Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair
Cristy Joy: Vice Chair
Lorenzo Ball
Dick Campbell
Maribel Cruz
Gloria Eddins
Tracy Edgerton
Bailey Feit
Richard Rodenburg

PLANNING STAFF

David R. Cary: Director
Shelli Reid: Administrative Officer
Jennifer McDonald: Administrative Aide

December 20, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 20, 2023, at 1:00 p.m. in the City Council Chambers 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, DECEMBER 20, 2023

Approval of minutes of the regular meeting held December 6, 2023.

Resolution of Appreciation presented to Tracy Edgerton.

1. CONSENT AGENDA
(Public Hearing and Administrative Action)

ANNEXATION AND RELATED ITEM:

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1.1a ANNEXATION 23010, to annex 11.35 acres on property generally located at N 51st Street and Alvo Road.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

1.1b CHANGE OF ZONE 23070, from AG (Agricultural District) to R-3 (Residential District), on property generally located at N 51st Street and Alvo Road.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

ANNEXATION AND RELATED ITEM:

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1.2a ANNEXATION 23012, to annex 7.02 acres, on property generally located at NW 18th and Beartooth Drive.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

1.2b CHANGE OF ZONE 23071, from AG (Agricultural District) to R-3 (Residential District), on property generally located at NW 18th and Beartooth Drive.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

CHANGE OF ZONE:

1.3 CHANGE OF ZONE 23072, from O-2 (Suburban Office District) to R-4 (Residential District), on property generally located at 102 and 110 S 38th Street.
Page 39
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.4 CHANGE OF ZONE 23074, from R-4 (Residential District) to B-3 (Commercial District), on property generally located at 880 N 27th Street.
Page 45
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

SPECIAL PERMIT:

1.5 SPECIAL PERMIT 21022A, to amend and expand the limits of the existing special permit allowing bulk storage of petroleum products in the I-1 Industrial District on approximately 2.04 acres, on property generally located at 1700 Saltillo Road. ***FINAL ACTION***
Page 52
Staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

MISCELLANEOUS:

1.6 MISCELLANEOUS 23008, to correct Resolution PC-01880 for Special Permit #06068B The Bridges First Addition on property generally located at S.W. 27th Street and W. Denton Road.
Page 60
Staff recommendation: Approval
Staff Planner: Tom Cajka,402-441-5662, tcajka@lincoln.ne.gov

1.7 MISCELLANEOUS 23009, to correct Resolution PC-01868 for Special Permit #16026A Doc's Creek 1st Addition on property generally located at SW 68th St and Princeton Rd.
Page 61
Staff recommendation: Approval
Staff Planner: Tom Cajka,402-441-5662, tcajka@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

SPECIAL PERMIT:

5.1 SPECIAL PERMIT 23042, for Personal Wireless Facilities to allow a 239' Self-support tower, on property generally located at 7459 W Roca Road.
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FINAL ACTION
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

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

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Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

David Cary, *Director*	402-441-6364	dcary@lincoln.ne.gov
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Tom Cajka, *County Planner*	402-441-5662	tcajka@lincoln.ne.gov
Benjamin Callahan, *Planner*	402-441-6360	bcallahan@lincoln.ne.gov
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Arvind Gopalakrishnan, *Planner*	402-441-6361	agopalakrishnan@lincoln.ne.gov
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George Wesselhoft, *Planner*	402-441-6366	gwesselhoft@lincoln.ne.gov
Brian Will, *Planner*	402-441-6362	bwill@lincoln.ne.gov

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1

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The Planning Commission agenda may be accessed on the Internet at https://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, November 28, 2023.

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, December 6, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.
MEMBERS AND OTHERS IN ATTENDANCE:	Dick Campbell, Maribel Cruz, Gloria Eddins, Rich Rodenburg, and Tracy Edgerton; Lorenzo Ball, Bailey Feit, Christy Joy, and Cindy Ryman Yost absent; David Cary, Steve Henrichsen, Jennifer McDonald, Clara McCully, Ben Callahan, George Wesselhoft, Emma Martin, Andrew Thierolf, Brian Will, and Tom Cajka of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Hearing

David Cary, Planning Director, 555 S. 10th Street, Suite 213, Lincoln, NE approached and stated that due to the Chairperson and the Vice Chairperson temporarily absent, requested that an election of a temporary Chairperson for the Planning Commission Hearing for the December 6, 2023, take place prior to the start of the hearing.

Campbell made a motion to nominate Tracy Edgerton as Chairperson, second by Cruz.

Motion approved 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

Commissioner Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Commissioner Edgerton requested a motion approving the minutes for the regular meeting held November 16, 2023.

Motion for approval of the minutes made by Campbell, seconded Eddins.

Minutes approved 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

Commissioner Edgerton asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **December 6, 2023**

Members present: Campbell, Cruz, Eddins, Rodenburg, and Edgerton; Ball, Feit, Joy and Ryman Yost absent.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 23018 and Special Permit 23041.

Edgerton disclosed ex-parte communications on Comprehensive Plan Conformance 23018. The Community Unit Plan was discussed at a Clinton Neighborhood Organization meeting. The item regarding the Community Unit Plan is at City Council and has already passed through Planning Commission.

There were no ex-parte communications disclosed relating to site visit.

Campbell moved approval of the Consent Agenda items, seconded by Eddins.

Motion approved 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

Note: This is **Final Action** on **Special Permit 23041 and Preliminary Plat 23001** unless appealed by filing a Notice of Appeal with the **City Council or County Board** within **14 days**.

Commissioner Edgerton called for **Requests for Deferral.**

Clerk stated that written communication on behalf of the applicant was received requesting a 2-week deferral for item 4.2 – County Special Permit 23042 – this would delay public hearing and action to the December 20, 2023, Planning Commission hearing.

COUNTY SPECIAL PERMIT 23042
FOR PERSONAL WIRELESS FACILITIES TO ALLOW A 239' SELF-SUPPORT TOWER, ON PROPERTY GENERALLY LOCATED AT 7459 W ROCA ROAD.

Members present: Campbell, Cruz, Eddins, Rodenburg, and Edgerton; Ball, Feit, Joy and Ryman Yost absent.

Staff Recommendation: Two-week deferral.

Campbell moved to grant the request for a 2-week deferral of County Special Permit 23042 for public hearing and action to the December 20, 2023, Planning Commission Hearing, seconded by Joy.

Motion approved 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

Clerk noted that the Planning Commission members received a staff memo dated December 5, 2023, identifying a revision to the staff report dated November 21, 2023, for Preliminary Plat 23001.

COMPREHENSIVE PLAN AMENDMENT 23005
TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO REVISE THE FUTURE LAND USE MAP FROM INDUSTRIAL USE TO COMMERCIAL USE, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NW 48TH STREET AND INTERSTATE 80,
AND
COMPREHENSIVE PLAN CONFORMANCE 23019
TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, THE NW 48TH & W VINE REDEVELOPMENT PLAN, AND THE FALCON CORNER REDEVELOPMENT PROJECT, TO INCLUDE A LARGE RETAIL BUILDING AND ACCESSORY COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED AT NW 48TH STREET AND INTERSTATE 80,
AND
ANNEXATION 23005
TO ANNEX PROPERTY LOCATED AT THE NORTHEAST CORNER OF NW 48TH STREET AND INTERSTATE 80 AND SOUTHWEST CORNER OF NW 48TH AND W VINE ST.,
AND
CHANGE OF ZONE 23019
FROM AG (AGRICULTURAL DISTRICT) TO H-4 (HIGHWAY COMMERCIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NW 48TH STREET AND INTERSTATE 80,
AND
PRELIMINARY PLAT 23001
FOR A NEW PRELIMINARY PLAT TO SHOW 5 COMMERCIAL LOTS AND 3 OUTLOTS LOCATE AT THE NORTHEAST CORNER OF NW 48TH STREET AND INTERSTATE 80.
PUBLIC HEARING: **December 6, 2023**

Members present: Campbell, Cruz, Eddins, Rodenburg, and Edgerton; Ball, Feit, Joy and Ryman Yost absent.

