

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair

Tom Beckius: Vice-Chair

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Dick Campbell

Tracy Edgerton

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Cristy Joy

Cindy Ryman Yost

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PLANNING STAFF

David R. Cary: Director

Geri Rorabaugh: Administrative Officer

Rhonda Haas: Office Specialist

January 8, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, January 8, 2020, 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, January 8, 2020

Approval of minutes of the regular meeting held December 18, 2019.

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

ANNEXATION AND RELATED CHANGE OF ZONE:

1.1a ANNEXATION 19010, to annex approximately 10 acres of land, on property generally located at South 40th Street and Rokeby Road.

Page **Staff recommendation: Conditional Approval**

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

1.1b CHANGE OF ZONE 19032, from AG (Agricultural District) to R-3 (Residential District) for an approximately 10-acre parcel, on property generally located at South 40th Street and Rokeby Road.

Page **Staff recommendation: Approval**

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

CHANGE OF ZONE:

1.2 CHANGE OF ZONE 19030, from R-3 (Residential District) to R-4 (Residential District), on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.

Page **Staff recommendation: Approval**

11 **Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov**

SPECIAL PERMIT:

1.3 SPECIAL PERMIT 19055, to allow for an early childhood care facility for up to 12 children within an existing church, on property generally located at 3300 North 1st Street. *****FINAL ACTION*****

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Staff recommendation: Conditional Approval

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

1.4 SPECIAL PERMIT 19058, to allow for the sale of alcohol for consumption off the premises, on property generally located at 840 North 48th Street. *****FINAL ACTION*****

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Staff recommendation: Conditional Approval

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

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

ANNEXATION AND RELATED CHANGE OF ZONE:

4.1a ANNEXATION 19005, to annex approximately 42 acres, more or less, on property generally located at South 27th Street and Rokeby Road.

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Staff recommendation: Conditional Approval

Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

4.1b CHANGE OF ZONE 17013A, from AG (Agricultural District) to R-3 (Residential District), for the expansion of an existing PUD (Planned Unit Development), on property generally located at South 27th Street and Rokeby Road.

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37

Staff recommendation: Conditional Approval

Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

PRELIMINARY PLAT:

4.2 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. *****FINAL ACTION*****

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57

Staff recommendation: Conditional Approval

Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

CHANGE OF ZONE:

4.3 CHANGE OF ZONE 19031, from AG (Agriculture District) to R-3 (Residential District) PUD (Planned Unit Development) to develop 860 multi-family units, on generally located at South 48th Street and Yankee Hill Road.

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Staff recommendation: Conditional Approval

Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

TEXT AMENDMENT:

4.4 TEXT AMENDMENT 19010, amending Article 2 Definitions, Article 4, Section
Page 4.007 AG Agricultural District, Article 13 Special Permit, Section 13.035 and
87 Article 22, Section 22.005 General Provisions of the Lancaster County Zoning
Regulations, regarding Commercial Feedlots.

Staff recommendation: Approval

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

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

Adjournment

PENDING LIST: *None*

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Allan Zafft, <i>Transportation Planner</i>	402-441-6369..	azafft@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i> .	402-441-6360..	ezimmer@lincoln.ne.gov

**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.**

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Annexation #19010
Change of Zone #19032

FINAL ACTION?
No (both applications)

DEVELOPER/OWNER
Lincoln Federal Bancorp, Inc.

PLANNING COMMISSION HEARING DATE
January 8, 2020

RELATED APPLICATIONS
Special Permit #19057

PROPERTY ADDRESS/LOCATION
South 40th Street and Rokeby Road

**RECOMMENDATIONS: ANNEXATION #19010
CHANGE OF ZONE #19032**

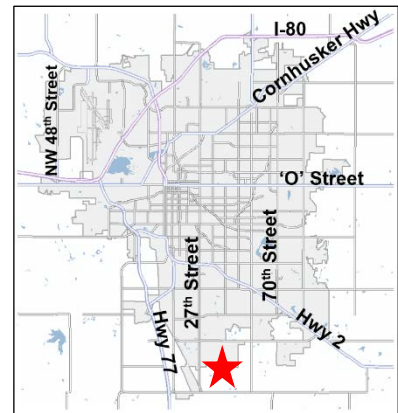
**CONDITIONAL APPROVAL
APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications. The requests seek to annex and change the zoning over the same 10 acre parcel. The tract is being split off from a larger 70 acre parcel to provide a site for a cellular antenna tower.

The tower is currently located approximately one-half mile directly to the north. The area surrounding the tower is poised for development as part of the Wilderness Commons Planned Unit Development (PUD) and so the tower must be relocated.

A related final plat now under review by the City shows a 0.69 acre lot to be created for the tower. Currently zoned AG, the minimum lot area is 20 acres so the smaller lot cannot be created. The change of zone to R-3 will allow the smaller lot. Consistent with the Comprehensive Plan, land beyond the city limit should not be rezoned to allow more intensive development, and so annexation is proposed.



JUSTIFICATION FOR RECOMMENDATION

The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. A change of zone to R-3 is consistent with the Future Land Use Map and compatible with the development in the area. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT
Brad Marshall (402) 474-6311 or
bmarshall@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority A.

P. 4.4 - Placemaking - Current Practice - The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

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. 11.19 - Information technology - Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of telecommuting portends a city where people may be able to work from most any site including their own home. In the economy of the future, information is likely to become the primary product. This product can be manufactured at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the "Placemaking" chapter for information on how wireless facilities should be located.'

P. 12.3 - this site is shown as future urban density residential and commercial 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. 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 B 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.

UTILITIES & SERVICES:

A. Sanitary Sewer: Public sanitary sewer is available in the area and could be extended to serve this property if necessary.

B. Water: Public water is also available in the area.

C. Roads: South 40 Street is a two-lane asphalt roadway adjacent to this property and has already been annexed. Access to the tract is via a driveway off South 40th Street, and which is proposed to remain to serve the proposed wireless facility.

D. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). A new fire/police station has been built at South 63rd Street and Pine Lake Road which will provide coverage to this development.

ANALYSIS

1. These are related requests and both cover the same 10 acre parcel. They were prompted by a final plat now under review by the City. While the final plat covers the same 10-acre acre, it proposes to subdivide it into one 0.69-acre lot and one 9.31-acre outlot.
2. The purpose for creating the lot is to provide a site for the relocation of an existing tower located approximately one-half mile to the north. The current location of the tower is covered by the Wilderness Commons PUD which is poised for development, but which does not include keeping the wireless facility in its current location.
3. Personal wireless facilities are allowed in all zoning district by special permit, and a new special permit is required to relocate the existing tower. A special permit (SP#19057) to relocate the tower was submitted at the same time as these requests, but that application was incomplete and is to be resubmitted at a later date.

4. Rezoning is necessary because the minimum lot size in the AG zoning district is 20 acres, so under AG zoning the 0.69 acre lot cannot be created. R-3 zoning is proposed because it both allows lots down to 6,000 square feet in area, and is consistent with the other residential areas surrounding the site also zoned R-3.

Annexation is necessary because it is contrary to the Comprehensive Plan and City policy to rezone property beyond the city limit for more intensive development. In general, rezoning which allows for more intensive land uses should be annexed to allow more efficient use of the land given the ability to take advantage of the full range of city services and utilities.

5. The tract is accessed via a driveway onto South 40th Street, which is proposed to remain to serve the tower. Generally, an access point would not be allowed at this specific location, nor would one typically be provided that serves only one lot or property. An annexation agreement is required, and a condition that limits the use of the driveway to the tower only will be included. It will also state that at such time as the use may change and the site redevelops that access will be taken back through one of the adjacent developments.
6. The area to be annexed is located within Tier I, Priority A of the Comprehensive Plan. All City services and utilities, including public water and sewer, exist adjacent to the area of these requests and can be extended to serve this development.
7. The subject property is located within the Southeast Rural Fire District #1. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there should be no funds due to the District.
8. It is also the developer’s responsibility to reach an agreement regarding any compensation due the Rural Water District #1 (RWD) as a result of the proposed annexation. In this case, the developer has already settled with the District and the property has been released from the boundary of the RWD.
9. The site is designated for future urban density residential land uses on the Future Land Use Map, and the proposed R-3 zoning is consistent with that designation. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Agriculture	B-2
South: Agriculture	AG
East: Residential under development	R-3
West: Open Space, Agriculture	AG, R-3

APPROXIMATE LAND AREA:

Annexation #19010 - Approximately 10 acres
 Change of Zone #19032 - Approximately 10 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

LEGAL DESCRIPTION:

Annexation #19010: See attached legal description.
 Change of Zone #19032: See attached legal description.

Prepared by

Brian Will,
December 18, 2019
bwill@lincoln.ne.gov or 402-441-6362

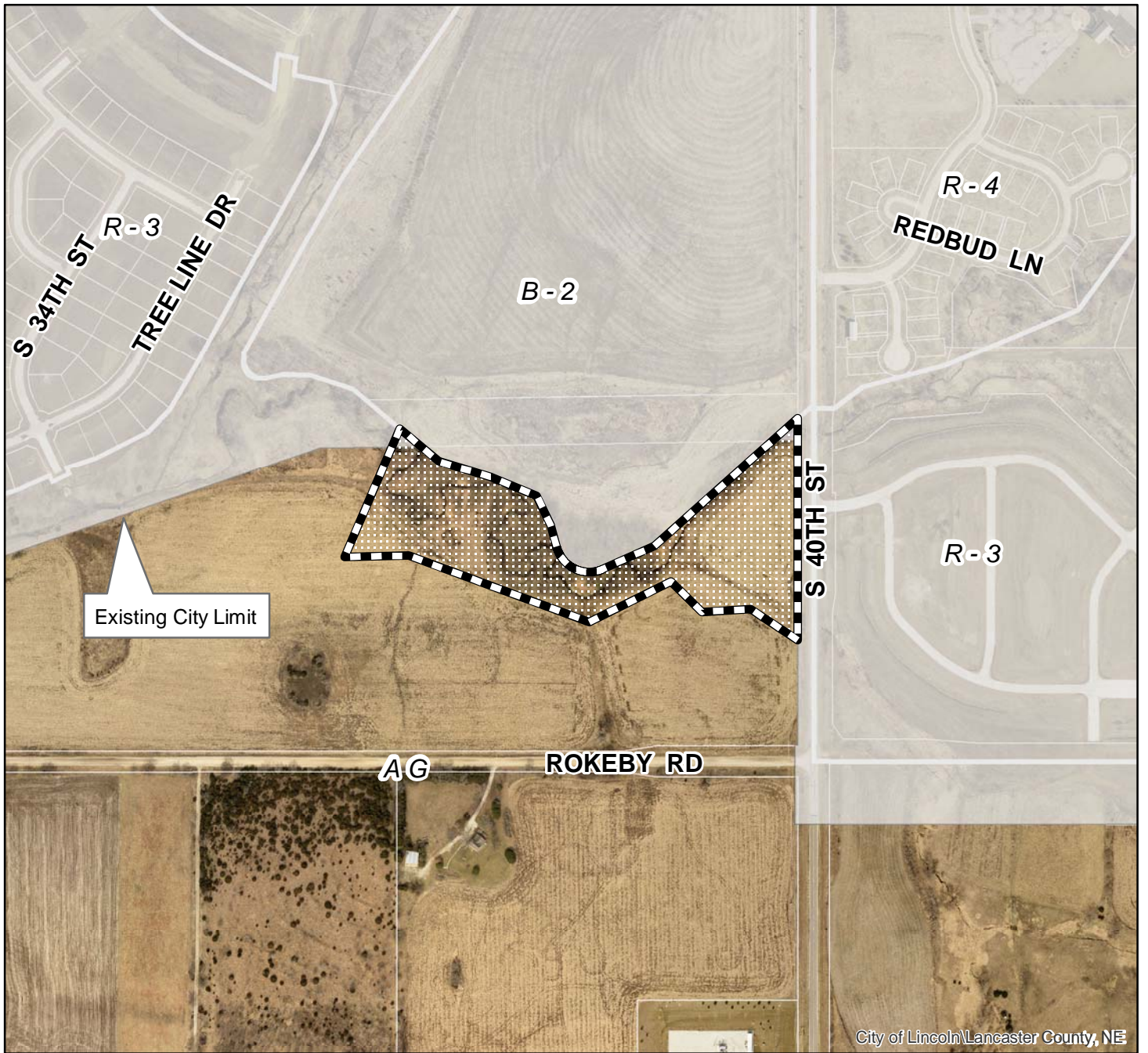
Applicant/Contact: Brad Marshall
Olsson
601 P Street
Lincoln, NE 68508
(402) 458-5691 or bmarshall@olsson.com

Owner: Lincoln Federal Bancorp, Inc.
1101 N Street
Lincoln, NE 68508
402-474-1400

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CONDITIONS OF APPROVAL - ANNEXATION #19010

1. Before these requests are scheduled for City Council consideration, the owner(s) will enter into an annexation agreement with the City of Lincoln.



City of Lincoln/Lancaster County, NE

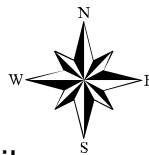
2018 aerial

**Change of Zone #: CZ19032 (AG to R-3) &
Annexation #: AN19010
Wilderness Hills
S 40th St & Rokeby Rd**

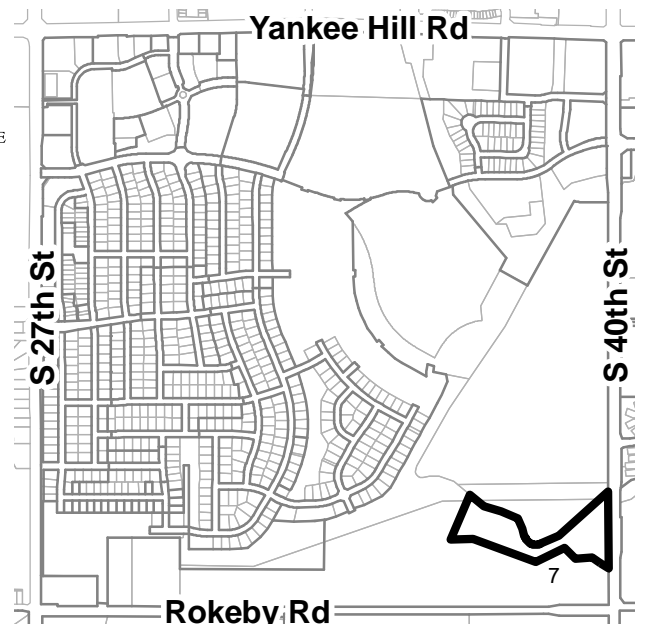
Zoning:

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

One Square Mile:
Sec.30 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limit





December 11, 2019

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

Re: Wilderness Hills
Annexation and Change of Zone for Cellular Tower Relocation
Olsson Project No. 019-3377

Dear Mr. Cary,

On behalf of Lincoln Federal Bancorp, Inc ("LFB"), owner of the real property legally described as lot 63 I.T., located in the southeast quarter of Section 30, Township 9 North, Range 7, located in Lancaster County, Nebraska ("the Property"), we are requesting a change of zone (AG to R-3), and annexation for a portion of Lot 63 I.T. in connection with the relocation of a cell tower on the west side of south 40th street. Please refer to attached legal description and exhibits for Parcels B.

In the near future we will be requesting a Special Permit under a separate application for a portion of Parcel B to allow the relocation of a cellular tower. The tower is currently located at 9025 South 40th Street just north of Wilderness Hills Blvd on the west side of south 40th street. The owner of the tower is American Tower Corp. and both Verizon and US Cellular have arrays on the tower.

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

1. City of Lincoln Zoning Application.
2. Legal Descriptions for Parcel B.
3. Application fees in the amount of \$988.00 for the Change of Zone and \$412.00 for the Special Permit.

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 project. 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,

A handwritten signature in blue ink that reads "Brad J. Marshall". The signature is written in a cursive, flowing style.

Brad J Marshall, P.E.

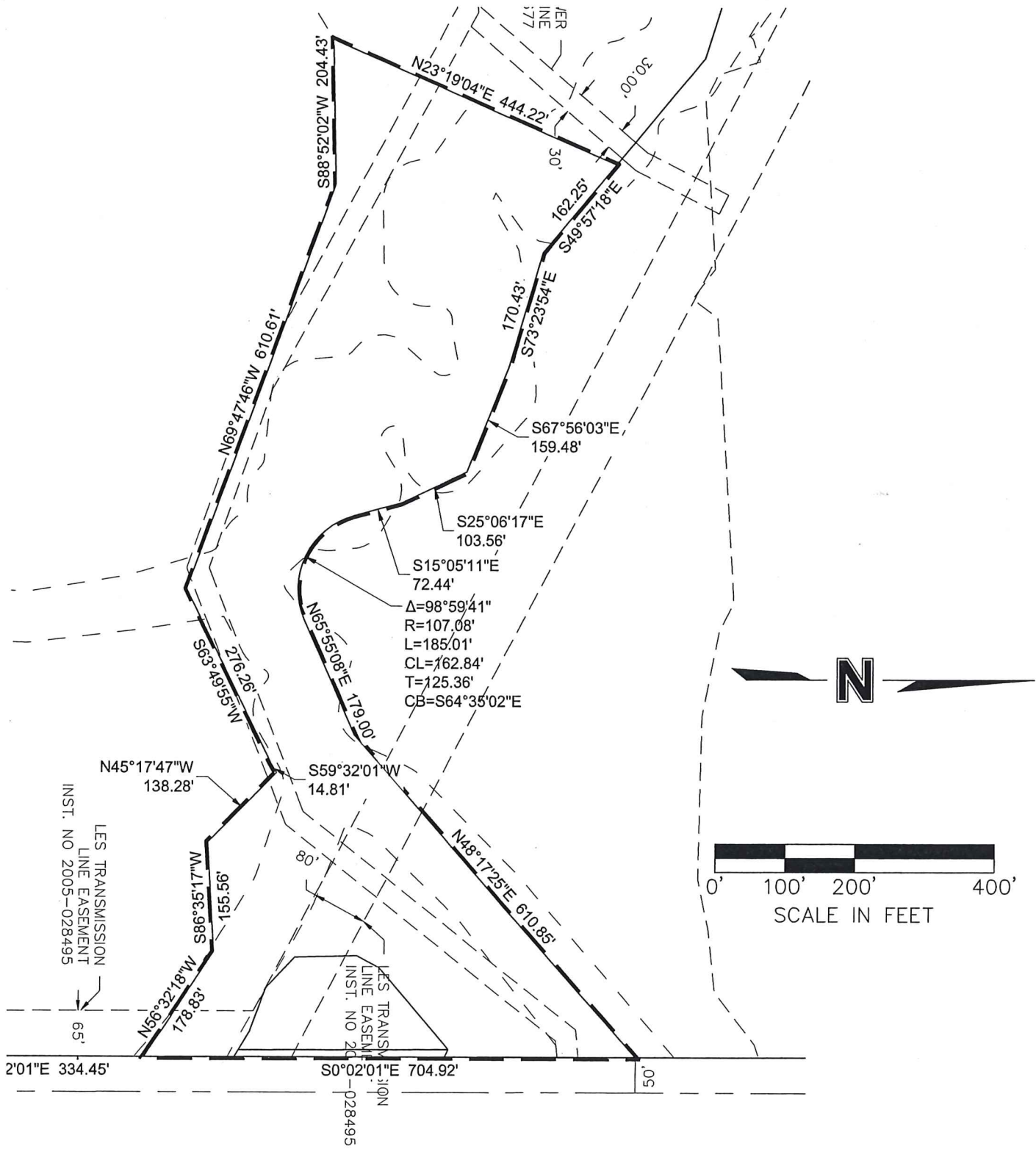
Enclosures.

**LEGAL DESCRIPTION
PARCEL "B"**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 63 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 63 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, AND ON A NORTH RIGHT-OF-WAY LINE OF ROKEBY ROAD, SAID POINT BEING 50.00' WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, AND 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 63 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N00°02'01"W, A DISTANCE OF 334.45' **TO THE TRUE POINT OF BEGINNING**; THENCE N56°32'18"W, A DISTANCE OF 178.83' TO A POINT; THENCE S86°35'17"W, A DISTANCE OF 155.56' TO A POINT; THENCE N45°17'47"W, A DISTANCE OF 138.28' TO A POINT; THENCE S59°32'01"W, A DISTANCE OF 14.81' TO A POINT; THENCE S63°49'55"W, A DISTANCE OF 276.26' TO A POINT; THENCE N69°47'46"W, A DISTANCE OF 610.61' TO A POINT; THENCE S88°52'02"W, A DISTANCE OF 204.43' TO A POINT; THENCE N23°19'04"E, A DISTANCE OF 444.22' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID LOT 63 I.T.; THENCE S49°57'18"E, ON A NORTH LINE OF SAID LOT 63 I.T., A DISTANCE OF 162.25' TO A POINT; THENCE S73°23'54"E, ON A NORTH LINE OF SAID LOT 63 I.T., A DISTANCE OF 170.43' TO A POINT; THENCE S67°56'03"E, ON A NORTH LINE OF SAID LOT 63 I.T., A DISTANCE OF 159.48' TO A POINT; THENCE S25°06'17"E, ON AN EAST LINE OF SAID LOT 63 I.T., A DISTANCE OF 103.56' TO A POINT; THENCE S15°05'11"E, ON AN EAST LINE OF SAID LOT 63 I.T., A DISTANCE OF 72.44' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 98°59'41", A RADIUS OF 107.08', AN ARC LENGTH OF 185.01' ON A NORTHEAST LINE OF SAID LOT 63 I.T., A CHORD LENGTH OF 162.84', A TANGENT LENGTH OF 125.36', AND A CHORD BEARING OF S64°35'02"E TO A POINT; THENCE N65°55'08"E, ON A NORTHWEST LINE OF SAID LOT 63 I.T., A DISTANCE OF 179.00' TO A POINT; THENCE N48°17'25"E, ON A NORTHWEST LINE OF SAID LOT 63 I.T., A DISTANCE OF 610.85' TO THE NORTHEAST CORNER OF SAID LOT 63 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, SAID POINT ALSO BEING 50.00' WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE S00°02'01"E, ON A EAST LINE OF SAID LOT 63 I.T., SAID LINE BEING ON A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 704.92' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 435,657.42 SQUARE FEET OR 10.00 ACRES, MORE OR LESS.

DWG: F:\2019\3001-3500\019-3377\40-Design\Exhibits\Parcel Exhibit.dwg USER: jmichalski
 DATE: Dec 10, 2019 5:08pm XREFS: 018-2636_WC2FP



PROJECT NO: 019-3377
DRAWN BY: JRM
DATE: 12-10-19

PARCEL 'B'

olsson

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

EXHIBIT
 10 A

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

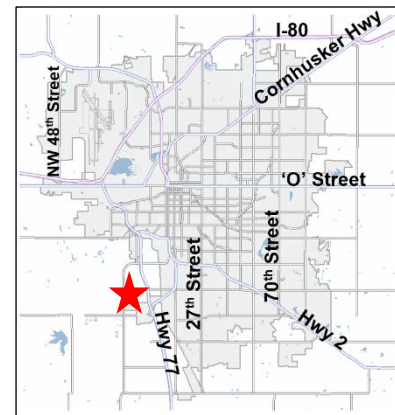
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 19030	FINAL ACTION? No	DEVELOPER/OWNER SW. Folsom Development, LLC
PLANNING COMMISSION HEARING DATE January 8, 2020	RELATED APPLICATIONS PP18002	PROPERTY ADDRESS/LOCATION SW Corner of W. Old Cheney & W. Folsom Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-3 (Residential) to R-4 (Residential) on approximately 15.82 acres, located approximately between SW 12th Street and S. Folsom Street and, south of W. Old Cheney Road. This request is a portion of the Southwest Village Heights subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests. The purpose of this request is to allow smaller single-family attached lots than allowed in the R-3 zoning district.



JUSTIFICATION FOR RECOMMENDATION

A change of zone from R-3 to R-4 is consistent with the Future Land Use Map designation, and compatible with surrounding area. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

APPLICATION CONTACT

Mark Palmer, Olsson Associates
(402) 458-5632
mpalmer@olssonassociates.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential land uses on the Future Land Use Map. This request complies with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future urban density residential land uses 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

- 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.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

P. 7.4 - Strategies for Neighborhoods and Housing

- Encourage preservation or restoration of natural resources within or adjacent to development.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
- Develop and utilize a measurement tool to evaluate proposed projects and assess existing and proposed neighborhoods in terms of how well they achieve the Plan's goals for design and sustainability.

ANALYSIS

1. This is a request for a change of zone from R-3 (Residential) to R-4 (Residential) on approximately 15.82 acres, located approximately between SW 12th Street and S. Folsom Street and, south of W. Old Cheney Road.
2. This request is a portion of the Southwest Village Heights subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests in the Southwest Village Heights subdivision.
3. The purpose of this request is to allow by right smaller single-family attached and two-family lots than allowed in the R-3 zoning district. The difference between R-3 and R-4 for two-family dwellings is as follows:

	R-3	R-4
Lot Area	5,000 sf	2,500 sf
Avg. Lot Width	40'	25'
Front Yard	20'	25'
Side Yard	5'	5'
Rear Yard	smaller of 20' or 20% of the lot depth	
Height	35'	35'

4. Rezoning of the area of these requests will facilitate new residential development at urban densities contiguous to the existing City limits of Lincoln with all public utilities. The site is designated for future urban density residential land uses on the Future Land Use Map, and this request complies with the requirements of the Zoning Ordinance and Comprehensive Plan.
5. A Preliminary Plat was also submitted in 2018. The developer and Lincoln Transportation & Utilities (LTU) have been working on anticipating the city's needs for the future design and classification of W. Old Cheney Road. The city and the developer have come to an agreement and now the Preliminary Plat is ready to move forward in the process.

CONDITIONS OF APPROVAL: none

EXISTING LAND USE & ZONING: farmland & R-3

SURROUNDING LAND USE & ZONING:

North: farmland & R-3
South: farmland (platted for single-family residential) & R-3
East: LES substation & AG
West: farmland & AG

APPLICATION HISTORY

July 2018 City Council approved Annexation AN18004 to bring approximately 42.49 acres into the city limits.

July 2018 City Council approved Change of Zone CZ18017 to rezone approximately 38.90 acres from Agriculture (AG) to Residential (R-3).

APPROXIMATE LAND AREA: 15.82 acres

LEGAL DESCRIPTION: A portion of lot 26 I.T., located in the northwest quarter of section 15, township 9 north, range 6 east of the 6th p.m., city of Lincoln, Lancaster County, Nebraska (see attached).

