area as it continues to develop.

   Neighborhood centers typically range in size from 50,000 to 225,000 square feet. Community Centers are larger and vary from 250,000 square feet up to 600,000 square feet for those meeting incentive criteria.

   The PUD square footage fits best within the Community Center range. Although larger than a typical Community Center at 850,000 square feet, the Mixed Use Office Center designation would be subsumed under the larger center. To be eligible for a size at the high end of the range, proposed Community Centers should meet as many of the incentive criteria as feasible. Refer to the Comprehensive Plan Quotes section of this staff report for the full listing. The PUD meets the following incentive criteria:

   1.1. Contains higher density residential uses integrated within the development.

   1.2. Provides a significant mix of uses, including office, service, retail, residential, and open space.

   1.3. The center is supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.

   1.4. Provides a "town center" orientation in the overall center plan. (Pad sites 11-16)

   1.5. Traffic, pedestrian circulation and utilities are planned to facilitate a future intensification of the center.

   The mix of uses, potential for future intensification, incorporation of high-density (multifamily) housing, and pedestrian-oriented town center layout on the north end qualify it for a larger square footage under the Community Center definition.

5. All public entrances to the commercial space in the town center will be inward facing to preserve its internal pedestrian oriented character. A condition of approval states that if the developer eliminates the town center, the overall total commercial square footage for the center would decrease to 700,000 square feet; however, the developer would be allowed an increase up to 1,300 total dwelling units administratively under this scenario in exchange for the reduced commercial square footage.

6. The R-5 zoning designation area permits up to 1,102 dwelling units under the density standards calculated according to the Design Standards for Community Unit Plans. The applicant is requesting approval for up to that

density. The proposed density for the R-3 areas is well under the maximum allowed under the design standards.

7. Uses not allowed in the underlying zoning can be added through the PUD. Several land use modifications are requested. The commercial area along Humphrey Avenue and Centurion Drive would follow standard allowances for the B-2 zoning district. A "B-2 Plus" area is designated to the north along Alvo and Arbor Roads. Many of the additional land uses requested by the applicant in the B-2 Plus area are commercial uses that are more typical of highway oriented commercial zoning

   a. "B-2 Plus" Permitted Uses: Outdoor recreation, contractor services, cabinet shops/stores, lumber yards, and mini-warehouse, bakeries, bottling works, enclosed disassembly operations, optical lens grinding and finishing, and motorized vehicle sales. NOTE: A condition of approval from the Health Department would require bottling works to be located at least 300 feet from the R-5 zoning area.

   b. "B-2 Plus" Conditional Uses, permitted under the same conditions as the H-3 district: Assembly facilities, outdoor vehicle storage, and warehouse. Note: The applicant requested to allow truck wash facilities but truck washes are not an appropriate community commercial use and should be deleted.

8. The applicant has requested waivers to the Lincoln Municipal Code Zoning and Subdivision Regulations and Design Standards:

   B-2 and B-2 Plus Areas

   Reduce setbacks to 0 feet for uses sharing a lot line within the PUD per Sections 27.72.020 and 27.72.030.

   Reducing internal setbacks to zero is a common request in new commercial centers. The waiver permits flexibility in site design for buildings and parking. The waiver is supportable because reduced setbacks between buildings within the PUD boundary does not present a compatibility concern to properties external to the PUD.

   B-2, B-2 Plus and R-3 Areas

   Allow double-frontage lots as shown per Section 26.23.140.e.

   Double frontage residential lots are normally discouraged to avoid having two full-sized front yard setbacks that limit the buildable area. The large size of the multifamily lot 7 combined with existing and extended street locations make the waiver unavoidable in this case. Developable area due to multiple front yards is not a concern with the large lot size. Double frontage single family attached lots are unavoidable in the areas on either side of Humphrey Avenue due to the property configuration and location along Humphrey. A waiver is needed to allow a logical layout with standard sized lots.

   R-3 Area

   Reduce the minimum lot area to 4,200 square feet and reduce the minimum average lot width to 40 feet for attached single family dwellings on Lots 23-26 and 32-41.

   These waivers are supported because the density they allow is appropriate for this site and neighborhood and the density does not exceed the maximum permitted under the design standards. These waivers permit flexibility in the residential layout which is somewhat restricted given that part of the area was originally planned as commercial and does not have the typical street connections into the existing neighborhood or lot depths that easily translate into a single family layout.

   Reduce the minimum radius of a cul-de-sac for Tiger Iron Circle to 30 feet.

   The radius of private cul-de-sacs can be reduced based on the relatively short length of the private roadway. The City supports the purpose of creating smaller cul-de-sacs and achieving a number of lots along the roadways. The Transportation and Utility Department supports the waiver.

Reduce the roadway centerline radius to 125 feet.

The four curves along Claystone Drive and Serpentine Drive are not shown meeting City Design Standard, which indicate that the radius minimum would be 150 feet. The Transportation and Utility Department supports the waiver.

B-5 and B-2 Plus Areas

Increase the building height to 55 feet over the entire PUD per Sections 27.72.020 and 27.72.030.

Height waivers for commercial and multi-family buildings are common to allow taller buildings and multiple stories. Multi-story buildings increase the intensity and efficiency of use on a site and are encouraged, especially in mixed-use developments and adjacent to commercial centers. Similar height waivers have been approved for several other PUDs in recent years, with examples listed below:

- Wilderness Hills Commercial Planned Unit Development – S. 30th Street & Yankee Hill Road (CZ16036) - height waiver to 50 feet.
- 48th & Holdrege Planned Unit Development – N. 48th & Holdrege Streets (CZ16016) – height waiver to 70 feet.
- Leighton Mixed Use Planned Unit Development – N. 48th Street & Leighton Avenue (CZ16024) – height waiver to 75 feet.
- Wilderness Heights Planned Unit Development – S. 40th Street & Yankee Hill Road (CZ07060B) – height waiver to 55 feet.
- Wilderness Creek Planned Unit Development – S. 40th Street & Yankee Hill Road (CZ15016A) – height waiver to 55 feet.

Allow lighting trespass across interior lot lines when there are abutting parking lots per Design Standards Chapter 3.11 for Outdoor Lighting.

This waiver is supportable because there is no need to restrict light trespass between abutting parking lots within the same center.

9. The associated annexation agreement will identify timing of construction and funding for traffic and other related improvements. The following describes the availability of utilities and services in this area:

    a. Sanitary Sewer: Sanitary sewer is existing and capacity is available to serve this area.

    b. Water: A 16-inch water main will be extended on the north side of Alvo Road from Centurion Drive to Arbor Road. The City will build the remainder of the water main from Arbor Road to N. 27th Street. Several internal water mains will need to be increased in size from 8" to 12".

    c. Roads: Humphrey and Centurion are classified as local streets. Phasing for traffic improvements is described on Sheet 7 of the PUD. Phasing assists the developer in funding improvements while controlling for potential traffic impacts on neighboring properties as the center develops. The initial phase allows some development prior to the realignment and roundabout construction at the intersection of Alvo and Arbor Roads. The first phase would limit development to those lots that due to their location, will neither cause a significant increase in traffic directed through the neighborhood, nor be significantly affected by subsequent construction work at Alvo/Arbor. The timing of other specific improvements such as turn lanes and street connections are also addressed to encourage logical development that takes access to the major streets rather than through the neighborhood.

    d. Parks and Trails: A future trail is planned along the south side of Alvo Road continuing east across N. 27th Street. The trail crosses Humphrey Avenue immediately west of the PUD. The developer will install a splitter island in Humphrey Avenue at the trail crossing to facilitate safer crossing movement for trail users.

    e. Emergency Services: This site is in the Raymond Fire District. After annexation, fire protection will be

provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is located at 5435 NW 1st Street.

10. A portion of the existing I-3 zoning would be re-zoned with this PUD. The remaining I-3 area will be outside of the PUD boundary and will be reduced in size to approximately 30 acres. Text Amendment 19001 recently reduced the minimum size for the I-3 district from 50 to 30 acres. Therefore, the reduced size of this I-3 zoning is permitted.

11. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority B is comprised of areas designated for development in the first half of the planning period (to 2025) generally contiguous to existing development and should be provided with basic infrastructure as they develop. In contrast, areas within Priority C are actively planned for in the longer term but lack most infrastructure to support development. The proposed PUD is within Tier I Priorities A and B; Priority B areas would be changed to Priority A upon approval of the Comprehensive Plan Amendment.

12. A portion of the new multifamily area would be across Humphrey Avenue from existing I-3 Industrial zoning under Use Permit #139A. Established policy in the Comprehensive Plan recommends against new residential uses within 300 feet of industrial zoning. Use Permit #139A prohibits the storage or use of hazardous material within 300 feet of a residential dwelling, which protects the future housing and alleviates separation concerns. The industrial land affected by the 300-foot spacing is already restricted by R-3 zoning on its southwestern boundary. The Health Department supports the proposal.

13. A Pipeline Planning Area (PPA) is present along Alvo Road. Land uses with vulnerable populations are prohibited within the PPA such as dwellings, daycares, and residential healthcare facilities. The PUD prohibits these land uses in the PPA on the north side of Alvo Road. No buildings would extend into the PPA on the south side of the road.

14. The design of the development should generally enhance the I-80 entryway corridor, which is designated as a primary entryway corridor in the Comprehensive Plan. The Comprehensive Plan states that key entry points and corridors into the City of Lincoln should be preserved and enhanced through landscaping and/or public art and thoughtful development of adjacent properties. The floodplain and wetland area along the interstate will provide a distance buffer to Interstate 80 but on its own does not provide sufficient screening for corridor enhancement. A proposed screening plan was submitted showing landscaping along the eastern pad sites with groupings of tree plantings and understory plantings. The screening will improve the appearance of the commercial area from the interstate while preserving visibility into the center.

15. The Nebraska Department of Transportation recommended denial of these applications based on potential noise impacts from Interstate 80 to the proposed residential areas (see attached comments). Although noise is a concern, there is no corresponding zoning restriction on residential development along the interstate corridor nor does the Comprehensive Plan recommend restrictions.

16. Basic design standards will apply to the commercial and office areas as described in Planned Unit Development Note 8 on Sheet 1. The design standards require a minimum percentage of vertical surfaces to be decorative concrete masonry units (CMU), brick or stone depending on building size. The design standards will help ensure that the center maintains a cohesive look and a higher-quality architectural appearance over time.

17. With any annexation, adjacent rights-of-way are also annexed according to State law. The responsibility to maintain the right-of-way shifts from the County to the City after annexation. Regarding the intersection at N. 27th Street and Arbor Road, the City is legally required at a minimum to annex the area shown on the next page.

The approximate annexation boundary proposed by the Planning Department is shown below. It includes the additional area of the 27th & Arbor intersection itself to facilitate future improvement of the intersection and avoid a confusing City limits boundary. There is a bridge on Arbor Road to the east. The County Engineer has stated they want the City to annex and take over maintenance of the bridge. However, the City does not agree to do so because it is not a legal obligation and the City does not wish to take on the extra maintenance costs. However, the City is annexing additional area in the intersection beyond what is legally required, which will reduce the overall area that the County Engineer must maintain.

18. A neighborhood meeting was held on January 3, 2019. The main concerns expressed included traffic, parking, and speed on Humphrey Avenue and Centurion Drive, roundabout sizing, design standards, and several attendees preferred the pedestrian-oriented "town center" be located closer to the neighborhood.

19. Several revisions to the plans are required and are listed in the conditions of approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture, vacant; AG, R-3, B-2, I-3

SURROUNDING LAND USE & ZONING

North: Agriculture; AG
South: Commercial, vacant; B-2, R-3, I-3
East: Agriculture; AG
West: Residential; R-3

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 118.63 acres (Annexation); 189.11 acres (Change of Zone)

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #1

LEGAL DESCRIPTIONS: See attached.

PROPOSED COMPREHENSIVE PLAN AMENDMENT:
Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect changes in future land use and all other maps, figures, and plans where the future land use is displayed.
2. Amend the 2040 Priority Growth Areas Map on pages 1.10 and 12.6 to reflect changes in priority areas, and all other maps, figures, and plans where the priority growth areas are displayed.
3. Replace the designations for a proposed Neighborhood Center and Mixed Use Office Center with a proposed Community Center.

Prepared by

_____
Rachel Jones, Planner

Date: October 8, 2019

Owner/Applicant: Stone Bridge Creek LLC c/o Leo Schumacher
1101 N Street
Lincoln, NE 68508
(402) 474-1400 or lschumacher@lincolnfed.com

Contact: Brad Marshall
Olsson Associates
601 P Street, Suite 200
(402) 458-5672 or bmarshall@olssonassociates.com

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APPLICATION HISTORY

Aug. 2001	Special Permit 1845 for the Stone Bridge CUP and Preliminary Plat was approved by the City Council showing 498 dwelling units and two industrial lots. Change of Zone #3265 from AG to R-3 and I-3 was also approved. Use Permit 139 was approved for the I-3 zoned area.
May 2004	Special Permit 04004 amending the Stone Bridge Creek CUP was approved to remove the area designated as multi-family and replace it with B-2 zoning, associated with the related Change of Zone 04002 from AG to B-2 over this change of zone application area.
Sept. 2004	Special Permit 04004A was approved by the City Council to allow height and setback waivers for a deck on one lot.
2004-2007	A series of Administrative Amendments were approved for minor adjustments within the Stone Bridge Creek CUP: AA02019, AA02030, AA02104, AA03013, AA04050, AA04077, AA04083, AA04088, AA05120, AA05148, and AA07112.
June 2005	Use Permit 139A was approved to remove a portion of the use permit for development as the Stone Bridge Creek Villas CUP. Special Permit #04067 was approved by the Planning Commission for the Stone Bridge Creek Villas CUP located on the southeast side of Humphrey Avenue.
Aug. 2005	Change of Zone 04081 from I-3 to R-3 was approved by the City Council for the area transferred to the Stone Bridge Creek Villas CUP.
Dec. 2005	The Stone Bridge Creek Villas final plat was approved by the Planning Director.
June 2011	The Stone Bridge Creek Villas final plat was vacated by the City Council.
Mar. 2018	Special Permit 04004B was approved by the Planning Commission to expand the Stone Bridge Creek CUP to the east and south. The related Change of Zone 18005 and Comprehensive Plan Amendment 18001 are on pending before the City Council and have not yet been voted upon. The Comprehensive Plan Amendment included area within this application area.

CONDITIONS OF APPROVAL – ANNEXATION 19001

Before the City Council approves the annexation:

The applicant signs the Conditional Zoning and Annexation Agreement.

CONDITIONS OF APPROVAL – CHANGE OF ZONE 19002

This approval permits up to 1,102 multi-family dwelling units, 50 single family dwelling units, and 850,000 square feet of commercial floor area with the following waivers:

1. B-2 and B-2 Plus zoning designation areas: Reduce setbacks to 0 feet for uses sharing a lot line within the PUD.
2. B-2, B-2 Plus, and R-3 zoning designation areas: Allow double frontage lots as shown.
3. R-3 zoning designation area:
    a. Reduce the minimum lot area to 4,200 square feet and reduce the minimum average lot width to 40 feet for attached single family dwellings on Lots 23-26 and 32-41.
    b. Reduce the minimum radius of a cul-de-sac for Tiger Iron Circle to 30 feet.
    c. Reduce the roadway centerline radius to 125 feet.
4. R-5 and B-2 Plus zoning designation areas: Increase the building height from 35 feet and 40 feet to 55 feet.
5. Allow lighting trespass across interior lot lines when there are abutting parking lots.

Site Specific Conditions:

1. The Developer signs a Conditional Zoning and Annexation Agreement before the City Council approves the change of zone.

2. The City Council approves associated requests:

    2.1 Annexation #19001

    2.2 Comprehensive Plan Amendment #19001

3. Before a final plat is approved the developer 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 upon approval of the planned unit development by the City Council.

    3.1 Label Tiger Iron Circle as a private roadway in an outlot as intended.

    3.2 Make the following revisions to Sheet 1:

        3.2.1 In the list of waivers, delete references to "PUD" for the overlay areas as it is unnecessary.

        3.2.2 Clarify that the waivers to lot width and area are for two-family dwellings.

        3.2.3 Delete waiver #6 related to sign regulations as it is not necessary and the information is listed on Sheet 2.

        3.2.4 Correct the last waiver category from "R-3" to B-2".

        3.2.5 Add that commercial uses are allowed on Lot 30 in addition to daycare.

        3.2.6 Correct the waivers category of "R-3 PUD Waivers" to "B-2 Waivers".

        3.2.7 Revise General Site Note 19 to add the following text: "Any changes to lighting source will need to be requested by the developer and approved by US Fish and Wildlife and the Nebraska Game and Parks Commission. If approved, the project may proceed without need of an administrative amendment."

3.2.8 Revise Planned Unit Development Note 4 to specify that bottling works are prohibited within 300 feet of the R-5 zoning designation areas.

3.2.9 Revise Planned Unit Development Note 5 to delete truck washes as they are not appropriate in this PUD.

3.2.10 Revise note " *** " under the Lot Usage Table to read, "Town Center - If the town center is developed without a pedestrian orientation or developed as single establishment, such as a car dealer or big box store, then the total square footage allowed in the PUD is reduced to 700,000 SF as part of the amendment to eliminate the town center, and the developer is allowed to increase the number of dwelling units to 1,300 administratively."

3.2.11 In the Lot Usage Table, eliminate references to "office" in the description. Simply state "commercial" as this term includes office. Also change the references to "Lot No." to "Lot/Pad No." as these might not necessarily be developed as separate lots.

3.2.12 It is important to ensure that a minimum percentage of square footage is devoted to office uses to create a mix of uses. Under the Lot Usage Table, add the following note: "In order to build up to 500,000 SF of floor area, at least 100,000 SF office floor area must be built; and in order develop over 700,000 SF of floor area, at least 140,000 SF of office floor area must be built."

3.2.13 Add a note that reads, "For screening of the two private cul-de-sacs: 1) Screening is required along the end of Outlot D per the Design Standards for Screening and Landscaping, Section 7.4; 2) A 100% screen of the surface area of a vertical plane extending from 0 to 6 feet above the ground elevation is required along the end of Outlot E to be met with an opaque fence."

3.2.14 Add a note requiring the construction by the developer of the splitter island in Humphrey Avenue at the trail crossing prior to the final plat approval of Lots 42-77.