Staff Recommendation:

Comprehensive Plan Amendment 23005	Approval
Comprehensive Plan Conformance 23019	In Conformance with the Comprehensive Plan
Annexation 23005	Conditional Approval
Change of Zone 23019	Conditional Approval

Preliminary Plat 23001 Conditional Approval

There were no ex-parte communications disclosed.
There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Tom Cajka, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that he will cover Annexation 23005, associated Change of Zone 23019, Comprehensive Plan Amendment 23005, and Preliminary Plat 23001. The annexation is for approximately 52 acres north of Interstate 80 up to Vine Street. The applicant's area is approximately 43 acres. The area on the west was brought in at the request of the Planning Department, so it can meet the requirement of being contiguous to the city limits. City services are available —there is an existing water main at NW 48th street and sanitary sewer is available to serve the area. The annexation area is within Tier One priority A. The Change of Zone application is to rezone from AG to H-4. There is existing H-4 to the south. There is a commercial Planned Unit Development to the west and south of Vine Street that does show commercial land use. The change of zone area is approximately 15 acres.

The Comprehensive Plan Amendment is to revise the Future Land Use Plan to change an area from industrial to commercial for the Falcon Corner project. They are adding a bit of area outside of the project area, so it meets up with the commercial area to north. This proposed land use area is approximately 63 acres. The change is compatible with other commercial areas surrounding it.

The proposed Preliminary Plat is for five commercial lots on approximately 43 acres. The site plan identifies one lot of 16.8 acres and 4 smaller lots. The plan also includes building West Vine Street, continuing to the east boundary of the project. There is an existing traffic signal that may have to be relocated. There will be a right turn on Vine Street to go north. The development will be served with city water and sewer. There is an existing 16-inch water main on NW 48th Street. The developer will construct a 12-inch main on West Vine Street to extend to the end of West Vine and will construct an 8-inch sanitary sewer main coming from the east.

Edgerton asked Cajka about when he was describing the annexation, he mentioned the land to the west of NW 48th Street and according to the report there was a conversation with the landowner in regard to that, and was wondering how that went? Cajka stated he did not speak to the landowner; he sent a letter and received no response.

Edgerton stated the staff report stated there was a traffic study submitted with these applications, and it mentions additional information for review at a later date. Cajka stated this has been taken care of since the report.

Hallie Salem, Urban Development, 555 S. 10th Street, Lincoln, NE came forward and stated that the City Council declared the area blighted in February 2008. It has not been developed though there has been interest. Approving this plan would be the next step in the redevelopment

process for this area. The redevelopment area in total encompasses 503 acres, generally located north of Interstate 80 between NW 56th Street and NW 40th Street. Current land uses include public, agricultural, and undeveloped properties. Although this redevelopment area has been designated as blighted for 15 years, the lack of road infrastructure and topography issues have discouraged development in the area. To address those challenges, the key focus of this project is extending vine street to the east to connect the area of the city that has previously lacked connectivity. Tax Increment Financing generated from the development will go toward constructing west vine. The city expects to bring a redevelopment agreement to City Council after Planning Commission approval.

Edgerton asked when there's a finding of blight and substandard that continues with the land until there's a reason for that to change. Salem stated yes, for a period of time but there is new state legislation adopted that provides a limit to that time. Edgerton asked at this time it is not at the limit? Salem confirmed that is the case.

Applicant:

Mark Hunzeker, **Rembolt-Ludke, 1128 Lincoln Mall, Suite 300, Lincoln NE** came forward on behalf of the applicant and stated he would ask that the commissioners all vote yes, since five votes are needed.

Proponents:
No one came forward in support of the application.

Neutral:
No one came forward in neutral testimony.

Opposition:
No one came forward in opposition.

Campbell moved to close the public hearing, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

COMPREHENSIVE PLAN AMENDMENT 23005
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Comprehensive Plan Amendment 23005, seconded by Eddins.

Campbell stated he would support this. It is filling in a nice piece that has been dormant for a long time.

Edgerton stated with the school opening in the area, there are new opportunities for development and connections to land use and zoning in the area.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 23019
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Comprehensive Plan Conformance 23019, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

ANNEXATION 23005
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Annexation 23005, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

CHANGE OF ZONE 23019
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Change of Zone 23019, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

PRELIMINARY PLAT 23001
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Preliminary Plat 23019, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

MISCELLANEOUS 23007
REVISING THE FUNDING OUTLOOK TO REFLECT PARTIAL RECISSION OF FEDERAL CORONAVIRUS RESPONSE AND RELIEF ACT FUNDS AND ADD FEDERAL CARBON REDUCTION PROGRAM FUNDS, REVISING THE FISCALLY CONSTRAINED PLAN TO UPDATE THE COST FOR THE SALTILLO ROAD, 27TH STREET TO 68TH STREET PROJECT UNDER THE FISCALLY CONSTRAINED RURAL ROAD & BRIDGE CAPITAL PROJECTS, ADD THE MULTIMODAL

TRANSPORTATION CENTER AND MAINTENANCE FACILITY PROJECTS UNDER THE PRIORITY TRANSIT PROJECTS, ADD THE B STREET BICYCLE BOULEVARD AND ROCK ISLAND TRAIL WIDENING PROJECTS, INCLUDE THE MULTIMODAL TRANSPORTATION CENTER ACTIVE TRANSPORTATION ENHANCEMENTS UNDER THE MULTIMODAL TRANSPORTATION CENTER PROJECT, AND UPDATE THE COST FOR THE ROCK ISLAND TRAIL GRADE SEPARATED CROSSING AT OLD CHENEY ROAD PROJECT.

PUBLIC HEARING: December 6, 2023

Members present: Campbell, Cruz, Eddins, Rodenburg, and Edgerton; Ball, Feit, Joy and Ryman Yost absent.

Staff Recommendation: Approval

There were no ex-parte communications disclosed.
There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Rachel Christopher, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated this item is brought forward by staff. First, there are updates to projects in the long-range plans. One is the county project for improving Saltillo Road from 27th to 68th Street. This item is to increase costs from $8.7 million to $12.4 million, as the costs for the project have increased.

There are three other projects already listed in the Transportation Improvement Program: the Multimodal Transportation Center, StarTran Maintenance Facility, and B Street Bicycle Boulevard. This is making sure the long-range plan conforms to the Transportation Improvement Program and reflects the projects as they need to be shown so that when federal funds are obligated the projects are included.

Additionally, the long-range plan includes a funding outlook that estimates anticipated funding for transportation projects that they will receive through 2050. The first change is for coronavirus funds. The Metropolitan Planning Organization received pandemic funds for transportation projects several years ago. They were able to spend down $1.4 million. From the national debt ceiling agreement in 2023, the remaining funds were rescinded. The majority of the funds were able to be spent down before that happened. This update reflects the amount that was rescinded in the planning outlook.