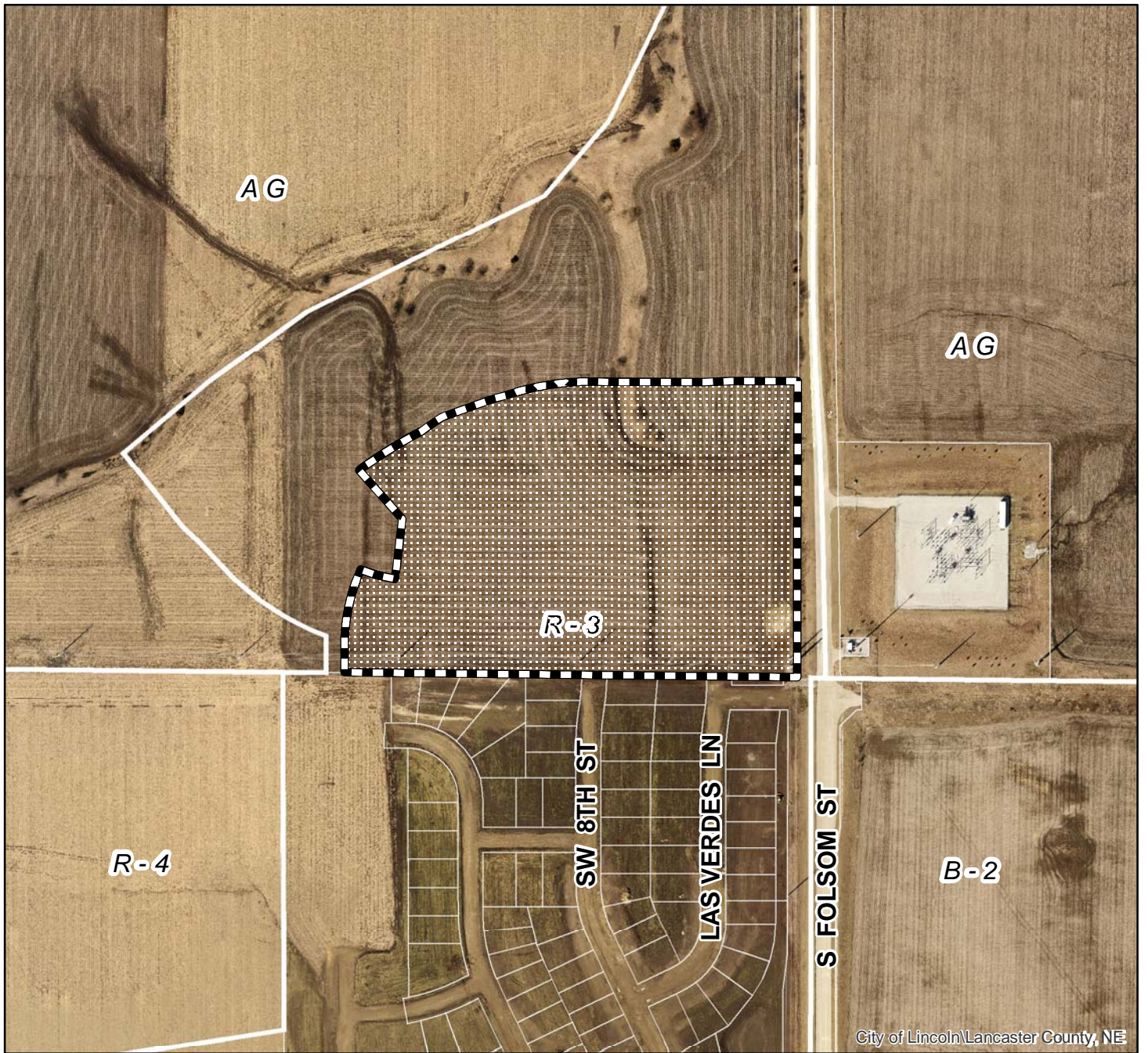
Prepared by:

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

Date: December 30, 2019

Applicant: Mark Palmer
 Olsson Associates
 601 P Street, Suite 200
 Lincoln, NE 68508

Owner: SW Folsom Development, LLC
 2001 Pine Lake Road, Suite 100
 Lincoln, NE 68512



City of Lincoln/Lancaster County, NE

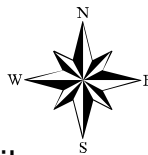
2018 aerial

Change of Zone #: CZ19030
Southwest Village Heights 1st Addition
S Folsom St & W Old Cheney Rd

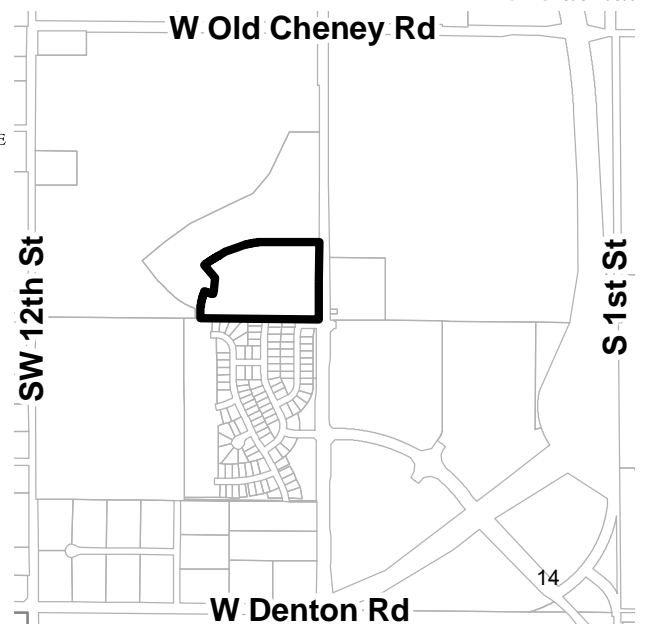
Zoning:

- 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

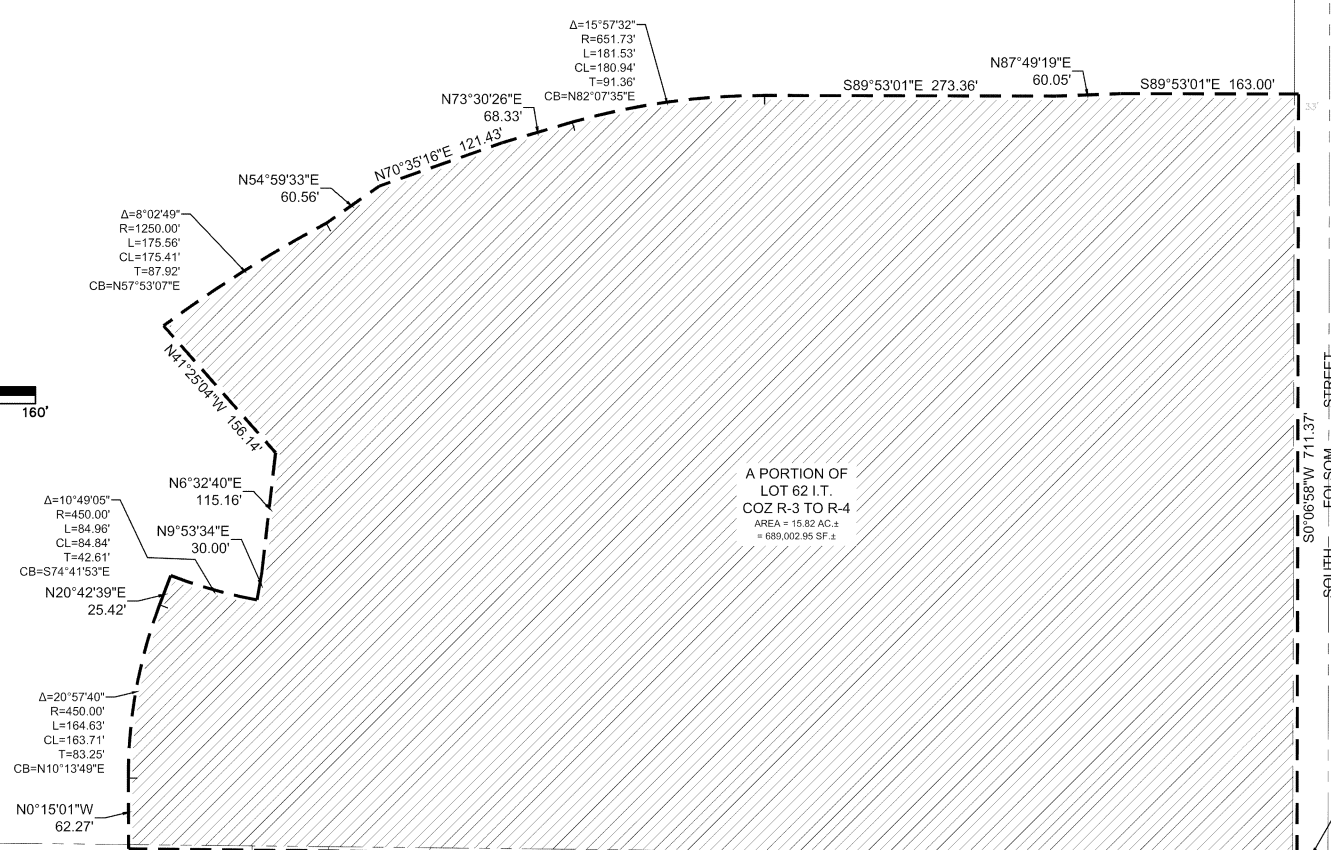
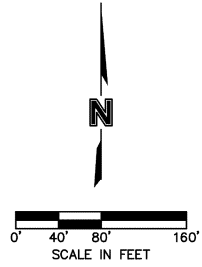
One Square Mile:
 Sec. 15 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



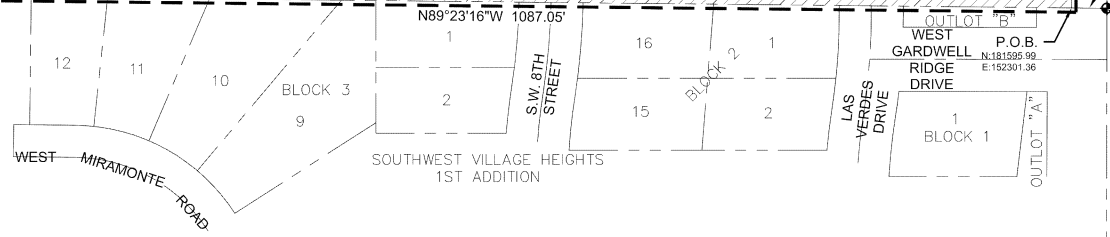
SOUTHWEST VILLAGE HEIGHTS
 CHANG OF ZONE FROM R-3 TO R-4
 EXHIBIT A



A PORTION OF
 LOT 62 I.T.
 COZ R-3 TO R-4
 AREA = 15.82 AC. ±
 = 689,002.95 SF ±

LOT 34 I.T.

OUTLOT "C"



N89°23'16"W
 33.00'
 P.O.C.
 N:181595.64
 E:152334.36
 SE CORNER NW1/4
 SEC. 15-94-RE

DWG: F:\2017\3001-3500\017-316\140-Design\Survey\SRV\Final\Drawings\017-316\COZ.dwg USER: mjplinton
 DATE: Dec 17, 2019 11:35am XREF: C:\BASE\173161 019-1496-SWV\Reb AdgP MICHAEL_JOHNSON_LSS.E

**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM R-3 TO R-4**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 26 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N89°23'16"W, A DISTANCE OF 33.00' TO THE SOUTHEAST CORNER OF LOT 26 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N89°23'16"W ON THE SOUTH LINE OF SAID NORTHWEST QUARTER, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 26 I.T., A DISTANCE OF 1,087.05' TO A POINT; THENCE N00°15'01"W, A DISTANCE OF 62.27' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 20°57'40", A RADIUS OF 450.00', AN ARC LENGTH OF 164.63', A CHORD LENGTH OF 163.71', A TANGENT LENGTH OF 83.25', AND A CHORD BEARING OF N10°13'49"E, TO A POINT; THENCE N20°42'39"E, A DISTANCE OF 25.42' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°49'05", A RADIUS OF 450.00', AN ARC LENGTH OF 84.96', A CHORD LENGTH OF 84.84', A TANGENT LENGTH OF 42.61', AND A CHORD BEARING OF S74°41'53"E TO A POINT; THENCE N09°53'34"E, A DISTANCE OF 30.00' TO A POINT; THENCE N06°32'40"E, A DISTANCE OF 115.16' TO A POINT; THENCE N41°25'04"W, A DISTANCE OF 156.14' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°02'49", A RADIUS OF 1,250.00', AN ARC LENGTH OF 175.56', A CHORD LENGTH OF 175.41', A TANGENT LENGTH OF 87.92', AND A CHORD BEARING OF N57°53'07"E TO A POINT; THENCE N54°59'33"E, A DISTANCE OF 60.56' TO A POINT; THENCE N70°35'16"E, A DISTANCE OF 121.43' TO A POINT; THENCE N73°30'26"E, A DISTANCE OF 68.33' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 15°57'32", A RADIUS OF 651.73', AN ARC LENGTH OF 181.53', A CHORD LENGTH OF 180.94', A TANGENT LENGTH OF 91.36', AND A CHORD BEARING OF N82°07'35"E TO A POINT; THENCE S89°53'01"E, A DISTANCE OF 273.36' TO A POINT; THENCE N87°49'19"E, A DISTANCE OF 60.05' TO A POINT; THENCE S89°53'01"E, A DISTANCE OF 163.00' TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 26 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOLSOM STREET, SAID POINT ALSO BEING 33.00' WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S00°06'58"W, ON THE EAST LINE OF SAID LOT 26 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 33.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 711.37' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 689,002.95 SQUARE FEET OR 15.82 ACRES, MORE OR LESS.

Tuesday, December 17, 2019

F:\2017\3001-3500\017-3161\40-Design\Survey\SRVY\Final Plat\Documents\017-3161_COZ-LEGAL.docx



December 17, 2019

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

Re: Southwest Village Heights 1st Addition
Change of Zone from R-3 to R-4
Olsson Project No. 017-3161

Dear Mr. Cary,

Southwest Folsom Development, LLC (“Developer”) is the owner of Lot 35 I.T. and Lot 26 I.T., located in the Northwest Quarter of Section 15, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (the “Property”). Developer is requesting a change of zone for a portion of the Property from R-3 to R-4.

The proposed change of zone is in the southeast corner of the property and encompasses 15.82 acres that will include 92 residential lots.

Enclosed please find the following:

1. City of Lincoln Application, including a Change of Zone from R-3 to R-4,
2. Application fees in the amount of \$988.
3. Exhibit “A” – Change of Zone Exhibit
4. Change of Zone Legal Description

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at mpalmer@olsson.com or (402) 458-5632.

Sincerely,

Mark C. Palmer, P.E.

Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #19055	FINAL ACTION? Yes	DEVELOPER/OWNER ARYSE
PLANNING COMMISSION HEARING DATE January 8, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3300 N. 1 st Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for an early childhood care facility that will be located inside a portion of the existing Oak Lake Church located on the site.

The owner describes the facility as providing childcare for the employees of ARYSE, a local business, and is independent of the church. The applicant’s request is for up to eight children, with two staff members on the maximum shift. Up to twelve children could be accommodated based on the site plan, so approval for up to twelve is requested with the special permit.

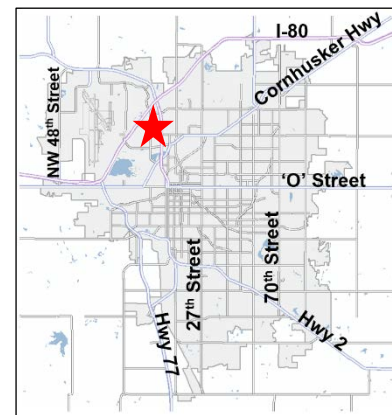
The church has access to N. 1st Street (an arterial street), and the existing paved parking spaces adjacent to the building will be used to satisfy the off-street parking requirement for the childcare facility. The parking requirement is based upon the number of children and staff and the requisite number are provided.

JUSTIFICATION FOR RECOMMENDATION

Located adjacent to N. 1st Street, the proposal for an early childhood care facility is appropriate for this location. It is consistent with the design standard that facilities with 20 or fewer children may have access from an arterial street if the facility only has frontage on an arterial. Also, the location is near residential neighborhoods. The facility will be located inside an existing church, and requires little modification to move in. Instead of requiring the construction of a new facility, it will help make more efficient use of an existing facility, where the peak demand for the two uses is non-concurrent and complements one another.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Subject to the conditions of approval, this request is compatible with the Comprehensive Plan which encourages early childhood care centers to be located within or adjacent to neighborhoods, with access to major streets.



APPLICATION CONTACT

Bryan Carlson, (402) 416-5015 or bcarlson@aryse.com

STAFF CONTACT

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan designates the site for urban density residential uses.

P. 8.2 - Education: Child care centers should be located within neighborhoods and near schools and parks when possible.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.070 provides that early childhood care facilities not meeting the conditions under Section 27.62.080.a may be allowed upon approval of a special permit. The applicant proposal is for a child care facility to be located inside a portion of the Oak Lake Church at 3300 N. 1st Street.
2. The owner describes the facility as providing childcare for the employees of ARYSE. The program is anticipated to have up to eight children and two staff members on the largest shift. The church has access to N. 1st Street (an arterial street), and the existing paved parking spaces next to the church will be used to satisfy the off-street parking requirement for the daycare.
3. The applicant initially requested approval for up to eight children but anticipates there could ultimately be up to twelve children and three staff members in the future as the facility grows. Therefore, the approval is written for a maximum of twelve children. Facilities with 13 or more children adjacent to residential uses are required to screen the play area with an opaque fence or another form of screening to the satisfaction of the Planning Director.

4. The Special Permit criteria pursuant to 27.63.070 include the following:

(a) The application shall be accompanied by the following information:

(1) The number of children and number of staff members on the largest shift.

The planned maximum occupancy for the facility is to provide for twelve children. A total of 2-3 adults are planned on the largest shift.

(2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.

The site identifies a portion of the church and the existing parking area on the west side of the building, as well as the existing entrance drive off of N. 1st Street. Based upon the size of the staff and the number of children to be served, three paved parking stalls are required. The site plan indicates 111 available parking spaces in the existing lot and an area along the front of the building to be used for drop-off and pick-up.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

The facility will be required to meet applicable licensing requirements from the State of Nebraska and building requirements prior to occupancy.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

The facility is located on and has direct access to N. 1st Street, a minor arterial street. The Design Standards allow facilities with 20 or fewer children to have access from an arterial street if the facility only has frontage on an arterial, which is the case with this facility.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The proposed outdoor playground area is shown being surrounded by a 6'-tall chain link fence. There is no fencing requirement in the Design Standards for play areas for facilities with fewer than 13 children.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

The required parking for an early childhood care facility is one space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. The ultimate three proposed staff members on the largest shift will require three parking spaces, and the twelve children being served will require two additional spaces. Five parking spaces in total would therefore be required for the facility based on the ultimate capacity.

Of the 111 stalls in the church parking lot, five are paved. The five paved stalls adjacent to the front of the building will satisfy the off-street parking requirement for the proposed childhood care facility.

5. The proposed childcare facility and the church generally have different peak demand hours. Church activities are primarily during evening and weekend hours, and the childcare will operate during the work week. These non-concurrent use schedules make the two uses compatible and should pose little competition for parking or use of facilities. This allows for a more efficient use of an existing building, and helps reduce the need to construct a new building to accommodate a single use.
6. Subject to the conditions of approval, this request is consistent with the Comprehensive Plan which encourages locating child care facilities within or adjacent existing neighborhoods with access to major streets. Located on an approximately 7.5-acre tract, the size of the lot provides adequate separation from the adjacent residential areas with little impact upon adjacent dwellings. This request also helps make more efficient use of an existing facility and reduces the need for new development for a single user.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church and single family residential dwelling; R-3.

SURROUNDING LAND USE & ZONING

North: Church and single family residential dwellings; R-3.

South: Church; R-3.

East: Single family residential dwellings; R-3.

West: Single and multi-family residential dwellings; R-2 and R-4.

APPLICATION HISTORY

Feb. 1987 Special Permit #1216 to provide unsurfaced off-site parking for the Oak Lake Bible Church was denied by the City Council. The parking was to serve the church in its previous location on a different property to the north before it was relocated to the current site.

Aug. 1992 The Oregon Estates Preliminary Plat #92004 was approved by the City Council.

Jul. 2015 Special Permit #15030 was approved by the Planning Commission for an 85-foot tall personal wireless facility.

APPROXIMATE LAND AREA: 7.41 acres

LEGAL DESCRIPTION: Lot 16 I.T., located in the SW ¼ of Section 11-10-6.

Prepared by

Rachel Jones, Planner

Date: January 2, 2020

Applicant/Contact: Bryan Carlson on behalf of CBS Consolidated
1801 N. 1st Street, Suite 2
Lincoln, NE 68508
(402) 416-5015 or bcarlson@aryse.com

Owner: Oak Lake Evangelical Free Church
3300 N. 1st Street
Lincoln, NE 68521

F:\DevReview\SP\19000\SP19055 3300 N. 1st Street Daycare.rkj.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19055

Per Section 27.63.070 this approval permits an early childhood care facility with up to twelve children.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies.
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 buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 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.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



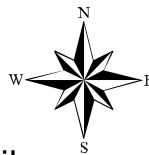
2018 aerial

Special Permit #: SP19055
N 1st St & Oregon Trl

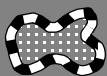


Zoning:

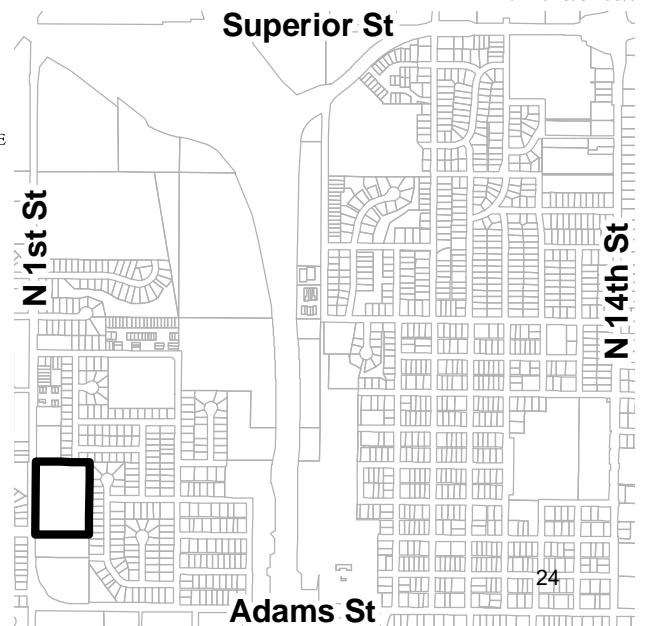
- R-1 to R-8 Residential District
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- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
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- R-T Residential Transition District
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- B-4 Lincoln Center Business 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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One Square Mile:
Sec.11 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

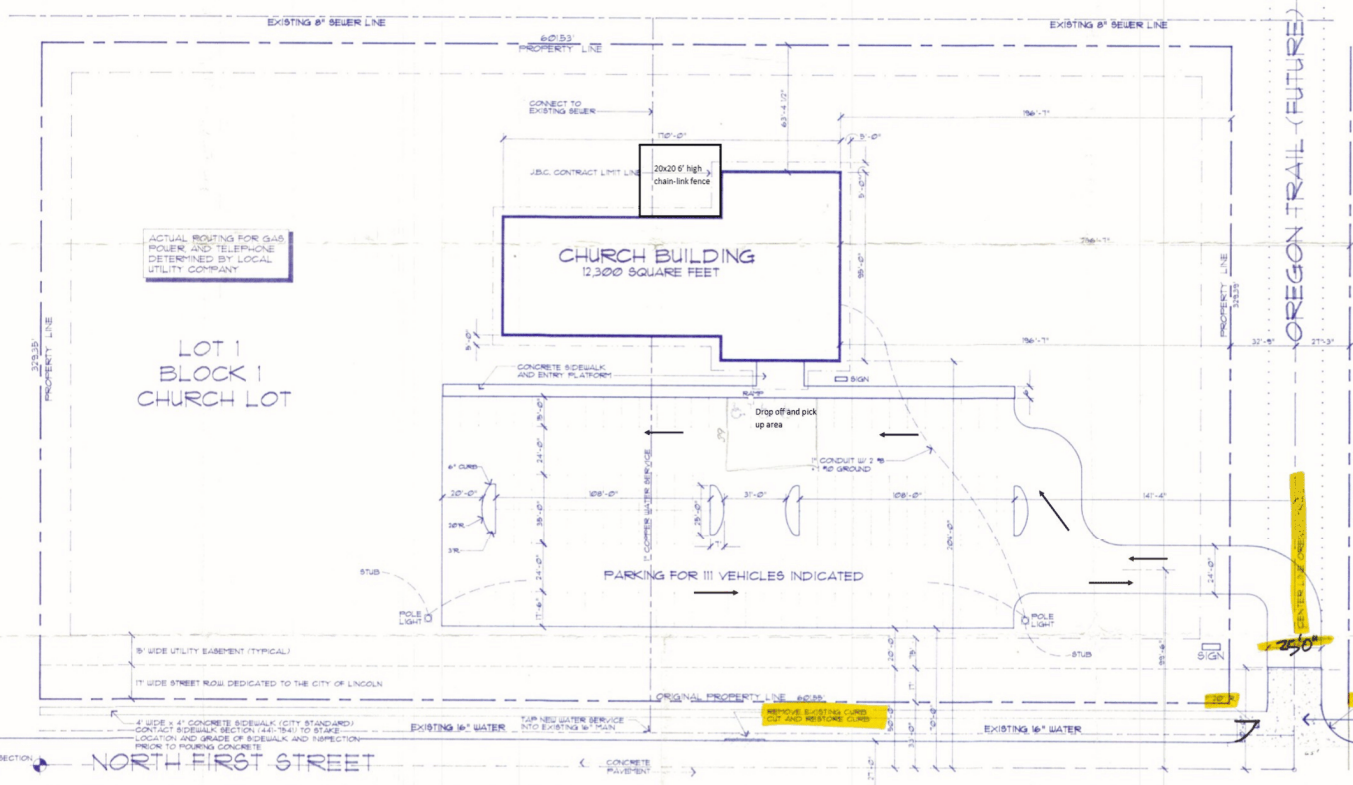


Special Permit #19055 - ARYSE Clubhouse Early Childhood Care Facility

OAK LAKE BIBLE CHURCH

Lincoln, Nebraska

NORTH SECOND STREET (FUTURE)



ACTUAL ROUTING FOR GAS, POWER AND TELEPHONE DETERMINED BY LOCAL UTILITY COMPANY.

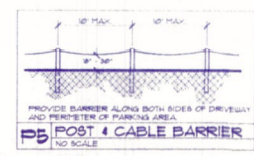
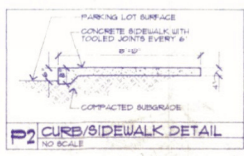
LOT 1
BLOCK 1
CHURCH LOT

CHURCH BUILDING
12,300 SQUARE FEET

PARKING FOR 111 VEHICLES INDICATED

NORTH FIRST STREET

#292
APPROVED: as revised
CITY TRAFFIC ENGINEER'S OFFICE
Lincoln, Nebraska
Date: 1/1/94
By: [Signature]



Special Permit Legal Description:

Lot 16, I.T., located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.

DRAWING SCHEDULE:

- A-01 SITE PLAN
- A-02 GRADING AND LANDSCAPE PLAN
- A-03 FOOTING AND FOUNDATION PLAN
- A-04 FLOOR PLAN
- A-05 EXTERIOR ELEVATIONS
- A-06 SCHEDULES
- A-07 INTERIOR ELEVATIONS / SECTIONS
- A-08 CONSTRUCTION DETAILS
- M-01 MECHANICAL SYSTEMS
- P-01 PLUMBING SYSTEMS
- E-01 ELECTRICAL SYSTEMS

CODE REVIEW

ZONING: R3 RESIDENTIAL DISTRICT
PERMITTED CONDITIONAL USE PROVIDED:

1. PARKING: 1 SPACE PER 50' OF LARGEST ASSEMBLY AREA.
2. FRONT AND SIDE YARDS SHALL BE LANDSCAPED.
3. REAR AND SIDE YARDS SHALL BE 8'-0" WIDE.
4. BUILDING SHALL NOT COVER MORE THAN 5% OF LOT AREA.

OCCUPANCY: GROUP A, DIVISION 2
BUILDING WITH ASSEMBLY ROOM OCCUPANCY 299
OCCUPANT LOAD FACTOR IS 15 SF. (WITHOUT FIXED SEATING). ROOF RAISING SYSTEM TO BE ONE HOUR FIRE RESISTIVE CONSTRUCTION. EXTERIOR WALLS TO BE ONE HOUR FIRE RESISTIVE CONSTRUCTION. DRAFT STOPS EVERY 60" OR 3000 SF. IN ATTIC.