3.3 On Sheet 2, correct "R-2 Plus" to "B-2 Plus" in the legend.

3.4 On Sheet 4, revise the front yard setback label for Lot 10 along Alvo Road to 20 feet.

3.5 Make the following revisions to Sheet 7:

3.5.1 Add a label noting that a right turn lane is required in Alvo Road at Centurion Drive according to the Conditional Zoning and Annexation Agreement.

3.5.2 Drop the "1" from the phasing numbers as it is not necessary.

3.5.3 Eliminate Sheet 8 and transfer its information to this sheet showing which lots can be developed prior to construction of the Alvo/Arbor Road roundabout.

3.5.4 Area 1B:

3.5.4.1 Add a label noting that a right turn lane is required in Alvo Road at Centurion Drive according to the Conditional Zoning and Annexation Agreement.

3.5.4.2 Add that the right turn lane in Alvo Road at Centurion Drive will be constructed prior to obtaining building permits in Area 1B.

3.6 Provide a traffic improvement at the intersection of Centurion Drive and Humphrey Avenue to the satisfaction of the Transportation and Utilities Department, if necessary.

3.7 Add a note on the Landscape Plan that reads, "Interstate corridor screening will be installed or surety posted at the time each adjacent pad is platted (Pads 4, 5 and 6)."

3.8 Coordinate with the Parks and Recreation Department regarding the proposed grading shown in the area of Tiger Iron Circle and its possible impact on the future trail.

3.9 Address the comments from Watershed Management and L.E.S. (see attached).

4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:

4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

5. Before issuance of building permits, final plat(s) shall be approved by the City.

Standard Conditions:

6. The following conditions are applicable to all requests:

6.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.

6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

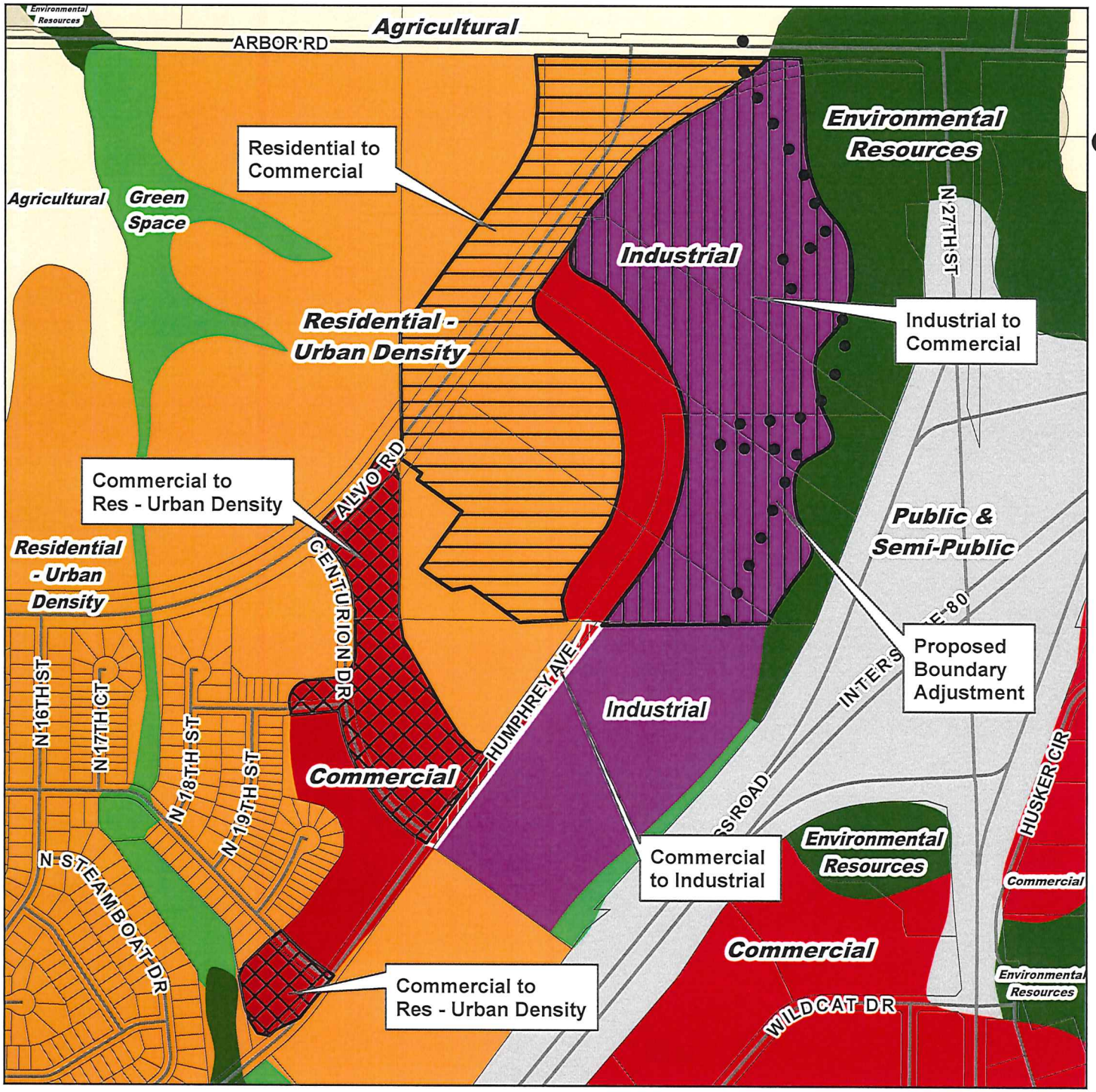
6.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

6.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

6.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

CPA # 19001
Centurion Dr & Alvo Rd



Proposed Land Use Change

- Commercial to Industrial
- Commercial to Residential
- Industrial to Commercial
- Res-Urban Density to Commercial
- Proposed Boundary Adjustment - Minor adjustments to boundary between Env. Resources and Proposed Commercial designated on site plan.

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LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Information Technology Services
555 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.7491 Fax: 402.441.6377

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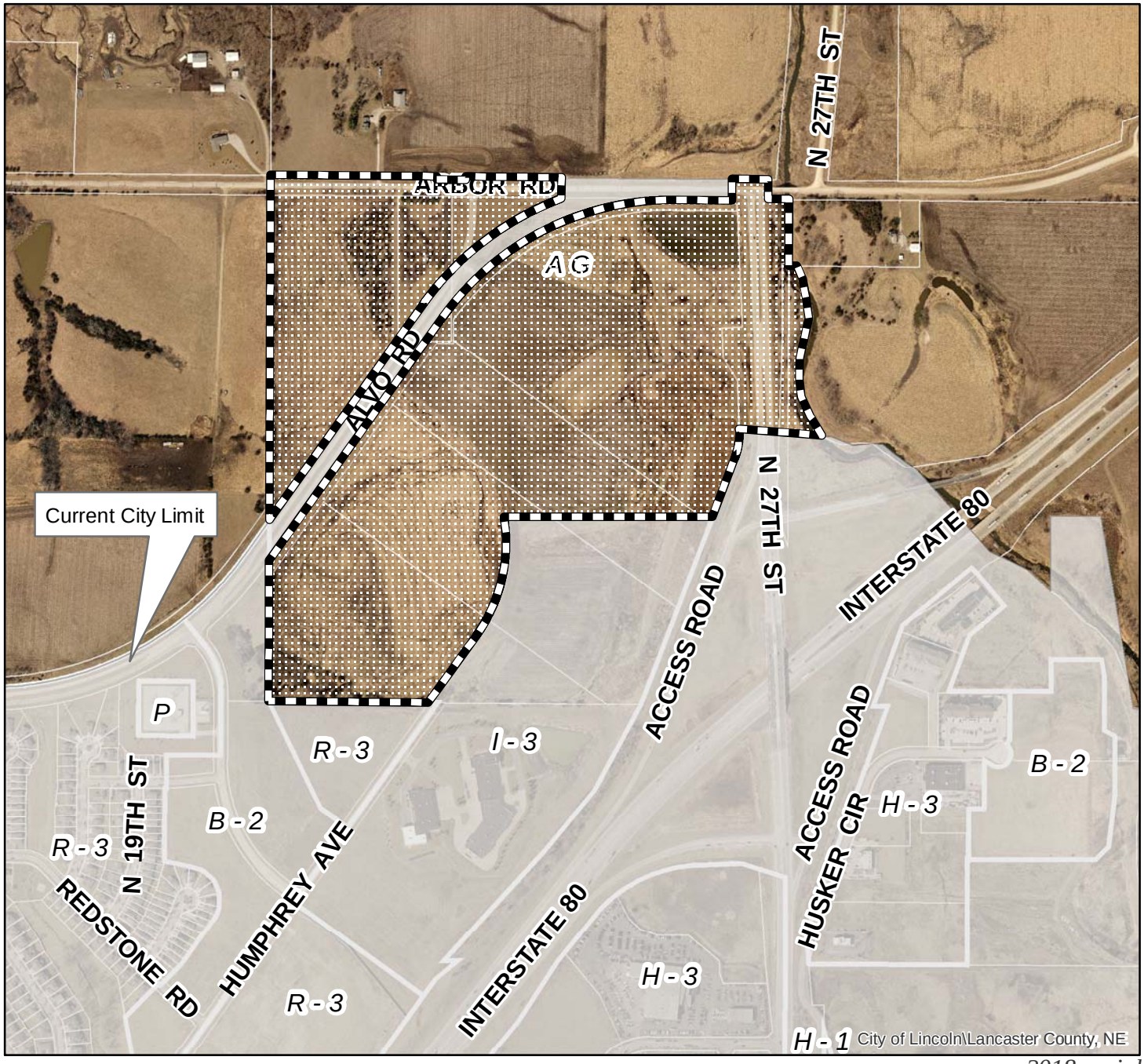

2018 aerial

Annexation #: AN19001
Stone Bridge Creek Commercial
N 27th St & Arbor 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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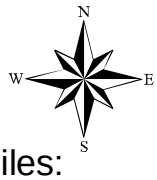
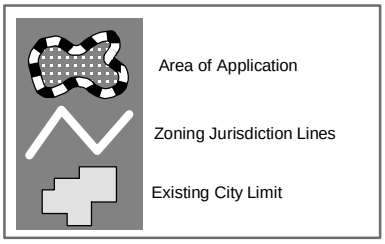
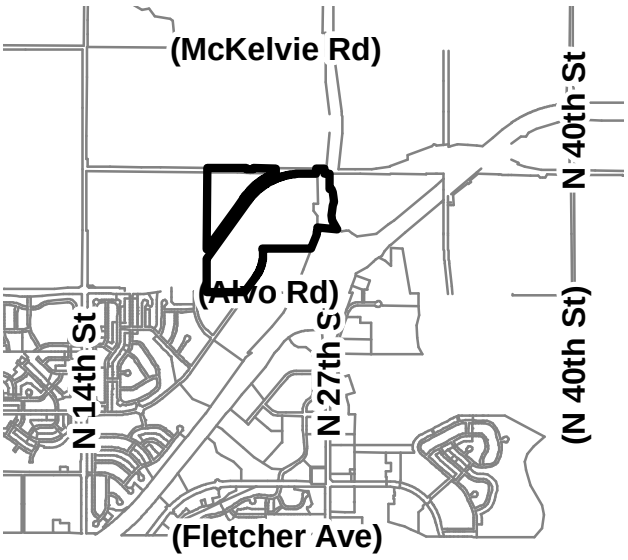


Two Square Miles:
Sec.25 T11N R06E
Sec. 31 T11N R07E





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Lincoln Transportation & Utilities

Stone Bridge Creek Commercial Annex

AN19001

May 02, 2019

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CITY OF LINCOLN TRANSPORTATION AND UTILITIES

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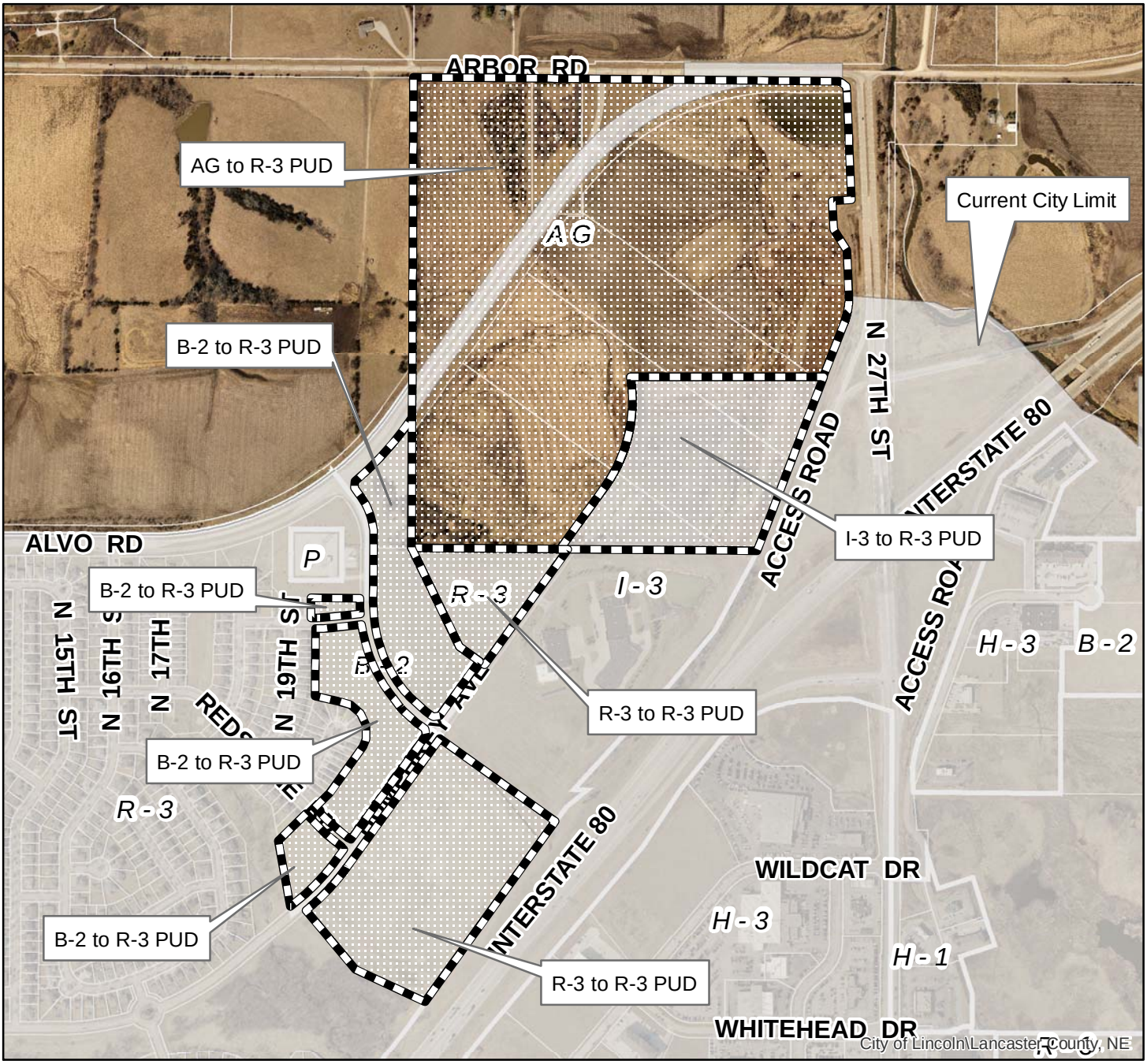


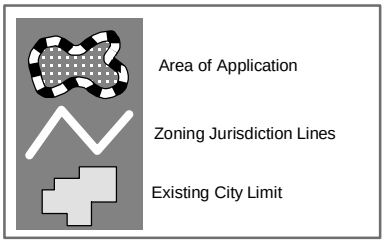
2018 aerial

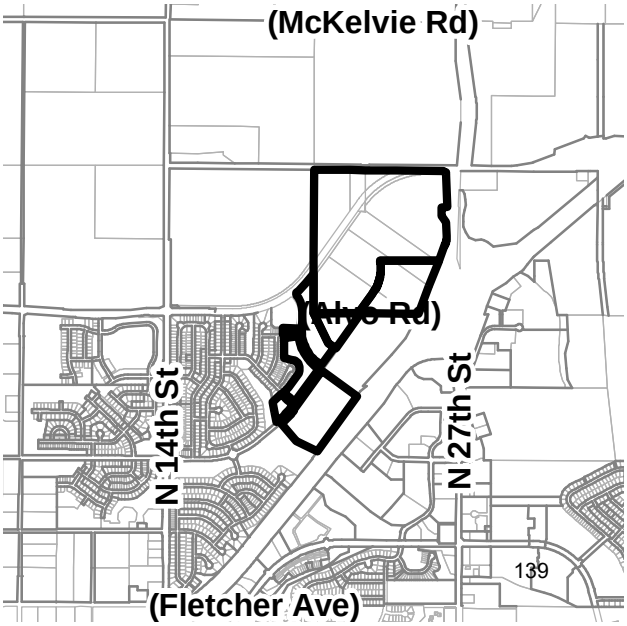
Change of Zone #: CZ19002
Stone Bridge Creek Commercial
N 27th St & Arbor Rd

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

Two Square Miles:
Sec.25 T11N R06E
Sec.36 T11N R06E





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STONE BRIDGE CREEK COMMERCIAL

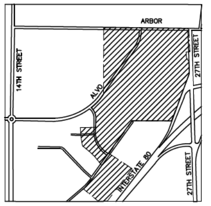
R-3 PLANNED UNIT DEVELOPMENT

COVER SHEET

ENGINEER & PREPARER
OLSSON
601 'P' STREET
LINCOLN, NE 68508
PHONE: (402) 474-6311

SURVEYOR
OLSSON
601 'P' STREET
LINCOLN, NE 68508
PHONE: 402-474-6311

OWNER & DEVELOPER
STONE BRIDGE CREEK, LLC
1101 N STREET,
LINCOLN, NE 68508
PHONE: (402) 474-1400



VICINITY MAP
NOT TO SCLAE

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WET — WETLANDS

0' 100' 200' 400'
SCALE IN FEET

SHEET INDEX

SHEET NO.	SHEET TITLE
1	COVER
2	DEVELOPMENT PLAN
3	SITE
4	SITE
5	SITE
6	ROAD CROSS SECTIONS
7	SITE PHASE 1
8	DEVELOPABLE AREA
9	EXISTING DRAINAGE
10	PROPOSED DRAINAGE
11	GRADING
12	GRADING
13	GRADING
14	GRADING
15	GRADING
16	PROFILE
17	PROFILE
18	PROFILE
19	PROFILE
20	PROFILE
21	INTERSTATE LANDSCAPE SCREENING PLAN