The second funding item is for the Carbon Reduction Program. This is a new type of federal funding for transportation that was authorized through the most recent national transportation bill. The City of Lincoln and Lancaster County are recipients of $4.4 million in Cost Reduction Program funds over 5 years for a variety of projects that reduce carbon dioxide emissions. Pedestrian and Bicycle facilities are one of the natural fits for these funds. It is required to provide a 20 percent local match for any federal funds that are used. These projects are being added to the funding outlook because when the plan was created the details for this funding

source were not known. The three projects proposed for the use of Carbon Reduction Program funds for those 5 years, a new criterion is the need to have a local match and be relatively shovel-ready. The funds need to be spent in 4 years. Projects were considered that lack a source of funding. The three projects proposed are the Rock Island Trail grade-separated crossing at Old Cheney Road, widening the Rock Island Trail from 8 to 11 feet between A Street and Nebraska Parkway, and active transportation enhancements for pedestrian and bicycle improvements around the future multimodal center.

Edgerton asked in regard to the 20 percent, match do the sources have to be identified before moving forward? Christopher stated yes, the funds shown for the Long-Range Plan and Transportation Improvement Program must be fiscally constrained, which means they must be reasonably anticipated.

Edgerton asked with the mention of being fiscally constrained, and with coronavirus funds going away, how did that change the timing or priority of the projects?

Christopher stated the funds that are going away from coronavirus are being covered by a different federal funding source called the Service Transportation Block Grant. Nothing is changing there, and they were already under that header, under the Transportation Improvement Project to help with spending them down. The Transportation and Utilities allotment from the Service Transportation Block Grant will cover that.

Proponents:

Pam Dingman, Lancaster County, 444 Cherrycreek Road, Lincoln, NE came forward in support of Saltillo Road going forward. There's a nuance in federal funding that if a project increases by $2 million it must be in the Long-Range Transportation Plan. There is one item already in one review, with the Nebraska Department of Transportation, and we're looking at signoff. If Rachel didn't help the project would have taken an extra 3 months. This project is different from other highway safety improvement funds, in that it's 90 percent federally funded.

Campbell asked if Saltillo Road would be shut down fully or segmented.

Dingman stated it would be segmented, but they are coordinating the detour route with the city since they may be able to detour on the south beltway. The Saltillo project has taken almost 8 years to develop.

Neutral:

No one came forward in neutral testimony.

Opposition:

No one came forward in opposition.

Campbell moved to close the public hearing, seconded by Eddins.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting “yes”; Ball, Feit, Joy and Ryman Yost absent.

MISCELLANEOUS 23007
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve Miscellaneous 23007, seconded by Eddins.

Campbell stated that all of the projects are worthwhile and needed.

Rodenburg stated he lives at the back of the Rock Island Trail and was on the Great Plains Trails Network board to raise funds and had a limited amount of funds to build a trail from A street to as far as they could. If they had built an 11- or 12-foot trail they would have had to stop at Calvert street. The 8-foot width allowed stopping short of Highway 2 and was a catalyst for trails throughout the city. The Great Plains Trails Network did trail counts and Rock Island is the most heavily used and narrowest trail in the city. He is in favor of those parts of this item.

Edgerton stated it is essential that the Long Range Transportation Plan is kept up to date, and all the projects are straightforward and priorities in our community.

Motion carried 5-0: Campbell, Cruz, Eddins, Edgerton, and Rodenburg voting “yes”; Joy, Feit, Ball, and Ryman Yost absent.

Clerk noted that Planning Commission members received a staff memo dated December 5, 2023, identifying change to the right-of-way map on County Text Amendment 23012.

COUNTY TEXT AMENDMENT 23012
TO THE LANCASTER COUNTY ZONING REGULATIONS AND THE LANCASTER COUNTY SUBDIVISION REGULATIONS TO REQUIRE ALL NEW LOCAL STREETS IN THE COUNTY TO BE PRIVATE ROADWAYS. THIS AMENDMENT ALSO CLARIFIES THE REQUIRED RIGHT-OF-WAY WIDTH FOR MAJOR STREETS IN THE COUNTY ALONG WITH SEVERAL MINOR UPDATES. THIS APPLICATION IS TO AMEND ARTICLE 14 COMMUNITY UNIT PLAN AND ARTICLE 19 BOARD OF ZONING APPEALS OF THE LANCASTER COUNTY ZONING REGULATIONS. IT ALSO PROPOSES TO AMEND CHAPTER 2 DEFINITIONS, CHAPTER 4 DESIGN STANDARDS, CHAPTER 5 MINIMUM IMPROVEMENTS, AND CHAPTER 7 FORM OF PRELIMINARY PLAT OF THE LANCASTER COUNTY SUBDIVISION REGULATIONS.
PUBLIC HEARING: **December 6, 2023**

Members present: Campbell, Cruz, Eddins, Rodenburg, and Edgerton; Ball, Feit, Joy and Ryman Yost absent.

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Staff Presentation:

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated this application is from the Lancaster County Board, to prohibit approval of any local public streets and any local streets must be private roadways. One of the main considerations was concern for the future of the impact of having to maintain additional local streets and the budget impact. This is in the county jurisdiction. In the city jurisdiction, this does not change the regulations. In the city jurisdiction, we want to keep the option for public streets because within the city's three-mile jurisdiction outside of the city limits, a lot of those streets and subdivisions could ultimately end up inside of the city. We want to make sure we have connections in between neighborhoods set up the future.

In the text, the terms, public streets, and private roadways, have been replaced with the more generic term of roadway. In the zoning regulations a part requiring detailed analysis of trees on the site was stricken out since it has not been implemented. A requirement for identifying the source of fill for a grading plan has been stricken. A definition for private roadways has been added. In subdivision regulations, a table has been updated regarding right-of-way.

The memo sent to the planning commissioners updates the table and map. All of the section line roads will be shown with 100 feet of right of way and references the map, and the map was updated.

All new subdivisions and local streets need to be private roadways as of the effective date of the section.

Campbell asked who is responsible for upgrading streets to city standards?

Henrichsen stated if a private roadway becomes annexed into the city limits, it still remains a private roadway. If it came from county zoning jurisdiction to city zoning jurisdiction it will remain a private roadway. Public streets annexed into the city of Lincoln go from the county jurisdiction to Lincoln Transportation and Utilities maintenance.

Rodenburg asked if there are stipulations for sidewalks or other amenities. Henrichsen stated usually county roads standards don't have sidewalks.

Edgerton asked if there is any opportunity for feedback from county residents.

Henrichsen stated there were none specifically for a public hearing. There have been calls from the past regarding maintaining private roadways.

Cruz asked why the right-of-way is 120 feet from Hickman to Wittstruck Rd.

Pam Dingman stated this is a clarification of a right-of-way. Since the 1950's Lancaster County modified our right-of-way. Whenever we graded a road we would start with a section line easement, which was 66 feet, and went to 100-foot sections for a place to store snow. The 120 feet is a modern road section. Areas with 120 feet are consistent with federal aid routes. With modern safety features roads need 28 feet of surface for rumble strips and stripes. They may need turn lanes in the future or additional expansion as well.

Rodenburg stated if the road will have a shoulder in the 120-foot, please don't extend rumble strips all the way through the shoulder so bicyclists can use it.

Dingman stated as we move forward we are modifying a lot of our practices. Our first goal was to get that 14-foot lane, which is significant, as a county. We have more 11 foot or less drive lanes or less than any other county in Nebraska. We also have the most people on the streets.

Proponents:
No one came forward in support of the application.

Neutral:
No one came forward in neutral testimony.

Opposition:
No one came forward in opposition.

Campbell moved to close the public hearing, seconded by Joy.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting "yes"; Ball, Feit, Joy and Ryman Yost absent.

COUNTY TEXT AMENDMENT 23012
ACTION BY PLANNING COMMISSION **December 6, 2023**

Campbell moved to approve County Text Amendment 23012, seconded by Eddins.

Campbell stated he is concerned with private roads will become a burden for the city.