HOLDREGNE, NEBRASKA 308 / 395-4844

DESIGN/BUILD CONTRACTOR
JIM BROWN CONSTRUCTION INC.
124 BLAINE STREET
HOLDREGNE, NE
DESIGN CONSULTANT: TODD BROWN
PROJECT SUPERVISOR: BRAD MUELLER
JOBSITE PHONE: (308) 991-0307

SITE PLAN
SCALE: 1" = 30'-0"

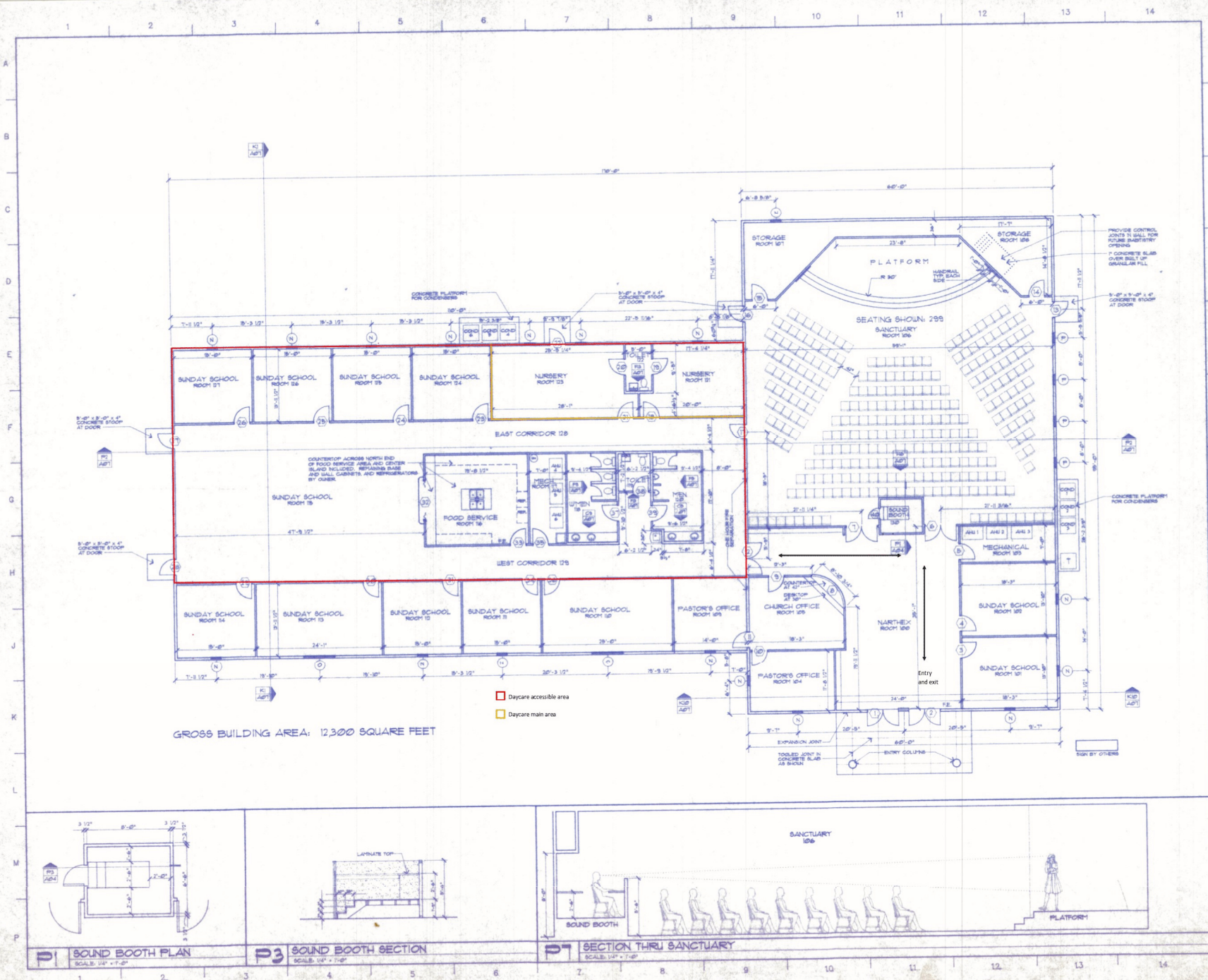
OAK LAKE BIBLE CHURCH
LINCOLN, NEBRASKA

Dennis J. Lyon, Architect
REGISTERED PROFESSIONAL ARCHITECT
TELEPHONE: (402) 488-1400 FAX: (402) 488-1700
LINCOLN TRUNK CENTER: 945 5070 FAX: (402) 488-1700
LINCOLN, NEBRASKA 68502

DATE: 04 NOV 93
PROJECT NO. 9365

DATE: 1/1/94
REVISION: 1/1/94





DIMENSIONING

REPETITIVE CENTERLINE
 CENTER OF COLUMN
 WIDTH OF FINISH NOT FINISHED FACES
 ACTUAL WIDTH OF MACHINERY PARTITION
 EXISTING SURFACE OR EDGE CONDITION
 ACTUAL WIDTH OF RISE AT DIRT/FLOOR PARTITION
 CENTERLINE OF NEW DOOR OPENING
 CENTERLINE OF REINFORCED OPENING

ABBREVIATIONS ARE GENERALLY IN CONFORMANCE WITH CONSTRUCTION SPECIFICATIONS INSTITUTE PUBLICATION 103-4, NOV. 89

SYMBOL LEGEND

DETAIL OR SECTION NUMBER SHEET ON WHICH IT IS DRAWN
 DETAIL REFERENCE NUMBER
 DETAIL REFERENCE
 INTERIOR ELEVATION REFERENCE
 GROSS SECTION REFERENCE
 WALL TYPE IDENTIFIER
 ROOM NAME
 ROOM IDENTIFIER
 DOOR/OPENING IDENTIFIER
 WINDOW/OPENING IDENTIFIER
 GRID LINE
 EQUIPMENT INDICATOR
 RELOCATION INDICATOR
 REVISION INDICATOR
 ADDENDUM NUMBER
 REFER TO MECHANICAL AND ELECTRICAL DRAWINGS FOR ADDITIONAL SYMBOLS
 FIRE EXTINGUISHER CABINET



HOLDREGE, NEBRASKA 308 / 335-4844

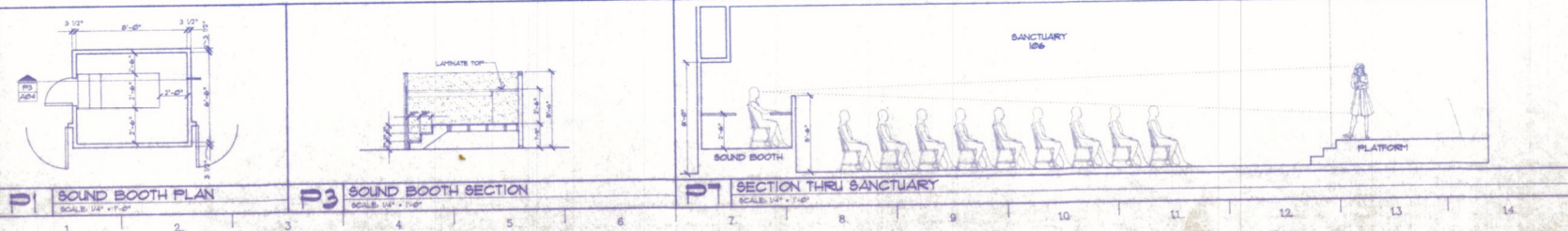
FLOOR PLAN
 SCALE: 1/8" = 1'-0"

OAK LAKE BIBLE CHURCH
 LINCOLN, NEBRASKA

Dennis J. Lyon, Architect
 REGISTERED ARCHITECT
 TELEPHONE (402) 462-1400 FAX (402) 462-1700
 LINCOLN TRADE CENTER, 3140 NORTH 16TH STREET, SUITE 2
 LINCOLN, NEBRASKA 68504

DATE: 04-NOV-93
 PROJECT NO. 9385

A-04
 REISSUE: 1/1/94



To Whom it May Concern,

We are a local business here in Lincoln who provides child care for our employees. We currently have an unlicensed daycare in our current facility with three kids and one provider. We would like to provide a space for additional kids—as many as ten people total: eight kids and two adults—but will have to move off-site for that to happen. We are interested in providing the daycare to our employees at Oak Lake Church located at 3300 N. 1st St. The church is mostly unused during the week. I spoke with their pastor; he, their elders, and their deacons are open to us using their nursery for our daycare. No waivers are requested.

The area being considered is in the northeast corner of the church and includes:

- An infant room with its own entrance off of an interior hallway: 252 sq ft
- A toddler room with its own entrance off of an interior hallway: 336 sq ft
- The infant and toddler rooms are connected by a bathroom: 45 sq ft
- Total space in the nursery: 650 sq ft
- The toddler room has a direct exit to the outside; the infant room does not
- Across the hall is a full kitchen and additional bathrooms
- Down the hall is a multi-purpose room with two direct exits to the outside
- There is a large grassy area outside of these areas; we plan to add fencing

Sincerely,
Bryan Carlson, CEO

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #19058	FINAL ACTION? Yes	DEVELOPER/OWNER Jeffrey Overturf
PLANNING COMMISSION HEARING DATE January 8, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 840 North 48 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow the consumption of alcohol off the premises. The applicant, Noel's Liquor, is proposing to occupy approximately the north one-half of the building located at 840 North 48th Street.

The entire building meets the requirements for a special permit of off-sale alcohol. The recommendation of approval includes the provision that the special permit be approved authorizing the sale of alcohol for the entire building in the event the owner chooses to expand in the future.

The sale of alcohol in the City of Lincoln is regulated by both the State of Nebraska and the City of Lincoln. That is, in addition to the requirement for the issuance of a State liquor license, the sale of alcohol is also regulated by the Zoning Ordinance which requires a special permit in those district where it is allowed.



JUSTIFICATION FOR RECOMMENDATION

This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption off the premises.

APPLICATION CONTACT

Fiseha Tesfazion
(402)-580-6247
noeliquor@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This allows for a retail business to occupy a commercial building located in a major commercial corridor which meets all the criteria of the Zoning Ordinance. The siting criteria of the special permit seek to locate such uses in areas like this, and away from residential areas and other sensitive uses. Siting at this location is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill

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

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

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

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

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

ANALYSIS

1. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685:** Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking requirement for off-sale is as per the zoning district, so in this case it is calculated at one space per 600 square feet of floor area as per the H-2 zoning district. The building and parking are existing and nothing changes as a result of this request. The existing parking lot/spaces provided on site exceed the minimum required number of parking spaces for the associated building per the district requirement.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

This request is only for off-sale alcohol, as the need for on-sale is not anticipated at this time and is not a part of this request.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

The proposed licensed premises is located in in the H-2 zoning district along a major commercial corridor which is developed with a variety of commercial uses. The nearest of any of the sensitive use listed under the location criteria is the R-2 residential zoning to the east, in excess of 200' away.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed on the site plan.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The entrance to the building faces west towards North 48th Street and other H-2 zoned properties also occupied by commercial buildings. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is from North 48th Street, which is not a residential street in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
- (2) Repeated violations related to the operation of the permittee's business.
- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. This request for the sale of alcohol for consumption off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial H-2

SURROUNDING LAND USE & ZONING

North: Commercial	H-2
South: Commercial	H-2
East: Parking Lot	H-2
West: Commercial	H-2

LEGAL DESCRIPTION: Barnes Addition to Newman, Lot B, N151.3' S426.3' E84' W150', Lancaster County, Nebraska, generally located at 840 North 48th Street.

Prepared by

 Brian Will
bwill@lincoln.ne.gov or at
 402-441-6362
 December 18, 2019

Applicant/
 Contact: Fiseha Tesfazion
 1401 North 56th Street, Ste 106
 Lincoln, NE 68504
 402-580-6247
 noeliquor@gmail.com

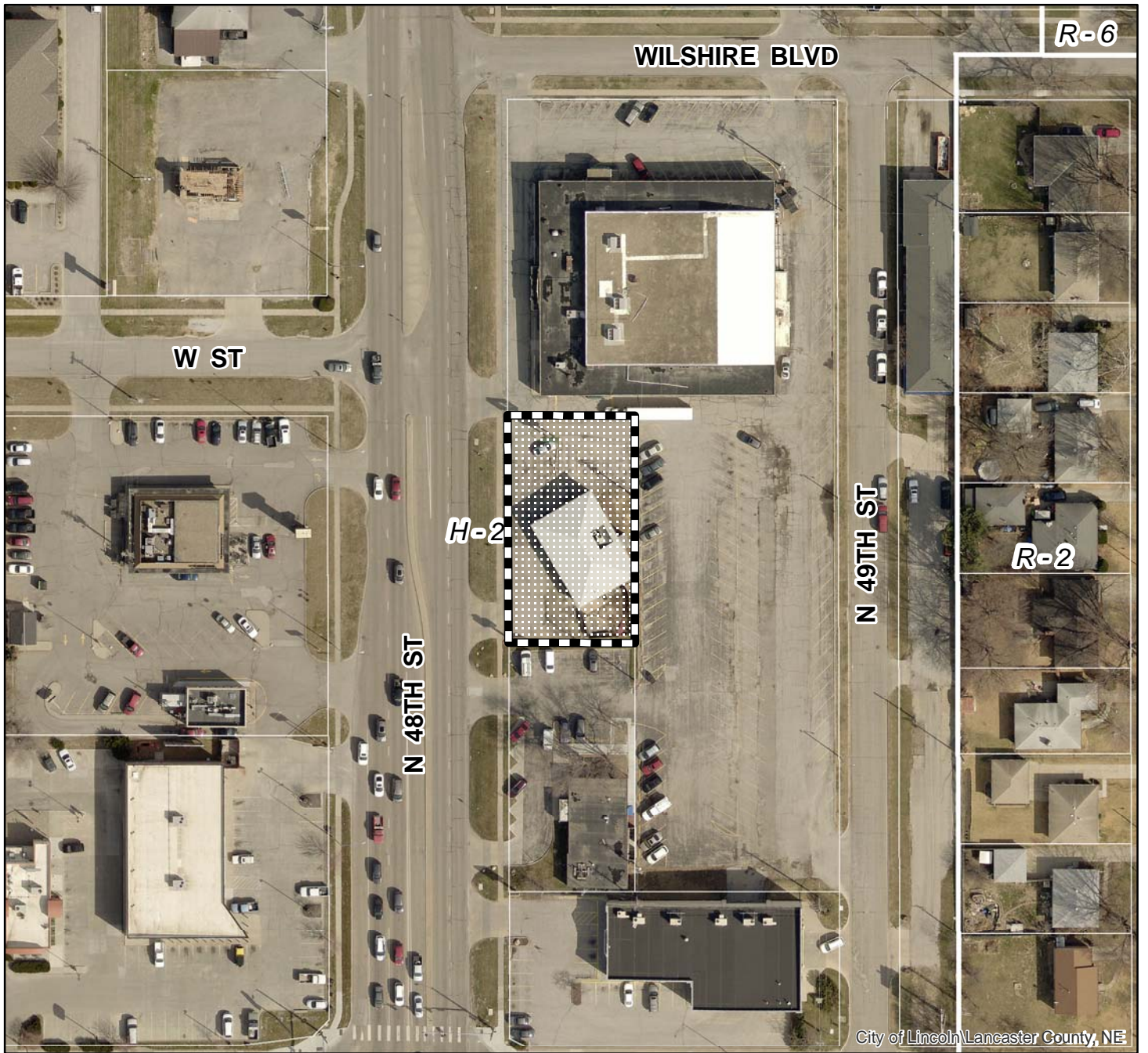
Owner: LJD Holdings
 1651 Highway 74
 Edgar, NE 68935

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19058

This approval permits the sale of alcohol for consumption off the premises per LMC Section 27.63.685 over the entire building to allow for future expansion of the use without the need to amend this special permit.

Conditions:

1. The following conditions are applicable to all requests:
 - 1.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.
 - 1.2 The physical location of setbacks, 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.
 - 1.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 1.4 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, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.



2018 aerial

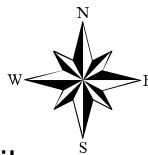
Special Permit #: SP19058
N 48th St & Vine St

Zoning:

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

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

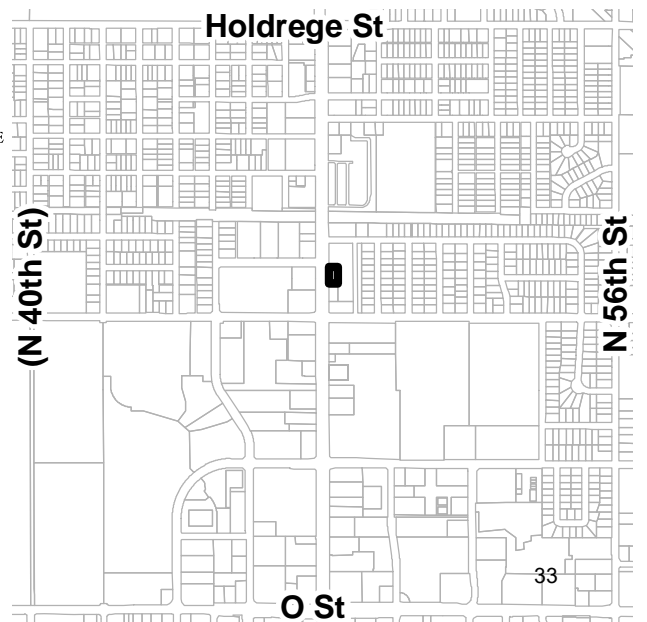
One Square Mile:
 Sec.20 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

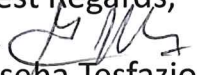


November 22/2019

Business Plan For Noel's Liquor

I am opening the Noel's Liquor to make a business and make a living responsibly. I am also will hire three to four people, giving an opportunity of employment to some Lincoln residents. Paying Taxes in time to City of Lincoln and the Federal. Paying my rent in time and give the Land Lord a chance to make income on his property and to pay his property taxes. To serve the Lincoln Community in a responsible maner.

Best Regards,


Fiseha Tesfazion

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

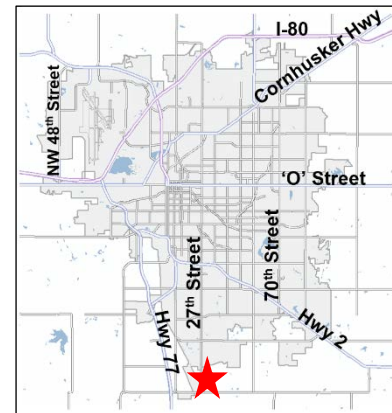
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation 19005 Change of Zone 17013A	FINAL ACTION? No (both applications)	DEVELOPER Iron Ridge Development, LLC
PLANNING COMMISSION HEARING DATE January 8, 2020	RELATED APPLICATIONS AN19005 & CZ17013A	LOCATION S. 34 th Street & Rokeby Road

**RECOMMENDATIONS: ANNEXATION 19005 (CONDITIONAL APPROVAL)
CHANGE OF ZONE 17013A (CONDITIONAL APPROVAL)**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications (annexation and change of zone) associated with the Iron Ridge subdivision, located at approximately S. 34th Street and Rokeby Road. The annexation area includes approximately 43 acres, including the Simmons-Salttillo cemetery (cemetery) and expansion area of the Iron Ridge PUD, plus adjacent right-of-way. The change of zone from AG (Agriculture) to R-3 (Residential) Planned Unit Development (PUD) area includes approximately 39 acres and is to develop approximately 175 units, this is the expansion area to the existing Iron Ridge PUD and does not include the cemetery. This requests also includes adding 65 additional units to the existing PUD area for a total of 690 units. Waivers to building height, minimum lot width, minimum lot area, double frontage lots and to allow sanitary service with a temporary lift station are also requested.



JUSTIFICATION FOR RECOMMENDATION

The subject property is abutting the city limits to the west, and a full range of municipal services can be provided if annexed. It is within the City's Future Service Limits, and designated for future urban residential land uses. A change of zone from AG to R-3 is consistent with the Future Land Use Map designation, and compatible with surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT

Tim Gergen
(402) 477-9291
tim.gergen@clarkenersen.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is within the Future Service Limit, and is designated for future urban density residential land uses on the Future Land Use Map.

WAIVERS

1. To increase the building height maximum from 35' to 65' on Lot 1, Block 15. (Recommend Approval)
2. Reduce the minimum lot width to 33'. (Recommend Approval)
3. Reduce the minimum lot area to 4,000 square feet. (Recommend Approval)
4. To allow double frontage lots. (Recommend Approval)

5. To sanitary service with a temporary lift station for all lots in Block 11, 12, 13, and 16. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future urban density residential land uses 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. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B, and within boundary of the Future Service Limit.

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.

The ANNEXATION POLICY- page 12.14-12.15 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. This is a combined staff report for two related applications (annexation and change of zone) associated with the Iron Ridge subdivision, located at approximately S. 34th Street and Rokeby Road. The annexation area includes approximately 43 acres, including the Simmons-Salttillo cemetery (cemetery) and expansion area of the Iron Ridge PUD, plus adjacent right-of-way. The change of zone from AG (Agriculture) to R-3 (Residential) Planned Unit Development (PUD) area includes approximately 39 acres and is to develop approximately 175 units, this is the expansion area to the existing Iron Ridge PUD and does not include the cemetery. Both applications are located south of Rokeby Road on the east side of S. 31st Street. The land being annexed is contiguous to the City limits on the west.
2. This requests also includes adding 65 additional units to the existing PUD area. The original Iron Ridge PUD was approved for 450 units and the expansion is for 175 units. Therefore, approval of this would permit a total of 690 units within the entire PUD boundary of approximately 187 acres.
3. In 2017, the Iron Ridge PUD was approved for up to 450 dwelling units and up to 50,000 square feet of commercial space. A portion of the PUD includes a B-2 overlay area on the southeast corner of S. 27th Street and Rokeby Road. This area was envisioned as either a mixed use area or exclusively commercial or multifamily residential. The site plan for the B-2 area will be approved with a future administrative amendment. The remaining portion of the PUD was envisioned for residential uses.
4. With this amendment, a total of 690 dwelling units and up to 50,000 square feet of commercial space would be approved on approximately 187 acres.
5. An annexation agreement is required to address improvements to Rokeby Road associated with this development.
6. 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: The 16" water main in Rokeby Road going east from S. 27th Street is being designed to be available for development east of S. 27th Street within the PUD.
 - c. Roads: Improvement of S. 27th Street and Rokeby Road east of S. 27th Street will be addressed through the associated annexation agreement. Street improvements for Iron Ridge I were temporary and therefore non-reimbursable. The temporary improvements are anticipated to serve the development through the 20-year planning period, until the City has collected sufficient funds to re-construct the arterial streets to permanent City standards. Street improvements for Iron Ridge PUD II, the expansion area, are planned to be permanent and therefore, reimbursable through impact fees. Lincoln on the Move (sales tax) funds are also proposed to assist with construction costs.
 - d. Parks and Trails: There are no trails within the Iron Ridge PUD II expansion area.
 - e. Emergency Services: The Lincoln Police Department recommends approval of this project but notes this location is beyond their four minute travel time goal.
7. The following waivers are requested:
 - a. To increase the building height maximum from 35' to 65' on Lot 1, Block 15. (Recommend Approval)

This area is at the south east corner of the intersection of S. 27th Street and Rokeby Road and has a B-2 overlay. This is an appropriate location for taller buildings. In the recent past, several PUD applications have included requests for a height waiver.

- b. Reduce the minimum lot width to 33'. (Recommend Approval)

The applicant proposes a reduced minimum lot width. This is a typical request for single family attached dwelling units in newer subdivisions.

- c. Reduce the minimum lot area to 4,000 square feet. (Recommend Approval)

The applicant proposes a reduced lot area. This is a typical request for single family attached dwelling units in newer subdivisions.

- d. Allow double frontage lots. (Recommend Approval)

This request is acceptable request due to the unique layout of the adjacent Reunion Ridge Community Unit Plan.

- e. To sanitary service with a temporary lift station for all lots in Block 11, 12, 13, and 16.

This request is acceptable to Lincoln Transportation & Utilities - Wastewater as it is meant to operate temporarily and will be replaced with permanent infrastructure built to urban standards.

- 8. 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. Tier II shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II is outside of the Future Service Limit.

The existing Iron Ridge PUD boundary is within Tier I Priority A. The proposed PUD expansion boundary area is in Tier I Priority B because it is contiguous to Priority A and is anticipated for development, and therefore, a Comprehensive Plan Amendment is not required. Once the property is within the city limits the Growth Tiers can be revised with a future updated of the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: farmland, vacant & AG

SURROUNDING LAND USE & ZONING

North: farmland & AG

South: farmland, residential acreage & AG

East: farmland, residential acreage & AG

West: Simmons-Salttillo Cemetery & AG, R-3

APPLICATION HISTORY

July 2017 AN17005, CZ17012, CZ17013 Iron Ridge PUD I and CUP were approved by City Council for up to 450 dwelling units and up to 50,000 square feet of commercial space, with a waiver to stormwater detention facilities.

APPROXIMATE LAND AREA:

Annexation 19005: 43 acres, plus adjacent right-of-way

Change of Zone 17013A: 39 acres for the expansion area and 187 acres for the overall PUD boundary

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

ANNEXATION LEGAL DESCRIPTION: All of Lot 12, I.T., located in the NE 1/4 of Section 31-9-7, and Lot 13, I.T. and Lot 7, I.T. located in the NE corner, NW 1/4 of Section 31-9-7, and adjacent right-of-way, Lincoln, Lancaster County, Nebraska.

CHANGE OF ZONE LEGAL DESCRIPTION: All of Lot 12, I.T., located in the NE 1/4 of Section 31-9-7, Lincoln, Lancaster County, Nebraska.

Prepared by:

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

Date: December 30, 2019

Contact: The Clark Enersen Partners
Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

Owner: Deb Hoy
3501 Rokeby Road
Roca, NE 68430

Owner: Iron Ridge Development, LLC
12040 McDermott Plaza, Suite 200
LaVista, NE 68128

Owner: Simmons-Salttillo Cemetery Association
ATTN: Roger Simmons
2970 South Street
Lincoln, NE 68502

Owner: Apples Way LLC
6333 Apples Way, Suite 115
Lincoln, NE 68516

CONDITIONS OF APPROVAL - ANNEXATION 19005

1. Before these requests are scheduled for City Council consideration, the annexation agreement between the City and the owner(s) will be complete.
2. Before these requests are scheduled for City Council consideration, the annexation legal description will be complete.

CONDITIONS OF APPROVAL - CHANGE OF ZONE 17013A

This approval permits up to 690 dwelling units and up to 50,000 square feet of commercial space, with the following waivers:

1. To increase the building height maximum from 35' to 65' on Lot 1, Block 15.
2. Reduce the minimum lot width to 33'.
3. Reduce the minimum lot area to 4,000 square feet.
4. To allow double frontage lots.
5. To sanitary service with a temporary lift station for all lots in Block 11, 12, 13, and 16.

Site Specific Conditions:

1. The Developer signs a revised annexation before the City Council approves the change of zone.
2. The City Council approves associated request:
 - 2.1 Annexation 19005
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 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 3.1 Revise the CAD drawing and the legal descriptions to the satisfaction of the County Assessor Survey.
 - 3.2 Revise the waiver table as approved and clarify that the Stormwater Detention waiver is only for Iron Ridge I.
 - 3.3 Delete General Note 21.
 - 3.4 Revise the legal description and site plans to the satisfaction of the LTU - Survey Check Department, County Assessor and County Engineer. Update the correct legal description on the site plan.
 - 3.5 Submit street profiles to the satisfaction of the County Engineer.
 - 3.6 Provide right-of-way dedication at the intersection of S. 34th Street & Rokeby Road.
 - 3.7 Revise the site and grading plans, drainage report and water quality to the satisfaction of the County Engineer and to the LTU - Watershed Management Department.
 - 3.8 Revise the termination of Reverence Lane to the satisfaction of the LTU - Engineering Services Department.
 - 3.9 Submit final design of Rokeby Road to the satisfaction of the LTU - Engineering Services Department.
 - 3.10 Submit a Phasing Plan with a note, "Up to 140 units in Iron Ridge PUD and 15 units in the Reunion Ridge Community Unit Plan may be final platted. To final plat additional lots either 1) the Rokeby Road connection to S. 34th Street must be under contract or 2) Phase III connects S. 27th Street to Phase II.
 - 3.11 Identify the purpose of the outlots between the lots in Block 17 and 18 and Rokeby Road.
 - 3.12 Revise the concept plan in Reunion Ridge to show that Lots 44- 50, Block 4 will be double frontage lots and include a waiver in the waiver table.
 - 3.13 Delete General Note 25 and provide an exhibit showing compliance with guest parking standards of 27.67.040 (f).
 - 3.14 Provide a summary table for lot counts and the outlots.

- 3.15 Delete the duplicate Lowest Floor and Minimum Opening Elevation on either sheet 5 or sheet 7 per the 5/10/2019 Project Dox markups.
- 3.16 Dead end water mains shall terminate with hydrant assemblies to the satisfaction of LTU - Water Department.
- 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.

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.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer 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 the streets as shown on the final plat within four (4) years following the approval of the final plat.

to construct the sidewalk in the pedestrian way easements as shown on the plans at the same time as *the adjacent street* is paved and to agree that no building permit shall be issued for construction until such time as the sidewalk in the pedestrian way easement is constructed.

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 enclosed private 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 land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along *streets/private roadways* within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along as shown on the final plat within two (2) years following the approval of this 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 timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance 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 condition and state of repair, including the routine and reasonable preventative 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 maintain the street trees along the streets and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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, Developer(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) Developer shall not be relieved of Developer'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.

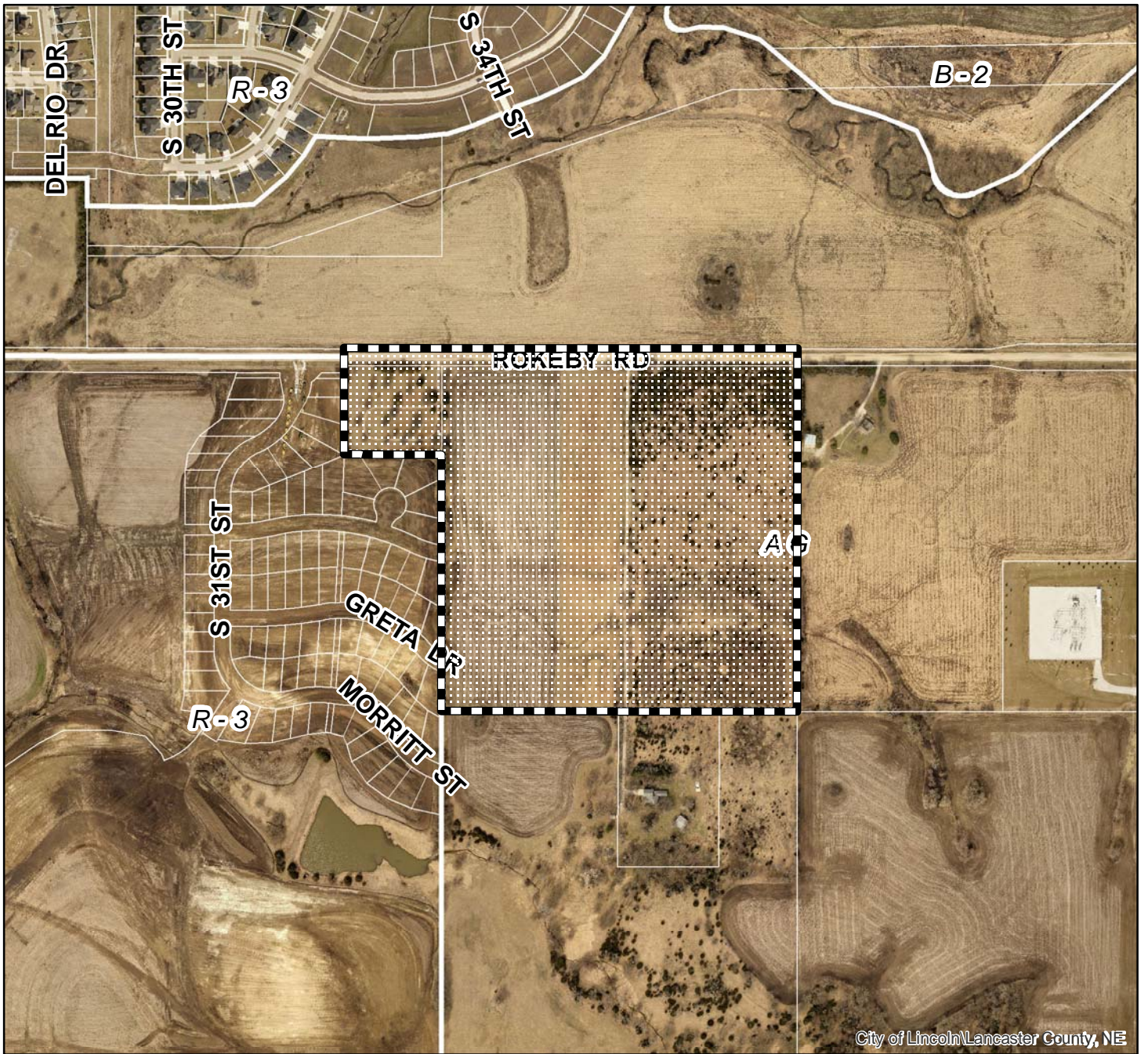
to pay all design, engineering, labor, material, inspection, and other improvement costs.