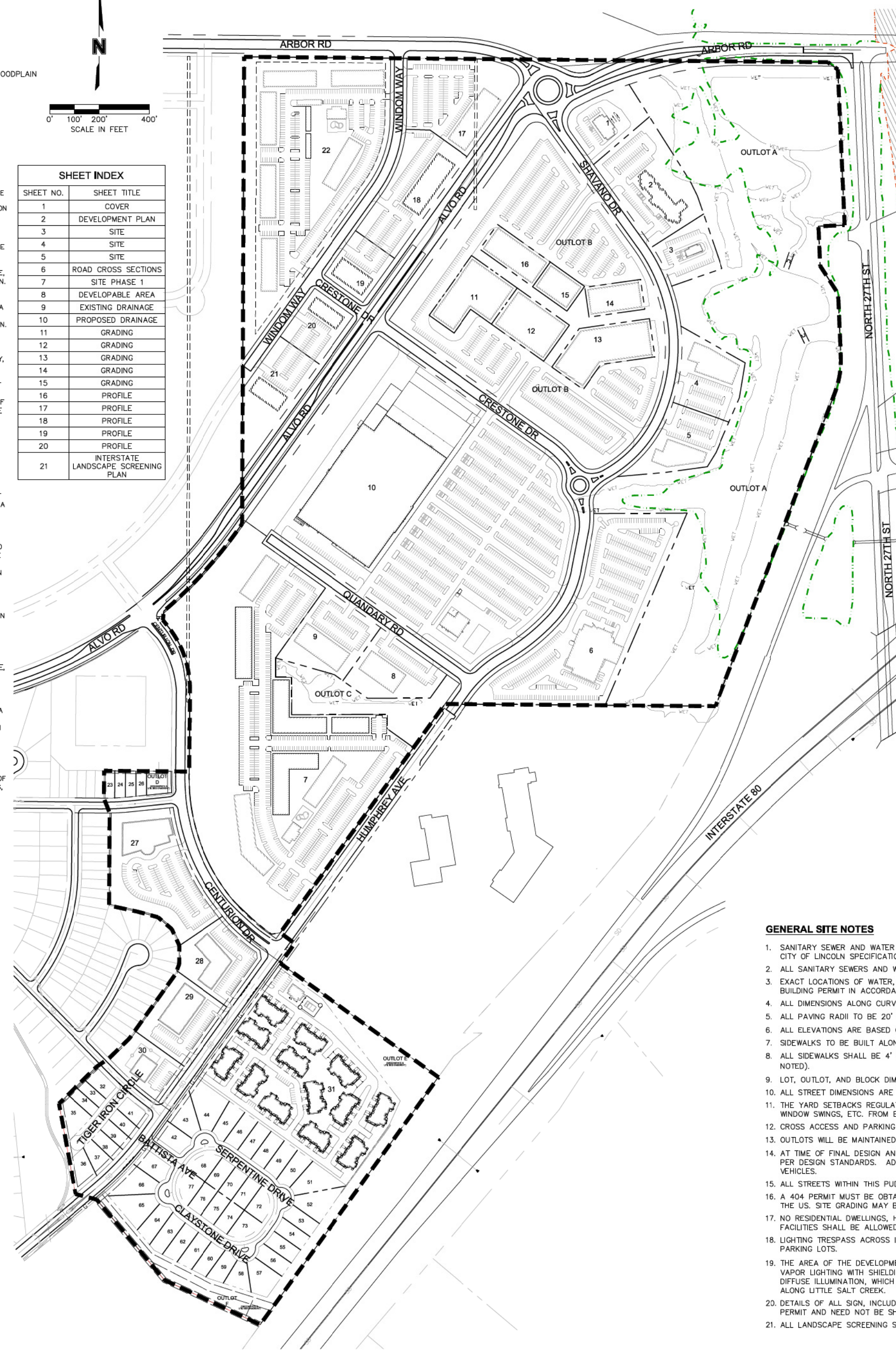
LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 23, BLOCK 1, STONE BRIDGE CREEK 5TH ADDITION AND LOT 14, BLOCK 4, STONE BRIDGE CREEK 5TH ADDITION, A PART OF FLAGSTONE ROAD RIGHT-OF-WAY, AND A PART OF REDSTONE ROAD RIGHT-OF WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 36 TOWNSHIP 11 NORTH RANGE 6 EAST OF THE 6TH P.M., LOT 47 I.T., OUTLOT 'B', STONE BRIDGE CREEK 5TH ADDITION, OUTLOT 'G' STONE BRIDGE CREEK ADDITION, PART OF HUMPHREY AVENUE RIGHT-OF-WAY, AND PART OF CENTURION DRIVE RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 36 TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LOT 44.I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH , RANGE 6 EAST OF THE 6TH P.M., AND LOT 39 I.T., LOT 47 I.T., LOT 49 I.T., LOT 50 I.T., LOT 45 I.T., LOT 46 I.T., LOT 36 I.T., AND PART OF ALVO ROAD RIGHT-OF-WAY ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M. ; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF S00°14'28"W, A DISTANCE OF 50.00' TO THE TRUE POINT OF BEGINNING; THENCE S89°27'58"E, ALONG A LINE THAT IS 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF ARBOR ROAD, A DISTANCE OF 2,344.79' TO THE NORTHEAST CORNER OF LOT 46 I.T.; THENCE S53°52'29"E, ON A NORTHEAST LINE OF SAID LOT 46 I.T., A DISTANCE OF 49.15' TO AN EAST CORNER OF SAID LOT 46 I.T., SAID POINT BEING ON THE WEST LINE OF N. 27TH STREET RIGHT-OF-WAY; THENCE S02°29'37"E, ON AN EAST LINE OF SAID LOT 46 I.T., AND ON THE WEST LINE OF LOT 50 I.T., SAID LINE BEING THE WEST RIGHT-OF-WAY OF SAID N. 27TH STREET RIGHT-OF-WAY, A DISTANCE OF 625.83' TO A POINT ON THE EAST LINE OF SAID LOT 50 I.T., SAID POINT BEING ON THE WEST LINE OF SAID N. 27TH STREET RIGHT-OF-WAY; THENCE S87°30'23"W, ON A SOUTH LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A NORTH LINE OF SAID N. 27TH STREET RIGHT-OF-WAY, A DISTANCE OF 105.00' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT ALSO BEING ON THE WEST LINE OF SAID N 27TH STREET RIGHT-OF-WAY; THENCE S02°29'37"E, ON AN EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID N. 27TH STREET RIGHT-OF-WAY, A DISTANCE OF 159.17' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING ON THE WEST LINE OF SAID N. 27TH STREET RIGHT-OF-WAY; THENCE S32°42'37"E, ON AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID N. 27TH STREET RIGHT-OF-WAY, A DISTANCE OF 133.09' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING ON THE WEST LINE OF SAID N.27TH STREET RIGHT-OF-WAY; THENCE S02°29'05"E, ON AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID N. 27TH STREET RIGHT OF WAY, A DISTANCE OF 248.33' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°23'45", A RADIUS OF 381.99', AN ARC LENGTH OF 155.98' ON AN EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LIND OF SAID N 27TH STREET RIGHT-OF-WAY, A CHORD LENGTH OF 154.90', A TANGENT LENGTH OF 79.09', AND A CHORD BEARING OF S09°12'48"W, TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING ON THE WEST LINE OF SAID N. 27TH STREET RIGHT-OF-WAY; THENCE S20°54'40"W, ON A SOUTHEASTERLY LINE OF SAID LOT 50 I.T., LOT 49 I.T., AND LOT 47 I.T., OF SAID SECTION 25, A DISTANCE OF 1,344.12' TO A SOUTHEAST CORNER OF SAID LOT 47 I.T., SAID POINT BEING ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT ALSO BEING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE N89°31'54"W, ON THE SOUTH LINE OF SAID LOT 47 I.T, AND LOT 39 I.T., AND THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,085.58' TO THE NORTHEAST CORNER OF OUTLOT 'G', STONE BRIDGE CREEK ADDITION, SAID POINT BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE S35°44'12"W, ON AN EAST LINE OF SAID OUTLOT 'G', SAID LINE BEING A NORTHWEST LINE OF SAID HUMPHREY AVENUE RIGHT-OF-WAY, A DISTANCE OF 1,132.09' TO A SOUTH CORNER OF SAID OUTLOT 'G'; THENCE S54°15'48"E, A DISTANCE OF 72.00' TO A POINT; THENCE S35°46'45"W, A DISTANCE OF 99.74' TO A NORTH CORNER OF LOT 47 I.T., IN THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID HUMPHREY AVENUE; THENCE S54°15'25"E, ON THE NORTHEAST LINE OF SAID LOT 47 I.T., A DISTANCE OF 781.84' TO THE NORTHEAST CORNER OF SAID LOT 47 I.T., SAID POINT BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE S35°44'00"W, ON THE SOUTHEAST LINE OF SAID LOT 47 I.T., SAID LINE BEING A NORTHWEST LINE OF SAID INTERSTATE 80 RIGHT-OF-WAY, A DISTANCE OF 1,224.68' TO THE SOUTHEAST CORNER OF SAID LOT 47 I.T.; THENCE N65°05'09"W, ON A SOUTH LINE OF SAID LOT 47 I.T., A DISTANCE OF 424.56' TO A SOUTH CORNER OF SAID LOT 47 I.T.; THENCE N40°01'50"W, ON A SOUTH LINE OF SAID LOT 47 I.T., A DISTANCE OF 422.75' TO A NORTHWEST CORNER OF SAID LOT 47 I.T., SAID POINT BEING ON A SOUTHEAST LINE OF SAID HUMPHREY AVENUE RIGHT-OF-WAY; THENCE N75°33'40"W, A DISTANCE OF 88.59' TO A SOUTHEAST CORNER OF LOT 14, BLOCK 4 STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON A NORTH WEST LINE OF SAID HUMPHREY AVENUE RIGHT-OF-WAY; THENCE N10°19'38"W, ON A WEST LINE OF SAID LOT 14, A DISTANCE OF 369.06' TO A WEST CORNER OF SAID LOT 14; THENCE N45°44'06"E, ON A NORTHWEST LINE OF SAID LOT 14, A DISTANCE OF 211.43' TO THE MOST NORTHERLY CORNER OF SAID LOT 14, SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY OF REDSTONE ROAD; THENCE N55°32'52"E, A DISTANCE OF 60.89' TO A WEST CORNER OF OUTLOT 'B', STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON A NORTH EAST LINE OF SAID REDSTONE ROAD RIGHT-OF-WAY; THENCE N45°44'06"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 114.16' TO A POINT; THENCE N35°36'16"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 315.47' TO A POINT; THENCE N20°33'12"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 45.71' TO A POINT; THENCE N00°31'03"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 73.11' TO A POINT; THENCE N24°31'26"W, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 73.19' TO A POINT; THENCE N49°15'58"W, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 73.12' TO A POINT; THENCE N74°03'00"W, ON A SOUTH LINE OF SAID OUTLOT 'B', A DISTANCE OF 73.02' TO A POINT; THENCE N77°54'08"W, ON A SOUTH LINE OF SAID OUTLOT 'B', A DISTANCE OF 128.84' TO A WEST CORNER OF SAID OUTLOT 'B'; THENCE N00°30'29"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 371.34' TO THE NORTHWEST CORNER OF SAID OUTLOT 'B', SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF FLAGSTONE ROAD; THENCE N21°52'00"W, A DISTANCE OF 64.47' TO A SOUTHWEST CORNER OF LOT 23, BLOCK 1, STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF SAID FLAGSTONE ROAD RIGHT-OF -WAY; THENCE N00°31'07"E, ON THE WEST LINE OF SAID LOT 23, A DISTANCE OF 110.11' TO THE NORTHWEST CORNER OF SAID LOT 23; THENCE S89°26'13"E, ON THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 268.89' TO A NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF CENTURION DRIVE; THENCE CONTINUING S89°26'13"E ON SAID LINE, A DISTANCE OF 72.00' TO A POINT ON THE EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, SAID POINT BEING ON A WEST LINE OF SAID OUTLOT 'G'; THENCE N00°33'09"E, ON A WEST LINE OF SAID OUTLOT 'G', SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, A DISTANCE OF 280.20' TO A NORTHWEST CORNER OF SAID OUTLOT 'G', SAID POINT BEING THE SOUTHWEST CORNER OF LOT 44 I.T.; THENCE N00°17'34"E, ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE, A DISTANCE OF 35.13' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 24°14'25", A RADIUS OF 423.00', AN ARC LENGTH OF 178.96' ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, A CHORD LENGTH OF 177.63', A TANGENT LENGTH OF 90.84', AND A CHORD BEARING OF N10°20'19"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 14°30'55", A RADIUS OF 425.00', AN ARC LENGTH OF 107.67' ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, A CHORD LENGTH OF 107.38', A TANGENT LENGTH OF 54.12', AND A CHORD BEARING OF N30°58'31"W TO A POINT; THENCE N38°13'59"W, ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, A DISTANCE OF 34.17' TO A WEST CORNER OF SAID LOT 44 I.T.; THENCE N05°54'00"E, ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID CENTURION DRIVE RIGHT-OF-WAY, A DISTANCE OF 35.89' TO A WEST CORNER OF SAID LOT 44 I.T., SAID POINT BEING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF ALVO ROAD, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 14°09'00", A RADIUS OF 1,735.00', AN ARC LENGTH OF 428.48' ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID ALVO ROAD RIGHT-OF-WAY, A CHORD LENGTH OF 427.39', A TANGENT LENGTH OF 215.34', AND A CHORD BEARING OF N42°32'44"E TO A POINT; THENCE N35°28'14"E, ON A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID ALVO ROAD RIGHT-OF-WAY, A DISTANCE OF 45.34' TO A NORTH CORNER OF SAID LOT 44 I.T., SAID POINT BEING ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE N00°14'28"E, ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,874.53' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 8,237,668.16 SQUARE FEET OR 189.11 ACRES, MORE OR LESS.

PLANNED UNIT DEVELOPMENT NOTES

1. THIS PLANNED UNIT DEVELOPMENT CONTAINS 189.11 ACRES.
2. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN.
3. THE 'B-2' ZONING REGULATIONS APPLY THROUGHOUT THIS PUD WITH THE FOLLOWING EXCEPTIONS:
   A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS' TABLE.
4. THE ADDITIONAL USES WILL BE PERMITTED IN THE "B-2 PLUS" ZONING:
   A. COMMERCIAL RECREATION AND ENTERTAINMENT FACILITIES USE GROUP: RECREATIONAL USES, OUTDOOR
   B. HEAVY COMMERCIAL SERVICES USE GROUP: CONTRACTOR SERVICES, CABINET SHOPS OR STORES, LUMBER YARDS, MINI-WAREHOUSES.
   C. MANUFACTURING, PROCESSING, STORAGE AND DISTRIBUTION USE GROUP: BAKERIES (WHOLESALE), BOTTLING WORKS, ENCLOSED DISASSEMBLY OPERATIONS, & OPTICAL LENS GRINDING AND FINISHING
   D. RETAIL SALES AND SERVICES USE GROUP: MOTORIZED VEHICLE SALES
5. THE ADDITIONAL USES WILL BE CONDITIONAL IN THE "B-2 PLUS" ZONING:
   A. HEAVY COMMERCIAL SERVICES USE GROUP: TRUCK WASH FACILITIES
   B. MANUFACTURING, PROCESSING, STORAGE AND DISTRIBUTION USE GROUP: ASSEMBLY FACILITIES, OUTDOOR VEHICLE STORAGE, & WAREHOUSES
6. LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH L.M.C. TITLE 26.
7. ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPERS OR COMMERCIAL ASSOCIATION.
8. ALL CENTER ISLANDS OF TRAFFIC CIRCLES LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER OR COMMERCIAL ASSOCIATION.
9. OUTLOT DESIGNATION AND USES ARE AS FOLLOWS:
   A. OUTLOT A — BLANKET UTILITY EASEMENT, DETENTION, OPEN SPACE, CONSERVATION EASEMENT, WETLANDS.
   B. OUTLOT B — BLANKET UTILITY EASEMENT (EXCLUDING BUILDING ENVELOPES), PUBLIC ACCESS EASEMENT, CROSS PARKING
   C. OUTLOT C — BLANKET UTILITY EASEMENT, OPEN SPACE, WETLANDS
   D. OUTLOT D — BLANKET UTILITY EASEMENT, OPEN SPACE
   E. OUTLOT E — BLANKET UTILITY EASEMENT, OPEN SPACE
   F. OUTLOT F — BLANKET UTILITY EASEMENT, OPEN SPACE
8. ALL BUILDINGS IN THE COMMERCIAL AND OFFICE (B-2 AND B-2 PLUS AREAS), SHALL MEET THE FOLLOWING DESIGN STANDARDS:
   A.) BUILDINGS OF 50,000 SQUARE FEET OR GREATER WILL INCLUDE AT LEAST 20% OF THE GROSS AREA OF VERTICAL SURFACES AS DECORATIVE CMU, BRICK, OR STONE. HALF OF THOSE REQUIRED MASONRY MATERIALS SHALL BE BRICK OR STONE, THE REMAINDER AND ANY MASONRY AREAS IN EXCESS OF 20% MAY BE DECORATIVE CMU. BUILDINGS OF LESS THAN 50,000 SQUARE FEET WILL INCLUDE AT LEAST 50% OF THE GROSS AREA OF VERTICAL SURFACES AS DECORATIVE CMU, BRICK OR STONE, HALF OF THOSE REQUIRED MASONRY MATERIALS SHALL BE BRICK OR STONE, THE REMAINDER AND ANY MASONRY AREAS IN EXCESS OF 50% MAY BE DECORATIVE CMU. THE REQUIRED MASONRY MATERIALS SHALL BE USED TO THE EXTENT FEASIBLE ON FACADES ORIENTED TOWARDS PUBLIC STREETS, WITH ANY REMAINING REQUIRED MASONRY USED ON OTHER FACADES.
   B.) ALL BUILDINGS IN THE CENTER WILL UTILIZE COMPATIBLE BUILDING MATERIALS AND COLORS.
   C.) CALCULATIONS OF THE GROSS AREA OF VERTICAL SURFACES, THE REQUIRED AREA OF MASONRY MATERIALS, AND THE PROPOSED AREA OF MASONRY ON EACH FACADE SHALL BE PROVIDED AT THE TIME OF APPLICATION FOR BUILDING PERMITS.
9. THE WATER QUALITY IMPROVEMENTS FOR THIS SITE SHALL BE INCORPORATED INTO THE STORM WATER DETENTION CELLS AND WETLANDS. THE MAINTENANCE AGREEMENT SHALL BE SUBMITTED AT TIME OF BUILDING PERMIT.
10. THE TOWN CENTER COMMERCIAL AREA (LOTS 11-16) WILL BE ORIENTED WITH STORE ENTRANCES FACING INTERNALLY AND INTERNAL AREA SHALL BE ESTABLISHED EITHER AS PEDESTRIAN-ONLY OR A NARROW INTERNAL STREET WITH LIMITED ON-STREET PARKING.