Eddins stated it is clear who will maintain roadways.

Cruz stated as someone who uses the roads and lives in the county, it's a necessity. She is wary about the future, but now, it makes sense.

Edgerton stated she understands the County Board and County Engineers are trying to be fiscally prudent and there is necessity and will vote to approve.

Motion carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting “yes”; Ball, Feit, Joy and Ryman Yost absent.

Commissioner Edgerton asked if there was anyone wishing to speak on an item not on the agenda, may do so at this time.

Campbell moved to adjourn the Planning Commission meeting of December 6, 2023, seconded by Eddins.

Motion to adjourn carried 5-0: Campbell, Cruz, Eddins, Rodenburg, and Edgerton voting “yes”; Ball, Feit, Joy and Ryman Yost absent.

There being no further business, the meeting was adjourned at 2:01 p.m.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

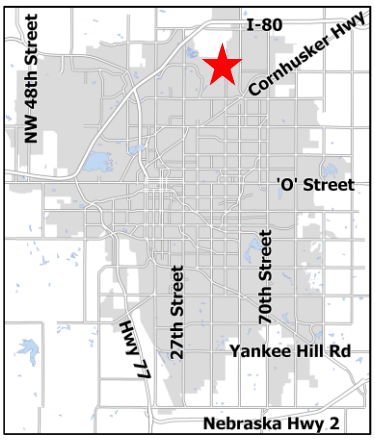
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #23070 Annexation #23010	No	HH Development, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 20, 2023	None	N 51st Street & Alvo Road

RECOMMENDATION: ANNEXATION #23010 APPROVAL
CHANGE OF ZONE #23070 APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for a change of zone and an annexation at property generally located north of N 51st Street and Alvo Road. The annexation and change of zone include approximately 11.35 acres and the request is to change the zoning from AG Agricultural district to a R-3 Residential district.



JUSTIFICATION FOR RECOMMENDATION

The subject property abuts the city limits to the south and to the east, 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 the surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT
Mike Eckert, (402) 434-8494 or
meckert@civildg.com

STAFF CONTACT
Emma Martin, (402) 441-6369 or
emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject property is designated for future urban residential use on the 2050 Future Land Use Map and Comprehensive Plan. This designation permits residential uses with varying densities and permits more than fifteen dwellings per acre. The property is located in Tier 1, Priority A on the 2050 Growth Tier Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Residential – Urban Density on the 2050 Future Land Use Plan.

Land Use Plan – Urban Residential – Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here.

Figure GF.c - This site is shown in Tier 1, Priority A on the 2050 Priority Growth Area Map.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

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

Multi-directional contiguous growth. Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core. Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services. Gravity flow wastewater. The City of Lincoln's wastewater collection system, in general, will continue to be a gravity flow system that is designed to use gravity as the main energy source to convey wastewater from the community to the water resource recovery facilities. This means that drainage basin boundaries are a primary guiding factor when determining availability of urban wastewater services and other infrastructure. This provides for contiguous growth, efficient long range planning, and cost-effective construction and management of the system.

Urban infrastructure availability. The City of Lincoln will provide water and wastewater service only to properties located within the corporate limits of the city.

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

One public school district. Lincoln Public Schools is the only public school district within the City of Lincoln, and the Lincoln Public School boundary will continue to expand as the city limits of Lincoln expand.

The Community in 2050

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

25 percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

New growth areas will have an average gross residential density of 4.0 du/acre.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

Benefits of Well-Planned Growth

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More "rooftops" near existing commercial areas help to support continued commercial investment.

Goals Section

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.
A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
    a. Similar uses on the same block face: residential faces residential.
    b. Similar housing densities developed near each other: single-family and "missing middle" residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
    c. Non-residential uses, including parking lots, should be screened from residential areas.
    d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
3. Encourage locations within neighborhoods to grow local food.
4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.

6. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
7. Encourage employment areas to be within a 15-minute walking distance to residences.
8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.
9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
11. Provide pedestrian connections when maximum block lengths are exceeded.
12. Encourage shared City and School facilities (aka SPARKS).
13. Provide adequate curb space to allow for on-street parking.
14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
    a. Similar uses on the same block face: residential faces residential.
    b. Similar housing densities developed near each other: single-family and "missing middle" residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
    c. Non-residential uses, including parking lots, should be screened from residential areas.
    d. Locate mixed-use centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
    e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
    f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.

2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Strive for residences to be located within 1 mile to an existing or planned multi-use trail.
4. Strive for residences to be located within 1/2 mile to an existing or planned neighborhood park.
5. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
6. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
7. Encourage locations within neighborhoods to grow local food.
8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
9. Allow non-standard lots to be buildable.
10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
11. Encourage historic preservation and the rehabilitation and maintenance of buildings.
12. Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.
13. Maintain existing pattern of streets for connectivity.
14. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane where applicable.
15. Utilize streets for commercial and residential parking.
16. Encourage shared parking whenever possible: permit minor incursions of accessory parking for public/ semi-public uses into neighborhoods if properly screened.
17. Maintain alley access and encourage shared driveways to parking areas in order to reduce

interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.

18. Support the preservation and restoration of natural resources, and limit stream or drainageway crossings.
19. Encourage additional density of a variety of housing types and price points on open and available land areas. 20. Encourage middle housing in Neighborhood Edges.

Developing Neighborhoods
Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Policies Section

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward's growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

Action Steps
1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
9. Promote mixed-income neighborhoods.
10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
11. Support addition of higher density development in existing multi-family development.
14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the benefits of street trees.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

P17: Predictability - Strive for predictability for neighborhoods and developers.

Action Steps
1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City

routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City's edge may not be interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

Action Steps

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES

A. Sanitary Sewer: Public sanitary sewer can be extended to serve this development

B. Water: Public water is also available and can be extended from the existing development of Phase 1.

C. Roads: the roads to the south, N 51st Street and Alvo Road, are paved, and the preliminary plat provides an internal street layout approved by the Lincoln-Lancaster County Planning Commission

D. Parks and Trails: There are no parks or future trails shown for this property.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR).

ANALYSIS

1. This is a combined request for both an annexation and change of zone from AG Agricultural to R-3 Residential over approximately 11.35 acres. The property is located north of the intersection of N 51st Street and Alvo Road. This property is associated with Preliminary Plat #03004 and the subsequent amendments to the preliminary plat.
2. The area of annexation and change of zone is part of an overall development that was approved by PP03004, Northbank Junction in October 2004. This development has been annexed and rezoned in phases, and the subject property is noted as Phase 4 of the original project.
3. This site is shown for future urban residential density by the 2050 Future Land Use Map and Comprehensive Plan. It is also within Growth Tier 1, Priority A. Growth Tier 1 reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period, and includes three Priority Areas for phasing development. Tier 1, Priority A includes areas that are not yet annexed but have approved preliminary plans or areas outside city limits that will have immediate infrastructure access upon annexation. This development can be served by a full range of city services upon annexation.
4. The proposed annexation and re-zoning of the site will encourage new residential development at urban densities that are contiguous to the Lincoln City limits and will have all public utilities. The site is designated for future urban density residential, and the requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
5. The proposed R-3 zoning is compatible with the adjacent land uses and as an extension of the existing development. To the south is R-3 zoning, which include portions of Phases 1 and 3 from the original development. The property to the north is zoned AG and is also subject to PP03004; it is shown for future residential use as well. The land to the east is zoned H-4 General Commercial, and the land to the west is zoned AG and shown as future urban density residential on the 2050 Land Use Map.
6. There is a zoning and annexation agreement in place that covers this application. No amendments to this agreement is necessary.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant/Agricultural Land AG

SURROUNDING LAND USE & ZONING

North: Vacant/Agricultural Land AG
South: Vacant/Residential R-3
East: Vacant/Commercial H-4
West: Vacant/Agricultural Land AG

APPLICATION HISTORY

April 2004	Annexation #03001, Preliminary Plat #04003, and Change of Zone #3398 for Northbank Junction Addition was approved by the Planning Commission. This preliminary plat included approximately 214 acres of land.
September 2006	Annexation #03001 and Change of Zone #3398 for Northbank were approved by the City Council and annexed approximately 214 acres in connection with PP #04003. The change of zone changed the existing AG district to R-3 and H-4.
February 2008	Preliminary Plat #08001, Change of Zone #08001, and Annexation #08001 were approved by the Planning Commission. This preliminary plat split approximately 68.81 acres from the eastern part of PP #04003, the existing preliminary plat.