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Iron Ridge PUD change of zone 17013 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 PUD.

to relinquish the right of direct vehicular access from Rokeby Road.

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.



City of Lincoln Lancaster County, NE

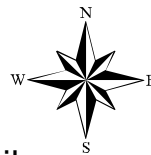
2018 aerial

Annexation #: AN19005
Iron Ridge PUD
S 40th St & Rokeby Rd

Zoning:

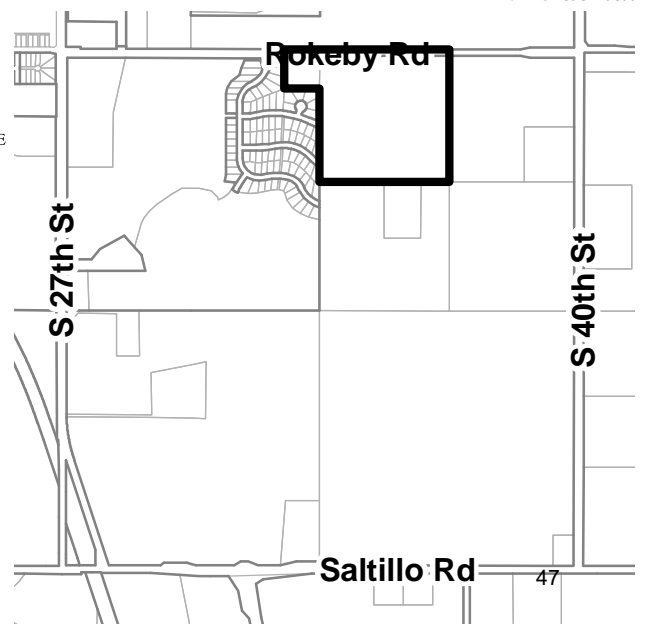
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

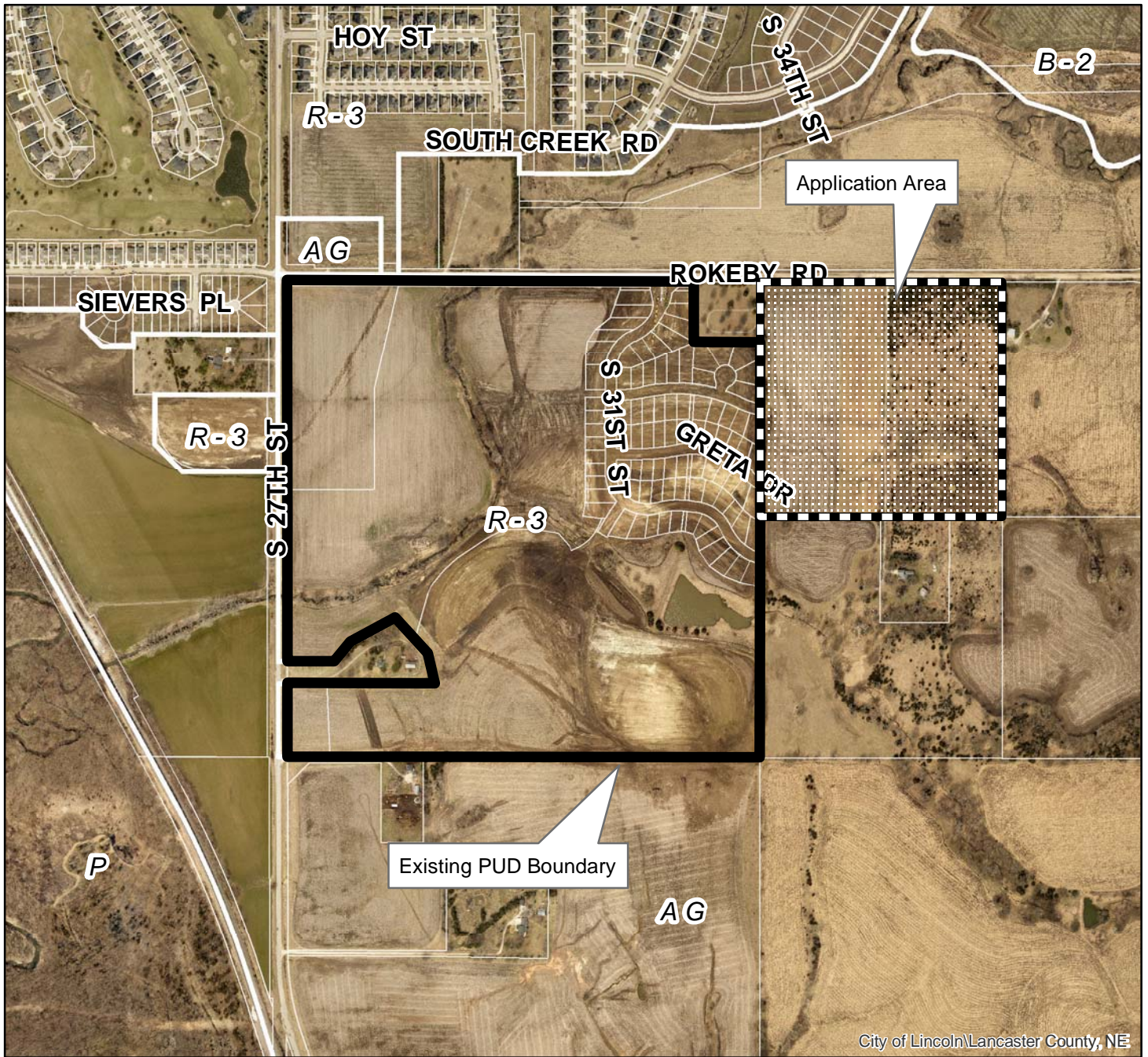
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One Square Mile:
Sec.31 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





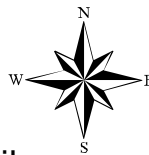
City of Lincoln/Lancaster County, NE

2018 aerial

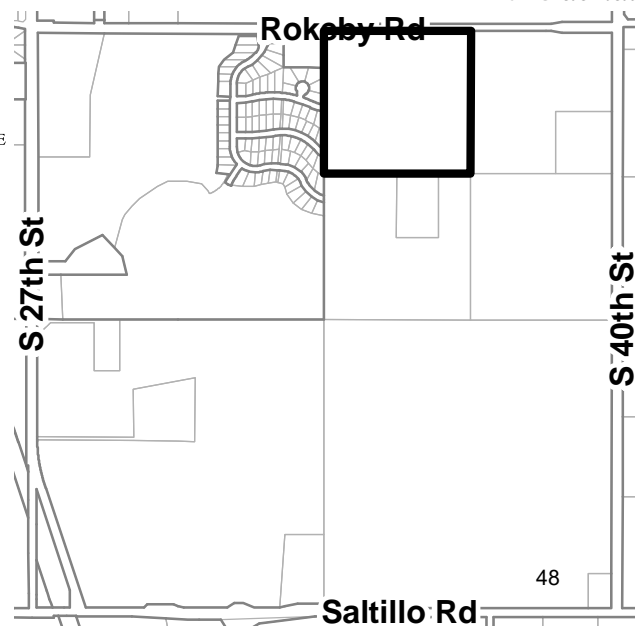
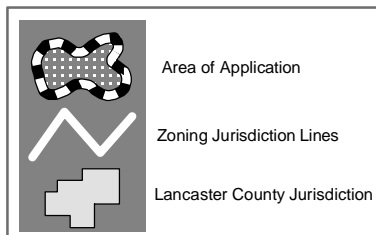
Change of Zone #: CZ17013A
Iron Ridge PUD
S 40th St & Rokeby Rd

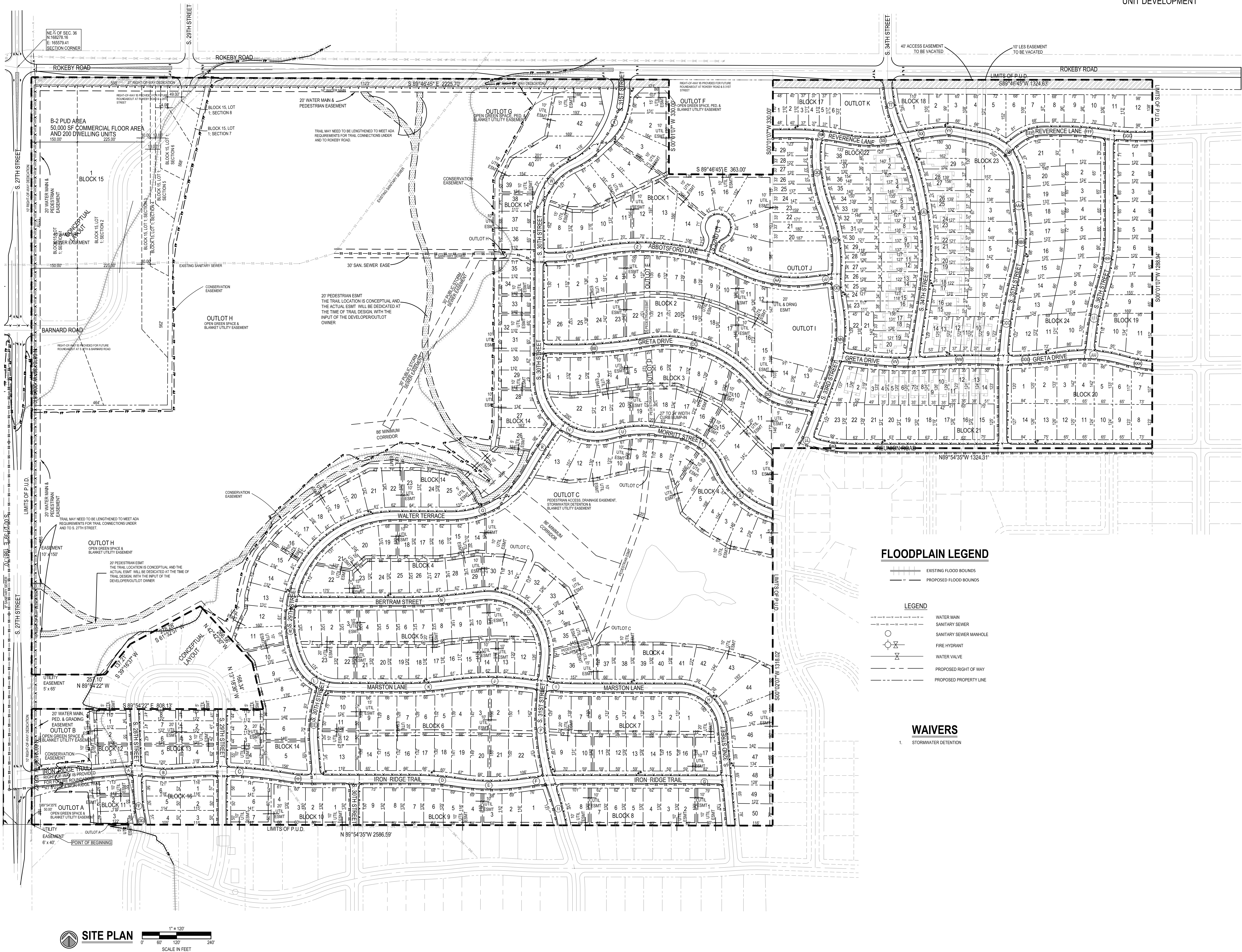
Zoning:

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One Square Mile:
 Sec.31 T09N R07E

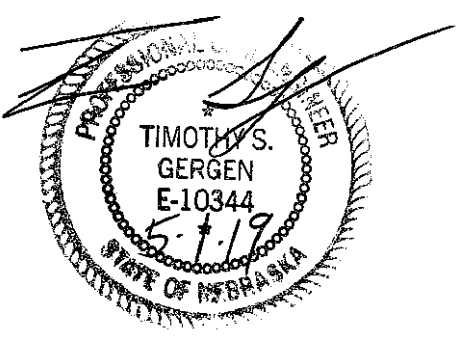




Plot Time Stamp: 5/02/2019 8:15:24 AM
 File Location: \\c:\ep-hsv-004\860-899\863-004-1\Apply Way 27th Rokeby\3) AutoCAD Amend for Hwy (863004-PUD-101).dwg

Amendment to the
Iron Ridge - Planned
Unit Development

Lincoln, NE
TCEP No.: 863-004-16
May 1, 2019



GENERAL SITE NOTES

1. SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF STREETS.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO S. 27TH STREET AND ROKEBY ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN.
4. ALL ELEVATIONS ARE TO NAVD 1988.
5. ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS PUD TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
6. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
7. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
8. ATMs, FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
9. A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS IN BLOCK 15 FOR ANY COMMERCIAL USES.
10. INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
11. 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 AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
12. THE B-2 PUD AREA (LOT 1, BLOCK 15) SHALL FOLLOW THE B-2 ZONING CODE AND SHALL HAVE NO MORE THAN 50,000 SF OF COMMERCIAL BUILDING FLOOR AREA AND NO MORE THAN 200 DWELLING UNITS.
13. FINAL SITE LAYOUT FOR THE B-2 PUD AREA (LOT 1, BLOCK 15) TO BE SUBMITTED AND APPROVED BY ADMINISTRATIVE AMENDMENT.
16. THE R-3 PUD AREA SHALL FOLLOW THE R-3 ZONING CODE AND SHALL HAVE NO MORE THAN 450 DWELLING UNITS.
17. A FLOODPLAIN PERMIT IS NEEDED PRIOR TO ANY GRADING IN THE FLOODPLAIN.
18. AFTER GRADING AND PRIOR TO FINAL PLAT, A LETTER OF MAP REVISION FROM FEMA NEEDS TO BE OBTAINED AND SUBMITTED TO THE CITY REFLECTING FINAL GRADES AND THE NEW FLOODPLAIN.
19. PRIOR TO THE FIRST FINAL PLAT FOR A BUILDABLE LOT IN THE B-2 PUD AREA, SUBMIT AN ADMINISTRATIVE AMENDMENT TO EITHER: 1) REVISE THE WILDERNESS HILLS 1ST ADDITION PRELIMINARY PLAT TO RELOCATE S 29TH STREET TO ALIGN WITH THE IRON RIDGE PUD INTERSECTION OR 2) REVISE THE IRON RIDGE PUD TO ALIGN WITH S 29TH STREET AS SHOWN ON THE WILDERNESS HILLS 1ST ADDITION PRELIMINARY PLAT.
20. THE TRAIL LOCATION IS CONCEPTUAL AND THE ACTUAL EASEMENT WILL BE DEDICATED AT THE TIME OF TRAIL DESIGN, WITH THE INPUT OF THE DEVELOPER/OUTLOT OWNER. TRAIL MAY NEED TO BE LENGTHENED TO MEET ADA REQUIREMENTS FOR TRAIL CONNECTIONS UNDER AND TO S. 27TH STREET AND ROKEBY ROAD.
21. ALL LOTS IN THE R-3 PUD SHALL BE SINGLE FAMILY ATTACHED DWELLING UNITS OR SINGLE FAMILY DETACHED DWELLING UNITS, AS LONG AS THE SINGLE FAMILY ATTACHED LOT IS MINIMUM OF 33 FEET WIDE AND HAS 4000 SQ. FT. OF LOT AREA.
22. 2' SIDE YARD SETBACKS FOR LOTS ADJACENT TO OUTLOTS C, D, E, H AND I.
23. 10' REAR YARD SETBACKS FOR LOTS ADJACENT TO OUTLOTS C AND H.
24. LOTS 1-3, BLOCK 11, LOTS 1-3, BLOCK 12 AND LOTS 35-37, BLOCK 14 MAY NOT BE FINAL PLATTED UNTIL LOMR IS APPROVED.
25. THE FOOTPRINTS SHOWN ON BLOCKS 21-23 ARE NOT BUILDING ENVELOPES, AS SETBACKS ARE AS PER THE R-3 ZONING DISTRICT, BUT ILLUSTRATIVE OF A BUILDING LAYOUT WHICH MUST BE SUBSTANTIALLY AS SHOWN USING ATTACHED GARAGES AND ADJACENT DRIVEWAYS FOR ATTACHED DRIVEWAYS FOR ATTACHED UNITS IN ORDER TO PROVIDE ADEQUATE CURB SPACE FOR REQUIRED ON-STREET PARKING.

Change of Zone Legal Description (Expansion Area)

N 89°57'20" E 1324.58'

LOT 12 I.T.

ALL OF LOT 12 IRREGULAR TRACT, LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON THE WEST LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF S 0°01'07"W A DISTANCE OF 33.00', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH 33' RIGHT OF WAY LINE FOR ROKEY ROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 12; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 12 AND SAID SOUTH RIGHT OF WAY LINE, N 89°57'20"E 1324.58', TO THE NORTHEAST CORNER OF LOT 12; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 12, S 0°01'35"W 1286.38', TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 12, N 89°58'27"W 1324.40', TO THE SOUTHWEST CORNER OF SAID LOT 12, SAID POINT BEING ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTHERLY ON SAID WEST LINE, N 0°01'07"E 1284.76', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,702,727.03 SQUARE FEET OR 39.09 ACRES, MORE OR LESS.

S 00°01'07" W 363.00'

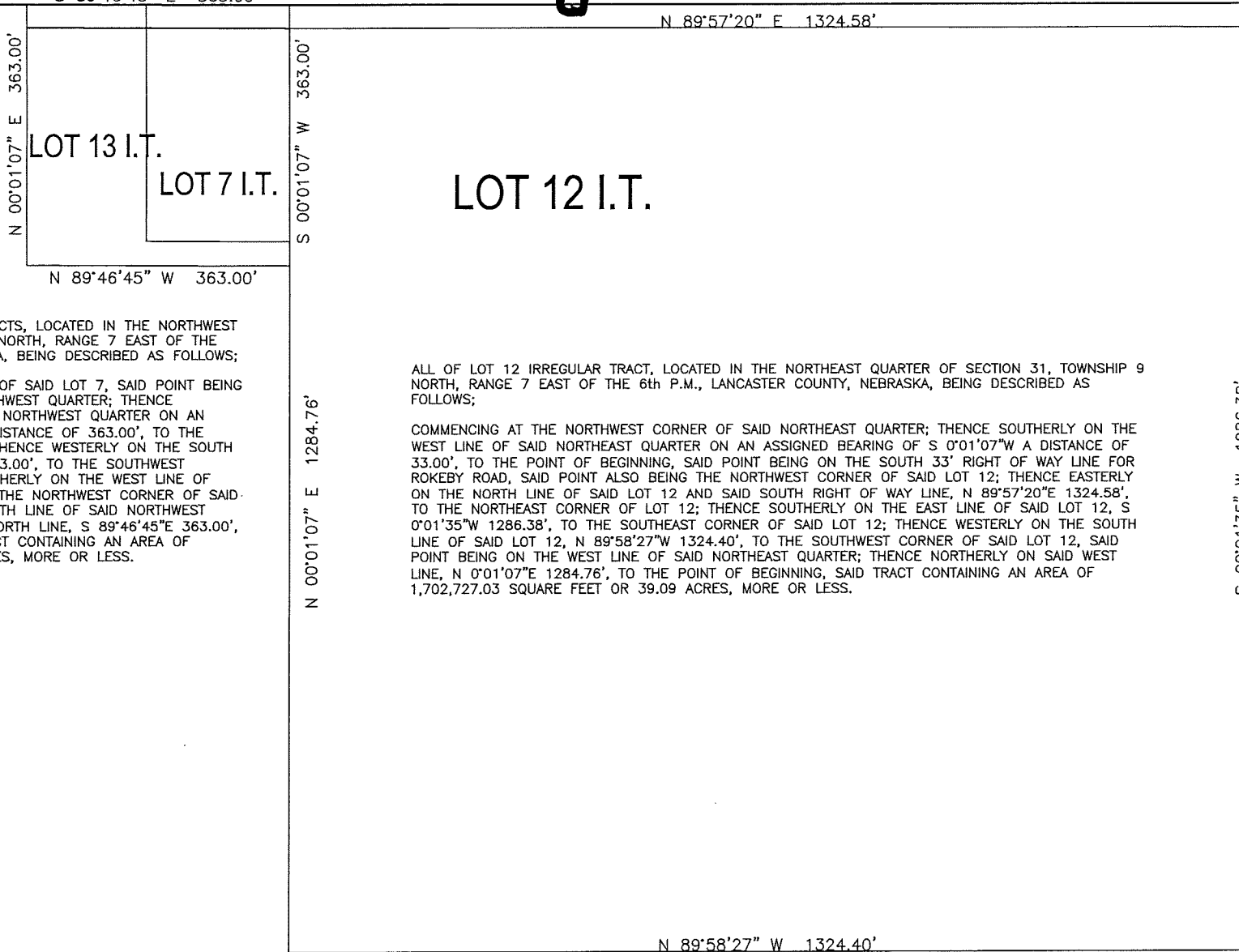
N 00°01'07" E 1284.76'

S 00°01'35" W 1286.38'

N 89°58'27" W 1324.40'

Annexation Legal Description + adjacent ROW

NE CORNER, NW 1/4
SEC. 31-9-7
S 89°46'45" E 363.00'



ALL OF LOTS 7 AND 13 IRREGULAR TRACTS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7, SAID POINT BEING THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER ON AN ASSIGNED BEARING OF S 0°01'07"W A DISTANCE OF 363.00', TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 13, N 89°46'45"W 363.00', TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 13, N 0°01'07"E 363.00', TO THE NORTHWEST CORNER OF SAID LOT 13, SAID POINT BEING ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY ON SAID NORTH LINE, S 89°46'45"E 363.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 131,768.18 SQUARE FEET OR 3.03 ACRES, MORE OR LESS.

ALL OF LOT 12 IRREGULAR TRACT, LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON THE WEST LINE OF SAID NORTHEAST QUARTER ON AN ASSIGNED BEARING OF S 0°01'07"W A DISTANCE OF 33.00', TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH 33' RIGHT OF WAY LINE FOR ROKEBY ROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 12; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 12 AND SAID SOUTH RIGHT OF WAY LINE, N 89°57'20"E 1324.58', TO THE NORTHEAST CORNER OF LOT 12; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 12, S 0°01'35"W 1286.38', TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 12, N 89°58'27"W 1324.40', TO THE SOUTHWEST CORNER OF SAID LOT 12, SAID POINT BEING ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTHERLY ON SAID WEST LINE, N 0°01'07"E 1284.76', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1,702,727.03 SQUARE FEET OR 39.09 ACRES, MORE OR LESS.

December 30, 2019

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: AN19005/CZ17013A Iron Ridge PUD
Missing Middle Units, Phasing Plan
Height & Sanitary Sewer Waivers

Dear Mr. Cary:

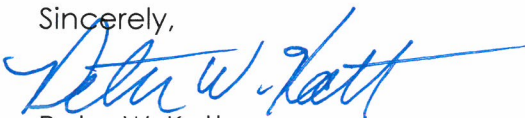
I appreciate the hard work and creativity demonstrated by your Staff working with Tim Gergen on this approval. All of us have been working with adjoining landowners to find a solution that will enable Rokeby Road to be timely paved and permit a reasonable level of development to continue in the near term. We are agreeable to the Phasing plan outlined in Steve Henrichsen's email to me dated December 27th.

As a part of that plan and our discussions with Staff, we are amending the requested Dwelling Units in our pending application CZ17013A to be a total of 240, 175 as originally requested plus an additional 65 units in the 27th street entrance area between the two existing acreages. The area is located within Blocks 10, 11, 12, 13, 14 and 16 and is shown highlighted in yellow on the attachment. We anticipate bringing back to the Lincoln market the 'missing middle' and detached multi-family products that are mostly missing from our new neighborhoods. A temporary sanitary sewer waiver was previously requested by Tim Gergen for this area as well which I am confirming with this letter.

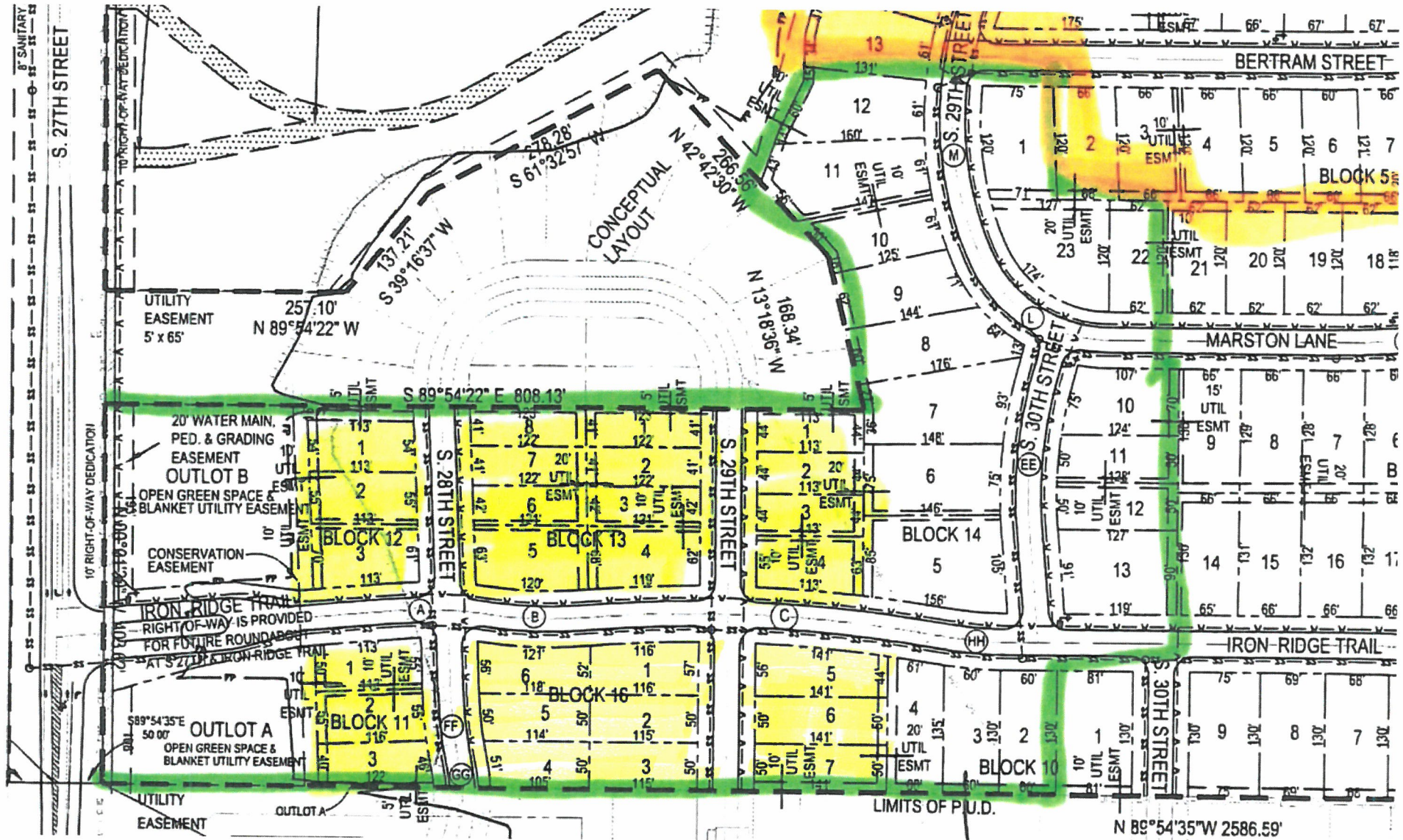
Lastly, I would request a height wavier to 65' for the commercial/apartment, Block 15. There is a potential Buyer that may want to build taller in this area and given its distance from other uses we think the request to be reasonable.

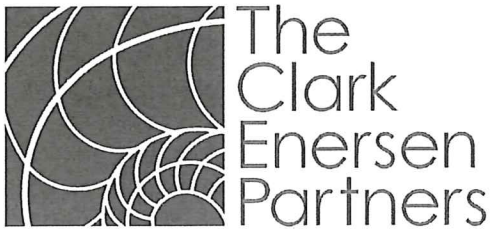
Please let me know if you have any questions or need additional information.