LOT USAGE TABLE

LOT NO.	DESCRIPTION	SF
1	OFFICE / COMMERCIAL*	5,500
2	OFFICE / COMMERCIAL*	16,000
3	OFFICE / COMMERCIAL*	3,000
4	OFFICE / COMMERCIAL*	18,500
5	OFFICE / COMMERCIAL*	15,500
6	MOTORIZED SALES AND SERVICE	32,000
8	OFFICE / COMMERCIAL*	15,000
9	OFFICE / COMMERCIAL*	19,000
10	RETAIL / C-STORE / GAS	185,000
	OUTDOOR GARDEN CENTER AND STORAGE	50,000
	C-STORE	7,000
11	OFFICE / COMMERCIAL*	45,450
12	OFFICE / COMMERCIAL*	37,000
13	OFFICE / COMMERCIAL*	106,000
14	OFFICE / COMMERCIAL*	24,000
15	OFFICE / COMMERCIAL*	15,000
16	OFFICE / COMMERCIAL*	25,000
17	OFFICE / COMMERCIAL*	42,000
18	OFFICE / COMMERCIAL*	42,000
19	OFFICE / COMMERCIAL*	12,500
20	OFFICE / COMMERCIAL*	16,000
21	OFFICE / COMMERCIAL*	20,000
27	RELIGIOUS ASSEMBLY/COMMERCIAL	51,000
28	OFFICE / COMMERCIAL*	20,700
29	OFFICE / COMMERCIAL*	20,100
30	DAYCARE	6,750
TOTAL		850,000***

LOT NO.	DESCRIPTION	ACRES	MAX UNITS**
7	MULTIFAMILY	18.87	547
22	MULTIFAMILY	10.78	313
31	MULTIFAMILY	8.37	242
TOTAL		38.02	1,102

LOT NO.	DESCRIPTION	LOTS
23-26 32-77	SINGLE FAMILY	50

* 20% MINIMUM OF OFFICE / COMMERCIAL SHALL BE RESERVED FOR OFFICE USES.
** BASED ON A R-5 RESIDENTIAL DISTRICT GENERAL DENSITY OF 29.04 DWELLING UNITS PER ACRE.
*** IF TOWN CENTER AREA (LOTS 11-16) IS REPLACED WITH ANY OTHER B2 USE THEN THE TOTAL DEVELOPMENT SQUARE FOOTAGE SHALL BE REDUCED TO 700,000

WAIVERS - (CITY OF LINCOLN SUBDIVISION REGULATIONS AND DESIGN STANDARDS)

R-5 AND B-2 PLUS OVERLAY WAIVERS:
1. INCREASE THE BUILDING HEIGHT FROM 35 FEET TO 55 FEET.

R-3 PUD WAIVERS:
1. ALLOW DOUBLE FRONTAGE LOTS BETWEEN HUMPHREY AVENUE AND TIGER IRON CIRCLE AND BETWEEN HUMPHREY AVENUE AND SERPENTINE DRIVE AND BETWEEN HUMPHREY AVENUE AND CLAYSTONE DRIVE.
2. A WAIVER TO ALLOW THE MINIMUM LOT AREA FOR LOTS 23-26 AND 32-41 TO BE 4,200 SQ FT.
3. A WAIVER TO ALLOW THE MINIMUM AVERAGE LOT WIDTH FOR LOTS 23-26 AND 32-41 TO BE 40'.
4. A WAIVER TO ALLOW THE RADIUS OF A CUL-DE-SAC ON A PRIVATE ROADWAY TO BE 30'.
5. A WAIVER TO ALLOW THE ROADWAY CENTERLINE RADIUS TO BE REDUCED TO 125'.
6. SIGN REGULATIONS SHALL CONFORM TO THE OVERLAYING ZONING DISTRICT, IF ONE IS DESIGNATED.

R-3 PUD WAIVERS:
1. REDUCE SETBACKS TO 0 FEET FOR USES SHARING A LOT LINE WITHIN THE PUD.
2. A WAIVER TO ALLOW DOUBLE FRONTAGE LOTS.

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO OTHER CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
3. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE, AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
5. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988.
7. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC AND PRIVATE STREETS.
8. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED).
9. LOT, OUTLOT, AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
10. ALL STREET DIMENSIONS ARE TO BACK OF CURB OR EDGE OF PAVEMENT.
11. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
12. CROSS ACCESS AND PARKING EASEMENTS WILL BE GRANTED IN OUTLOT B.
13. OUTLOTS WILL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE COMMERCIAL ASSOCIATIONS.
14. AT TIME OF FINAL DESIGN AND FINAL PLATTING ROUNDABOUTS WILL BE DESIGNED TO ACCOMMODATE A WB-50 VEHICLE AS PER DESIGN STANDARDS. ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED IF A LARGER RADII IS NEEDED FOR THESE VEHICLES.
15. ALL STREETS WITHIN THIS PUD ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
16. A 404 PERMIT MUST BE OBTAINED FROM THE CORPS OF ENGINEERS TO IMPACT JURISDICTIONAL WETLANDS OR WATERS OF THE US. SITE GRADING MAY BE DONE IN ALL OTHER AREAS.
17. NO RESIDENTIAL DWELLINGS, HOTELS, MOTELS, CHILDCARE FACILITIES, SCHOOLS, HEALTHCARE FACILITIES, OR RETIREMENT FACILITIES SHALL BE ALLOWED WITHIN THE PIPELINE PLANNING AREA AS DESIGNATED ON THE PLAN.
18. LIGHTING TRESPASS ACROSS INTERIOR LOT LINES IS WAIVED IN THOSE CASES WHERE INTERIOR LOT LINES HAVE ABUTTING PARKING LOTS.
19. THE AREA OF THE DEVELOPMENT DELINEATED AS THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 25 SHALL HAVE SODIUM VAPOR LIGHTING WITH SHIELDING INCORPORATED INTO ANY FUTURE PRIVATE DEVELOPMENT COVENANTS TO PREVENT OUTWARD DIFFUSE ILLUMINATION, WHICH HAS THE POTENTIAL TO ATTRACT THE SALT CREEK TIGER BEETLE AWAY FROM ITS HABITAT ALONG LITTLE SALT CREEK.
20. DETAILS OF ALL SIGN, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 27.
21. ALL LANDSCAPE SCREENING SHOW ON PLANS SHALL BE REQUIRED AT TIME OF BUILDING PERMIT.

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

2019

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

COVER SHEET

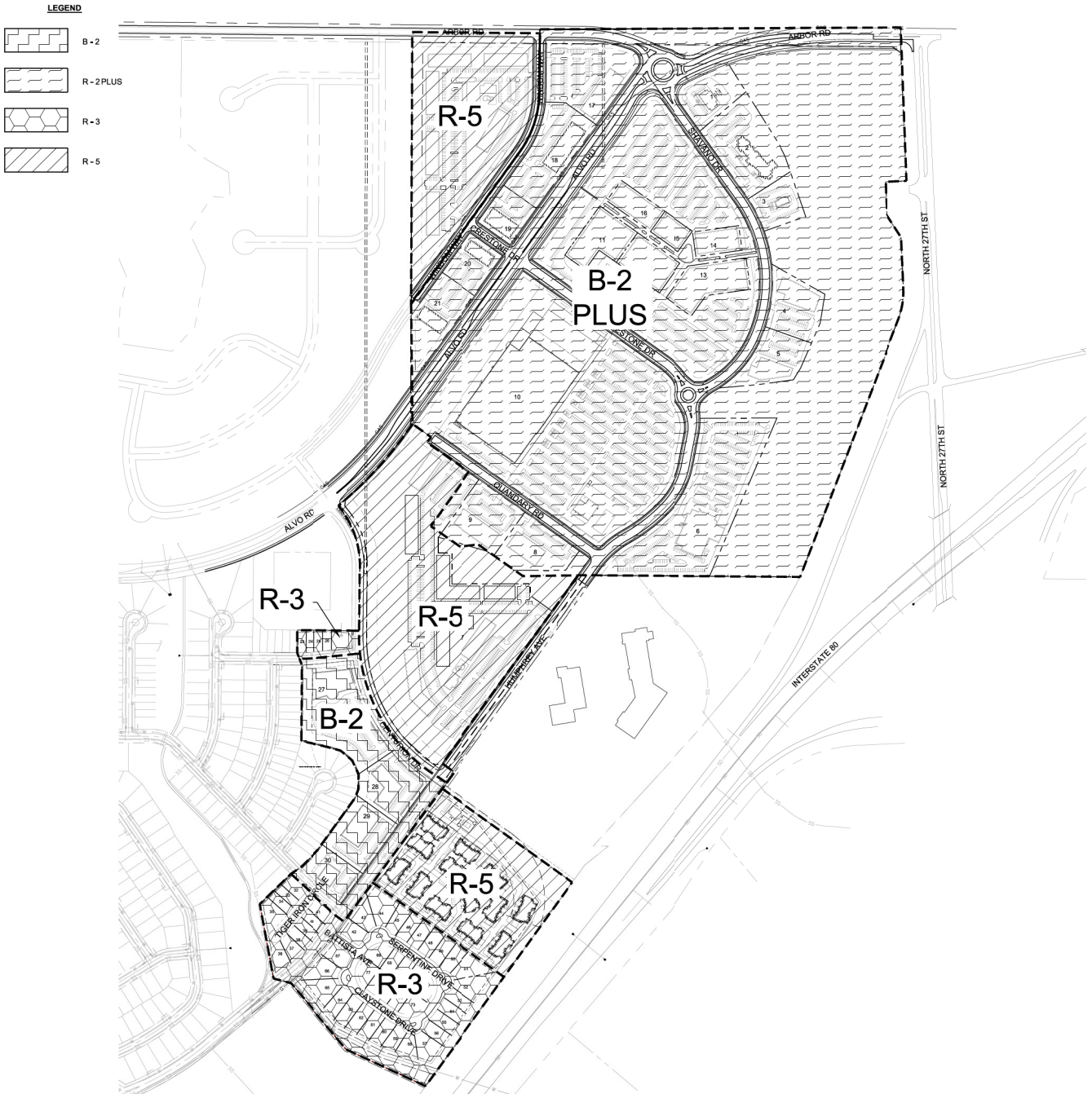
drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
1 of 21

DWG: F:\2018\1501-2000\018-1915\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_COV_0181915.dwg USER: alabenz
DATE: Sep 18, 2019 12:07pm XREFS: C_PBASE_018191 5 C_XBASE_018191 5 C_EFLDPLN_018191 5 C_EWET2003_018191 5 C_XBASE_GIS_018191 5 Wetland_Lancaster V_EASE_181915 C_PROADS_018191 5 V_BOUNDARY_181915

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT
DEVELOPMENT PLAN



N

0' 100' 200' 400'
SCALE IN FEET

ZONING DESIGNATION AREAS NOTES

1. THE B-2 & R-5 ZONING DESIGNATION AREAS FOLLOW THE LMC TITLE 27 REGULATIONS FOR THE B-2 & R-5 ZONING DISTRICTS RESPECTIVELY UNLESS OTHERWISE NOTED IN THE PUD.
2. ADJUSTMENTS IN THE LOCATION OF THE ZONING DESIGNATION BOUNDARIES MAY BE APPROVED BY ADMINISTRATIVE AMENDMENT.

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

DEVELOPMENT PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
2 of 21

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USER: vbivens
Wetland_Lancaster
C_PROADS_018191S

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ROADWAY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD LENGTH	TANGENT LENGTH
C5	500.00'	47°01'35"	410.38'	398.96'	217.54'
C6	700.00'	58°03'18"	709.28'	679.32'	388.46'
C7	500.00'	34°58'23"	305.20'	300.48'	157.52'
C8	990.00'	16°45'38"	289.10'	288.57'	145.84'
C9	1536.00'	11°03'28"	296.14'	295.98'	148.68'
C10	731.00'	21°40'34"	276.55'	274.91'	139.95'

BOUNDARY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
B1	381.99	023°23'45"	155.98	S09°12'48"W	154.90

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- SD STORM SEWER
- OHU POWER OVERHEAD
- W WATER MAIN
- SS SANITARY SEWER
- EXISTING 100-YR FEMA FLOODP_AIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

N

0' 50' 100' 200'
SCALE IN FEET

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MEG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
3 of 21

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STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ROADWAY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD LENGTH	TANGENT LENGTH
C1	500.00'	24°58'16"	217.31'	216.19'	110.71'
C2	800.00'	17°21'51"	242.45'	241.52'	122.16'
C3	400.00'	32°10'29"	224.52'	221.68'	115.36'
C4	350.00'	65°25'32"	399.56'	378.30'	224.81'

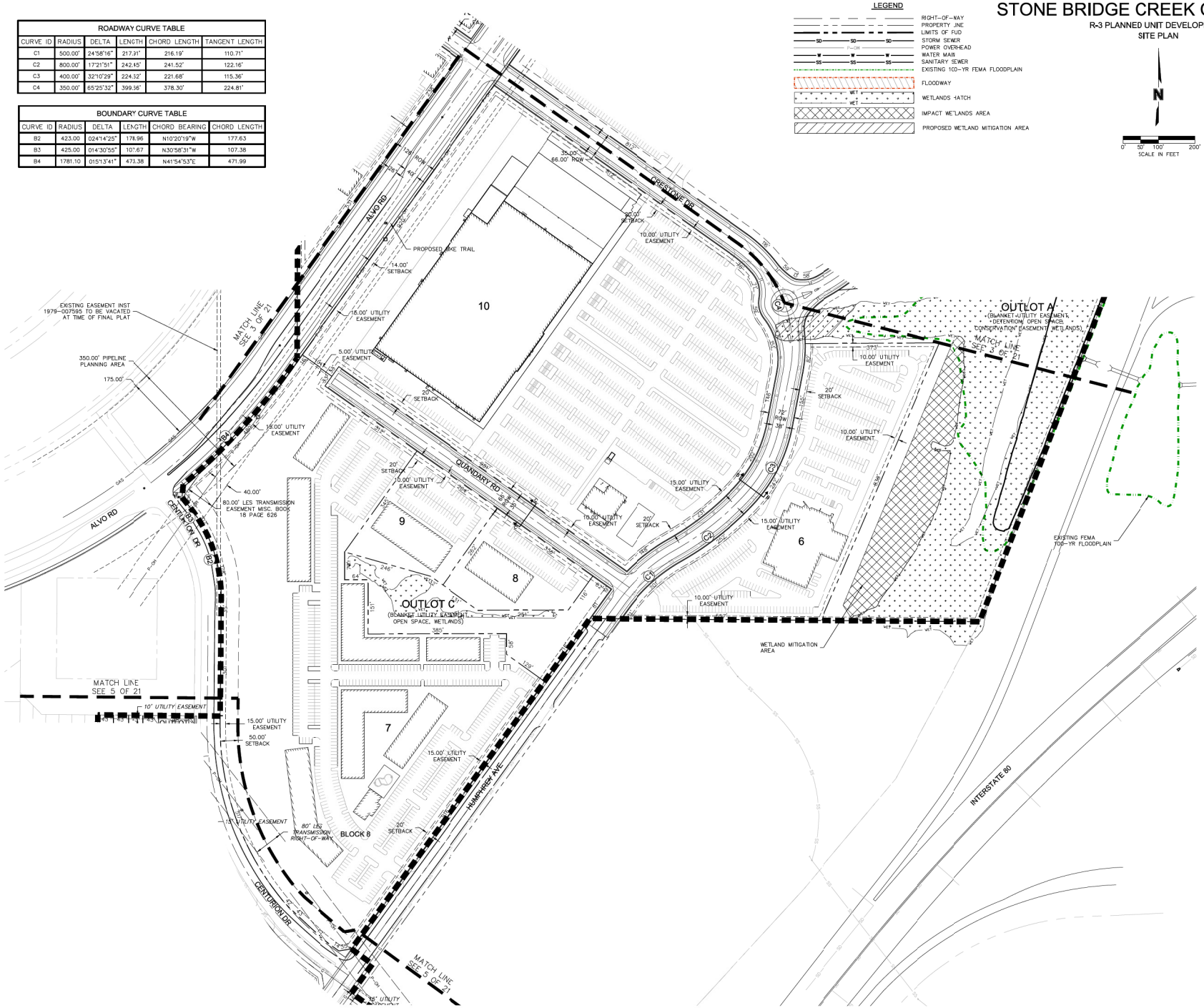
BOUNDARY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
B2	423.00	024°14'25"	178.96	N10°20'19"W	177.63
B3	425.00	014°30'55"	107.67	N30°58'31"W	107.38
B4	1781.10	015°13'41"	473.38	N41°54'53"E	471.99

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF FUD
- SD — STORM SEWER
- OHP — POWER OVERHEAD
- W — WATER MAIN
- SS — SANITARY SEWER
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

N

0' 50' 100' 200'
SCALE IN FEET



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REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MEG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
4 of 21

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USER: aldeker

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ROADWAY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD LENGTH	TANGENT LENGTH
C11	1000.00'	4°35'58"	80.27'	80.25'	40.16'
C12	125.00'	90°00'00"	196.35'	176.78'	125.00'
C13	125.00'	89°33'15"	195.38'	176.09'	124.03'
C14	125.00'	90°26'45"	197.32'	177.46'	125.98'
C15	125.00'	91°15'54"	199.11'	178.72'	127.79'

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- STORM SEWER
- POWER OVERHEAD
- WATER MAIN
- SANITARY SEWER
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

N

0' 50' 100' 200'

SCALE IN FEET

MATCH LINE SEE 4 OF 21

MATCH LINE SEE 4 OF 21

OUTLOT D

FLAGSTONE RD

CENTURION DR

OUTLOT C

OUTLOT E

OUTLOT F

OUTLOT 'A'