APPROXIMATE LAND AREA: 11.35 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District 1

LEGAL DESCRIPTION: A portion of Lot 2 Finigan Brothers Addition, Located in SE 1/4 of Section 29-11-7, Lincoln, Lancaster County, Nebraska generally located at N 51st Street and Alvo Road.

See attached for metes and bounds

Prepared by Emma Martin, Planner
(402) 441-6369 or emartin@lincoln.ne.gov

Date: December 7, 2023

Applicant: HH Development, Inc.
PO Box 22787
Lincoln, NE 68542
ahartman@hartlandhomes.com

Contact: Civil Design Group, Inc.
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
meckert@civildg.com

Owner: HH Development, Inc.
PO Box 22787
Lincoln, NE 68542
ahartman@hartlandhomes.com



2020 aerial

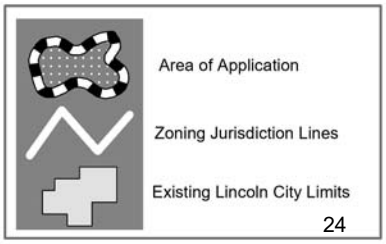
Annexation #: AN23010 &
Change of Zone #: CZ23070 (AG to R-3)
Northbank Junction
N 51st St & Alvo Rd

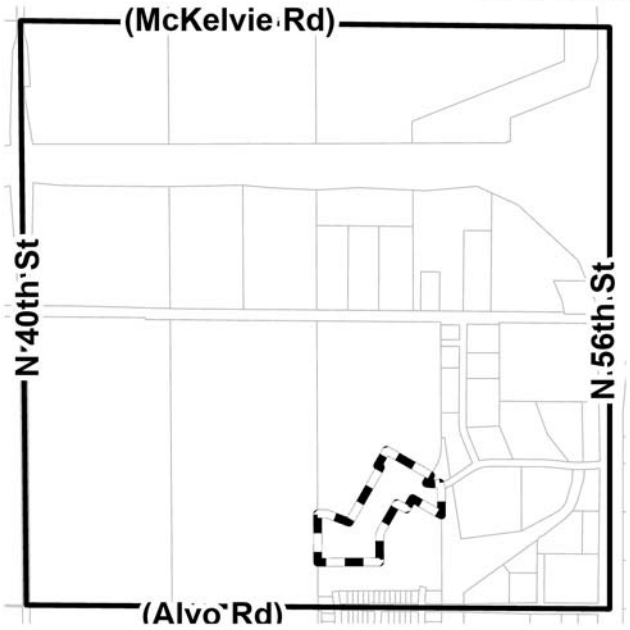
Zoning:

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.29 T11N R07E





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NORTHBANK JUNCTION
CHANGE OF ZONE AND ANNEXATION

A legal description of a part of Lot 2, “Finigan Brothers Addition” (said property being described in Instrument #2016042128), located in the Southeast Quarter of Section 29, Township 11 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northwest Corner of Lot 2 “Finigans Brothers Addition”; Thence South, on the West Line of said Lot 2, on an assumed bearing of S 00°13'28" E for a distance of 1743.19’ to the **Point of Beginning:**
Thence S 00°13'28" E, continuing on the West Line of Lot 2, “Finigan Brothers Addition”, for a distance of 418.11'; Thence N 89°46'13" E for a distance of 390.15'; Thence S 00°11'28" E for a distance of 19.94' to a point on the Northerly Line of Outlot ‘A’, “Northbank Preserve 3rd Addition”; Thence on the Northerly, Northwesterly and Northeasterly Lines of Outlot ‘A’, “Northbank Preserve 3rd Addition” the following 7 courses:
N 89°46'12" E for a distance of 169.95';
N 00°14'03" W for a distance of 239.81';
Thence N 21°31'35" E for a distance of 58.70';
Thence N 29°45'24" E for a distance of 270.00';
Thence S 60°14'36" E for a distance of 100.04';
Thence N 29°45'24" E for a distance of 109.86';
Thence S 60°14'36" E for a distance of 302.20' to the Northeast Corner of said Outlot ‘A’, said point being a Corner of the property described in Instrument #2016042128;
Thence on the Easterly Line of the part of Lot 2 “Finigans Brothers Addition” described in Instrument #2014042128 the following 4 courses:
N 00°14'03" W for a distance of 231.76';
Thence N 13°43'42" W for a distance of 60.00';
Thence with a curve turning to the right with an arc length of 122.99', with a radius of 270.00', with a chord bearing of S 89°18'45" W, with a chord distance of 121.93';
Thence N 29°46'27" E for a distance of 78.87';
Thence leaving the Easterly Line of the property described in Instrument #2016042128,
N 60°14'36" W for a distance of 460.01'; Thence S 29°45'24" W for a distance of 161.10';
Thence S 60°13'29" E for a distance of 30.00'; Thence S 29°45'24" W for a distance of 571.89';
Thence N 69°08'01" W for a distance of 217.45'; Thence S 89°46'32" W for a distance of 81.86'
to the **Point of Beginning** and having a calculated area of 11.36 Acres more or less.

Subject to any and all easements and restrictions of record.

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

November 13, 2023

Mr. David Cary, Director
Lincoln/Lancaster County Planning Department
555 S.10th St, Room 213
Lincoln, NE 68508

Re: Request for Change of Zone from AG to R-3 and related annexation for 11.35 acres of land within the previously approved Northbank Junction Preliminary Plat #03004.

Dear Mr. Cary:

On behalf of HH Development, Inc. submit the attached application for a Change of Zone from AG to R-3 and the associated annexation request for 11.35 acres of land within the previously approved Northbank Junction Preliminary Plat #03004. This land is north of the existing subdivision, generally located at N. 51st Street and Alvo Road.

With this application, we are submitting:

- Change of Zone and Annexation Exhibit
- Change of Zone and Annexation Legal Description
- A Change of Zone & Annexation application and review fee of $1,109.00

I hope that this letter in conjunction with the exhibit provides you with sufficient information to review this application. Please call me at (402) 434-8494 with any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: HH Development, Inc.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

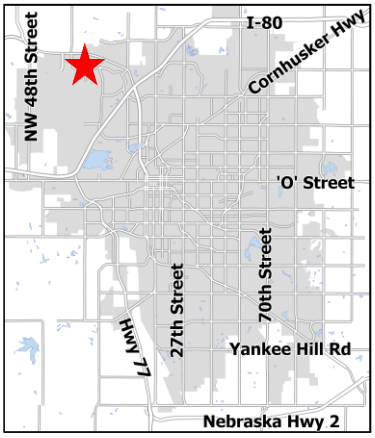
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #23071 Annexation #23012	No	Starostka-Lewis, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 20, 2023	None	NW 18th Street & W Beartooth Drive

RECOMMENDATION: ANNEXATION #23012 **APPROVAL**
CHANGE OF ZONE #23071 **APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for a change of zone and an annexation at property generally located north of NW 18th Street and W Beartooth Drive. The annexation and change of zone include approximately 7.02 acres and is a request to change the AG Agricultural district to a R-3 Residential district.