Sincerely,



Peter W. Katt





May 1, 2019

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Iron Ridge
Planned Unit Development – Amendment
Annexation

Dear Mr. Cary:

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

1. City Application
2. Application fee \$4,283 (\$988 + \$3,295)
3. Site Plan
4. Grading/Drainage Plan
5. Street Profiles
6. Drainage Report

On behalf of the Developer, Iron Ridge Development LLC, 12040 McDermott Plaza, Suite 200, LaVista NE 68128, we are requesting Annexation for the property located at 3501 Rokeby Road and a Planned Unit Development Amendment to the Iron Ridge PUD for the same property.

This application is to add up to 175 single family detached/attached lots to the already 275 lots approved for the Iron Ridge R-3 PUD area. All lots will be served by new public roadways and public utilities. The single family attached units will have a minimum lot width of 33 feet and a minimum lot area of 4,000 square feet.

We have worked with the City of Lincoln for the past few months on a roadway cross section of Rokeby Road that can be designed and built so that impact fees could be utilized to offset the costs of building Rokeby Road. This application will extend the pavement of Rokeby Road from the point of terminus of the pavement near the western lot line of the cemetery to the east side of the proposed intersection of S. 34th Street.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

Please let me know if you have any questions or need additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkensersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

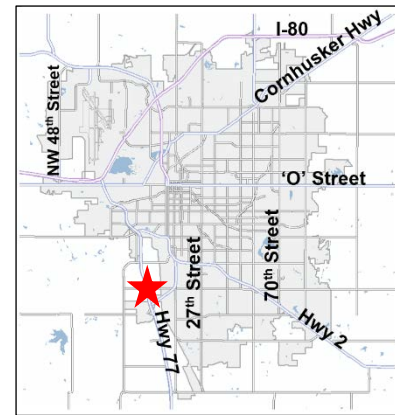
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Preliminary Plat 18002	FINAL ACTION? Yes	DEVELOPER/OWNER Southwest Folsom Development, LLC
PLANNING COMMISSION HEARING DATE January 8, 2020	RELATED APPLICATIONS CZ19030	PROPERTY LOCATION S. Folsom & Old Cheney Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat consisting of approximately 474 residential lots and 19 outlots on approximately 152.1 acres. The first phase of annexation occurred in July of 2018 for approximately 42.49 acres. It was the first phase of this subdivision that will develop incrementally with anticipated future phases of annexation and rezoning requests. This preliminary plat shows how the overall subdivision may generally develop. Waivers to block length, lot lines being radial and perpendicular to street right-of-way and sanitary sewer running opposite of street grade are also requested.



JUSTIFICATION FOR RECOMMENDATION

The proposed preliminary plat as modified by the proposed conditions is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan zoning and subdivision regulations.

APPLICATION CONTACT
Mark Palmer, Olsson Associates
(402) 458-5632
mpalmer@olssonassociates.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is within the Future Service Limit, and is designated for future urban density residential land uses on the Future Land Use Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

WAIVERS

1. Sanitary sewer running opposite of street grade. (Recommend Approval)
2. To block length requirements for blocks 8, 9, 25. (Not Applicable)
3. To lot lines being radial and perpendicular to street right-of-way. (Not Applicable)

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. 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:

- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- 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.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.
- Develop and utilize a measurement tool to evaluate proposed projects and assess existing and proposed neighborhoods in terms of how well they achieve the Plan's goals for design and sustainability.

ANALYSIS

1. This preliminary plat proposes approximately 474 lots for residential development and 19 outlots on approximately 152.1 acres. The first phase of annexation occurred in June of 2018 for approximately 42.49 acres. This was the first phase of this preliminary plat and it is anticipated that it will develop incrementally with future phases of annexation and rezoning requests.
2. This preliminary plat was originally submitted in May of 2018. The developer agreed to put the preliminary plat on hold in order to work with the City on the design of W. Old Cheney Road. Lincoln Transportation and Utilities (LTU) and the applicant considered reclassifying it from a minor arterial to a collector designation. However, the final determination by LTU is it will not be reclassified. Therefore, the developer revised their plans to show W. Old Cheney Road as a minor arterial and is now proceeding with their requests.
3. Sanitary sewer is not currently available at this time. However, funding for it is in the next three years of the Capital Improvement District (CIP) as stated in the Annexation Agreement.
4. A 16" water main in S. Folsom is in place to serve this area. A 12" feeder loop at the half mile point (W. Desert Vista Drive and W. Panorama Road) through this development is required and is shown in the preliminary plat. A 16" water main at the one mile point (West Old Cheney Rd alignment) on the north end of this development is planned, this is currently shown as a 12"/16" main in the preliminary plat.
5. A waiver to sanitary sewer running opposite of street grade was requested. This is a typical request and LTU - Wastewater has reviewed and agrees with this request.
6. A waiver to block length was requested for blocks 8, 9 and 25 that exceed 1320'. However, it was determined that blocks 8 and 9 meet the exception of Section 26.23.130 "Block Sizes", due to the drainage way or where abutting arterial streets and there is no block 25 identified on the plans; therefore, no waiver is required.
7. A waiver to side lines of any lot shall be at right angles was requested. However, it was determined that the proposed lots meet the exception of Section 26.23.140 Lot, where a variation will provide a better street and lot layout. Therefore, no waiver is required.

8. The Lincoln Fire Department provided the following comments: Lincoln Fire and Rescue does not oppose the proposed development but we certainly want future landowners and occupants to know emergency response to the southwest corner of this development will be delayed due to limited access along the east and north sides of this development until such time as access is developed in the vicinity of SW 12th Street and Pleasant Hill Road. This development as a whole is outside of our response time goal; with limited access to the interior of this development, particularly the southwest corner, additional delays will occur.
9. The project is subject to a Phasing Plan on sheet 2A of 19 in order to address the timing of the construction of various access points to ensure there is adequate access to the site. Also, to serve the future residents and emergency access needs as described above. The Phasing Plan needs to be clarified to add the following:
 - Phase 1: Allows the remaining lots within Phase 1 to be platted without any additional improvements being constructed.
 - Phase 2: Requires the construction of W. Palm Canyon Road and the intersection with S. Folsom Street.
 - Phase 3: Requires the construction of a roundabout at SW. 9th Street & W. Old Cheney Road intersection and access to and turn lanes or a roundabout built at SW. 12th Street west of Pleasant Hill Road.

With these clarifications, appropriate emergency access to the southwest portion of the preliminary plat will be addressed.
10. Outlot F is the location of a possible future park and is subject to agreements being completed between the developer and the city of Lincoln Parks Department as stated in the Annexation Agreement. Parks and Recreation Department will construct the 'pedestrian sidewalk' that is within Outlot F. The developer is responsible for the 'pedestrian sidewalk' in Outlots D, E, G, H and I.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: R-3

SURROUNDING LAND USE & ZONING

North: Agricultural & B-2 and AG
 South: Agricultural & R-3 and R-4
 East: Agricultural and LES Station & AG
 West: Agricultural and Rural Residential & AG and AGR

APPLICATION HISTORY

July 2018 Annexation 18004 and Change of Zone 18017 for Southwest Village Heights was approved by the City Council. This annexed approximately 42 acres with a change of zone from AG to R-3.

APPROXIMATE LAND AREA: 152.1 acres

LEGAL DESCRIPTION: Lot 26, I.T., and Lot 35, I.T., located in the NW 1/4 of Section 15-9-6, Lincoln, Lancaster County, Nebraska.

Prepared by:

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

Date: December 30, 2019

Contact: Mark Palmer
 Olsson Associates

601 P Street, Suite 200
Lincoln, NE 68508

Owner: SW Folsom Development, LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512

F:\DevReview\PP\18000\PP18002 Southwest Village Heights 1st Addition.dr.docx

CONDITIONS OF APPROVAL - PRELIMINARY PLAT 18002

Approval of the following waiver: sanitary sewer running opposite of street grade.

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submits the documents and plans and 3 copies to the Planning Department office: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Name the street at the access point into the subdivision off of W. Old Cheney Road.
 - 1.1.2 Revise the legal description to the satisfaction of the County Assessor and the LTU - Survey Check.
 - 1.1.3 On sheet 1 of 19: Revise the waiver as approved.
 - 1.1.4 On sheet 2 of 19: If block 20 is over 1,000 feet, provide a pedestrian easement and 5' sidewalk in an outlet over 15' in width.
 - 1.1.5 On sheet 2 of 19: Block 23 is over 1,000 feet so provide a pedestrian easement and 5' sidewalk in an outlet over 15' in width.
 - 1.1.6 Identify the right-of-way width to be dedicated.
 - 1.1.7 On sheet 2 of 19: remove the overlapping text as per the 12/13/2019 markups.
 - 1.1.8 On sheet 2 of 19: revise the lot layout to show permitted uses as per the 12/13/2019 markups.
 - 1.1.9 On sheet 2 of 19: show a 5' wide sidewalk in outlet M.
 - 1.1.10 On sheet 2 of 19: revise the sidewalk width to 5' in outlet J.
 - 1.1.11 On sheet 2 of 19: identify the purpose of outlet D.
 - 1.1.12 On sheet 2A of 19: add the notes as per the 12/12/2019 markups.
 - 1.1.13 Show the planned trail along the west side of S. Folsom Street.
 - 1.1.14 On sheet 1 of 19: Provide a summary table with lot and block numbers and outlet letters with the total number of each per the 12/23/2019 markups.
 - 1.1.15 Provide proposed use for all outlets per the 12/23/2019 markups.
 - 1.1.16 On sheet 1 of 19: Add a General Note "Direct Vehicular access to W. Old Cheney Road and S. Folsom Street is relinquished except where shown."
 - 1.1.17 Rename W. Landeau Street/Court.
 - 1.1.18 Revise the plans and reports to the satisfaction of the LTU - Watershed Management Department per their Cycle 3 review comments in Project Dox.
 - 1.1.19 On sheet 1 of 19: Add a General Note "Parks and Recreation Department will construct the 'pedestrian sidewalk' that is within Outlet F. The developer is responsible for the 'pedestrian sidewalk' in Outlets D, E, G, H and I."
 - 1.1.20 Revise the plans to the satisfaction of the LTU - Water Department.

1.1.21 Submit a Geotechnical report to the satisfaction of LTU - Engineering Services Department.

1.1.22 Add a General Note, "The proposed intersection on SW 12th Street needs further review by LTU - Engineering Services Department before approval."

2. The City Council approves associated request:

2.1 Change of Zone 19030

3. Final Plats will be approved by the Planning Director after:

3.1 The required improvements are completed or a surety is posted to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, 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. 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.

The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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 this final plat.

to complete the installation of sidewalks along both sides of streets and along as shown on the final plat within four (4) years following the approval of this final plat.

to complete the installation of sidewalks along S. Folsom Street and West Old Cheney Road as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as the adjacent streets are paved and to agree that no building permits shall be issued for construction on the adjacent lots until such time as the sidewalk in the pedestrian way easement is constructed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this 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 this final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.

to complete the installation of public street lights along S. Folsom Street and West Old Cheney Road within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along streets within this plat within six (6) years following the approval of this final plat.

to complete the planting of the street trees along S. Folsom Street and West Old Cheney Road as shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but 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 preliminary plat and Community Unit Plan and Use Permit.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain the plants in the medians and islands on a permanent and continuous basis.

to maintain the street trees along the streets and private roadways and landscape screens on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements on lots and all of its elements in a condition as near as practical to the original or as constructed condition in order to provide the user with a safe and convenient facility on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land subdivider.

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, Subdivider(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:

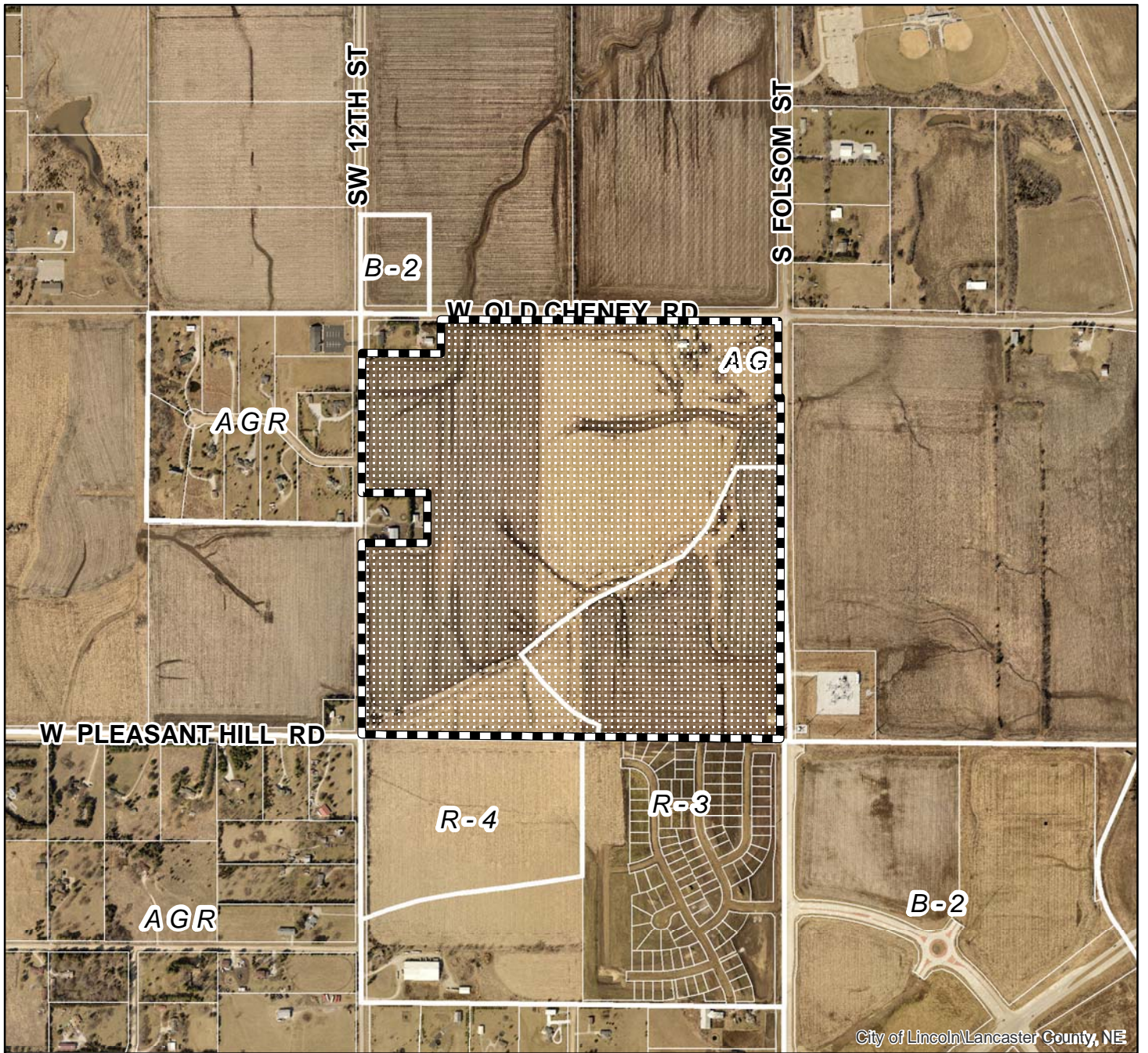
- (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance 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 except those cost the City Council specifically subsidizes as follows:

to inform all purchasers and users of land located within the 100 year floodplain that said land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Southwest Village Heights 1st Addition Preliminary Plat 18002 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 relinquish the right of direct vehicular access to W. Old Cheney Road and S. Folsom Street is relinquished except where shown.



City of Lincoln/Lancaster County, NE

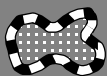


2018 aerial

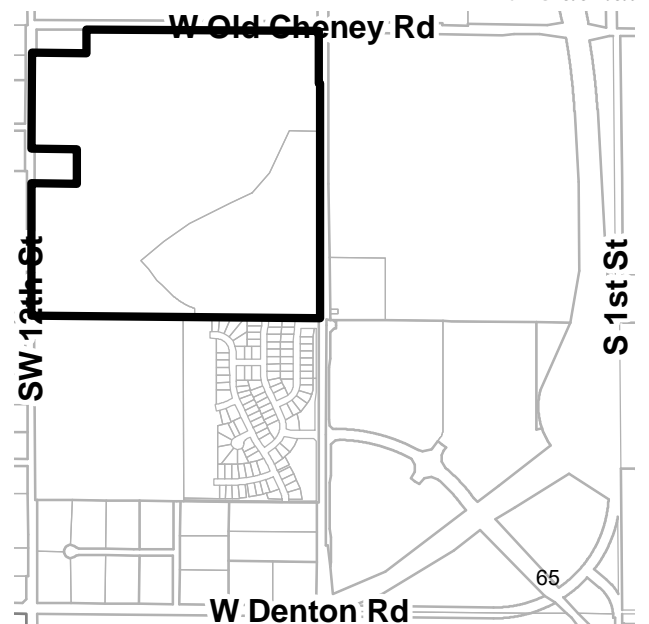
Preliminary Plat #: PP18002
Southwest Village Heights 1 Addition
S Folsom St & W Old Cheney Rd

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.15 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





April 26, 2019

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

Re: Southwest Village Heights 1st Addition
Application for Preliminary Plat
Olsson Project No. 017-3161

Dear Mr. Cary,

Southwest Folsom Development, LLC ("Developer") is the owner of Lot 35 I.T. and Lot 26 I.T., located in the Northwest Quarter of Section 15, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (the "Property"). Developer is requesting a preliminary plat for the Property.

This project was submitted in May of 2018 for Annexation and Preliminary Plat. The Annexation and corresponding Annexation Agreement were approved by the City Council on June 20, 2018. The Preliminary Plat was delayed to allow City departments to analyze the arterial roadways adjacent to the plat, particularly West Old Cheney Road. The updated Preliminary Plat reflects the City's recommendations for the adjacent roadways. The preliminary plat encompasses 152.1 acres that includes ~~430~~ residential lots. The first phase of annexation occurred in the Summer of 2018 and includes approximately 101 lots

pprox
474 ←
DER
R/26/19

Land for a future City park is shown in Outlot F, Block 7. Stormwater runoff and water quality improvements will be provided within the development and are outlined in the Grading and Drainage Study. A memo from an environmental scientist identifies the channels and wetlands located on the Property. The developer proposes to protect more channel than what is required by design standards. We propose that the additional channel protection serve to meet the development's water quality requirements.

The proposed roadway improvements include access points that have been discussed with City staff. Folsom Street is shown at ultimate roadway configuration. However, a 3-lane section will be constructed where gravel exists today. The annexation agreement details the improvements required to be completed for this development.

The Preliminary Plat includes waivers to address block length issues caused by green space and drainage ways. We also request that lot lines do not intersect right of way perpendicularly, and that sanitary sewer is permitted to flow opposite street grades.



Updated plans and other supporting documents have submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at mpalmer@olssonassociates.com or (402) 458-5632.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C Palmer', written over a horizontal line.

Mark C Palmer, P.E.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

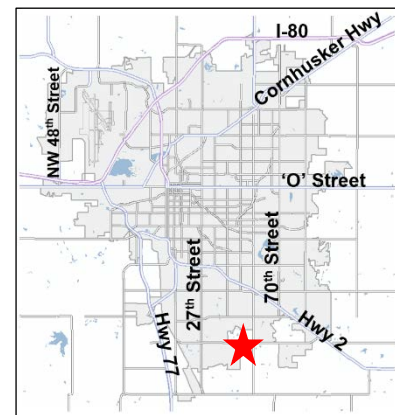
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 19031	FINAL ACTION? No	DEVELOPER/OWNER Chateau Development
PLANNING COMMISSION HEARING DATE January 8, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 48 th Street & Yankee Hill Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from Agriculture (AG) to Residential R-3 Planned Unit Development (PUD) to develop 860 multifamily units. This site is located on approximately 54 acres and includes a portion of the Yankee Hill Country Club golf course. This request also includes waivers to parking requirements, an increase to the building height from 35' to 65' for buildings that are more than 275' from the east property line, to reduce the front yard setbacks, and to waive a sidewalk on one side of the private street.



JUSTIFICATION FOR RECOMMENDATION

The Comprehensive Plan designates the area as Green Space, which states, "In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development." Redevelopment of this area for urban residential is appropriate as it is within the city limits and can be provided with city services. The plans submitted comply with urban residential density land uses and with the requirements of the Zoning Ordinance.

APPLICATION CONTACT

Tim Gergen, Clarkson Enerson Partners
(402) 477-9291
tim.gergen@clarkenersen.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This site is designated as Green Space and is appropriate for urban density residential development. The proposed plan shows urban residential development at the southeast corner of the golf course. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

WAIVERS

1. To reduce the parking requirements from 2 stalls per unit to 1.8 stalls per unit. (Recommend Approval)
2. To increase the building height maximum from 35' to 65' for buildings that are more than 275' from the east property line. (Recommend Approval)
3. To reduce the front yard setbacks in selected locations. (Recommend Approval)
4. To waive a sidewalk on one side of a private street. (Recommend Denial)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 - Green Space. Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

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." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- 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.
- Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing.

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.
- Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

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

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

ANALYSIS

1. This is a request for a change of zone from Agriculture (AG) to Residential R-3 Planned Unit Development (PUD) to develop 860 multifamily units.
2. The designation of a PUD will allow for the potential expansion onto other portions of the golf course if there is further redevelopment. A PUD typically includes a mix of uses. A potential expansion could include a mix of uses, including commercial uses.

3. This site is located on approximately 54 acres and is a portion of the existing Yankee Hill Country Club.
4. A portion of this site is in the Pipeline Planning Area (PPA). The PPA runs the entire length of the property along the northern most 160 feet of this property and is a protective buffer for an existing natural gas pipeline along Yankee Hill Road.
5. The site plan does not show any multifamily uses in the PPA. The site plan shows the minimum flood corridor and alternate stormwater quality within the PPA. Uses that are not permitted in the PPA include: occupied residential dwellings, early childhood care facilities, residential health care facilities and schools because these uses cannot be evacuated as quickly or are occupied at night while residents are sleeping.
6. This request is to develop 860 units in a proposed 14 multifamily apartment buildings, and 11 two-story 9-plex buildings. Three of the multifamily apartment buildings will have underground parking.
7. Nine of the buildings will be located along the eastern boundary of the property. To the north of Bridle Lane, along the eastern property boundary, the developer proposes to cut the grade on the east side of the property so one story of the 9-plex buildings is below grade to appear as the 9-plex buildings are one story to the adjacent eastern neighbors. The additional two 9-plex buildings are proposed to be interior to the site.
8. All of the large multifamily apartment buildings will be interior to the property.
 - 8.1. The multifamily apartment buildings along the east boundary will be at least 275' from the east property boundary line providing a buffer to the existing acreages to the east.
 - 8.2. The multifamily apartment buildings along Yankee Hill Road are outside of the Pipeline Planning Area.
 - 8.3. The remaining multifamily apartment buildings are adjacent to the golf course property.
9. The Fire and Rescue Department recommends approval of this application with the understanding all parties are aware this location is outside of their four minute response time goal.
10. Currently, to the east of this property is Bridle Lane (a county road), which is platted right-of-way to the western boundary of Country Acres Estates. Bridle Lane is built except for 270' portion from the western boundary of Country Acres Estates to the east.
11. The developer is not required to pave this portion of Bridle Lane to make a connection to this project. It is typical that county roads might be built short 10 or 20 feet from the edge of the ROW, but not 270 feet. These types of street connections between urban and acreage subdivisions have been made on many occasions, and typically developers will fill in the missing gap when connecting streets.
12. The developer is required to plat public right-of-way for Bridle Lane to the eastern boundary of this site. Connectivity to adjacent properties is a typical requirement for development and is required by the Subdivision Ordinance for Block Sizes, which states, "block lengths shall not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block."
13. The 270 foot gap will remain unbuilt for now, so a barricade will be placed at the eastern edge of the new pavement. The developer didn't create the 270' gap in the pavement, so it is not appropriate to require them to extend the paving. This means that the connection of right-of-way will be made, but the physical paving of the street will not happen at this time.
14. To the east, the adjacent Country Acres and Country Acres South are shown in the Comprehensive Plan for annexation in the future.
15. The remaining portion of Bridle Lane to the west is proposed as a private street. This provides connectivity through the development. The developer will pave this portion of Bridle Lane within their development.
16. Traffic impacts from this proposal requires improvements to the intersections of S. 44th & S. 48th Streets, which will be public streets. A separate agreement will address the details of these improvements. The overall proposal includes four lanes along Yankee Hill Road between S. 40th Street to S. 48th Street. Then to two lanes along Yankee Hill Road between S. 48th Street to S. 56th Street with possible roundabout improvements at the S. 44th and S. 48th Streets intersections. Improvements to the S. 52nd Street intersection will also be addressed.
17. A wastewater line is planned along the eastern portion of this site to service this development and existing residential uses to the east in the future. According to the Groundwater Section Supervisor for Water Well

Standards at the Nebraska Department of Environment and Energy, there is a required 50' setback from any new sewer line to any existing well that will be required to be met. Water Well Standards do not consider paved surfaces of asphalt or concrete as "other known sources of contamination or pollution". Therefore, there is no required setback from an existing well to a paved surface (asphalt or concrete).

18. The following waivers are requested:

18.1. To reduce the parking requirements from 2 stalls per unit to 1.8 stalls per unit.

On-street parking will be provided on the public and private streets. With the amount of on-street parking, the parking ratio is 2 stalls per unit, which is a reasonable amount of parking for this type of development. Additionally, if there is a slight shortage of parking in the future, this will only impact this development. There would be no impact on adjacent owners who are distance to the site. There is precedent for granting parking reduction waivers for apartments projects.

18.2. To increase the building height maximum from 35' to 65' for buildings that are more than 275' from the east property line.

In the R-3, the maximum height allowed is 35'. There is also a condition of approval that limits all the units along the eastern boundary to a two story height limit. With the buffer and the additional restriction, this waiver is justifiable. The 275' is more than sufficient buffer that there should be no significant adverse effects on existing or reasonably anticipated future uses in the surrounding area. A lesser setback would have been reasonable, so the 275' is more than in many other cases.

18.3. To reduce the front yard setbacks at selected location as shown.

To reduce the setbacks from 20' to 10' on lots 1 & 2, block 1 is a justifiable request as this allows the rear yard setbacks to acreages to the east to increase creating a buffer that exceeds the required setback in the R-3 zoning district. To reduce the front yard setbacks along the private portion of Bridle Lane as shown on the site plan is acceptable a street trees and sidewalks will still be required. The developer states this will help protect the natural aesthetic of the landscape.

18.4. To waive a sidewalk on one side of a private street.

Sidewalks on both sides of the street (public or private) are required for pedestrian circulation, particularly in a dense development similar to this one. Sidewalks are needed on both sides to allow for disabled, children and bicycles circulation to be separated from vehicular traffic. The sidewalk could meander in some locations if grading required it. Additionally, the Lincoln Police Department does not recommend waiving the sidewalk requirement for this project. Therefore, this waiver request is not suitable for this development.

19. The applicant had a neighborhood meeting on October 29, 2019 and about 75 people attended.

20. The Comprehensive Plan designates as Green Space, which states, "In some cases, privately owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development." The plans submitted comply with urban residential density land uses and with the requirements of the Zoning Ordinance. This proposal increases residential densities by adding new dwelling units to the existing commercial areas, which is encouraged by the Comprehensive Plan. Additionally, the Comp Plan says, increasing residential densities also strengthens the buying power of adjacent neighborhoods by adding more "rooftops." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services. Therefore, this proposal is in conformance with the Comprehensive Plan.

21. Corrections and changes are required to the plans, which are listed in the conditions of approval. With these changes, this request is consistent with the Zoning Ordinance and Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: outdoor recreation (golf course) & AG

SURROUNDING LAND USE & ZONING

North: outdoor recreation (golf course) & AG

South: vacant/farmland & B-2 PUD
East: residential acreages & AGR
West: outdoor recreation (golf course) & AG

APPLICATION HISTORY: none

APPROXIMATE LAND AREA: 54.13 acres

LEGAL DESCRIPTION: A part of lot 2, Speidel 1st Addition, located in the SW 1/4 of Section 20-9-7, Lincoln, Lancaster County, Nebraska (see attached).

Prepared by:

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

Date: December 30, 2019

Applicant: The Clark Enersen Partners
Tim Gergen
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508

Owner: Himark Property, LLC
4944 S. 89th Street
Lincoln, NE 68526

Himark Property, LLC
8901 Augusta Drive
Lincoln, NE 68526

F:\DevReview\CZ\19000\CZ19031 Chateau at Yankee Hill.dr.docx

CONDITIONS OF APPROVAL - CHANGE OF ZONE 19031

This approval permits 860 multifamily units with the following waivers:

1. To reduce the parking requirements from 2 stalls per unit to 1.8 stalls per unit.
2. To increase the building height maximum from 35' to 65' for buildings that are more than 275' from the east property line.
3. To reduce the front yard setbacks from 20' to 10' on lots 1 & 2, block 1.
4. To reduce the front yard setbacks along the private portion of Bridle Lane as shown on the site plan.