TIGERIRON CIRCLE

REDSTONE RD

HUMPHREY AVE

BATTISTA AVE

SERPENTINE DRIVE

GLAYSTONE DRIVE

SPLITTER ISLAND

80' LES TRANSMISSION RIGHT-OF-WAY

ENLARGED SPLITTER ISLAND

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
5 of 21

DWG: F:\2018\1901-2000\018-1915\Civil\4-Design\Arterial\Plans\Sheets\C2XX\C_ST_018191S.dwg USER: rlahmer
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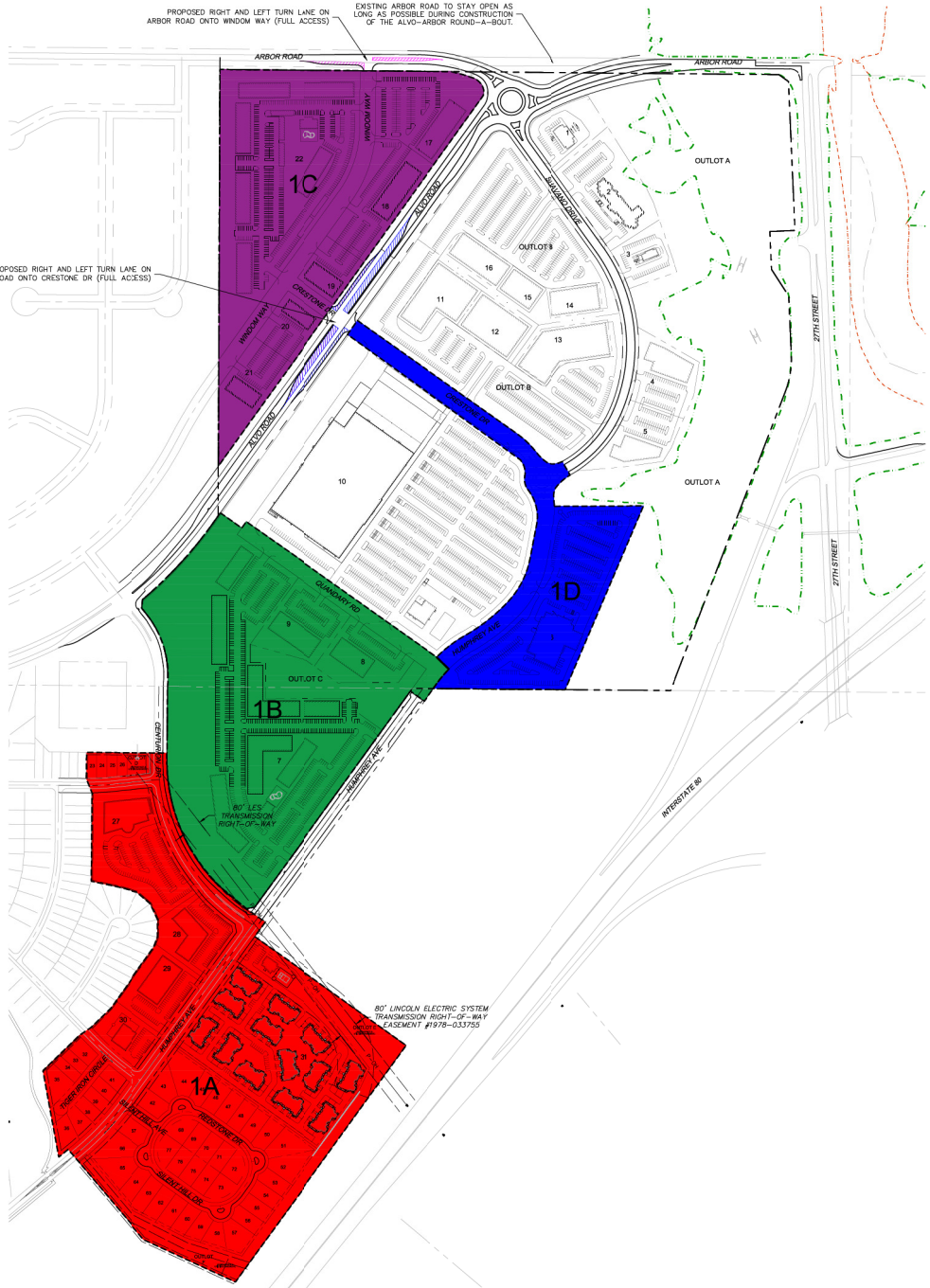
STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

PHASING PLAN



AREA 1A: NO ADDITIONAL TRAFFIC IMPROVEMENTS REQUIRED TO BUILD THIS AREA.

AREA 1B: PROPOSED LO' 7 (400 DWELLINGS LIMIT) AND LOTS 8&9 SHALL BE PERMITTED BUILDING PERMITS PRIOR TO THE COMPLETION OF THE ALVO–ARBOR ROUND–A–BOUT.

AREA 1C: AREA NORTH OF EXISTING ALVO ROAD SHALL BE PERMITTED BUILDING PERMITS PRIOR TO THE COMPLETION OF THE ALVO–ARBOR ROUND–A–BOUT. WINDOM WAY AND CRESTON DRIVE NORTH OF ALVO SHALL BE CONSTRUCTED AS PART OF AREA 1C. RIGHT AND LEFT TURN LANES ON ARBOR ROAD ONTO WINDOM WAY SHALL BE REQUIRED AS PART OF AREA 1C AT THE TIME OF CONNECTION TO ARBOR ROAD. RIGHT AND LEFT TURN LANES ON ALVO ROAD ONTO CRESTONE DR SHALL BE REQUIRED AS PART OF AREA 1C AT THE TIME OF CONNECTION TO ALVO ROAD. AREA 1C MAY BE PHASED.

AREA 1D: PROPOSED LO' 6 SHALL BE PERMITTED BUILDING PERMITS PRIOR TO THE COMPLETION OF THE ALVO–ARBOR ROUND–A–BOUT. HUMPHREY AVE AND CRESTONE DR SHALL BE BUILT TO THE INTERSECTION OF ALVO ROAD. RIGHT AND LEFT TURN LANES ON ALVO ROAD ONTO CRESTONE DR SHALL BE REQUIRED AS PART OF AREA 1D.

PROPOSED LEGEND

- RIGHT–OF–WAY
- PROPERTY LINE
- LIMITS OF PUD
- EXISTING 100–YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

PHASING PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MRD
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
7 of 21

DWG: F:\2018\1901-2000\1915-MG-Design\Arch\CAD\Preliminar Plans\Sheets\CSDV\C_ST_PH1_018191.dwg
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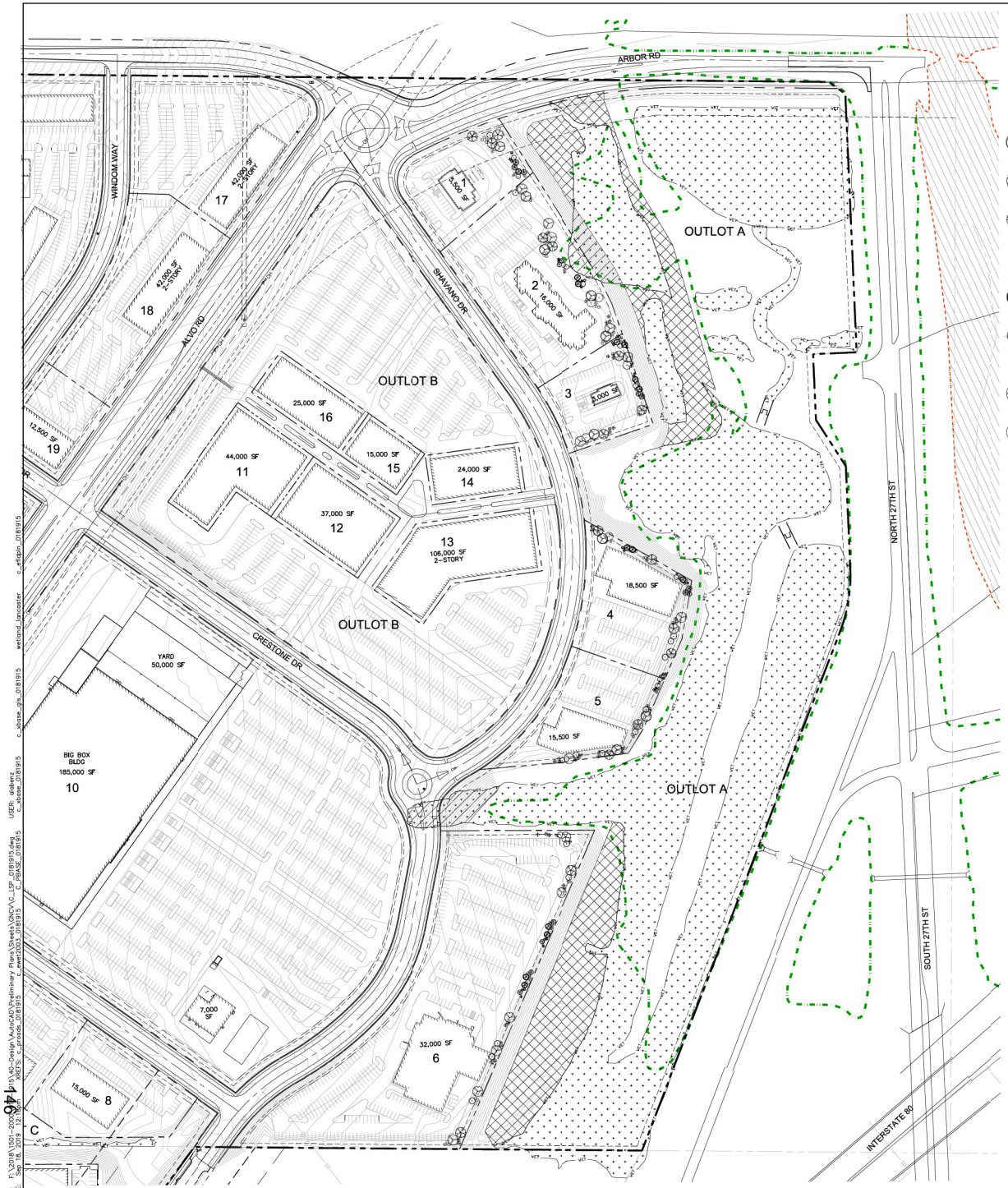
USER: ajbrant

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT
INTERSTATE CORRIDOR LANDSCAPE PLAN



PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	WIDTH	HEIGHT
	5	CELTIS OCCIDENTALIS / COMMON HACKBERRY	B & B	1.5"CAL		50'	65'
	5	GINKGO BILOBA 'AUTUMN GOLD' TM / MAIDENHAIR TREE	B & B	1.5"CAL		40'	60'
	6	GLEDITSIA TRIACANTHOS 'SKYLINE' / SKYLINE HONEY LOCUST	B & B	1.5"CAL		35'	45'
	7	QUERCUS ALBA / WHITE OAK	B & B	1.5"CAL		45'	50'
	5	QUERCUS MACROCARPA / BURR OAK	B & B	1.5"CAL		45'	55'
	5	QUERCUS RUBRA / RED OAK	B & B	1.5"CAL		50'	60'
	7	TILIA CORDATA / LITTLELEAF LINDEN	B & B	1.5"CAL		40'	50'
EVERGREEN TREES	**QTY**	**BOTANICAL NAME / COMMON NAME**	**CONT**	**CAL**	**SIZE**	**WIDTH**	**HEIGHT**
	6	ABIES CONCOLOR / WHITE FIR	B & B		3'-4' HT.	15'	40'
	14	PICEA PUNGENS 'GLAUCA' / COLORADO BLUE SPRUCE	B & B		4'-5' HT.	15'	25'
	12	PINUS STROBUS / WHITE PINE	B & B		4'-5' HT.	12'	36'
	9	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	B & B		3'-4' HT.	12'	30'
FLOWERING TREES	**QTY**	**BOTANICAL NAME / COMMON NAME**	**CONT**	**CAL**	**SIZE**		
	5	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY	B & B	1.5"CAL			
	4	CERCIS CANADENSIS / EASTERN REDBUD	B & B		5'-6" HT.		
	7	CRATAEGUS VIRIDIS 'WINTER KING' / 'WINTER KING' HAWTHORN	B & B		5'-6" HT.		
	5	SYRINGA RETICULATA / JAPANESE TREE LILAC	B & B		5'-6" HT.		
SHRUBS	**QTY**	**BOTANICAL NAME / COMMON NAME**	**SIZE**	**HEIGHT**	**WIDTH**		
	20	CORNUS SERICEA / RED TWIG DOGWOOD	30"-36"				
	24	CORYLUS AMERICANA / AMERICAN HAZELNUT	2'-3'				
	31	EUONYMUS ALATUS / WINGED EUONYMUS	2'-3'				
	28	JUNIPERUS CHINENSIS 'HETZII' / HETZI JUNIPER	18"-24"				
	32	TAXUS CUSPIDATA 'CAPITATA' / JAPANESE UPRIGHT YEW	24"-30"				
	36	VIBURNUM PRUNIFOLIUM / BLACKHAW VIBURNUM	3'-4'				

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- SD — STORM SEWER
- OHP — POWER OVERHEAD
- W — WATER MAIN
- SS — SANITARY SEWER
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

NOTE:

APART FROM THE INTERSTATE CORRIDOR SCREENING SHOWN, THIS DEVELOPMENT WILL FOLLOW CURRENT REQUIREMENTS IN THE DESIGN STANDARDS FOR SCREENING AND LANDSCAPING.

N

0' 50' 100' 200'
SCALE IN FEET

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

INTERSTATE CORRIDOR LANDSCAPE PLAN
STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA
2019

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.	018-1915
drawing no.:	-
date:	06/07/2019

SHEET
21 of 21

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USER: sdaker
DATE:

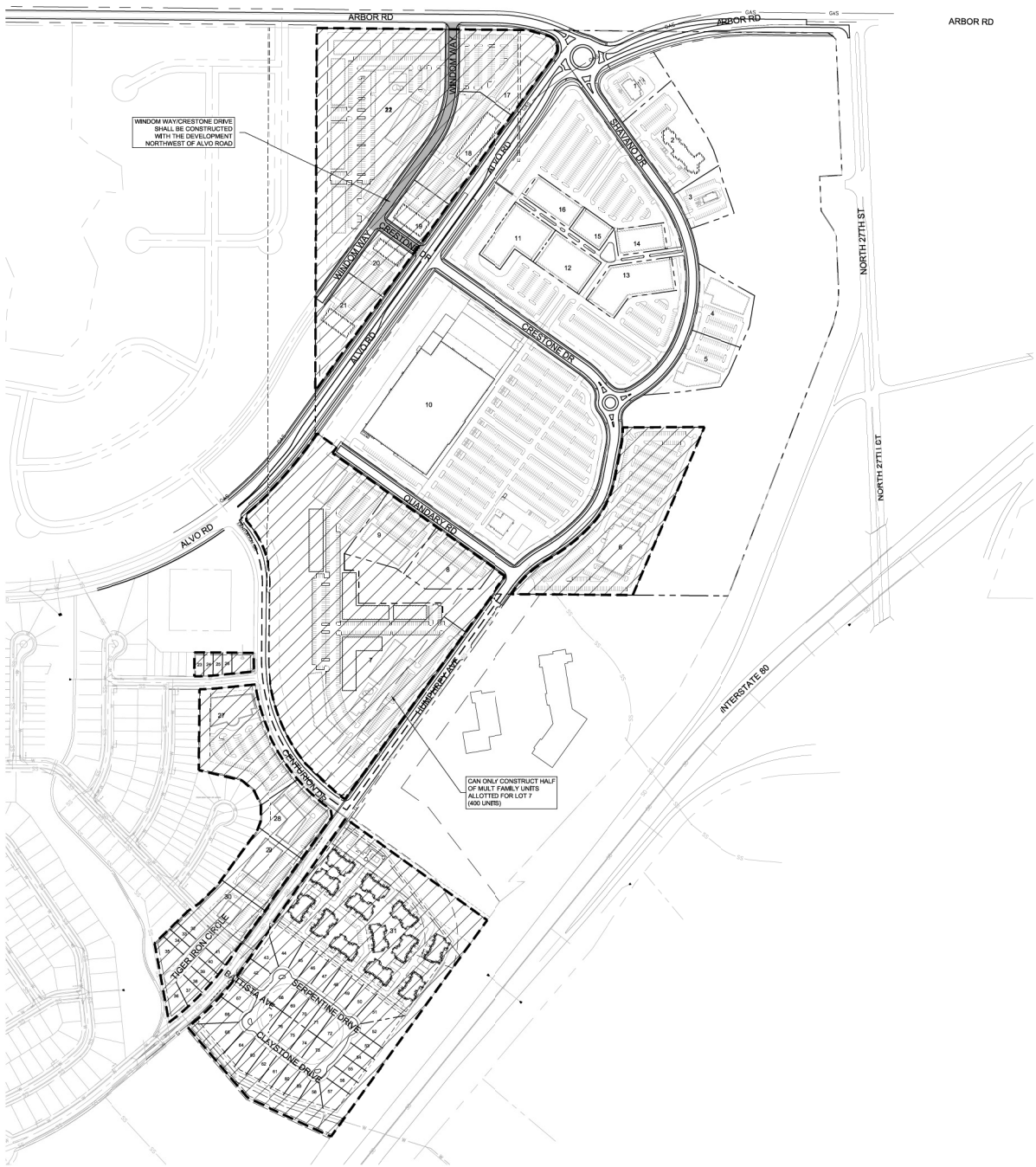
STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

PRE ROUNDABOUT CONSTRUCTION DEVELOPABLE AREA PLAN

LEGEND

DEVELOPABLE AREA



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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

PRE ROUNDABOUT CONSTRUCTION DEVELOPABLE AREA PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MRB
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	06/07/2019

SHEET
8 of 21

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USER: dplenz
C_PHASE_018191S Wetland_Lancaster C_PROADS_018191S