JUSTIFICATION FOR RECOMMENDATION

The subject property abuts the city limits to the south, 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 the surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT
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COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject property is designated for future urban residential use on the 2050 Future Land Use Map and Comprehensive Plan. This designation permits residential uses with varying densities and permits more than fifteen dwellings per acre. The property is located in Tier 1, Priority A on the 2050 Growth Tier Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

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Figure GF.b: 2050 - This site is shown as future Residential – Urban Density on the 2050 Future Land Use Plan.

Land Use Plan – Urban Residential – Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here.

Figure GF.c - This site is shown in Tier 1, Priority A on the 2050 Priority Growth Area Map.

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Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More "rooftops" near existing commercial areas help to support continued commercial investment.

Goals Section

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.
A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

Figure E1.a: Strategies for Design, Sustainability and Complete Neighborhoods in Developing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
    a. Similar uses on the same block face: residential faces residential.
    b. Similar housing densities developed near each other: single-family and "missing middle" residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
    c. Non-residential uses, including parking lots, should be screened from residential areas.
    d. Locate Commercial Centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
2. Require sidewalks on both sides of all streets.
3. Encourage locations within neighborhoods to grow local food.
4. Plan for residences to be located within 1 mile to an existing or planned multi-use trail.
5. Plan for residences to be located within 1/2 mile to an existing or planned neighborhood park.

6. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
7. Encourage employment areas to be within a 15-minute walking distance to residences.
8. Plan for elementary or middle schools to be within a 15-minute walking distance to residences.
9. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
10. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
11. Provide pedestrian connections when maximum block lengths are exceeded.
12. Encourage shared City and School facilities (aka SPARKS).
13. Provide adequate curb space to allow for on-street parking.
14. Encourage alley access and shared driveways to reduce interruptions to pedestrians, to preserve on street parking capacity, and to reduce automobile conflict points.
15. Support preservation or restoration of natural areas, and limit stream or drainageway crossings.

Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
    a. Similar uses on the same block face: residential faces residential.
    b. Similar housing densities developed near each other: single-family and "missing middle" residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
    c. Non-residential uses, including parking lots, should be screened from residential areas.
    d. Locate mixed-use centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
    e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
    f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.

2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Strive for residences to be located within 1 mile to an existing or planned multi-use trail.
4. Strive for residences to be located within 1/2 mile to an existing or planned neighborhood park.
5. Integrate transit stops into developing neighborhoods and within a ½ mile distance from residences.
6. Develop shorter block lengths to provide multiple connections across residential and commercial areas.
7. Encourage locations within neighborhoods to grow local food.
8. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
9. Allow non-standard lots to be buildable.
10. Retain and encourage a mix of housing in order to provide a mix of housing types at a variety of price points.
11. Encourage historic preservation and the rehabilitation and maintenance of buildings.
12. Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.
13. Maintain existing pattern of streets for connectivity.
14. Maintain arterial streets that are compatible with the existing neighborhood character with two through lanes and a center turn lane where applicable.
15. Utilize streets for commercial and residential parking.
16. Encourage shared parking whenever possible: permit minor incursions of accessory parking for public/ semi-public uses into neighborhoods if properly screened.
17. Maintain alley access and encourage shared driveways to parking areas in order to reduce

interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.

18. Support the preservation and restoration of natural resources, and limit stream or drainageway crossings.
19. Encourage additional density of a variety of housing types and price points on open and available land areas. 20. Encourage middle housing in Neighborhood Edges.

Developing Neighborhoods
Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Policies Section

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward's growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

Action Steps
1. Provide for an adequate supply of land and timely infrastructure improvements that meet the demands of growth.
2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling units per acre by right.
4. Develop new design standards or zoning tools that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.
5. Implement elements of Complete Neighborhoods for Developing Areas.
6. Develop and utilize a measurement tool to evaluate neighborhoods in terms of how well they achieve PlanForward's goals for design, sustainability, and Complete Neighborhoods goals.
7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
9. Promote mixed-income neighborhoods.
10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.
11. Support addition of higher density development in existing multi-family development.
14. Promote neighborhood and community design that supports healthy and active lifestyles, such as the benefits of street trees.
16. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

P17: Predictability - Strive for predictability for neighborhoods and developers.

Action Steps
1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City

routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the property taxes, utilities, and other fees that City residents pay. Some properties along the City's edge may not be interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

Action Steps

1. Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES

A. Sanitary Sewer: Sanitary sewer is available by way of connecting to infrastructure in the adjacent platted development.

B. Water: Water is available by way of connection to infrastructure in the existing adjacent platted development.

C. Roads: All internal streets will be local streets. Nearby arterial streets include NW 12th Street and W Alvo Road, both of which are paved.

D. Parks and Trails: There is an existing pedestrian/bicycle path along Aster Road to the southeast of the Highland View. A proposed pedestrian/bicycle path will go across Highway 34 on nearby NW 12th Street when a future bridge is constructed.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). The nearest station is location at NW 1st Street, south of Highway 34, in the Highlands development.

ANALYSIS

1. This is a request for the annexation of 7.02 acres and a change of zone from AG Agricultural to R-3 Residential for 7.02 acres. This property is located in the northern interior of the overall Preliminary Plat. The annexation and change of zone are in accordance with the original conceptual plans. The area of annexation and change of zone is part of an overall development that was approved by Preliminary Plat #18003 and the subsequent amendments.

2. The Highland View 1st Addition Preliminary Plat #16001 was approved in April 2016 and showed 571 single-family lots. PP16001 superseded PP05003, which was approved in August 2005. Preliminary Plat #05003 was for the same location as the current Preliminary Plat and allowed the same number of lots.

3. PP18003 was approved in August 2018 and included a request to amend PP16001 Site Specific Note No. 13 regarding the timing of the Aster Road connection. Note 13 required that no more than 115 lots be platted until the Aster Road connection from Highland View east into Fallbrook was fully constructed. With this amendment, the limit on the number of lots that could be platted until the next street connection is now 400.

4. This application is substantially similar to Annexation #22010 and Change of Zone #22026. Submitted in August 2022, these applications also sought to annex and change the zone of this property from AG to R-3. AN22010

and CZ22026 were approved by the Planning Commission in September 2022 and scheduled to go to the City Council in October 2022. The applications were put on hold at the applicant's request, and eventually withdrawn in August 2023. The current applications are almost identical to the previously withdrawn applications.

5. Currently, approximately 258 lots have been platted and a number have been built on. The Aster Road connection to Fallbrook is at the southeast corner of Highland View. The second connection is a temporary access onto Highway 34. This access will be removed once a second permanent connection is built to NW 12th or to W Alvo Road on the north side of Highland View. It is important that the access to Highway 34 be removed, and the second permanent access be established. This access should be addressed prior to any further changes of zone after this application.

6. This site is shown for future urban residential density by the 2050 Future Land Use Map and Comprehensive Plan. It is also within Growth Tier 1, Priority A. Growth Tier 1 reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period, and includes three Priority Areas for phasing development. Tier 1, Priority A includes areas that are not yet annexed but have approved preliminary plans or areas outside city limits that will have immediate infrastructure access upon annexation. This development can be served by a full range of city services upon annexation.