Site Specific Conditions:

1. 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 4 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Update the waiver list as approved including removing the sidewalk waiver.
 - 1.2 Dimension the setbacks along the private portion of Bridle Lane.
 - 1.3 Put the private portion of Bridle Lane in its own outlot.
 - 1.4 Revise the parking table from "could be" to "minimum".
 - 1.5 Remove from the parking table the One-Street Parking information as noted in the December 12, 2019 Project Dox comments.
 - 1.6 On the site plan, revise the minimum corridor label to "70' minimum flood corridor easement"
 - 1.7 On the legend, fix the typo "corridor" and add "flood" as noted in the December 18, 2019 Project Dox comments.
 - 1.8 Dimension and identify the Pipeline Planning Area on the site plan.
 - 1.9 Add a General Note, "Dwelling units, residential health care facilities, early childhood care facilities and places of assembly are not permitted in the Pipeline Planning Area."
 - 1.10 Add a General Note, "The 9-plex units on the east side are limited to a maximum of two-stories."
 - 1.11 Add a General Note, "The use on the east side is limited 9-plex or fewer units per building."
 - 1.12 Along the eastern boundary, add a note that the setback is for buildings, parking and drive aisles.
 - 1.13 Dimension and identify the 275' height waiver boundary.
 - 1.14 Add a General Note that the buildings along the eastern boundary are limited to a maximum of 2-stories in height.
 - 1.15 Update the Phasing Table:
 - 1.15.1 Up to 200 units may be built with only one access, which may be from either S. 44th or S. 48th Street.
 - 1.15.2 Construction access to Yankee Hill Road at S. 48th Street is allowed in the first phase.
 - 1.15.3 Construction of adjacent streets will be required as part of a final plat for any lot. However, the first phase may postpone the final platting of the adjacent S. 44th Street or S. 48th Street (which ever in not being used for permanent access) until the next phase.

- 1.16 Add a General Notes. Additional right-of-way will be required to be dedicated to accommodate a 10' wide trail, at least 9' feet between back of curb and trail edge and 2' between trail edge and right-of-way line. No vertical obstruction within 2' of the trail edge are permitted.
 - 1.17 Add to the 10' right-of-way dedication label that additional right-of-way will be required to be dedicated to accommodate a 10' wide trail. See General Notes.
 - 1.18 Add a street label, "Grainger Pkwy," northwest of Bridle Lane as per the December 24, 2019 comments in Project Dox.
 - 1.19 Revise the plans, drainage report and water quality to the satisfaction of the LTU - Watershed Management Department per their December 12, 2019 review comments in Project Dox.
 - 1.20 Revise the plans to the satisfaction of the LTU - Water Department.
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.
 3. Before issuance of building permits, final plat(s) shall be 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.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer 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 paving of private roadway, *and temporary turnarounds and barricades located at the temporary dead-end of the private roadways* shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of *the streets and private roadways* as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along Yankee Hill Road as shown on the final plat within two (2) years following the approval of this 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 enclosed private 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 land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along the *streets and private roadways* within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along the improved major streets as shown on the final plat within two (2) years following the approval of this 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 timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance 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 condition and state of repair, including the routine and reasonable preventative 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 maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

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, Developer(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) Developer shall not be relieved of Developer'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.

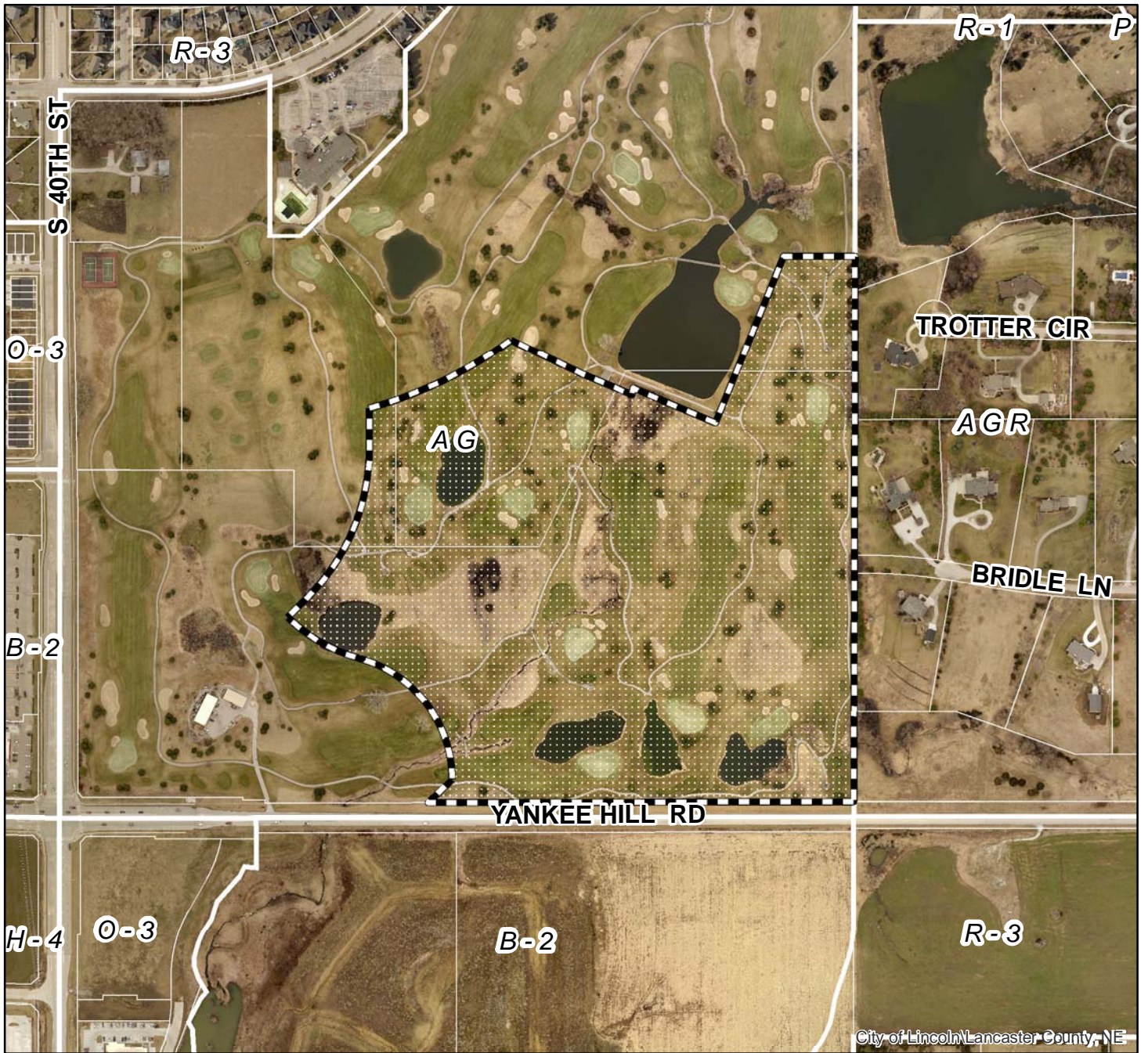
to pay all design, engineering, labor, material, inspection, and other improvement costs.

to relinquish the right of direct vehicular access from Yankee Hill Road except as shown.

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 shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 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.
 - 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

- 4.6 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.



City of Lincoln Lancaster County, NE

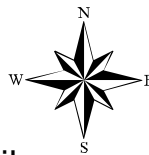
2018 aerial

**Change of Zone #: CZ19031 (AG to R-3)
Chateau at Yankee Hill PUD
S 40th St & Yankee Hill Rd**

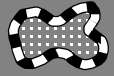


Zoning:

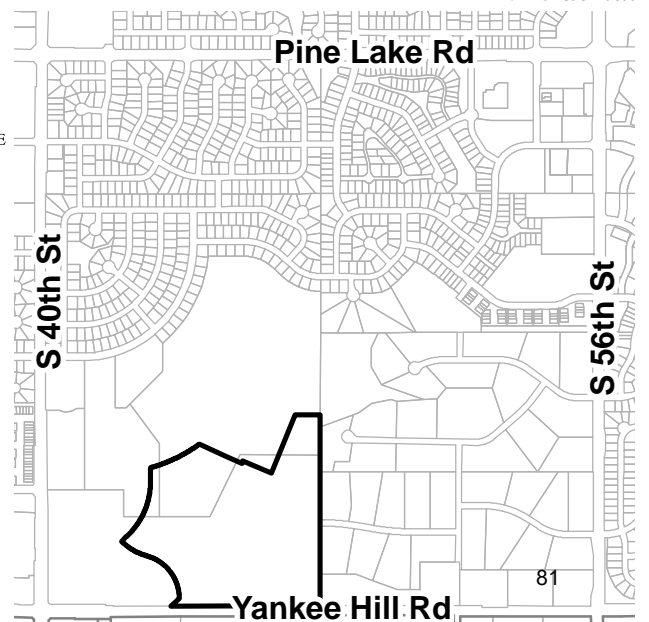
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

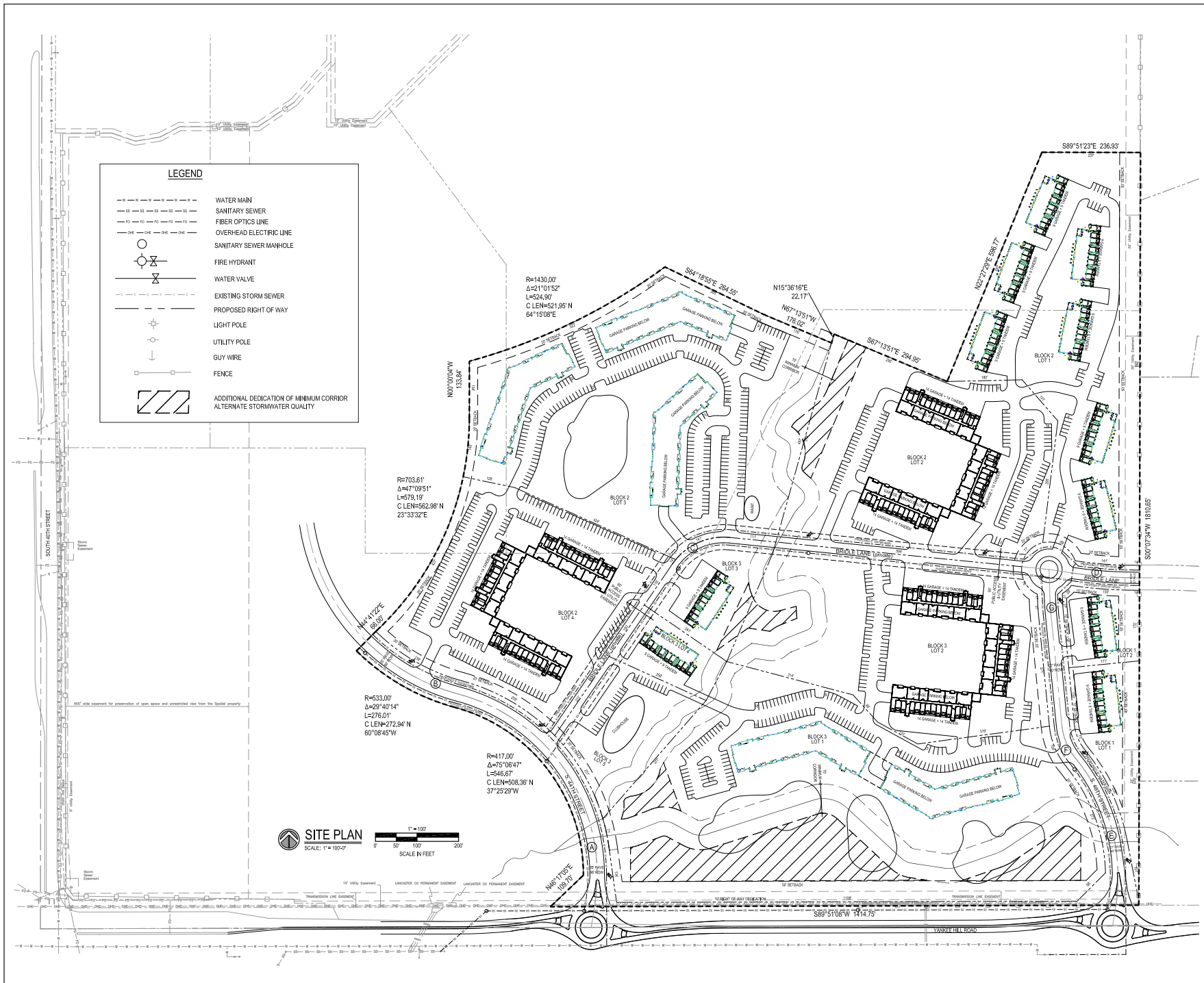
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**One Square Mile:
Sec. 20 T09N R07E**

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**CHATEAU AT
YANKEE HILL
PUD**

Lincoln, NE

TCEP No.: 301-001-19

December 11, 2019



Site Plan

1 of 4

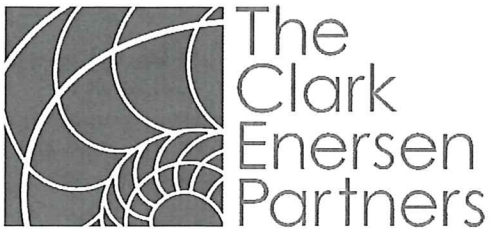
GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 6" PIPE UNLESS OTHERWISE SHOWN, STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT, PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS,
2. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
3. SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF THE PUBLIC STREETS.
4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
5. DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN.
6. ALL ELEVATIONS ARE TO NAVD 1988.
7. ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS PUD TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
8. THE PROPOSED LOT LINES, BUILDING LAYOUT AND PARKING LOT LAYOUT ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
9. TOTAL USAGE
 - TOTAL BLOCKS - 3
 - TOTAL LOTS - 11
 - TOTAL OUTLOTS - 0
10. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING SETBACK LINES BUT NOT LOT LINES.
11. ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED. ALL PARKING STALLS SHALL BE 9' WIDE AND 18' DEEP (LESS 2' FOR VEHICLE OVERHANG) UNLESS OTHERWISE NOTED.
12. FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
13. A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS. CROSS PARKING EASEMENT SHALL BE GRANTED FOR ALL LOTS WITHIN THIS PUD.
14. INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
15. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
16. 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 AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
17. SETBACKS SHALL BE AS SHOWN ON THE SITE PLAN.
18. RESIDENTIAL DWELLING UNITS SHALL NOT EXCEED 860 UNITS.
19. PROPERTY IS BEING REQUESTED TO BE REZONED FROM AG TO R-3 PUD.

LEGAL DESCRIPTION

THAT PART OF LOT 2, SPEIDEL 1st ADDITION, LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOW;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, SPEIDEL 1st ADDITION, SAID POINT BEING ON THE NORTH 50' RIGHT OF WAY LINE FOR YANKEE HILL ROAD; THENCE WESTERLY ON THE SAID NORTH RIGHT OF WAY LINE, S 89°51'08"W 1414.75'; THENCE N 46°17'05"E 109.70', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 417.00', A CENTRAL ANGLE OF 75°06'47" AND AN ARC LENGTH OF 546.67'; THENCE ON SAID CURVE, HAVING A CHORD OF N 37°25'29"W 508.36', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 533.00', A CENTRAL ANGLE OF 29°40'14" AND AN ARC LENGTH OF 276.01'; THENCE ON SAID CURVE, HAVING A CHORD OF N 60°08'45"W 272.94'; THENCE N 44°41'22" E 66.00', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 703.61', A CENTRAL ANGLE OF 47°09'51" AND AN ARC LENGTH OF 579.19'; THENCE ON SAID CURVE, HAVING A CHORD OF N 23°33'32"E 562.98'; THENCE N 0°00'04"W 133.84', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1430.00', A CENTRAL ANGLE OF 21°01'52" AND AN ARC LENGTH OF 524.90'; THENCE ON SAID CURVE, HAVING A CHORD OF N 64°15'08"E 521.95'; THENCE S 64°18'55"E 264.55'; THENCE S 67°13'51"E 176.02'; THENCE N 15°36'16"E 22.17'; THENCE S 67°13'51"E 294.95'; THENCE N 22°27'29"E 596.77'; THENCE S 89°51'23"E 236.93'; THENCE S 0°07'34"W 1810.65', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 2,357,997.98 SQUARE FEET OR 54.13 ACRES, MORE OR LESS.



December 11, 2019

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Chateau at Yankee Hill, PUD Change of Zone

Dear Mr. Cary:

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

1. Zoning Application
2. Application fee (\$4,282)
3. PUD Site Plan & Notes
4. PUD Grading & Drainage Plan
5. PUD Street Profiles
6. Stormwater Drainage Report

On behalf of the Developer, Chateau Development, LLC, 3100 S. 72nd St, Lincoln, NE 68506, we are requesting a change of zone from AG to R-3 PUD to the property located northwest of the intersection of South 48th Street and Yankee Hill Road. The existing property contains a portion of the existing Yankee Hill Golf course which will be renovated to avoid the proposed R-3 PUD. The R-3 PUD will add 860 apartment units on approximately 54 acres. The approximate density of the PUD is 16 units per acre. A site plan and grading/drainage plan has been submitted to show the proposed lots, elevations and the location of the public/private streets. The proposed R-3 PUD will be developed in phases. The phasing will start along Yankee Hill Road and be developed to the north and east.

The R-3 PUD is seeking approval of waivers to the (1) parking requirements; (2) building height; (3) yard setbacks; and (4) sidewalks.

1. The R-3 PUD is seeking to reduce the parking ratio from 2 stalls/unit to 1.8 stalls/unit due to the amount of on-street parking that will be provided on the public and private streets. The on-street parking reduces the speeds on the roadways thus increasing the safety of the development. If the on-street parking were to be counted towards the parking ratio then the parking ratio would be 2 stalls/unit.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

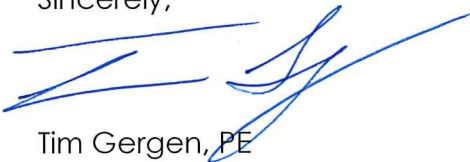
www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

2. An increase of building height to 65 feet will allow the development to sustain a typical apartment density but preserve the existing green space of the development and allow less dense buildings along the existing acreages property. The increased building height will only be allowed for buildings in excess of 275 feet from the existing acreage development property lines.
3. A limited amount of front yard setbacks are being asked to be reduced by 10 feet to accommodate a larger rear yard setback to the existing acreage development to the east.
4. To protect the existing natural aesthetic of the landscape we would like to build sidewalk on one side of the private street. This will allow for street trees to be placed on both sides of the private street while still providing parking abutting the private street.

The project was presented at a neighborhood meeting and as a result of the neighborhood meeting a subsequent smaller meeting was conducted. We have listened to the comments provided by the neighborhood and have attempted to incorporate measures in our plan to appease the concerns of our neighbors. The site plan has incorporated larger setbacks abutting the existing acreage development, aligned smaller apartment buildings along the abutting perimeter of the acreage development and have designed a grading plan that has the abutting apartment buildings at least 10' lower than the existing grade. The site plan has been revised to satisfy individual abutting acreage owners on their preference of front or rear facing apartment buildings to their property line. In addition, the abutting apartment buildings will have a flat roof to accommodate neighbor requests to minimize the obstruction of the view of the sunrise to their existing homes.

Please contact me if you have any questions or require additional information.

Sincerely,



Tim Gergen, PE



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #19010	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE January 8, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Amend Article 2, Definitions, Article 4 AG-District and Article 13 Special Permits related to Animal Feeding Operations, also known as Commercial Feedlots. This request is to add and amend definitions to Article 2 and to add conditions to the Special Permit section for an Animal Feeding Operation.

JUSTIFICATION FOR RECOMMENDATION

The proposed text change will allow for uniformity of conditions as they pertain to Animal Feeding Operations. The added definitions will define what an Animal Feeding Operation is and be in line with definitions per Nebraska Department of Environment and Energy. The proposed conditions are the results of 6 months of work with the Confined Animal Feeding Operation Working Group.

APPLICANT

David Cary, Planning Director
(402) 441-6364

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text is in conformance with the Comprehensive Plan by establishing conditions for Animal Feeding Operations that help establish uniformity for this type of agricultural use in the County, while still protecting the surrounding properties.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

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

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

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

purposes.

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

P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

ANALYSIS

1. The proposed text amendment is to amend Article 2 by adding and amending definitions and adding conditions to Section 13.035 Commercial Feedlot (See Exhibit A). The text amendment also proposes to change the name from Commercial Feedlot to Animal Feeding Operations (AFO). Nebraska Department of Environment and Energy uses the term "Animal Feeding Operation" instead of commercial feedlot. Currently, Animal Feeding Operations are allowed by special permit in the AG-Agriculture District. Currently, there is only one condition listed for an AFO. Due to the lack of conditions each AFO could have different conditions. The proposed text change will bring uniformity to the special permit.
2. In September 2018 the Lancaster County Board voted to establish a Working Group to examine the commercial feedlot zoning regulations in the County. As established by the County Board, the purpose of the Working Group was to:
 - a. Review the County Commercial Feedlot zoning regulations for all animal types.
 - b. Review regulations in other communities and agencies including the Lower Platte South Natural Resource District, State Department of Agriculture and Nebraska Department of Environment and Energy, formerly Nebraska Department of Environmental Quality.
 - c. Establish a working group of operators, neighbors and government agencies to review and advise on potential changes to the existing Lancaster County regulations regarding commercial feedlots.
 - d. Provide for public input on any potential changes.
3. A Working Group of 10 members with varied backgrounds was formed and approved by the Board in February 2019. The working group met 11 times between March 13 and August 28th 2019 including an open house at Scott Middle School on June 27, 2019.
4. Meetings included presentations from Nebraska Department of Environment and Energy, State Department of Agriculture, Lower Platte South Natural Resource District, University of Nebraska and Lincoln-Lancaster County Health Department. Presentations included review of the Animal Siting Matrix, Nutrient Management Plan, Nebraska Odor Footprint Tool and County air and water pollution regulations.
5. The Working Group's proposed text was presented to the Lancaster County Board of Commissioners on October 17, 2019 and November 14, 2019. The Working Groups draft is shown in Exhibit B.
6. Due to an ongoing lawsuit of a special permit that was approved for a Commercial Feedlot, the current definitions and special permit section must remain in the zoning regulations. Language was added to Sections 2.002 Agriculture and 13.035 Commercial Feedlot to clarify that these sections as written apply to applications submitted prior to adoption of the new regulations.
7. The final text amendment as prepared by the Lancaster County Attorney's office is different in text, but not in substance from the Working Group's version. Changes included adding definitions for Large, Medium and Small AFO. The definitions are not the same as defined in NDEE Title 130 as proposed by the Working Group. The number of animals allowed for each group is identical to NDEE definitions. Other changes included detailing what a Conservation Buffer is. As written by the Working Group, a conservation buffer was left open to interpretation.
8. The proposed text adds definitions and amends some current definitions to Article 2-Definitions of the Lancaster County Zoning Regulations as follows:
 - a. Agriculture is amended to add that Small Animal Feeding Operation (AFO) is agriculture and to strike dairying.

The Working Group agreed that small AFO's should be considered agriculture and do not need a special permit. The Working Group also agreed that dairies should be classified as an AFO when meeting the number threshold. Currently, dairies are not classified as Commercial Feedlot.

- b. Add a new definition for **Animal Feeding Operation (AFO)**. AN AFO is an area where animals are confined for a total of 45 days or more in any 12 month period. This definition is very similar to the definition by Nebraska Department of Environment and Energy (NDEE) Title 130.
- c. Add a new definition for **Enclosed Animal Feeding Operation**. An Enclosed AFO is where all animals are within a totally enclosed building. An Enclosed AFO could include accessory buildings such as a mortality shed that is not totally enclosed.
- d. Add a new definition for **Large Animal Feeding Operation**. The number of animals listed are the same as NDEE's definition for Large Animal Feeding Operation. See table below for a sample of allowed number of animals.
- e. Add a new definition for **Medium Animal Feeding Operation**. The number of animals listed are the same as NDEE's definition for Medium Animal Feeding Operation. See table below for allowed number of animals. The table does not list all species, but the most common animals used in an AFO.

SPECIES	LARGE AFO	MEDIUM AFO	SMALL AFO
Cattle/Veal Calves	1,000 or greater	300-999	Less than 300
Dairy Cows	700 or greater	200-699	Less than 200
Swine ≥ 55 pounds	2,500 or greater	750-2,499	Less than 750
Chickens-laying hens, broilers with liquid manure system	30,000 or greater	9,000-29,999	Less than 9,000
Chickens-other than layers no liquid manure system	125,000 or greater	37,500-124,999	Less than 37,500
Turkeys	55,000 or greater	26,500-54,999	Less than 26,500

- f. Add a new definition for **Open Animal Feeding Operation**. An Open AFO is where animals are concentrated, but not within a totally enclosed building. An Open AFO could be within pens, sheds or other open buildings. This definition is very similar to the definition by NDEE Title 130.
 - g. Add a new definition for **Small Animal Feeding Operation**. A Small AFO shall mean an AFO that is not a Medium or Large AFO.
 - h. Amend Article 4, Section 4.007 by adding Medium or Large AFO under Permitted Special Uses.
9. The Working Group has proposed amending Section 13.035 by adding conditions listed below.
- a. Amend Section 13.035 by clarifying that Commercial Feedlot as currently written only applies to applications received prior to the approval of this text amendment. Also add that "Medium and Large Animal Feeding Operation" require a special permit and must meet the conditions listed in Section 13.035.
 - b. Add condition to Section 13.035 that a site plan be submitted with the application. The site plan shall show the location and distance from each area and building used as part of the AFO to the premises lot lines. A topography map shall be included with the application.
 - c. Add to Section 13.035 that a Construction and Operating Permit (COP) approved by NDEE shall be submitted with the special permit application. The COP details how waste will be disposed and details where and how the waste is applied. NDEE reviews the COP that is submitted by the applicant. The filing fee that NDEE charges does not cover staff time in reviewing a COP. If the special permit is denied, NDEE has wasted valuable staff time in reviewing the COP. A COP is required for some AFO's by NDEE regardless if the special permit requires

it. An alternative would be to require the COP prior to starting operation or prior to building permits being issued. However, the Working Group recommended it be completed and approved prior to the special permit application being filed.

- d. Add to Section 13035 that a road maintenance agreement shall be included as a condition **if required by the Lancaster County Engineer**. Depending on the location of the AFO a road maintenance agreement may be needed. A road maintenance agreement is common for soil excavation special permits.
- e. Add to Section 13.035 that the applicant shall submit a completed “Nebraska Animal Feeding Operation Siting Matrix” without scoring (See Exhibit K). The matrix provides valuable information such as setbacks to dwellings and public places, water quality protection, odor and dust control features, manure application practices, traffic, and landscaping. The matrix was developed by Nebraska Department of Agriculture. Currently, only four counties in the State require the matrix as part of an application for an AFO.
- f. Add to Section 13.035 setbacks for an AFO. The setbacks vary depending on size and if it is an open or enclosed AFO.
 1. A **Large Open AFO** shall be setback one mile from a dwelling not associated with the AFO and from land designated as Residential-Low Density in the Future Land Use Plan of the Lincoln-Lancaster County Comprehensive Plan and 1.5 miles from any designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility or a special permitted early childhood care facility.

The map titled “Large Open AFO” (Exhibit C) shows that there are 2 small areas in the northeast part of the County that could meet the proposed setback. If the setbacks as proposed are approved a Large Open AFO realistically could not be located in Lancaster County.
 2. A **Large Enclosed AFO** shall be setback one-half mile from a dwelling not associated with the AFO and from land designated as Residential-Low Density in the Future Land Use Plan of the Lincoln-Lancaster County Comprehensive Plan and 1.5 miles from any designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility or a special permitted early childhood care facility.

The map titled “Large Enclosed AFO” (Exhibit D) shows allowed locations. There are more areas to locate a Large Enclosed AFO than a Large Open AFO, but it is still very limited. A Large Enclosed AFO could be located within the white areas shown on the map. The largest areas shown in white are northeast of Waverly, south of Denton, north of Hallam and roughly S. 12th Street and Gage Road.
 3. A **Medium Open AFO** must be setback 1 mile from any dwelling not associated with the AFO, areas designated as Residential Low-Density in the Comprehensive Plan, any designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility or a special permitted early childhood care facility. The map titled Medium Open AFO (Exhibit E) shows that there are only 2 small areas in the northeast part of the County where a Medium Open AFO could be located. This is the same area as shown for Large Open AFO. If the setbacks as proposed are approved a Medium Open AFO realistically could not be located in Lancaster County.
 4. A **Medium Enclosed AFO** shall have a one-half mile setback from a dwelling not associated with the AFO and from land designated as Residential-Low Density in the Future Land Use Plan of the Lincoln-Lancaster County Comprehensive Plan and 1 mile from any designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility or a special permitted early childhood care facility. The map titled Medium Enclosed AFO (Exhibit F) shows areas where a Medium Enclosed AFO could be located. Of the 4 types of AFO’s, the Medium Enclosed has the largest allowable area, but is still is quite limited.