LEGAL DESCRIPTION
ANNEXATION

PARCEL #1

A TRACT OF LAND COMPOSED OF LOT 45 I.T., A PORTION OF LOT 36 I.T., A PORTION OF LOT 46 I.T., AND A PORTION OF ARBOR ROAD RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND A PORTION OF ARBOR ROAD RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., ALL IN LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N00°14'28"E, A DISTANCE OF 50.00' TO A POINT OF INTERSECTION WITH A NORTH RIGHT-OF-WAY LINE OF ARBOR ROAD, SAID POINT BEING ON A SOUTH LINE OF LOT 14 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE S89°27'58"E, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A SOUTH LINE OF SAID LOT 14 I.T., SAID LINE ALSO BEING 50.00’ NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 849.16' TO A POINT; THENCE S00°32'02"W, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING A WEST LINE OF SAID LOT 14 I.T., A DISTANCE OF 17.00' TO A POINT; THENCE S89°27'58"E, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A SOUTH LINE OF SAID LOT 14 I.T., SAID LINE ALSO BEING 33.00’ NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 150.00' TO A POINT; THENCE N00°32'02"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING A EAST LINE OF SAID LOT 14 I.T., A DISTANCE OF 17.00' TO A POINT; THENCE S89°27'58"E, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A SOUTH LINE OF SAID LOT 14 I.T., SAID LINE ALSO BEING 50.00’ NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 488.76' TO A POINT; THENCE S00°32'02"W, A DISTANCE OF 100.00' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 46 I.T., SAID LOT BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF ARBOR ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 33°25'42", A RADIUS OF 1,560.00', AN ARC LENGTH OF 910.16', A CHORD LENGTH OF 897.30', A TANGENT LENGTH OF 468.44', AND A CHORD BEARING OF S52°10'35"W TO A POINT; THENCE S35°28'26"W, ON THE SOUTHEAST LINE OF LOT 45 I.T., A DISTANCE OF 1,353.65' TO THE SOUTHWEST CORNER OF SAID LOT 45 I.T., SAID POINT BEING ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE N00°14'28"E, ON THE WEST LINE OF SAID LOT 45 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,716.53' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A

CALCULATED AREA OF 1,171,458.77 SQUARE FEET OR 26.89 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

PARCEL #2

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 39 I.T., A PORTION OF LOT 47 I.T., A PORTION OF LOT 49 I.T., A PORTION OF LOT 36 I.T., A PORTION OF LOT 46 I.T., A PORTION OF LOT 50 I.T., A PORTION OF ARBOR ROAD RIGHT-OF-WAY, AND A PORTION OF NORTH 27TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., A PORTION OF ARBOR ROAD RIGHT-OF-WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND A PORTION OF NORTH 27TH STREET RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE 6TH P.M., ALL LOCATED IN LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 39 I.T.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 39 I.T., ON AN ASSUMED BEARING OF N00°14'28"E, A DISTANCE OF 718.16' TO A TRACT OF LAND DEEDED TO THE CITY OF LINCOLN DESCRIBED IN INSTRUMENT # 2003-10438; THENCE N35°28'26"E, ALONG A TRACT OF LAND DEEDED TO THE CITY OF LINCOLN DESCRIBED IN INSTRUMENT # 2003-10438, A DISTANCE OF 1,523.26' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 55°04'09", A RADIUS OF 1,440.00', AN ARC LENGTH OF 1,384.04', A CHORD LENGTH OF 1,331.38', A TANGENT LENGTH OF 750.72', AND A CHORD BEARING OF N62°59'45"E TO A POINT; THENCE S89°28'10"E, A DISTANCE OF 296.07', TO A POINT OF INTERSECTION WITH A SOUTHWEST RIGHT-OF-WAY LINE OF ARBOR ROAD; THENCE N00°32'02"E, A DISTANCE OF 110.00' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID RIGHT-OF-WAY; THENCE S89°27'58"E, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00’ NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 184.84' TO A POINT LOCATED 107.00’ WEST OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°17'32"W, ON A LINE LOCATED 107.00’ WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 100.00' TO A POINT OF INTERSECTION WITH SOUTH LINE OF SAID RIGHT-OF-WAY; THENCE S89°27'58"E, ON THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 107.00' TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 27TH STREET; THENCE S00°17'32"W, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 342.00' TO THE SOUTHWEST CORNER OF LOT 47 I.T., SAID LOT BEING IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE S89°31'55"E, ON A SOUTH LINE

OF SAID LOT 47 I.T., SAID LINE ALSO BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 42.44' TO A NORTHWEST CORNER OF LOT 72 I.T.; THENCE S22°40'11"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 75.34' TO A POINT; THENCE S10°27'05"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.98' TO A POINT; THENCE S07°03'21"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.32' TO A POINT; THENCE S12°26'58"W, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 93.15' TO A POINT; THENCE S12°46'23"W, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 114.02' TO A POINT; THENCE S02°05'31"W, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.32' TO A POINT; THENCE S05°54'56"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.18' TO A POINT; THENCE S26°13'53"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 109.25' TO A POINT; THENCE S30°51'03"E, ON A WEST LINE OF SAID LOT 72 I.T., SAID LINE ALSO BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 113.65' TO A POINT; THENCE N85°29'41"W, A DISTANCE OF 424.20' TO A POINT OF INTERSECTION WITH AN EAST LINE OF LOT 50 I.T., SAID LOT BEING IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., SAID POINT ALSO BEING ON A WEST RIGHT-OF-WAY LINE OF NORTH 27TH STREET, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°23'45", A RADIUS OF 381.99', AN ARC LENGTH OF 155.98' ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 154.90', A TANGENT LENGTH OF 79.09', AND A CHORD BEARING OF S09°12'48"W TO A POINT; THENCE S20°54'40"W, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 318.01' TO A POINT; THENCE S89°59'42"W, A DISTANCE OF 1,064.76' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 45°13'05", A RADIUS OF 814.00', AN ARC LENGTH OF 642.41', A CHORD LENGTH OF 625.87', A TANGENT LENGTH OF 338.99', AND A CHORD BEARING OF S13°08'12"W TO A POINT; THENCE S35°44'44"W, A DISTANCE OF 419.00' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 39 I.T., SAID LINE ALSO BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°31'54"W, ON THE SOUTH LINE OF SAID LOT 39 I.T., SAID LINE ALSO BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 817.18' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,996,354.70 SQUARE FEET OR 91.74 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE
AG TO R-3 PUD

A TRACT OF LAND COMPOSED OF A PORTION OF LOTS 39 I.T, 47 I.T, 49 I.T, AND 50 I.T., AND ALL OF LOTS 45 I.T., 36 I.T. AND 46 I.T., AND A PORTION OF ALVO ROAD RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING **THE POINT OF BEGINNING**; THENCE NORTHERLY ON AN ASSUMED BEARING OF NORTH 00 DEGREES 14 MINUTES 28 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,592.70 FEET TO THE NORTHWEST CORNER OF LOT 45 I.T.; THENCE SOUTH 89 DEGREES 27 MINUTES 58 SECONDS EAST, ALONG THE NORTH LINE OF LOTS 45 I.T, 36 I.T, AND 46 I.T., SAID LINE ALSO BEING A SOUTH RIGHT-OF-WAY LINE OF ARBOR ROAD A DISTANCE OF 2,344.79 FEET TO A NORTHEAST CORNER OF LOT 46 I.T.; THENCE SOUTH 53 DEGREES 52 MINUTES 29 SECONDS EAST, ALONG A NORTHEAST LINE ON LOT 46 I.T., A DISTANCE OF 49.15 FEET TO AN EAST CORNER OF LOT 46 I.T.; THENCE SOUTH 02 DEGREES 29 MINUTES 37 SECONDS EAST, ALONG THE EAST LINE OF LOT 46 I.T., AND THE EAST LINE OF LOT 50 I.T., SAID LINE ALSO BEING A WEST RIGHT-OF-WAY LINE OF NORTH 27TH STREET, A DISTANCE OF 625.83 FEET TO AN EAST CORNER OF SAID LOT 50 I.T.; THENCE SOUTH 87 DEGREES 30 MINUTES 23 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 105.00 FEET TO AN EAST CORNER OF SAID LOT 50 I.T.; THENCE SOUTH 02 DEGREES 29 MINUTES 37 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT OF WAY, A DISTANCE OF 159.17 FEET TO AN EAST CORNER OF SAID LOT 50 I.T.; THENCE SOUTH 32 DEGREES 42 MINUTES 37 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGH- OF-WAY, A DISTANCE OF 133.09 FEET TO AN EAST CORNER OF SAID LOT 50 I.T.; THENCE SOUTH 02 DEGREES 29 MINUTES 05 SECONDS EAST, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 248.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, HAVING A RADIUS OF 381.99 FEET, A DELTA ANGLE OF 23 DEGREES 23 MINUTES 45 SECONDS, AN ARC LENGTH OF 155.98 FEET, A TANGENT LENGTH OF 79.09 FEET, A CHORD BEARING OF SOUTH 09 DEGREES 12 MINUTES 48 SECONDS WEST, AND A CHORD DISTANCE OF 154.90 FEET TO AN EAST CORNER OF SAID LOT 50 .IT.; THENCE SOUTH 20 DEGREES 54 MINUTES 40 SECONDS WEST, ALONG AN EAST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING A WEST RIGHT-OF-WAY LINE OF SAID NORTH 27TH STREET, A DISTANCE OF 318.01 FEET TO A POINT; THENCE SOUTH 89 DEGREES 59 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,064.76 FEET TO A POINT OF NON TANGENT

CURVATURE, THENCE ALONG A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 814.00 FEET; A DELTA ANGLE OF 45 DEGREES 13 MINUTES 05 SECONDS, AN ARC LENGTH OF 642.41 FEET, A TANGENT DISTANCE OF 338.99 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 08 MINUTES 12 SECONDS WEST, AND A CHORD DISTANCE OF 625.87 FEET TO A POINT; THENCE SOUTH 35 DEGREES 44 MINUTES 44 SECONDS WEST, A DISTANCE OF 419.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER , SAID POINT BEING ON THE SOUTH LINE OF SAID LOT 39 I.T.; THENCE NORTH 89 DEGREES 31 MINUTES 54 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 39 I.T., A DISTANCE OF 817.18 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 4,918,555.83 SQUARE FEET OR 112.91 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE
R-3 TO R-3 PUD

A TRACT OF LAND COMPOSED OF LOT 47 I.T., LOCATED IN THE NORTHWEST QUARTER, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERN CORNER OF LOT 47 I.T., LOCATED IN THE NORTHWEST QUARTER, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., SAID POINT BEING ON A SOUTHEAST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE SOUTHEASTERLY ON THE NORTHEAST LINE OF SAID LOT 47 I.T., ON AN ASSUMED BEARING OF S54°15'25"E, A DISTANCE OF 781.84' TO THE NORTHEASTERN CORNER OF SAID LOT 47 I.T., SAID A POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE S35°44'00"W, ON THE SOUTHEAST LINE OF SAID LOT 47 I.T., SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,224.68' TO THE SOUTHEAST CORNER OF SAID LOT 47 I.T.; THENCE N65°05'09"W, ON A SOUTH LINE OF SAID LOT 47 I.T., A DISTANCE OF 424.56' TO A POINT; THENCE N40°01'50"W, ON A SOUTHWEST LINE OF SAID LOT 47 I.T., A DISTANCE OF 422.75' TO THE SOUTHWEST CORNER OF SAID LOT 47 I.T., SAID POINT BEING ON A SOUTHEAST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE N50°04'37"E, ON A NORTHWEST LINE OF SAID LOT 47 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 26.89' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 14°14'21", A RADIUS OF 1,236.00', AN ARC LENGTH OF 307.17' ON A NORTHWEST LINE OF SAID LOT 47 I.T., A CHORD LENGTH OF 306.38', A TANGENT LENGTH OF 154.38', AND A CHORD BEARING OF N42°52'31"E TO A POINT; THENCE N35°44'44"E, ON A NORTHEAST LINE OF SAID LOT 47 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 870.49' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 991,682.17 SQUARE FEET OR 22.77 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT “G” STONE BRIDGE CREEK ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 06 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, SAID POINT BEING **THE POINT OF BEGINNING**; THENCE EASTERLY ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 31 MINUTES 54 SECONDS EAST, ON THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE NORTH LINE OF SAID OUTLOT “G” A DISTANCE OF 817.18 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT ”G”, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE SOUTH 35 DEGREES 44 MINUTES 12 SECONDS WEST, ON THE EAST LINE OF OUTLOT “G”, SAID LINE BEING A WEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE, A

DISTANCE OF 759.79 FEET TO A POINT; THENCE NORTH 54 DEGREES 15 MINUTES 58 SECONDS WEST, A DISTANCE OF 135.31 FEET TO A POINT; THENCE NORTH 25 DEGREES 50 MINUTES 58 SECONDS WEST, A DISTANCE OF 604.73 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING A CALCULATED AREA OF 272,867.08 SQUARE FEET OR 6.26 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE
B-2 TO R-3 PUD

A TRACT OF LAND COMPOSED OF OUTLOT "B", STONE BRIDGE CREEK 5TH ADDITION, LOCATED IN THE NORTHWEST QUARTER, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERN CORNER OF OUTLOT "B", STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE S35°44'44"W, ON A EAST LINE OF SAID OUTLOT "B", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 707.44' TO THE MOST SOUTHERN CORNER OF SAID OUTLOT "B", SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF REDSTONE ROAD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°05'00", A RADIUS OF 967.00', AN ARC LENGTH OF 18.28' ON A SOUTH LINE OF SAID OUTLOT "D", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 18.28', A TANGENT LENGTH OF 9.14', AND A CHORD BEARING OF N53°57'30"W TO A POINT; THENCE S37°09'47"W, ON A SOUTH LINE OF SAID OUTLOT "B", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 2.26' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°11'19", A RADIUS OF 1,290.00', AN ARC LENGTH OF 206.88' ON A SOUTH LINE OF SAID OUTLOT "B", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 206.66', A TANGENT LENGTH OF 103.66', AND A CHORD BEARING OF N48°12'07"W TO A POINT; THENCE N44°15'54"W, ON A SOUTH LINE OF SAID OUTLOT "B", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 40.49' TO THE SOUTHWEST CORNER OF SAID OUTLOT "B"; THENCE N45°44'06"E, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 114.16' TO A POINT; THENCE N35°36'16"E, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 315.47' TO A POINT; THENCE N20°33'12"E, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 45.71' TO A POINT; THENCE N00°31'03"E, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 73.11' TO A POINT; THENCE N24°31'26"W, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 73.19' TO A POINT; THENCE N49°15'58"W, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 73.12' TO A POINT; THENCE N74°03'00"W, ON A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 73.02' TO A POINT; THENCE N77°54'08"W, ON A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 128.84' TO A WEST CORNER OF SAID OUTLOT "B"; THENCE N00°30'29"E, ON A WEST LINE OF SAID OUTLOT "B", A DISTANCE OF 371.34' TO THE NORTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF FLAGSTONE ROAD, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°47'21", A RADIUS OF 1,030.00', AN ARC LENGTH OF 86.10' ON A NORTH LINE OF SAID OUTLOT "B", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 86.07', A TANGENT LENGTH OF 43.07', AND A CHORD BEARING OF N86°31'23"E TO A POINT; THENCE N84°07'43"E, ON A NORTH LINE OF SAID OUTLOT "B", SAID

LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.73' TO THE NORTHEAST CORNER OF SAID OUTLOT “B”, SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF CENTURION DRIVE, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 30°48'18", A RADIUS OF 836.00', AN ARC LENGTH OF 449.47' ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 444.08', A TANGENT LENGTH OF 230.31', AND A CHORD BEARING OF S23°23'46"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°47'57", A RADIUS OF 582.00', AN ARC LENGTH OF 28.43' ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 28.43', A TANGENT LENGTH OF 14.22', AND A CHORD BEARING OF S37°23'58"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°23'54", A RADIUS OF 416.00', AN ARC LENGTH OF 68.24' ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 68.16', A TANGENT LENGTH OF 34.19', AND A CHORD BEARING OF S40°41'57"E TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE, HAVING A CENTRAL ANGLE OF 08°51'54", A RADIUS OF 840.00', AN ARC LENGTH OF 129.97' ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 129.84', A TANGENT LENGTH OF 65.11', AND A CHORD BEARING OF S49°49'51"E TO A POINT; THENCE S54°15'48"E, ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 14.22' TO AN EAST CORNER OF SAID OUTLOT “B”; THENCE S09°19'28"E, ON A EAST LINE OF SAID OUTLOT “B”, SAID LINE BEING SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.36' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 336,955.08 SQUARE FEET OR 7.74 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND COMPOSED OF LOT 23, BLOCK 1, STONE BRIDGE CREEK 5TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 23, BLOCK 1, STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF FLAGSTONE ROAD; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 23, ON AN ASSUMED BEARING OF N00°31'07"E, A DISTANCE OF 110.11' TO THE NORTHWEST CORNER OF SAID LOT 23; THENCE S89°26'13"E, ON THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 268.89' TO THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF CENTURION DRIVE; THENCE S00°30'19"W, ON AN EAST LINE OF SAID LOT 23, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 21.38' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°22'20", A RADIUS OF

836.00', AN ARC LENGTH OF 63.80' ON A EAST LINE OF SAID LOT 23, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 63.78', A TANGENT LENGTH OF 31.91', AND A CHORD BEARING OF S01°40'51"E TO THE SOUTHEAST CORNER OF SAID LOT 23, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF FLAGSTONE ROAD; THENCE S84°07'43"W, ON A SOUTH LINE OF SAID LOT 23, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 168.66' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°08'26", A RADIUS OF 970.00', AN ARC LENGTH OF 103.96', ON A SOUTH LINE OF SAID LOT 23, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 103.91', A TANGENT LENGTH OF 52.03', AND A CHORD BEARING OF S87°11'56"W, TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 26,895.79 SQUARE FEET OR 0.62 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND COMPOSED OF LOT 14, BLOCK 4, STONE BRIDGE CREEK 5TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERN CORNER OF LOT 14, BLOCK 4, STONE BRIDGE CREEK 5TH ADDITION, SAID POINT BEING ON A NORTHWEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 14, ON AN ASSUMED BEARING OF N10°19'38"W, A DISTANCE OF 369.06' TO A WEST CORNER OF SAID LOT 14; THENCE N45°44'06"E, ON A NORTHWEST LINE OF SAID LOT 14, A DISTANCE OF 211.43' TO THE MOST NORTHERN CORNER OF SAID LOT 14, SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY LINE OF REDSTONE ROAD; THENCE S44°15'54"E, ON A NORTHEAST LINE OF SAID LOT 14, SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.53' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°10'32", A RADIUS OF 1,350.00', AN ARC LENGTH OF 216.19' ON A NORTHEAST LINE OF SAID LOT 14, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 215.96', A TANGENT LENGTH OF 108.33', AND A CHORD BEARING OF S48°12'37"E TO A POINT; THENCE S37°09'47"W, ON AN EAST LINE OF SAID LOT 14, A DISTANCE OF 3.70' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°06'17", A RADIUS OF 1,033.00', AN ARC LENGTH OF 19.92' ON A NORTHEAST LINE OF SAID LOT 14, SAID LINE BEING A SOUTHWEST LINE OF REDSTONE ROAD, A CHORD LENGTH OF 19.91', A TANGENT LENGTH OF 9.96', AND A CHORD BEARING OF S53°48'24"E TO THE MOST EASTERN CORNER OF SAID LOT 14, SAID POINT BEING ON A NORTHWEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE S35°44'44"W, ON A SOUTHEAST LINE OF SAID LOT 14, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 66.84' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION

HAVING A CENTRAL ANGLE OF 14°14'04", A RADIUS OF 1,164.00', AN ARC LENGTH OF 289.18' ON A SOUTHEAST LINE OF SAID LOT 14, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 288.44', A TANGENT LENGTH OF 145.34', AND A CHORD BEARING OF S42°53'00"W TO A POINT; THENCE S50°04'37"W, ON A SOUTHEAST LINE OF SAID LOT 14, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 78.29' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 98,468.52 SQUARE FEET OR 2.26 ACRES, MORE OR LESS.