AFO Type	Setback to Residential/Low Density	Setback to Public Uses
Large Open	1 mile	1.5 miles
Large Enclosed	2,640 feet (½ mile)	1.5 miles
Medium Open	1 mile	1 mile
Medium Enclosed	2,640 feet (1/2 mile)	1 mile

The proposed setbacks could have a substantial impact on existing AFO's. Two AFO's were approved within the last few years, SP #17018 for Heetderk's Farm at S. 176th St. and Firth Road and SP#14044A for Bevans Broilers at N. 148th St. and Alvo Road. Bevan's requests in March 2019 was for an expansion of the existing AFO from 138,000 chickens to 220,000 chickens using a non-liquid manure system in an enclosed facility. There was no opposition to the expansion at Planning Commission and the special permit was approved unanimously. There was no appeal to the County Board. Exhibit G shows that the approved expansion, nor any future expansion, could be allowed based on the proposed setbacks.

Heetderks is classified as a Medium Enclosed AFO. Heetderk's special permit was approved unanimously in June 2017. The approval was for 90,000 chickens using a non-liquid manure system in an enclosed facility. There was no appeal to County Board. The map shows that an expansion is possible. It meets the one-half mile setback to a dwelling and the 1 mile setback to public uses. The one house that is within one-half mile is the owner.

- g. Add to Section 13.035 that each application for an AFO shall have a decommissioning plan. The decommissioning plan shall outline the means, procedure and cost of removing or reusing the AFO. A bond or equivalent may be required if required by the Planning Commission and if appealed by the County Board. A decommissioning plan will help prevent an AFO from being abandoned and the buildings falling into disrepair.
 - h. Add to Section 13.035 that a vegetation buffer consisting of a mix of deciduous and evergreen trees will be planted around the perimeter of the AFO at the rate of one deciduous tree and 3 evergreen trees every one hundred lineal feet. The trees shall have a mature height of at least 15 feet. A screen of trees will not only provide an aesthetic buffer between the AFO and adjacent properties, it will also reduce odor and dust emissions to adjacent properties.
10. The Working Group approved an amendment to Section 22.005d Notice of Hearing to require that the notice to property owners within one mile be mailed at least 30 days prior to the public hearing. The current notification requirement is 10 days prior to the public hearing.
 11. The proposed conditions, if approved, would affect new AFO's or the area of expansion of an existing AFO.
 12. The Working Group also reviewed other counties and their regulations pertaining to Animal Feeding Operations. There was much discussion on how other counties regulated AFO's at the Working Group's meetings as well at the County Board briefing. The other counties that were reviewed use animal unit as opposed to number of animals. Most counties use the ratio of one cattle/veal calf equals one animal unit or 100 chickens is one animal unit (see Exhibit I)
 13. All of the Counties reviewed (see Exhibit J) except Saunders County, have spacing requirements from the AFO to dwellings not associated with the AFO and public uses. Saunders County only has a setback to dwellings. None of the counties reviewed had a different spacing requirement for public uses than for dwellings. The 10 counties reviewed are; Buffalo, Cass, Dodge, Gage, Hall, Lincoln, Madison, Otoe, Saunders and Seward. Setbacks varied based on the size of the AFO.

Prepared by

Tom Cajka, Planner

Date: December 27, 2019

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F:\DevReview\TX\19000\TX19010 Animal Feeding Operation.tjc.docx

POTENTIAL AMENDMENTS TO THE
LANCASTER COUNTY ZONING REGULATIONS

Exhibit A

Proposed Revisions to Article 2 Definition

2.002 A

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], "Agriculture" shall mean the use of land for the purpose of raising and harvesting crops; for the raising, breeding, or management of livestock, poultry, fish or honeybees; for Small Animal Feeding Operations, for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use.

For special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], "Agriculture" shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use.

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], "Animal Feeding Operation" (AFO) shall mean an operation and any buildings or designated areas necessary for an operation that stables or confines and feeds or maintains beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock for a total of forty five (45) days or more in any twelve (12) month period. AFO does not include aquaculture.

2.006. E.

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], Enclosed Animal Feeding Operation (Enclosed AFO) shall mean an AFO that stables or confines the animals within totally enclosed buildings. Each enclosed building shall be roofed and have walls that extend from the floor to the ceiling. The floor may be of a type including, but not limited to, hard surfaced, earthen, or slatted. An Enclosed AFO may include accessory buildings necessary for an operation that are not totally enclosed.

2.007. F.

Feedlot, Commercial For special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], a Commercial Feedlot is a use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial Feedlot shall not include dairy herds or the keeping of livestock other than for slaughter or butcher.

2.013 L.

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], Large Animal Feeding Operation (Large AFO) shall mean an AFO that stables or confines as many as or more than the number of animals specified in any of the following categories:

- 700 mature dairy cows, whether milked or dry;
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows or veal calves and including but not limited to heifers, steers, bulls, and cow/calf pairs;
- 2,500 swine each weighing 55 pounds or more;
- 10,000 swine each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
- 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 5,000 ducks, if the animal feeding operation uses a liquid manure handling system; or
- 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system.

2.014 M.

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], Medium Animal Feeding Operation (Medium AFO) shall mean an AFO that confines or stables the type and number of animals in any of the following ranges:

- 200 to 699 mature dairy cows, whether milked or dry;
- 300 to 999 veal calves;
- 300 to 999 cattle other than mature dairy cows or veal calves. Cattle include but are not limited to heifers, steers, bulls, and cow/calf pairs;
- 750 to 2,499 swine each weighing 55 pounds or more;
- 3,000 to 9,999 swine each weighing less than 55 pounds;
- 150 to 499 horses;
- 3,000 to 9,999 sheep or lambs;
- 16,500 to 54,999 turkeys;
- 9,000 to 29,999 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
- 37,500 to 124,999 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 25,000 to 81,999 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- 1,500 to 4,999 ducks, if the animal feeding operation uses a liquid manure handling system; or
- 10,000 to 29,999 ducks, if the animal feeding operation uses other than a liquid manure handling system.

2.016. O

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], Open Animal Feeding Operation (Open AFO) shall mean an AFO within pens, shed-type areas, open buildings, or other similarly concentrated areas, wherein animals are fully or partially exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

2.020. S

Except for special permit applications for Commercial Feedlots under Section 13.035(a) filed prior to [FUTURE EFFECTIVE DATE], Small Animal Feeding Operation (Small AFO) shall mean an AFO that is not a Medium or Large AFO.

Proposed Revisions to Article 4 “AG” Agricultural District

4.003 Permitted Uses

- a. Agriculture, except commercial feedlots

4.007 Permitted Special Uses

aa. Commercial feedlot, if the special permit application for a Commercial Feedlot under Section 13.035(a) is received prior to [FUTURE EFFECTIVE DATE].

ai. Medium or Large Animal Feeding Operation.

Proposed Revisions to Article 13 Special Permit

13.035.

a. Commercial Feedlot

Commercial feedlot facilities for livestock and poultry may be allowed by special permit in the AG zoning district if the special permit application for the Commercial Feedlot under this Section is received prior to [FUTURE EFFECTIVE DATE]. The application for a special permit shall be accompanied by a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.

b. Medium or Large Animal Feeding Operation (Medium or Large AFO)

A Medium or Large AFO, except for special permit application for a Commercial Feedlot under Section 13.035(a), may be allowed by special permit in the AG District under the following conditions:

1. A site plan showing the location and distance from each area and building used as part of the AFO to the premises' lot lines shall be included with the application. The site plan also shall indicate any floodplain and/or floodway on the site. A topography map shall be included with the application.
2. A Construction and Operating Permit approved by the Nebraska Department of Environment and Energy shall be submitted with the application.
3. A road maintenance agreement between the County and the permittee, approved by the Lancaster County Engineer and the County Attorney, shall be included as a condition of the special permit if requested by the Lancaster County Engineer.
4. A completed Lancaster County Animal Feeding Operation Siting Assessment Matrix and any necessary documentation to verify the accuracy of the completed matrix shall be included with the application. The County may request additional documentation.
5. An AFO shall be setback, at a minimum, from the nearest wall of a dwelling that is not associated with the AFO and from any area designated as Residential-Low

Density in the Future Land Use Plan of the Lincoln/ Lancaster County Comprehensive Plan as follows:

Open AFO 5,280 feet (1 mile)

Enclosed AFO 2,640 feet (0.5 miles)

However, the setback from an Open or Enclosed AFO shall be, at a minimum, to the lot line of any designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility shall be as follows:

Large AFO 7,920 feet (1.5 miles)

Medium AFO 5,280 feet (1 mile)

6. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing or reusing the AFO. A bond or equivalent enforceable resource, acceptable to the Planning Director, to guarantee removal or reuse upon discontinuance, decommissioning or abandonment shall be included as a condition of the special permit if required by the Planning Commission, and if appealed, the County Board. For purposes of this Section, discontinuance, decommissioning or abandonment shall mean the facility has not stabled or confined and fed or maintained animals for at least forty-five (45) days in a twelve (12) month period.
7. A buffer consisting of two (2) rows of trees shall be supplied around the perimeter of the application area or the lot on which the AFO is located at the rate of one (1) deciduous tree and three (3) evergreen trees every one-hundred (100) lineal feet. The trees shall have a mature height of at least fifteen (15) feet.

Proposed Revisions to Article 22 General Provisions, Legislative Provisions, Penalty

22.005. Notice of Hearings

- d. When a proposed amendment will affect the zoning or use of specific property, a notice describing the Planning Commission's public hearing shall be mailed at least ten (10) days prior to the Planning Commission's public hearing to the owner or owners of the affected property and to the following:
 1. AG District: to all owners of property within one (1) mile of the boundaries of the affected property said tract or,

2. All other districts: to all owners of property within one-half (1/2) mile of the boundaries of said tract.

Except that for special permit applications for Animal Feeding Operation a received on or after [FUTURE EFFECTIVE DATE], notice for Section 13.035(b) shall be mailed at least thirty (30) days prior to the Planning Commission's public hearing to all property owners within one (1) mile of the boundaries of the application area.

Concentrated Animal Feeding Operation Working Group
Final Recommendation as of August 28, 2019
Potential Amendments to the
LANCASTER COUNTY ZONING REGULATIONS

Proposed Revisions to Article 2 Definition

2.002 A

“Agriculture” shall mean the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish or honeybees; or for dairying, truck gardening, forestry, nurseries or orchards; for the non-commercial on-farm storage or processing of agricultural products produced on the premises; or for any other similar agricultural, horticultural, or silvicultural or aquacultural use. Small Animal Feeding Operations, as defined by Nebraska Department of Environment and Energy Title 130, shall be agriculture.

“Animal Feeding Operation” shall mean a location where beef cattle, dairy cattle, horses, swine, sheep, poultry, or other livestock have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and is defined as a medium or large “Animal Feeding Operation” by Nebraska Department of Environment and Energy Title 130. Animal Feeding Operation does not include aquaculture.

2.006. E.

Enclosed Animal Feeding Operation shall mean an Animal Feeding Operation that is within a totally enclosed building which is roofed, has walls that extend from the floor to the ceiling and contains floors which are hard surfaced, earthen, slatted, or other type of floor.

2.007. F.

~~Feed Lot, Commercial A use where the principal business is the feeding of livestock or poultry for the purpose of sale for slaughter or butcher. Commercial feed lot shall not include dairy herds or the keeping of livestock other than for slaughter or butcher.~~

2.016. O

Open Animal Feeding Operation shall mean pens, or similar concentrated areas, including small shed-type areas or open buildings wherein animals are fully or partially exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Proposed Revisions to Article 4 “AG” Agricultural District

4.003 Permitted Uses

a. ~~Agriculture, except commercial feedlots~~

4.007 Permitted Special Uses

aa. ~~Commercial feedlot.~~ Animal Feeding Operation

Proposed Revisions to Article 13 Special Permit

13.035. ~~Commercial Feedlot~~ Animal Feeding Operation

~~Commercial feedlot facilities for livestock and poultry may be allowed by special permit in the AG zoning district. The application for a special permit shall be accompanied by a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.~~

Animal Feeding Operation (AFO) may be allowed by special permit in the AG District under the following conditions:

1. A site plan showing the location and distance from lot lines of all confined areas, compost areas, and accessory buildings used as part of the Animal Feeding Operations. The site plan shall include any floodplain and/or floodway on the site. A topography map shall be included.
2. A Construction and Operating Permit approved by NDEE shall be submitted with the application.
3. If required by Lancaster County Engineer, a road maintenance agreement shall be included as a condition of the special permit.
4. The applicant shall submit a completed "Nebraska Animal Feeding Operation Siting Assessment Matrix" (without scoring) as maintained by the Nebraska Department of Agriculture from time to time, or equivalent maintained by the Lincoln/ Lancaster County Planning Department if the matrix is discontinued. Any necessary documentation shall be submitted to verify the accuracy of the completed matrix.
5. The AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum, from the nearest wall of a dwelling that is not associated with the AFO and from any area designated as Residential-Low Density in the Future Land Use Plan of the Lincoln/ Lancaster County Comprehensive Plan as shown below:

Open AFO 5,280 feet

Enclosed AFO 2,640 feet

A large AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum 1.5 miles to a designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility.

A medium AFO use, including confined feeding areas or buildings used to house animals, shall be setback, at a minimum 1.0 mile to a designated National or local landmark, place of worship, cemetery, school, residential or non-residential health care facility, public park (not including trails), public recreational facility, or a special permitted early childhood care facility.
6. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing or reusing the barns and all related supporting infrastructure and may include a bond or equivalent enforceable resource to guarantee removal or reuse upon discontinuance, decommissioning or abandonment.

7. A Conservation Buffer consisting of windbreaks, trees, or other vegetation is required for all large AFO's.
8. Notice is required to be mailed to all property owners within one mile of the application area 30 days prior to the public hearing.
9. For Animal Feeding Operations approved prior to {effective date}, the regulations of this article shall not apply. Any expansion of the Animal Feeding Operation shall comply with this article. (Consensus to add, text was not available at the meeting.)

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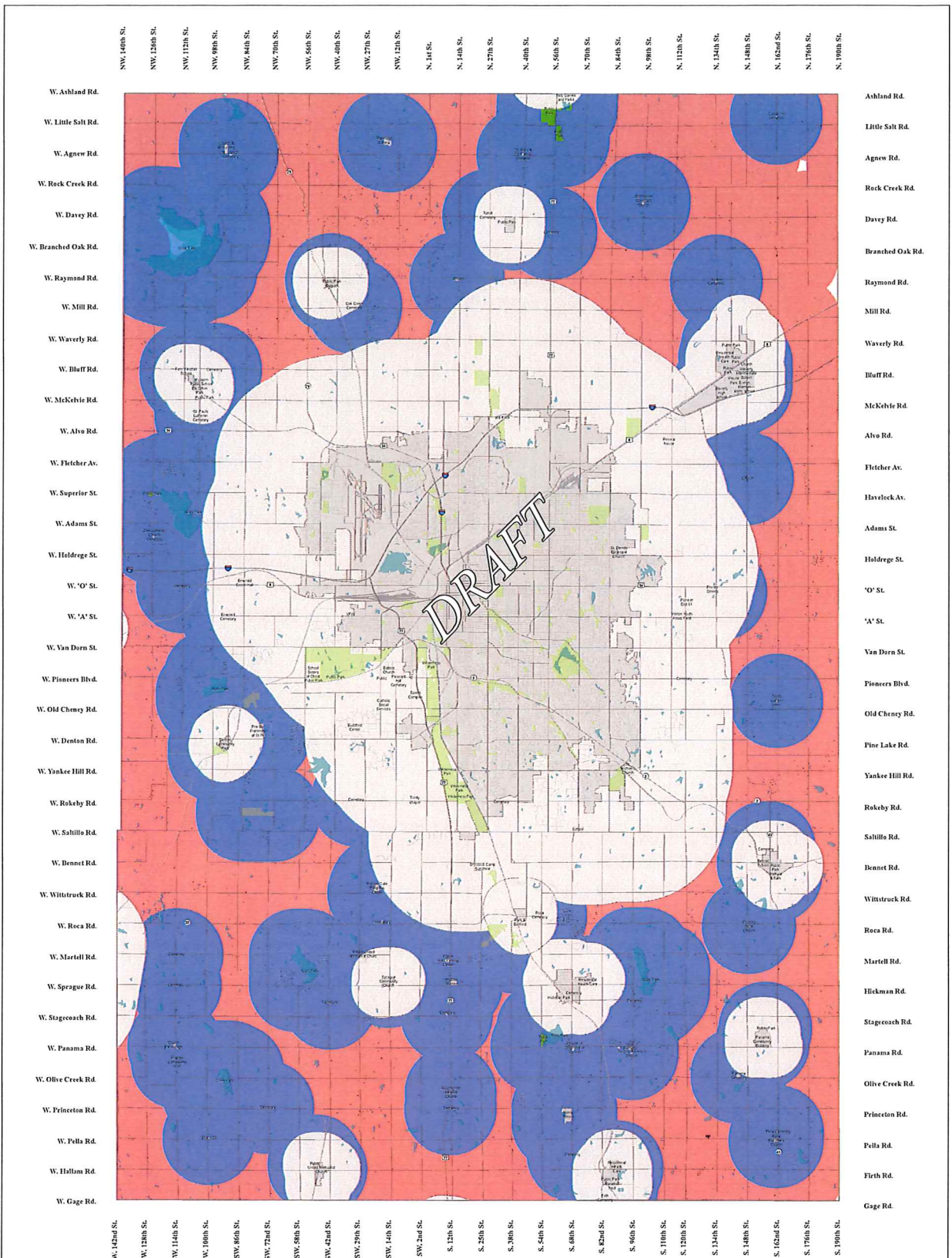
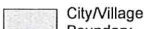
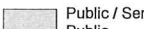
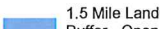
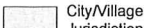
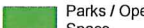
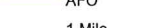
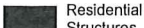
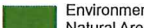
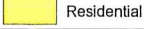


EXHIBIT C - Large Open AFO
1 Mile Buffer - Residential -
1.5 Mile Buffer - School, Church, Cemetery, and Park/Recreational Facilities

- | | | |
|---|---|--|
|  City/Village Boundary |  Public / Semi-Public |  1.5 Mile Landuse Buffer - Open AFO |
|  City/Village Jurisdiction |  Parks / Open Space |  1 Mile Residential Buffer - Open AFO |
|  Residential Structures |  Environmental / Natural Areas | |
|  Residential | | |



LINCOLN - LANCASTER COUNTY
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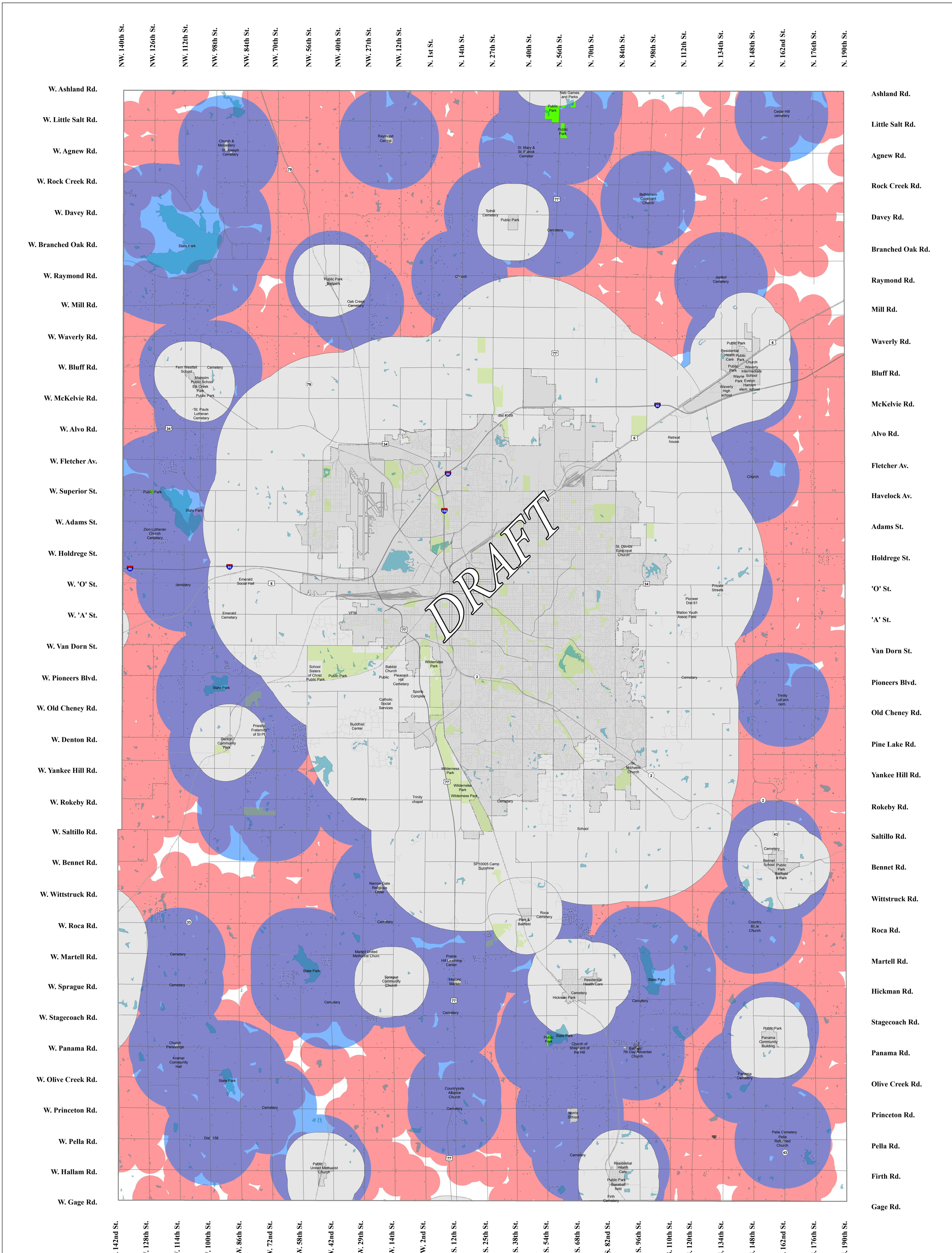
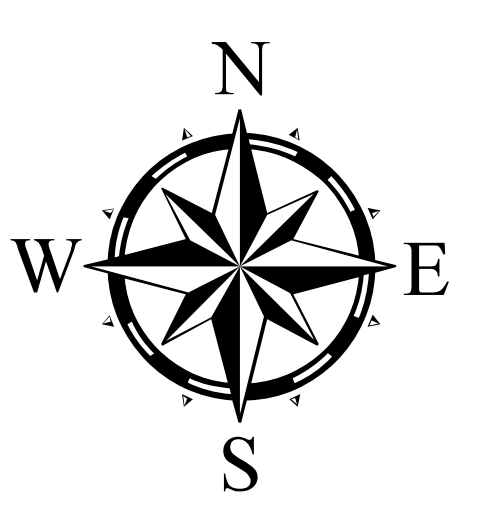
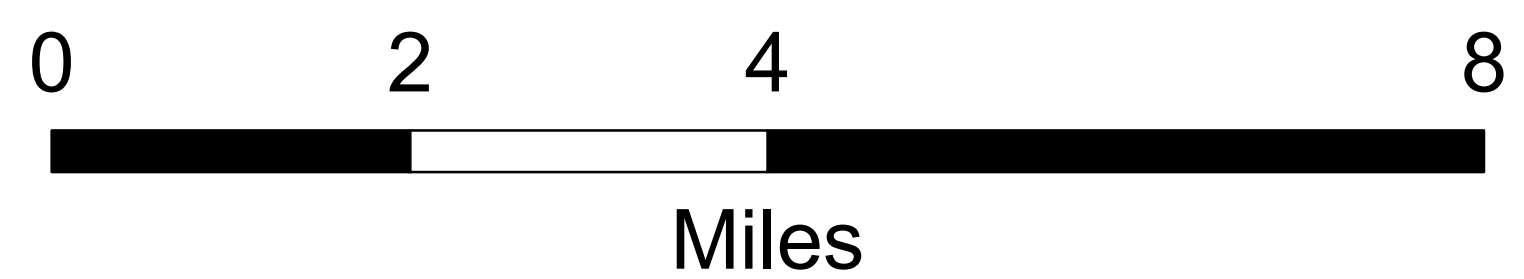


EXHIBIT D - Large Enclosed AFO 0.5 Mile Buffer - Residential -

1.5 Mile Buffer - School, Church, Cemetery, and Park/Recreational Facilities

- | | | | | | | | | |
|-----------------------|---------------------------|------------------------|-------------|----------------------|--------------------|-------------------------------|-------------------------|-----------------------------|
| City/Village Boundary | City/Village Jurisdiction | Residential Structures | Residential | Public / Semi-Public | Parks / Open Space | Environmental / Natural Areas | 1.5 Mile Landuse Buffer | 0.5 Mile Residential Buffer |
|-----------------------|---------------------------|------------------------|-------------|----------------------|--------------------|-------------------------------|-------------------------|-----------------------------|



**LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT**

Information Technology Services
555 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.7491 Fax: 402.441.6377

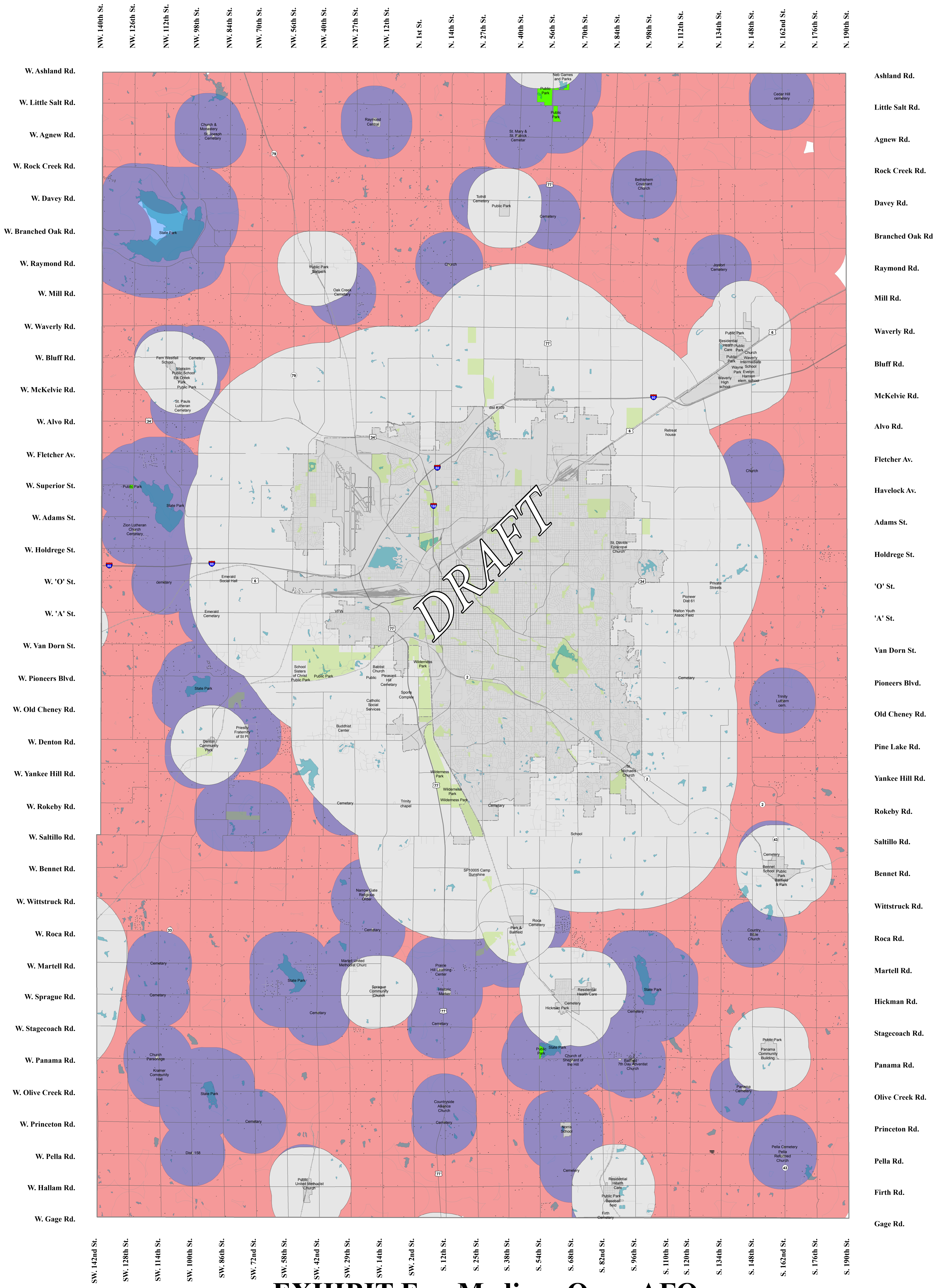





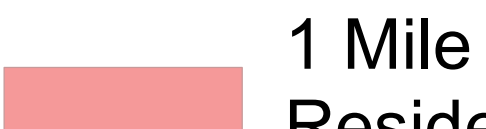

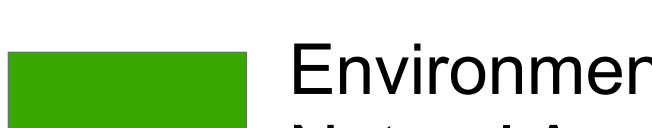

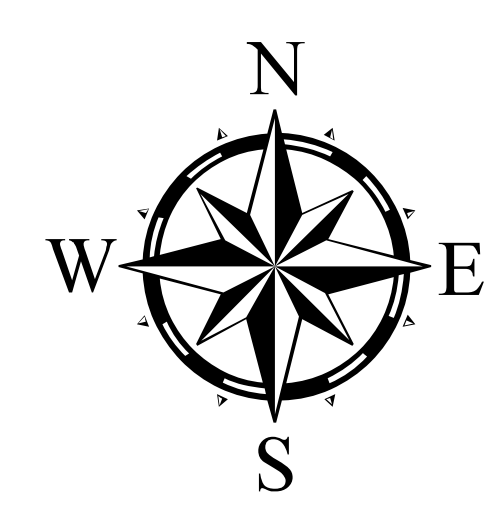
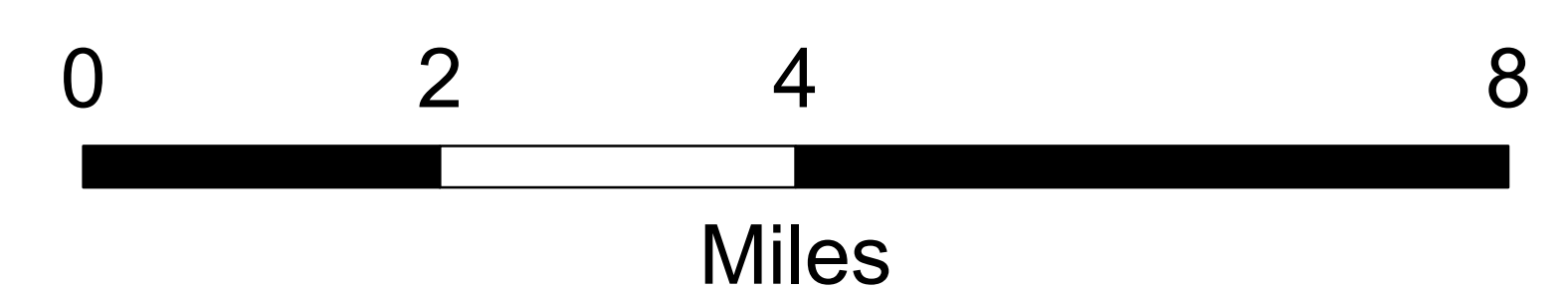


EXHIBIT E - Medium Open AFO 1 Mile Buffer - Residential -

1 Mile Buffer - School, Church, Cemetery, and Park/Recreational Facilities

- | | | |
|---|---|--|
|  City/Village Boundary |  Public / Semi-Public |  1 Mile Landuse Buffer |
|  City/Village Jurisdiction |  Parks / Open Space |  1 Mile Residential Buffer |
|  Residential Structures |  Environmental / Natural Areas | |
|  Residential | | |



**LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT**

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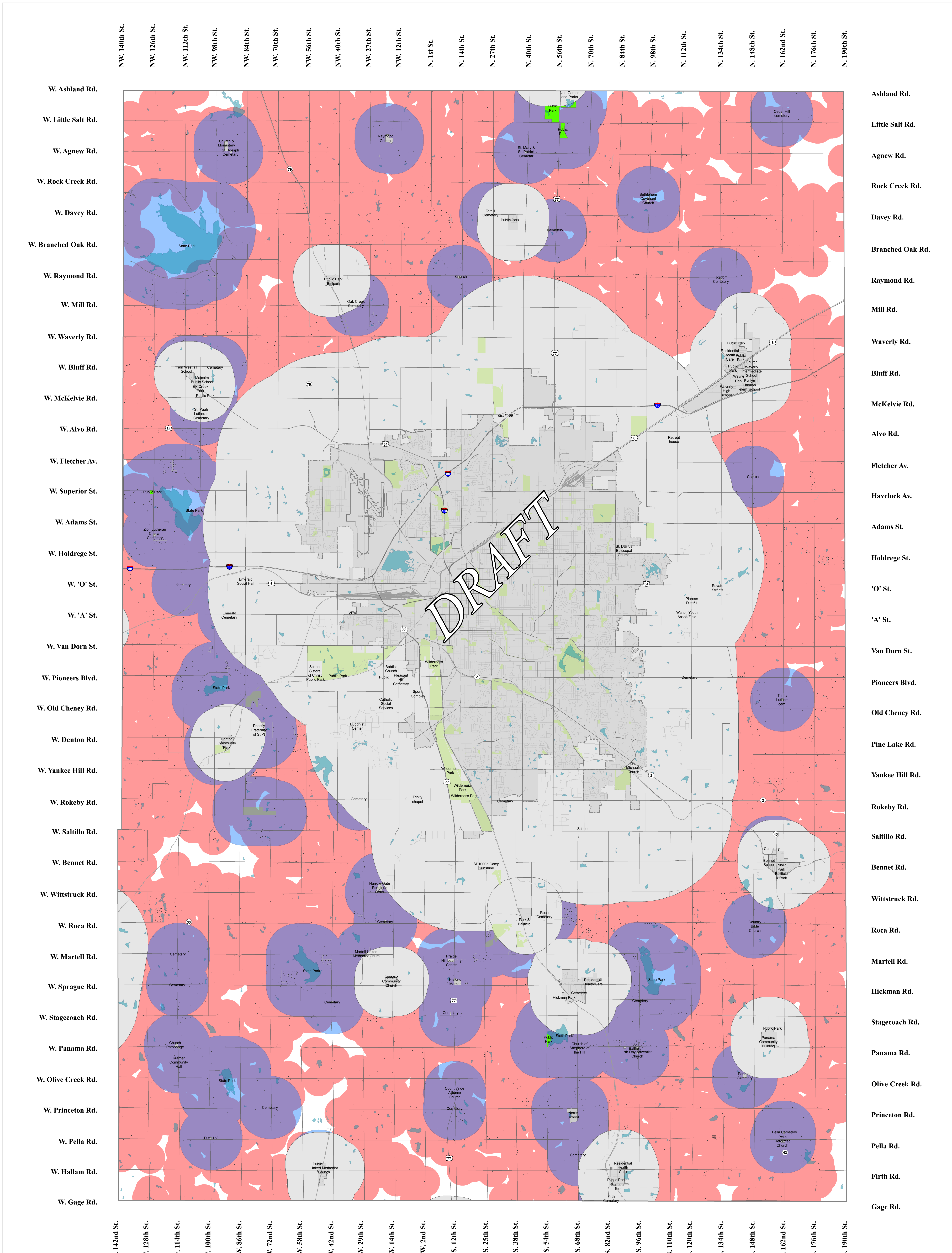
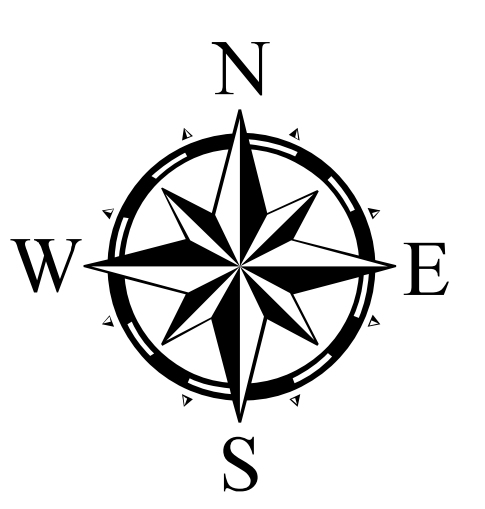
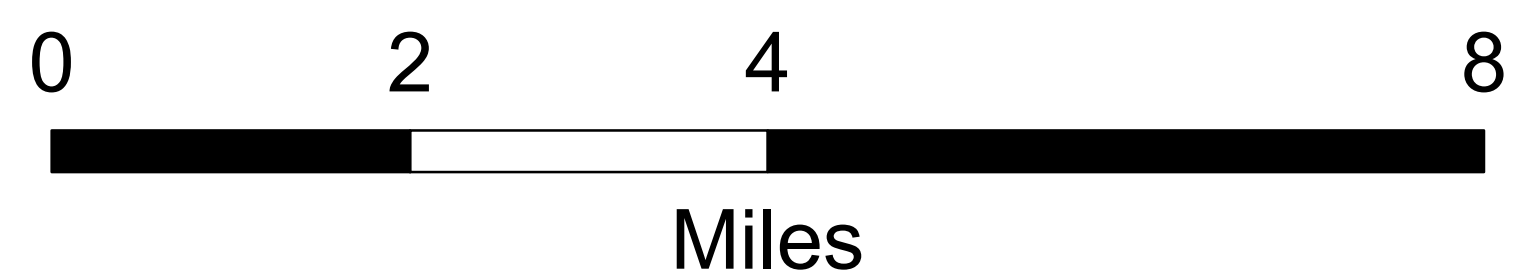
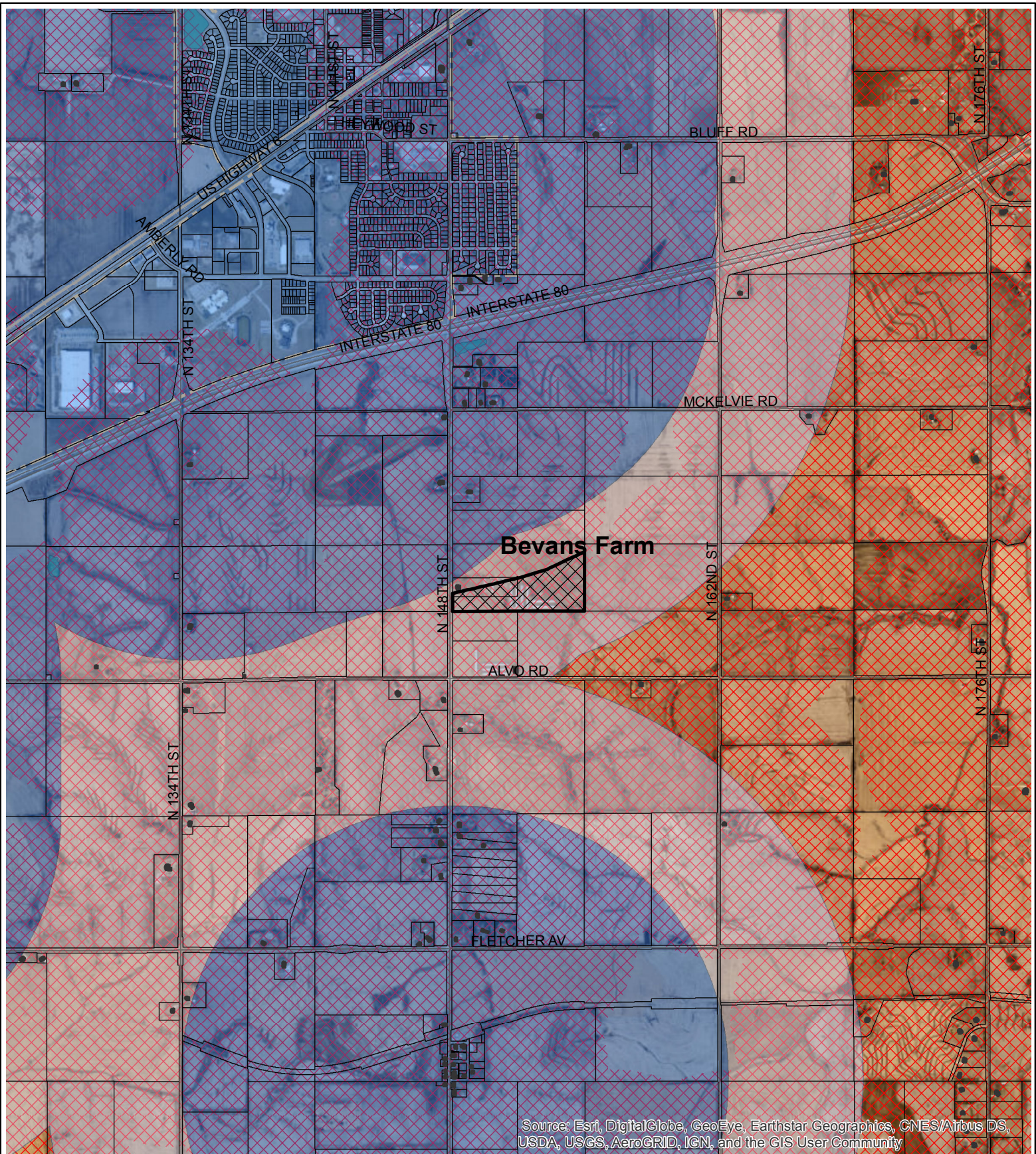


EXHIBIT F - Medium Enclosed AFO
0.5 Mile Buffer - Residential -
1 Mile Buffer - School, Church, Cemetery, and Park/Recreational Facilities

- | | | | | | | | | |
|-----------------------|---------------------------|------------------------|-------------|----------------------|--------------------|-------------------------------|-----------------------|-----------------------------|
| City/Village Boundary | City/Village Jurisdiction | Residential Structures | Residential | Public / Semi-Public | Parks / Open Space | Environmental / Natural Areas | 1 Mile Landuse Buffer | 0.5 Mile Residential Buffer |
|-----------------------|---------------------------|------------------------|-------------|----------------------|--------------------|-------------------------------|-----------------------|-----------------------------|








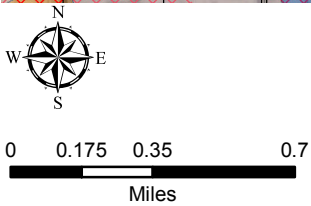
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

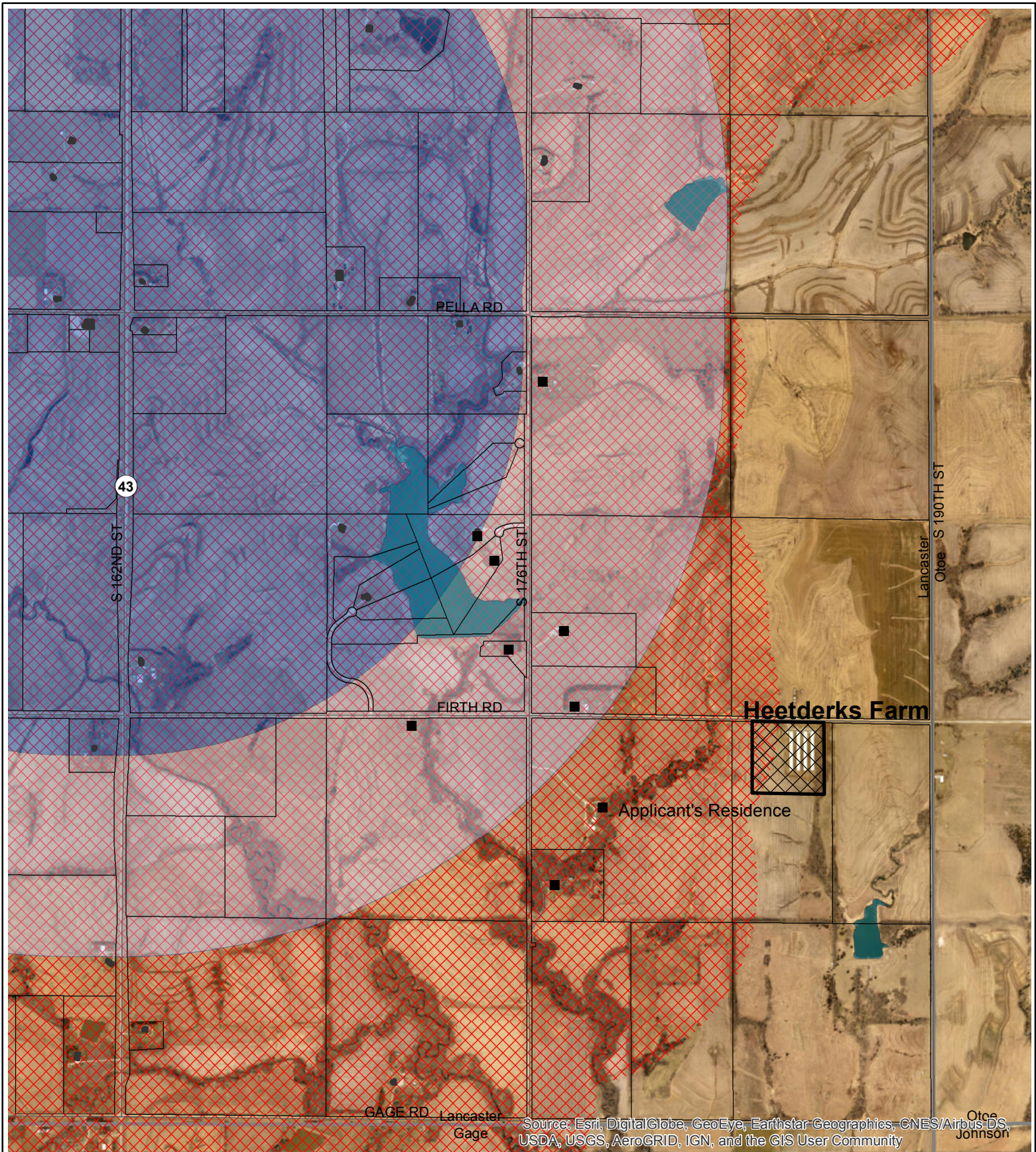
EXHIBIT G - Bevens - SP14044A

-  Bevens
-  0.5 Mile Residential Buffer - Enclosed AFO
-  Residential Structures
-  1 Mile Landuse Buffer - Medium AFO
-  1.5 Mile Landuse Buffer - Large AFO



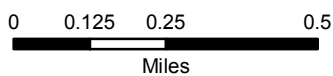
LINCOLN - LANCASTER COUNTY
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

EXHIBIT H - Heetderks - SP 17018



- Heetderks
- Residential Structures
- 0.5 Mile Residential Buffer - Enclosed AFO
- 1 Mile Landuse Buffer - Medium AFO
- 1.5 Mile Landuse Buffer - Large AFO

LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT

ITS Information Technology Services

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EXHIBIT I

ANIMAL UNITS

<u>Animal</u>	<u>Hall</u>	<u>Cass</u>	<u>Saline</u>	<u>Gage</u>	<u>Seward</u>	<u>Sarpy</u>
1 Cow/calf combo	1	NA	NA	1.2	1	NA
1 Slaughter cow	1	1	1 (500-1200 lbs)	1	1	1
Horse	2	1	1	2	2	1
.7 Dairy Cow	1	1	1.4 (1 dairy cow)	1	1	1 (1 dairy cow)
2.5 swine 55lbs or more	1	1	1	1	1	1 (3 over 50 lbs)
25 weaned pigs (less 55lbs)	1	1	1	1	1	1 (10 under 50)
2 sows with litters	1	NA	1	NA	1	NA
10 sheep	1	1	1	1	1	1
100 chickens	1	1	1	1	1	1
50 turkeys	1	1	1	1	1	1
5 ducks	1	1	NA	1	1	NA
<u>Considered AG Use</u> less than	1,000 au	250	300	300	1,000	300

SPACING TO DWELLING

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.

	North-South	East-West
301 to 1,000	1/2 mile ECH & Open	1/4 mile ECH & Open
1001 to 2500	1 mile ECH & Open	3/4 mile ECH & 1/2 mile Open
2501 to 5,000	1 1/2 mile ECH	1 mile ECH
	1 1/4 mile Open	3/4 mile Open
5,001 to 10,000	1 3/4 mile ECH	1 1/4 mile ECH
	1 1/2 mile Open	1 1/4 mile Open
10,001 to 20,000	2 1/2 mile ECH	1 1/2 mile ECH
	3 miles open	1 1/2 mile Open

Saunders County

A Large CAFO must be ¼ mile from the nearest dwelling use other than that of the owner or operator of agricultural operation. A Large CAFO is 700 mature dairy cows, 1,000 beef cattle, 2,500 swine greater than 55 lbs or 125,000 chickens except laying hens not using a liquid manure system.

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)
10,000 to 19,999 au	5,280 (1 mile)
20,000+ au	5,280' plus 12 inches for each additional animal unit over 20,000

1. **Douglas (pop. 566,880) (331 sq. miles):**

Does not allow CAFOs.

2. **Lancaster (pop. 317,272) (839 sq. miles):**

?????

3. **Sarpy (pop. 184,459) (241 sq. miles):**

Would be decided on a case-by-case basis.

*Director Bruce Fountain stated that they have not had to deal with something like this.

4. **Hall (pop. 61,607) (546 sq. miles):** (A.U. = Animal Units)(ECH = Environmentally Controlled Housing)

Class I (300-1,000 A.U.) = 1,320 ft. (1/4 mile) from non-farm or other residence and other LFO.

Class II (1,001-5,000 A.U.) = ECH = 5,280 ft. (1 mile) from non-farm or other residence and other LFO
Open = 2,640 ft. (1/2 mile) from non-farm or other residence and other LFO

Class III (5,001-20,000 A.U.) = ECH = 5,280 ft. (1 mile) from non-farm or other residence and other LFO
Open = 2,640ft. (1/2 mile) from non-farm or other residence and other LFO

Class IV (20,001+ A.U.) = ECH = 7,920 ft. (1.5 mile) from non-farm or other residence and other LFO
Open = 3,960 ft. (3/4 mile) from non-farm or other residence and other LFO

5. **Buffalo (pop. 49,615) (968 sq. miles):**

Class I (1-300) = No Minimum Requirement

Class II (301-2,500) = 1/2 mile (2,640 ft.)

Class III (2,501-10,000) = 1 mile (5,280 ft.)

Class IV (10,001+) = 1 mile (5,280 ft.)

6. **Dodge (pop. 36,791) (534 sq. miles):**

LFO of 251 – 1,000 A.U. = 1,320 ft. (1/4 mile) from any non-farm residence or other residence

LFO of 1,001 – 5,000 = 1,980 ft. (3/8 mile) from any non-farm residence or other residence

LFO of 5,001 – 10,000 = 2,640 ft. (1/2 mile) from any non-farm residence or other residence

LFO of 10,001+ = 3,960 ft. (3/4 mile) from any non-farm residence or other residence

7. **Madison (pop. 35,392) (573 sq. miles):**

1,000 = 1,320 ft. (1/4 mile) from any non-farm residence not on the applicant's property

1,001 – 5,000 = 1,980 ft. (3/8 mile) from any non-farm residence not on the applicant's property

5,001 – 10,000 = 2,640 ft. (1/2 mile) from any non-farm residence not on the applicant's property

10,000+ = 3,960 ft. (3/4 mile) from any non-farm residence not on the applicant's property

8. **Lincoln (pop. 35,185) (2,564 sq. miles):**

301 – 1,000 = ECH/Open – 1/2 mile (2,640 ft.)

1,001 – 5,000 = ECH/Open – 1/2 mile (2,640 ft.)

5,001 – 20,000 = ECH/Open – 3/4 mile (3,960 ft.)

20,000+ = ECH/Open – 1 mile (5,280 ft.)

LANCASTER COUNTY ANIMAL FEEDING OPERATION (AFO) SITING MATRIX

Exhibit K

BASIC INFORMATION

A AFO Information		Number	
	Operation Name:		
	Type of Animal:		
1	Number of animals (for multiple species or production phases, record separately)		

NDEE STATUS

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

SETBACKS/SEPARATION DISTANCES

C Siting Relative to Lancaster County Setback.		Distance	
	Enter the county setback distance that applies for this AFO(feet)		
	Enter actual distance from AFO to nearest dwelling or public place (feet)		
		Yes	No
1	Separation meets or exceeds county setbacks, or an impact easement / distance waiver is in place		

OTHER CONSIDERATIONS

D Environmental and Zoning Compliance Record		Yes	No
1	Owner has operated an 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		

E Water Quality Protection - Animal Facilities		Yes	No
1	Are all of the animals housed within a totally enclosed building		
	For only the facility that contains the majority of manure or effluent, select any that describe the animal waste control facility:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Open lot with stockpile		
3	Vegetative treatment system for runoff		
4	Runoff containment structures		
5	Roofed manure containment		
6	Concrete-equivalent containment structure		
7	Clay-lined or Geomembrane-lined containment structure		
8	Additional storage capacity (25% or more than NDEE requirements)		
9	Select the smallest separation distance between any well used for domestic purposes and an Animal Waste Control Facility:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	100 to 150 feet		
	151 to 300 feet		
	301 feet to 1,000 feet		
F Odor and Dust Control for Facilities		Yes	No
	Check all that apply for the majority of animal confinement or manure storage:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	Biofilter treatment of exhaust air from fans (primarily for odor control)		
2	Oil/water sprinkling for dust control in animal areas		
3	Electrostatic/Ionization system for dust control in animal areas		
4	Windbreaks placed to intercept air emissions		
5	Solids routinely separated from liquids and:		
	Stockpiled for later application to land		
	Composted, dried and used for bedding, or equivalently treated.		
6	Cover on manure storage or first (settling) cell of multi-cell system		
7	Impermeable cover with flare or gas treatment		
8	Aerobic treatment		
9	Anaerobic digester		
10	Other supplemental odor reduction measures (supported by verifiable scientific data)		
G Manure Application Practices		Yes	No
1	Select the <u>primary method of manure application under normal conditions for the majority of manure applied</u> and indicate any <u>control practices followed for application to 50% or more of the land receiving manure</u> :	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1a	Subsurface application (also referred to as "injection", "knifing in manure", etc)		
1b	Surface-applied solids		
	Incorporated within 2 days of application		
	Incorporated within 3 to 7 days of application		
	Incorporated prior to planting but more than 7 days after application		
1c	Surface-applied slurry or effluent (excl. sprinkler irrigation)		
	Application equipment discourages drift and encourages entry into soil		
	Incorporated within 2 days of application		
	Incorporated within 3 to 7 days of application		
1d	Sprinkler irrigation		
	Utilize drop nozzles or distribution hoses		
	Utilize a monitoring and alarm system		

	Irrigation distribution system has a complete disconnect from the water source or appropriate mechanical devices, as specified by NDEE, during application		
	Irrigation distribution system does NOT have a complete disconnect from the water source during application or appropriate mechanical devices, as specified by NDEE		
2	Cover conditions for manure application (Indicate all that apply for the selected method and majority of land receiving manure)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Conservation tillage is implemented		
	No-till farming is implemented		
	Application is primarily to fields with a growing crop		
	Application is primarily to fields with an established crop canopy		
	Cover crops or additional approved erosion-control practices are used		
H Manure Application Separation		Yes	No
1	Additional separation provided, above and beyond minimum requirements, from land application areas to closest dwelling or public place. Applies to all application areas.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Additional 50 to 100 feet		
	Additional 101 to 500 feet		
	Additional 501 to 1,320 feet		
	Additional 1,321 to 2,640 feet		
	Additional 2,641 feet and greater		
2	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any dwellings or public places		
3	Vegetative buffer (minimum 50 feet width) will be maintained between land application areas and any surface waters		
4	Vegetative buffers present on 25 to 50% of natural surface drains on all application areas		
5	Vegetative buffers present on 51 to 100% of natural surface drains		
I Additional Assurance of Environmental Protection		Yes	No
1	Assurance that the following plans will be kept current, displayed and/or readily accessible on site, and included in training procedures during operation:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Operation and Maintenance Plan		
	Animal Mortality Composting Plan		
	Chemical Management Plan		
	Emergency Response Plan		
	BMP for Odor Control Plan		
	Nutrient Management Plan		
2	Assurance that earthen Animal waste control facilities having compacted-soil liners will be constructed to meet and be verified as having a permeability rate ≤ 0.125 inch/day		
3	Assurance that earthen Animal waste control facilities having geomembrane liners will be installed according to the construction quality assurance / quality control plan and documentation will be maintained		
J Traffic		Yes	No
1	Main entrance to AFO located on minimum maintenance road		
2	AFO has a Road Maintenance Agreement with the County		

3	Vehicle entrance and turnaround is designed so that traffic will not be required to back into the AFO from the county road		
4	Heavy vehicle route established that avoids bridges or roads with weight restrictions		
5	For the primary application method under normal conditions, the AFO can avoid county roads to apply:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Up to 25% of manure nutrients generated		
	25 to 50% of manure nutrients generated		
	More than 50% manure nutrients generated		
K Authorized Representative and Manager Residency		Yes	No
1	Authorized representative lives or will live within one year of beginning operation:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	On the site or within the separation distance for odor		
3	Between separation distance for odor and 10 miles of the AFO		
4	Between 10 miles and 50 miles of the AFO		
5	Manager lives or will live within one year of beginning of operation:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6	On the site or within the separation distance for odor		
7	Between separation distance for odor and 10 miles of the AFO		
8	Between 10 miles 50 miles of the AFO		
L Neighbor - Community Communication		Yes	No
1	Communication with 100% of the property owners within a one-mile radius		
M Economic Impact Factors		Yes	No
1	Will add property value as of county permit issue date by:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	\$50,000-\$250,000		
	\$250,000-500,000		
	\$500,000-\$1,000,000		
	More than \$1,000,000		
2	Will create the following number of new full-time or equivalent jobs:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	1 to 3		
	4 to 9		
	10 or more		
N Landscape and Aesthetic Appearance		Yes	No
	Check all that will apply:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1	Landscaping plan will be implemented		
2	Visual barriers (i.e. fences, gating, trees) will be put in place		
3	Animal mortality will be managed so as to not be viewable from a public road		
	Handling of animal mortalities will be viewable from public road		
4	Site designed to facilitate clean surface water drainage away from AFO		
5	Separation distance of at least 1.5 times county required distance from centerline of frontage road to Animal facility		