TOGETHER WITH

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT “G”, STONE BRIDGE CREEK ADDITION, LOCATED IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND LOT 44 I.T. LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST, OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING **THE POINT OF BEGINNING**; THENCE SOUTHEASTERLY ON AN ASSUMED BEARING OF SOUTH 25 DEGREES 50 MINUTES 58 SECONDS EAST, A DISTANCE OF 604.73 FEET TO A POINT; THENCE SOUTH 54 DEGREES 15 MINUTES 58 SECONDS EAST, A DISTANCE OF 135.31 FEET TO A POINT ON AN EAST LINE OF SAID OUTLOT “G”, SAID POINT ALSO BEING ON A WEST RIGHT-OF-WAY LINE OF HUMPHREY AVENUE; THENCE SOUTH 35 DEGREES 44 MINUTES 12 SECONDS WEST, ALONG A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING A EAST LINE OF SAID OUTLOT “G”, A DISTANCE OF 372.49 FEET TO A POINT; THENCE SOUTH 80 DEGREES 40 MINUTES 50 SECONDS WEST, ALONG A SOUTH LINE OF SAID OUTLOT “G”, SAID LINE BEING A NORTH RIGHT-OF-WAY LINE OF CENTURION DRIVE, A DISTANCE OF 35.54 FEET TO A SOUTH CORNER OF SAID OUTLOT “G”; THENCE NORTH 54 DEGREES 15 MINUTES 48 SECONDS WEST, ALONG A SOUTHWEST LINE OF SAID OUTLOT “G”, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 14.22 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 760.00 FEET; A DELTA ANGLE OF 08 DEGREES 51 MINUTES 54 SECONDS, AN ARC LENGTH OF 117.59 FEET, ALONG A WEST LINE OF SAID OUTLOT “G”, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 58.91 FEET, A CHORD BEARING OF NORTH 49 DEGREES 49 MINUTES 51 SECONDS WEST, AND A CHORD DISTANCE OF 117.47 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,116.00 FEET; A DELTA ANGLE OF 02 DEGREES 11 MINUTES 11 SECONDS, AN ARC LENGTH OF 42.59 FEET, ALONG A SOUTHWEST LINE OF SAID OUTLOT “G”, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A CHORD BEARING OF NORTH 46 DEGREES 29 MINUTES 29 SECONDS WEST, AND A CHORD DISTANCE OF 42.58 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 284.00 FEET; A DELTA ANGLE OF 08 DEGREES 34 MINUTES 30 SECONDS, AN ARC LENGTH OF

42.50 FEET, ALONG A SOUTHWEST LINE OF SAID OUTLOT “G”, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 21.29 FEET, A CHORD BEARING OF NORTH 43 DEGREES 17 MINUTES 50 SECONDS WEST, AND A CHORD DISTANCE OF 42.46 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 764.00 FEET; A DELTA ANGLE OF 39 DEGREES 31 MINUTES 51 SECONDS, AN ARC LENGTH OF 527.12 FEET, ALONG A WEST LINE OF SAID OUTLOT “G”, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 274.54 FEET, A CHORD BEARING OF NORTH 19 DEGREES 14 MINUTES 42 SECONDS WEST, AND A CHORD DISTANCE OF 516.73 FEET TO A WEST CORNER OF SAID OUTLOT “G”; THENCE NORTH 00 DEGREES 33 MINUTES 09 SECONDS EAST, ALONG A WEST LINE OF SAID OUTLOT ”G”, SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 301.09 FEET TO A NORTHWEST CORNER OF SAID OUTLOT “G”; THENCE NORTH 00 DEGREES 17 MINUTES 34 SECONDS EAST, ALONG AN EAST LINE OF SAID RIGHT-OF-WAY LINE, SAID LINE BEING A WEST LINE OF LOT 44 I.T., A DISTANCE OF 35.13 FEET TO A POINT OF NON TANGENT CURVATURE, THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 423.00 FEET; A DELTA ANGLE OF 24 DEGREES 14 MINUTES 25 SECONDS, AN ARC LENGTH OF 178.96 FEET, ALONG A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY A CHORD BEARING OF NORTH 10 DEGREES 20 MINUTES 19 SECONDS WEST, AND A CHORD DISTANCE OF 177.63 FEET TO A POINT OF NON TANGENT CURVATURE, THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 425.00 FEET; A DELTA ANGLE OF 14 DEGREES 30 MINUTES 55 SECONDS, AN ARC LENGTH OF 107.67 FEET, ALONG THE WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 54.12 FEET, A CHORD BEARING OF NORTH 30 DEGREES 58 MINUTES 31 SECONDS WEST, AND A CHORD DISTANCE OF 107.38 FEET TO A POINT; THENCE NORTH 38 DEGREES 13 MINUTES 59 SECONDS WEST, ON AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 34.17 FEET TO A WEST CORNER OF SAID LOT 44 I.T.; THENCE NORTH 05 DEGREES 54 MINUTES 00 SECONDS EAST, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 35.89 FEET TO A WEST CORNER OF SAID LOT 44 I.T., SAID POINT BEING ON A SOUTHWEST RIGHT-OF-WAY OF ALVO ROAD, SAID POINT BEING A POINT OF NON TANGENT CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,735.00 FEET; A DELTA ANGLE OF 14 DEGREES 09 MINUTES 00 SECONDS, AN ARC LENGTH OF 428.48 FEET, ALONG A WEST LINE OF SAID LOT 44 I.T. SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 215.34 FEET, A CHORD BEARING OF NORTH 42 DEGREES 32 MINUTES 44 SECONDS EAST, AND A CHORD DISTANCE OF 427.39 FEET TO A POINT; THENCE NORTH 35 DEGREES 28 MINUTES 14 SECONDS EAST ALONG A WEST LINE OF SAID LOT 44 I.T., SAID LINE BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 45.34 FEET TO A NORTH CORNER OF SAID LOT 44 I.T., SAID POINT BEING ON THE EAST LINE OF SAID SOUTHWEST QUARTER SECTION 25; THENCE SOUTH 00 DEGREES 14 MINUTES 28 SECONDS WEST, ON AN EAST LINE OF SAID LOT 44 I.T., SAID LINE BEING THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 718.16 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 452,235.68 SQUARE FEET OR 10.38 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE
I-3 TO R-3 PUD

A TRACT OF LAND COMPOSED OF A PORTION OF LOTS 39 I.T, 47 I.T, 49 I.T, AND 50 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE EASTERLY ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 31 MINUTES 54 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 39 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 817.18 FEET **TO THE POINT OF BEGINNING**; THENCE NORTH 35 DEGREES 44 MINUTES 44 SECONDS EAST, A DISTANCE OF 419.00 FEET TO A POINT OF NON TANGENT CURVATURE, THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 814.00 FEET; A DELTA ANGLE OF 45 DEGREES 13 MINUTES 05 SECONDS, AN ARC LENGTH OF 642.41 FEET, A TANGENT DISTANCE OF 338.99 FEET, A CHORD BEARING OF NORTH 13 DEGREES 08 MINUTES 12 SECONDS EAST, AND A CHORD DISTANCE OF 625.87 FEET TO A POINT; THENCE NORTH 89 DEGREES 59 MINUTES 42 SECONDS EAST, A DISTANCE OF 1,064.76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST RIGHT OF WAY LINE OF NORTH 27TH STREET; THENCE SOUTH 20 DEGREES 54 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID LOTS 50 I.T., LOT 49 I.T., AND 47 I.T., SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF SAID NORTH 27TH STREET, A DISTANCE OF 1,026.11 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 31 MINUTES 54 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 47 I.T. AND 39 I.T., SAID LINE ALSO BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,085.58 FEET TO THE POINT OF BEGINNING.
CONTAINING A CALCULATED AREA OF 950,675.83 SQUARE FEET OR 21.82 ACRES, MORE OR LESS.

September 18, 2019

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

Re: Stone Bridge Creek Commercial
Applications for Annexation, Change of Zone to R-3 Planned Unit Development and Comprehensive Plan Amendment
Olsson Project No. 018-1915

Dear Mr. Cary,

On behalf of Stone Bridge Creek, LLC ("SBC"), owner of the real property legally described as Lot 44, located in the southwest quarter of Section 25, Lots 36, 39, 45, 46, 47, 49, and 50, all located in the southeast quarter of Section 25; Outlot 'G' Stone Bridge Creek Addition, Lot 23 Block 1, Lot 14 Block 4, and Outlot 'B' Stone Bridge Creek 5th Addition, located in the north one-half of Section 36; and Lot 47, located in the northwest corner of Section 36; all located in Lancaster County, Nebraska ("the Property"). SBC is proposing a development which contains 189.11 acres and is legally described and shown on Exhibit "A" enclosed herein. SBC is seeking to annex and change the zone of the Property to B-2 Planned Unit Development.

The proposed R-3 PUD for the Property contains commercial, office, highway commercial and residential areas. The overlay B-2 and "B-2 Plus" zoning districts includes up to 850,000 square feet of commercial/office uses. The "B-2 Plus" area is requesting additional permitted and conditional uses to provide additional flexibility with some uses that are more highway commercial oriented.

The underlying residential zone, R-3, includes attached and detached single family dwelling lots. The overlying residential zoning districts, R-5, is also being proposed within the development with three areas designated R-5 for multifamily. A height increase to 55 feet is being requested for the multifamily area to allow adequate height to construct three to four story buildings. Similar height adjustments have been granted on many recent multifamily projects.

In additional to the above, SBC is requesting amendments to the 2040 Lincoln/Lancaster County Comprehensive Plan ("Comp Plan") to designate the southwest corner of S. 27th Street and Arbor Road as (i) a (C) Commercial Center on Map 5.1.: Existing and Proposed Commercial Centers, and (ii) as "Commercial" on the Lincoln Area Future Land Use Map. This is anticipated to ultimately contain a mix of retail, office, service, and residential uses.

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P.O. Box 84608
Lincoln, NE 68508
TEL 402.474.6311
FAX 402.474.5160
www.olsson.com

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

1. City of Lincoln Application, including:
    a. Annexation of the Property
    b. Change of Zone:
        i. from R-3 to R-3 PUD
        ii. from B-2 to R-3 PUD
        iii. from R-5 to R-3 PUD
        iv. from AG to R-3 PUD
        v. from I-3 to R-3 PUD
    c. Comp Plan Amendment
2. R-3 PUD Site Plan
3. Application fees in the amount of $4,283
4. Exhibit “A” – Change of Zone Exhibit and Legals
5. Exhibit “B” – Proposed Comp Plan

The development team has met with City Staff several times to discuss the proposed applications and will continue to work with Staff as the plans are reviewed. Olsson has also held a public informational meeting with Stone Bridge Creek HOA on January 2, 2019 to discuss the proposed zoning, land uses, and Comp Plan amendment. The meeting was very well attended with around 40 HOA members and board members. The HOA expressed concerns about the zoning changes, increased traffic and design standards for the buildings within the development. Olsson also held individual meetings with adjacent property owners whose parcels may be directly impacted by the layout of the R-3 PUD.

A Pipeline Planning Area (PPA) runs parallel along Alvo Road through the Property. The development plan designates appropriate commercial and office uses where the PPA extends into the Property.

Alvo Road is shown on the development plan to be realigned with Arbor Road with a roundabout. Alvo Road is a major arterial street. This realignment will better serve future traffic needs of the public street system. Additional street and signal improvements are also recommended with the Traffic Impact Study (“TIS”) by Olsson. The TIS has been submitted to Public Works and Utilities Department for review and comment.

Design standard notes for exterior building facade materials have been added to the R-3 PUD at the request of City Staff. The developer prefers final approval for building materials and colors.

The development plan has maintained a significant amount of green space in existing wetland and flood plain areas. Stormwater runoff and water quality measures will be accounted for within the development green space areas. The details of the detention and water quality are outlined in the Drainage Study.

The R-3 PUD plans include a Bike Trail/Path currently show in the Parks and Recreation master plan along Alvo Road.

We request the following waivers with this application:

1. In the underlying R-3 Area, sign regulations shall conform to the overlying zoning district.
    a. To allow commercial and office uses to comply with B-2 sign regulations.
2. In the underlying R-3 Area, allow average lot width to be 40 feet and minimum lot area to be 4,200 sq. ft. for lots 23-26 and 32-41.
    a. To allow flexibility for attached single family lots and higher density.
3. In the underlying R-3 Area, allow double frontage lots between Humphrey Avenue and Tiger Iron Circle, Serpentine Drive and Claystone Drive.
    a. To allow lots to back Humphrey Avenue and not take direct driveway access to Humphrey Avenue.
4. In the overlying "B-2 Plus" Area, to reduce the internal setbacks to 0 feet.
    a. To allow flexibility of property lines for "pad" sites and shared drives/parking.
5. In the overlying "B-2 Plus" Area, to allow for double-frontage lots per Section 26.23.140.
    a. To achieve commercial/office uses within the PPA and transition to residential.
6. In the R-5 Overlay Area, to increase the building height from 35 feet to 55 feet per Table 27.72.020(b).
    a. To allow adequate height to construct three to four story buildings

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this proposed Stone Bridge Creek Commercial R-3 PUD. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

Brad J. Marshall

Brad J Marshall, P.E.

Enclosures.

ProjectDox

Department Review Status Report

Project Name: AN19001

Cycle	Department	Reviewer	Email	Status	Reviewer Comments
	LES	LES Reviews	edreviewer@les.com	Corrections Required	9/27/19 Modify restrictions to blanket easement on outlot B (pg 3). Increase easement width between Quandry Rd & Alvo to 10' (pg 4). These were noted on previous review. JG 9/27/19 See stamp on sheets 3 and 4. TK 9/27/19 Label existing easements #2008-049854 and 2002-051929. Existing outlot G has blanket easement. Please send request to release. JM
	Public Works - Watershed Management	Ben Higgins	bhiggins@lincoln.ne.gov	Corrections Required	- From Sheet 10 of the plan set subbasin A3 100-year flow is 221 cfs. From Table 5 of the report the 100-year flow is 22 cfs. Should be same, correct the discrepancy. - Provide outlet detail for subbasin G on a plan sheet. - South Basin: For Hydrology subsection include a paragraph on Proposed Conditions on how analysis was done. Include a note about how no changes are proposed for the topography (as applicable) of the existing detention cells. - South Basin: Provide explanation why proposed conditions storage is so low for Detention 1. - South Basin: For Detention 4, include in the narrative about the proposed low opening characteristics (not noted in description) - South Basin: For Detention 4, the final plat minimum openings are set at 1176.5 ft msl for existing Stone Bridge Creek 8th Addition Block 1, Lots 12 through 16 (higher for lots further upgradient). Proposed 100-year elevation for detention 4 pond is at 1176.85 ft msl. Revise characteristics of Detention 4 to maintain a one-foot freeboard for existing lots next to detention pond 4 (i.e. maximum 100 year elevation for detention pond needs to be set at 1175.5 ft msl or lower). - Prior to Final Plat: Maintenance agreement to be provided prior to final plat (Include access points). COE permit to be obtained prior to grading and/or final plat. Conservation Easement to be granted prior to final plat. Game and Parks approval necessary for modifications in outlot prior to final plat. Estimated surety for detention will be $20,000. Stormwater Agreement to be obtained prior to final plat for North Basin. Include exhibit indicating wetland areas and pertinent hydraulic structures clear enough so that can be used by inspection staff. Note: Approved Alternative sent in for North Basin being recommended for approval. Note: Stormwater waiver sent in for South Basin being recommended for approval.
	DOT-Noise	Will Packard	will.packard@nebraska.gov	Recommend Denial	The R-3 and R-5 proposed developments adjacent to I-80 would likely experience a noise impact in the future based on modeling. The development can move forward without the approval of NDOT; however, our agency will not be on the record as having approved this development in this location from a noise perspective. When developers are allowed to establish residential land use this close to a high traffic volume facility, the quality of life for future homeowners is diminished. The next time a federally funded lane addition occurs in this area, NDOT (and hence the taxpayer) may be responsible for providing noise abatement and not the developers. In addition, NDOT receives and responds to the noise complaints from concerns citizens living adjacent to NDOT highways.

ProjectDox

Department Review Status Report

	County Engineer	Ken Schroeder	kschroeder@lancaster.ne.gov	Corrections Required	This office made a limited review of “STONE BRIDGE CREEK COMMERCIAL” Planned Unit Development (CUP) Annexation AN19001 (review cycle 2) “Annexation Legal Description”, submittal dated 8-8-2019 in the SW ¼ of Section 25, T11N, R6E located at North 27th Street and Arbor Road and would offer the following comments. 1. (Re-submitted comment) --- Annexation of properties contiguous to and abutting upon any part of a county road shall annex all the contiguous and abutting road. Therefore, this annexation to take in the entire road right-of-way along North 27th Street and the entire road right-of-way along Arbor Road as depicted on AnnexExhibitN27ArborA.pdf (or) as depicted on AnnexExhibitN27ArborB.pdf uploaded to ProjectDox “Text Documents” file. 2. On the Stone Bridge Creek Annexation Exhibit sheet, label section corner at the NE corner of the SE ¼ of Section 25 (11-6). 3. Regarding the Northwesterly line of “Parcel 2” on the Stone Bridge Creek Annexation Exhibit sheet, dimensioning listed in the legal description of 1523.26’ does not match drawing dimension of 1523.56’. 4. Regarding the sixth line course for Parcel 2 in the Annexation Legal Description, the 107.00’ point call from the NE corner of said SE 1/4 of section 25 is miss leading and needs to be reworded. 5. Development platting and improvements to follow area annexation. August 19, 2019 (kds)

3rd Review

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ROADWAY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD LENGTH	TANGENT LENGTH
C5	500.00'	47°01'35"	410.38'	398.96'	217.54'
C6	700.00'	58°03'18"	709.28'	679.32'	388.46'
C7	500.00'	34°58'23"	305.20'	300.48'	157.52'
C8	990.00'	16°45'38"	289.60'	288.57'	145.84'
C9	1536.00'	11°03'28"	296.44'	295.98'	148.68'
C10	731.00'	21°40'34"	276.55'	274.91'	139.95'

BOUNDARY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
B1	381.99	023°23'45"	155.98	S09°12'48"W	154.90

LES Dist. Engineer Gonner 9/23/19 Date

LES St Light Eng ES 9.23.19 Date

LES Trans Eng TK 9-24-19 Date

Windstream Eng Date

Other Date

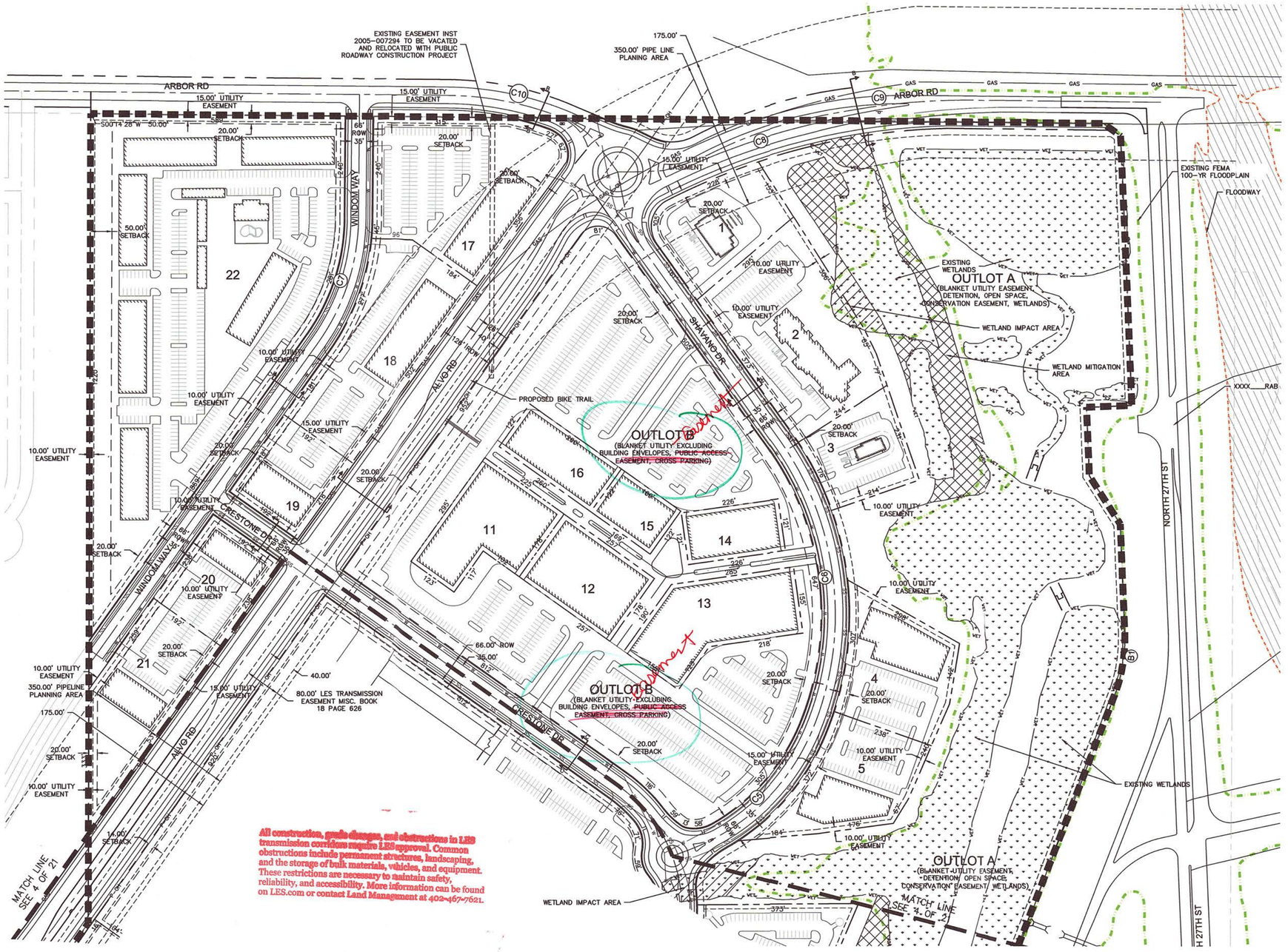
LES Land Mgmt SDS 9-24-19 Date

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- STORM SEWER
- POWER OVERHEAD
- WATER MAIN
- SANITARY SEWER
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

N

0' 50' 100' 200'
SCALE IN FEET



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REV. NO.	DATE	REVISIONS DESCRIPTION
		REVISIONS

SITE PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by: MRG
checked by: BAI
approved by: BJM
QA/QC by: BJM
project no.: 018-1915
drawing no.: -
date: 08/07/2019

SHEET
3 of 21

DWG: F:\2018\1501-2000\018-1915\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT_018191915.dwg USER: dlbenz
DATE: Sep 18, 2019 12:08pm XREFS: C_PROADS_018191915 C_EWE12003_018191915 C_PBASE_018191915 C_XBASE_018191915 C_XBASE_GIS_018191915 Wetland_Lancaster C_EFLOPLN_018191915

3rd Review

STONE BRIDGE CREEK COMMERCIAL

R-3 PLANNED UNIT DEVELOPMENT

SITE PLAN

ROADWAY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD LENGTH	TANGENT LENGTH
C1	500.00'	24°58'16"	217.91'	216.19'	110.71'
C2	800.00'	17°21'51"	242.45'	241.52'	122.16'
C3	400.00'	32°10'29"	224.62'	221.68'	115.36'
C4	350.00'	65°25'32"	399.66'	378.30'	224.81'

BOUNDARY CURVE TABLE					
CURVE ID	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
B2	423.00	024°14'25"	178.96	N10°20'19"W	177.63
B3	425.00	014°30'55"	107.67	N30°58'31"W	107.38
B4	1781.10	015°13'41"	473.38	N41°54'53"E	471.99

LEGEND

- RIGHT-OF-WAY
- PROPERTY LINE
- LIMITS OF PUD
- STORM SEWER
- POWER OVERHEAD
- WATER MAIN
- SANITARY SEWER
- EXISTING 100-YR FEMA FLOODPLAIN
- FLOODWAY
- WETLANDS HATCH
- IMPACT WETLANDS AREA
- PROPOSED WETLAND MITIGATION AREA

N

0' 50' 100' 200'
SCALE IN FEET

ALVO RD
CRESTONE DR
QUANDARY RD
CENTURION DR
HUMPHREY AVE
INTERSTATE 80
PROPOSED BIKE TRAIL
EXISTING EASEMENT INST 1979-007595 TO BE VACATED AT TIME OF FINAL PLAT
350.00' PIPELINE PLANNING AREA
175.00'
40.00'
80.00' LES TRANSMISSION EASEMENT MISC. BOOK 18 PAGE 626
35.00' 66.00' ROW
14.00' SETBACK
20.00' SETBACK
10.00' UTILITY EASEMENT
15.00' UTILITY EASEMENT
5.00' UTILITY EASEMENT
20' SETBACK
OUTLOT A (BLANKET UTILITY EASEMENT, DETENTION, OPEN SPACE, CONSERVATION EASEMENT, WETLANDS)
OUTLOT C (BLANKET UTILITY EASEMENT, OPEN SPACE, WETLANDS)
EXISTING FEMA 100-YR FLOODPLAIN
WETLAND MITIGATION AREA
2008-049854
MATCH LINE SEE 3 OF 21
MATCH LINE SEE 5 OF 21
10' UTILITY EASEMENT
50.00' SETBACK
80' LES TRANSMISSION RIGHT-OF-WAY
2002-019221 Easement
BLOCK 8
6
7
8
9
10

All construction, grade changes, and obstructions in LES transmission corridors require LES approval. Common obstructions include permanent structures, landscaping, and the storage of bulk materials, vehicles, and equipment. These restrictions are necessary to maintain safety, reliability, and accessibility. More information can be found on LES.com or contact Land Management at 402-467-7621.

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

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

STONE BRIDGE CREEK COMMERCIAL
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

2019

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	018-1915
drawing no.:	-
date:	08/07/2019

SHEET
4 of 21

DWG: F:\2018\1501-2000\018-1915\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT_0181915.dwg
DATE: Sep 18, 2019 12:08pm
XREFS: C_PROADS_0181915 C_EME12003_0181915 C_PBASE_0181915 C_XBASE_0181915 C_XBASE_GIS_0181915 Wetland_Lancaster C_FFLDPLN_0181915
USER: dlbenz

Rachel K. Jones

From: Ken D. Schroeder
Sent: Tuesday, April 16, 2019 11:23 AM
To: Rachel K. Jones
Cc: Pamela L. Dingman; Steve S. Henrichsen
Subject: Annexation #AN19001 Review Comments - Stone Bridge Creek Commercial (SW 1/4 Sec 25-11-6)
Attachments: AnnexExhibitN27ArborA.pdf; AnnexExhibitN27ArborB.pdf

This office made a limited review of **"STONE BRIDGE CREEK COMMERCIAL"** Planned Unit Development (CUP) Annexation AN19001 (v2) Sheet 1 of 17, submittal dated 4-1-2019 in the SW ¼ of Section 25, T11N, R6E located at North 27th Street and Arbor Road and would offer the following comments.

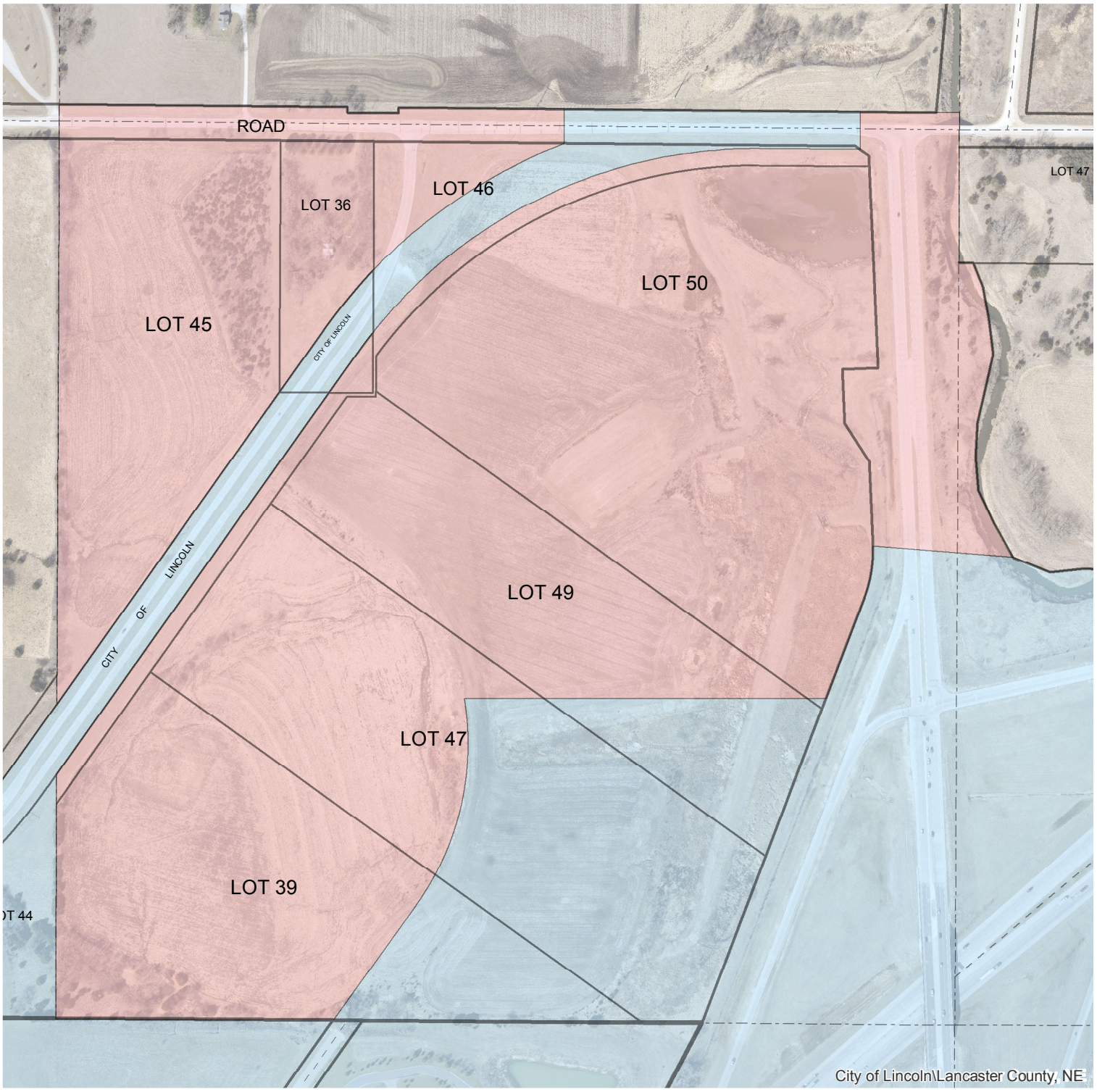
1. South 27th Street labeling on sheet 1 of 17 should be corrected to "North 27th Street"
2. Annexation of properties contiguous to and abutting upon any part of a county road shall annex all of the contiguous and abutting road. Therefore, this annexation to take in the entire road right-of-way along North 27th Street and the entire road right-of-way along Arbor Road as depicted on attached Annexation **Exhibit "A"** (or) as depicted on attached Annexation **Exhibit "B".**
3. Development platting and improvements to follow area annexation.

April 16, 2019
Ken Schroeder

Kenneth D. Schroeder, RLS
Lancaster County Surveyor
444 Cherrycreek Road, Bldg. "C"
Lincoln, Nebraska 68528
kschroeder@lancaster.ne.gov
Phone (402) 441-7681
Fax (402) 441-8692

Ken Schroeder Email Attachment

Section 25 (11-6)
EXHIBIT "A"



Annexation
N. 27th St & Arbor Rd

0 150 300 600 Feet

4/9/2019
F:\GIS\kens\AnnexExhibitN27ArborA.mxd

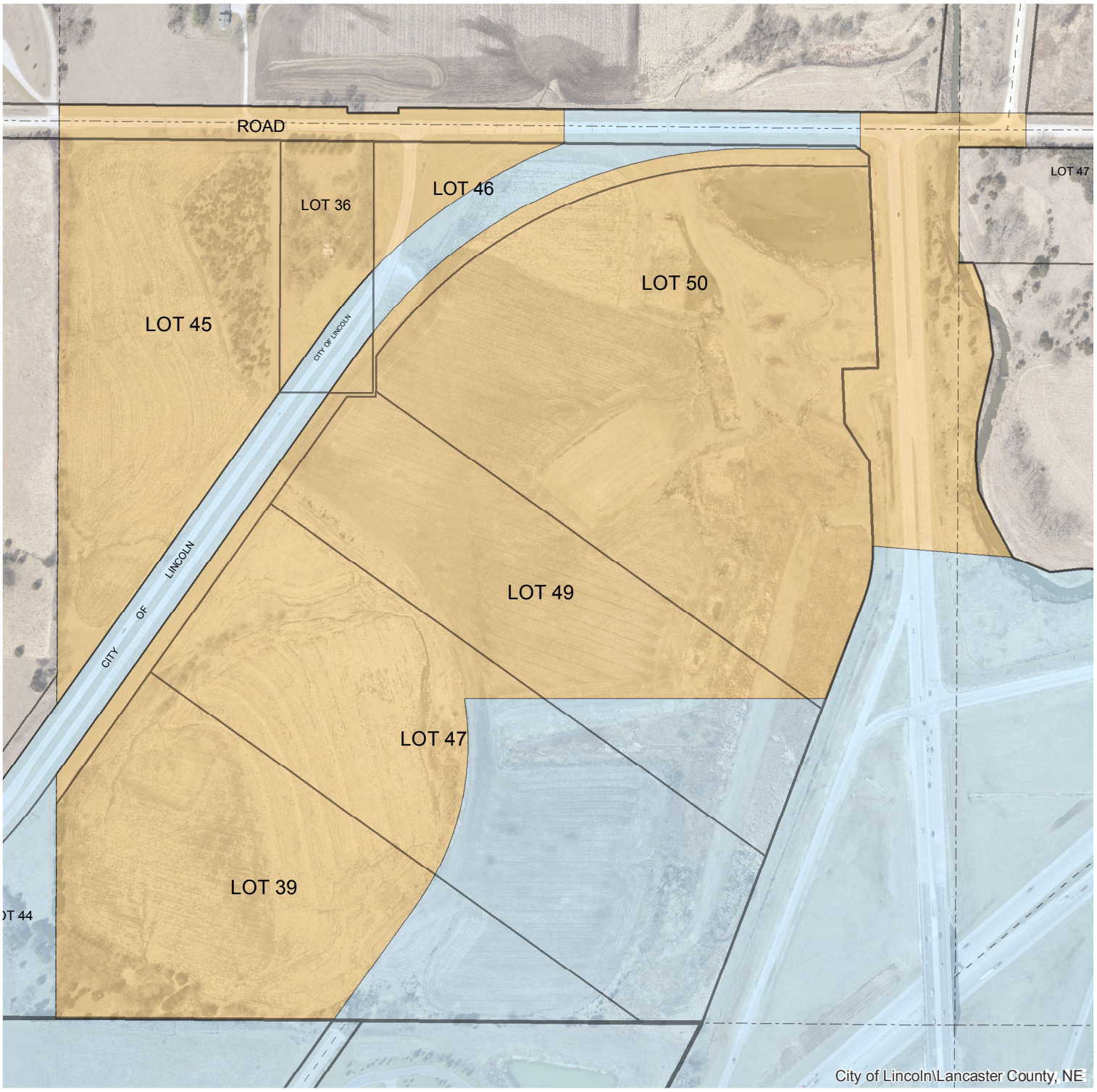
Legend

- Annexation Exhibit A
- City Limits Before Annexation

N W E S

Ken Schroeder Email Attachment

Section 25 (11-6)
EXHIBIT "B"



Annexation
N. 27th St & Arbor Rd

0 150 300 600 Feet

4/9/2019
F:\GIS\kens\AnnexExhibitN27ArborB.mxd

Legend

- Annexation Exhibit B
- City Limits Before Annexation

N W E S