   The proposed annexation and re-zoning of the site will encourage new residential development at urban densities that are contiguous to the Lincoln City limits and will have all public utilities. The site is designated for future urban density residential, and the requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant/Agricultural AG

SURROUNDING LAND USE & ZONING

North:	Vacant/Agricultural	AG
South:	Vacant/Single-family	R-3
East:	Vacant/Agricultural	AG
West:	Vacant/Agricultural	AG

APPLICATION HISTORY

August 2005	Preliminary Plat #05003 approved by Lincoln-Lancaster County Planning Commission.
April 2016	Preliminary Plat #16001 approved by Lincoln-Lancaster County Planning Commission and supersedes PP #05003.
August 2018	Preliminary Plat #18003 approved by Lincoln-Lancaster County Planning Commission and supersedes PP #16001.
September 2022	Change of Zone #22026 and Annexation #22010 was approved by the Lincoln-Lancaster County Planning Commission. It was scheduled to go to the Lincoln City Council in October 2022, but was put on hold and never went before the City Council.
August 2023	Change of Zone #22026 and Annexation #22010 was withdrawn by the applicant.

APPROXIMATE LAND AREA: 7.02 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #4

LEGAL DESCRIPTION: A portion of Lots 58 and 59 Irregular Tracts, Located in the NE 1/4 quarter of Section 33-11-6, Lincoln Lancaster County, Nebraska generally located at NW 18th and Beartooth Drive.

Prepared by Emma Martin, Planner
(402) 441-6369 or emartin@lincoln.ne.gov

Date: December 7, 2023

Applicant: Starostka-Lewis, LLC
429 Industrial Lane
Grand Island, NE 68803
mlewishomes@gmail.com

Contact: Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
meckert@civildg.com

Owner: Starostka-Lewis, LLC
429 Industrial Lane
Grand Island, NE 68803
mlewishomes@gmail.com

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/23000/CZ23071, AN23012 Highland View.edm.docx

CONDITIONS OF APPROVAL – CHANGE OF ZONE #23071, ANNEXATION #23012

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 **2** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

    1.1 Complete the revisions as requested by the Geospatial Services division survey check.

    1.2 Complete the CAD revisions as requested by the County Assessor's Office.

2. Before issuance of building permits, final plat(s) shall be approved by the City.

3. All new delivery addresses must be established in Centralized Box Units (CBUs).

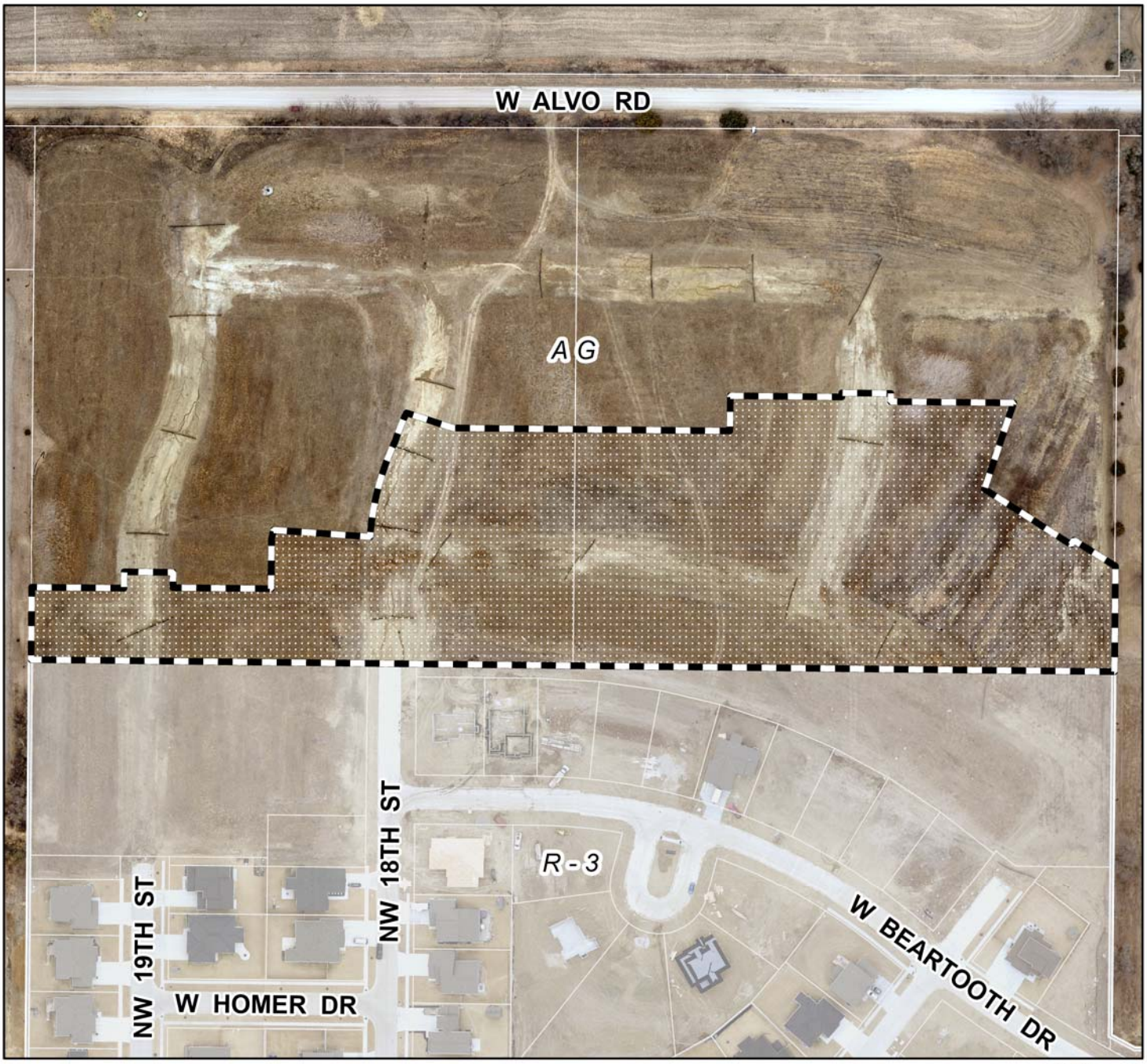
Standard Conditions:

4. The following conditions are applicable to all requests:

    4.1 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

    4.2 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

    4.3 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.



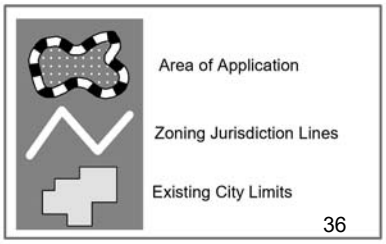
2020 aerial

Annexation #: AN23012 &
Change of Zone #: CZ23071 (AG to R-3)
Highland View
NW 18th St & W Beartooth Dr

Zoning:

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

One Square Mile:
Sec.33 T11N R06E





PDF: F:\Boards\PC\Internet\out\ (AN23012)
File: E:_GIS\Projects\DevReview\AgendaDrawings\AgendaDrawings\AgendaDrawings_SDE.aprx (AN23012)

HIGHLAND VIEW
CHANGE OF ZONE & ANNEXATION

A legal description of a tract of land composed of a part of Lots 58 and 59 Irregular Tracts, located in the Northeast Quarter of Section 33, Township 10 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northwest Corner of the Northeast Quarter of Section 33, said point also being the Northwest Corner of Lot 59 Irregular Tracts; Thence South, on the West Line of the Northeast Quarter and on the West Line of Lot 59 Irregular Tracts, on an assumed bearing of S 00°29'19" W for a distance of 598.49' to the **Point of Beginning**:

Thence S 89°23'24" E for a distance of 112.98';
Thence N 00°36'36" E for a distance of 20.00';
Thence S 89°23'24" E for a distance of 60.00';
Thence S 00°36'36" W for a distance of 18.81';
Thence S 89°23'24" E for a distance of 120.00';
Thence N 00°36'36" E for a distance of 61.64';
Thence N 14°27'00" E for a distance of 10.62';
Thence S 85°54'58" E for a distance of 118.28';
Thence with a curve turning to the right with an arc length of 123.27', with a radius of 330.00', with a chord bearing of N 14°47'06" E, with a chord distance of 122.55';
Thence with a reverse curve turning to the left with an arc length of 35.82', with a radius of 270.00', with a chord bearing of N 21°41'08" E, with a chord distance of 35.79';
Thence S 72°06'53" E for a distance of 60.00';
Thence S 89°23'24" E for a distance of 339.06';
Thence N 00°36'36" E for a distance of 43.00';
Thence S 89°23'24" E for a distance of 136.49';
Thence N 00°36'36" E for a distance of 5.00';
Thence S 89°23'24" E for a distance of 60.00';
Thence S 00°36'36" W for a distance of 10.00';
Thence S 89°23'24" E for a distance of 150.52';
Thence S 18°42'06" W for a distance of 111.41';
Thence S 57°21'37" E for a distance of 125.96';
Thence with a curve turning to the left with an arc length of 6.29', with a radius of 470.00', with a chord bearing of N 32°15'22" E, with a chord distance of 6.29';
Thence S 58°07'39" E for a distance of 60.00' to a point on the East Line of Lot 58 Irregular Tracts;
Thence S 00°32'35" W, on the East Line of Lot 58 Irregular Tracts, for a distance of 129.20' to the Southeast Corner of said Lot 58 said point also being the Northeast Corner of Highland View 7th Addition; Thence N 89°21'42" W, on the South Line of Lots 58 and 59 Irregular Tracts and on the North Line of Highland View 7th Addition, for a distance of 1326.57' to a point on the West Line of the Northeast Quarter, said point being the Southwest Corner of Lot 59 Irregular Tracts, said point also being the Northwest Corner of Highland View 7th Addition;
Thence N 00°29'19" E, on the West Line of the Northeast Quarter and on the West Line of Lot 59 Irregular Tracts, for a distance of 88.66' to the Point of Beginning, and having a calculated area of 7.02 acres more or less.

Subject to any and all easements and restrictions of record.

Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

November 13, 2023 Project No. 2022-0131

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

Re: Highland View Addition, requests for Annexation and Change of Zone for 7.02 acres Amendment.

Dear Mr. Cary:

On behalf of the Starostka-Lewis, LLC we submit the enclosed applications for a change of zone from AG to R-3 for 7.02 acres of land within the Highland View Preliminary Plat. We are also requesting the continguous annexation of the area as shown on the enclosed exhibits. These items are requested for the future platting and development of single family lots per the preliminary plat.

With this aplication we submit the following items:

Application for a Change of Zone (AG to R-3) & Change of Zone fee of $1,109.00
Change of Zone exhibit and legal description
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the Annexationa and Change of Zone exhibits assists you in reviewing this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Starostka-Lewis, LLC

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

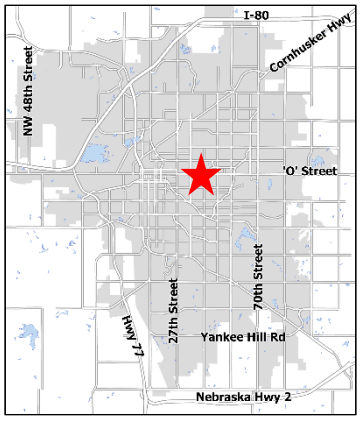
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #23072	No	NeighborWorks Lincoln, Chawn Siegal and Christopher Chase, Isaac Frank
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 20, 2023	None	102/110 S. 38th Street/SE Corner of S. 38th and O Streets

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from O-2 Suburban Office Park District to R-4 Residential District on two lots at the southeast corner of S. 38th and O Streets comprising 15,846 square feet. This includes the properties at 102 and 110 S. 38th Street. There is a single-family detached home on each of these properties, and the intent of the change of zone is to have residential zoning as opposed to office zoning which can cause limitations for owners regarding mortgages.



JUSTIFICATION FOR RECOMMENDATION

The proposal is justified as it will allow for residential zoning more consistent with the single-family use on the properties and with the neighborhood. It will also facilitate affordable housing by removing financing limitations caused by the O-2 zoning.

APPLICATION CONTACT
Charlie Wesche, (402) 477-7181 or charlie.wesche@nwlincoln.org

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is compatible with the Comprehensive Plan. Although shown as future commercial use on the Land Use Plan, the change of zone includes existing homes which have been renovated for income qualifying, first-time homeowners by NeighborWorks Lincoln providing an affordable housing option. The site is also contiguous to other duplexes and single-family homes to the west and south providing for a consistent pattern of land use.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as Commercial on the 2050 Future Land Use Plan.

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

Goal 2: Complete Neighborhoods

A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities.

Housing variety, both in housing type and lot size, provides for interesting neighborhoods and accommodates changing household preferences, but, more importantly, provides affordable housing options. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

P17: Predictability - Strive for predictability for neighborhoods and developers.

ANALYSIS

1. This is a request for a change of zone from O-2 Suburban Office Park District to R-4 Residential District over 15,846 square feet. This includes two properties at 102 and 110 S. 38th Street which are located on the south side of O Street west of Calvary Cemetery. These properties are both single family detached homes.

2. The property at 102 s. 38th Street has been extensively rehabilitated by NeighborWorks Lincoln. There is a purchase agreement in place to sell this property to an income qualifying first time home buyer. However, it was discovered that any mortgage used in conjunction with this purchase is not allowed to be sold on the secondary market due to the O-2 zoning.

3. The O-2 zoning allows single family residential as a conditional use, the condition being that non-residential use must be located on the first floor with residential above or below. The specific text from the Zoning Ordinance is as follows:

27.62.040 Household Living Use Group.

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

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

4. Both the homes at 102 and 110 S. 38th Street were built in 1950. Therefore, they preceded the November 1, 1997, date contained in 27.62.040 to be considered legal without having nonresidential use on the first floor. As such, they are not nonconforming and are not eligible to apply for a special permit for nonconforming. In the event of fire or other destruction of the homes, under the O-2 zoning, they would have to rebuilt with nonresidential use on the first floor and could not rebuild as they exist today.

5. The south property at 110 S. 38th Street was sold in August of 2022 without the discovery of the mortgage issue pertaining to the O-2 zoning. This property owner supports the change of zone proposal to avoid any future sales restrictions.

6. The adjacent zoning to the south and east is R-2 Residential, however, there is extensive R-4 Residential zoning on

the west side of Wyuka Cemetery in the vicinity. The R-4 zoning would allow more flexibility versus R-2 primarily with respect to minimum lot areas for single or two family residential, should either of the homes be redeveloped for attached single family residential. It would further be appropriate to extend this proposed R-4 area to the west if those property owners requested the same O-2 to R-4 change of zone. The R-4 is slightly more compatible with the R-2 zoning than the existing O-2 zoning. Thus, the R-4 is appropriate even though it doesn't match the houses to the south. Given the proximity to a busy arterial street, such as O Street, the higher density zoning is appropriate. There are five existing duplexes to the west of these properties along O Street, also in O-2 zoning. All five appear to be built in the 1950's as well. So the R-4 zoning is compatible with the uses to the west.

7. This proposed change of zone is compatible with the Comprehensive Plan and will allow for existing single-family homes that have been renovated to be sold for future affordable housing to income qualifying, first-time homeowners.

EXISTING LAND USE & ZONING: Single Family Residential/O-2

SURROUNDING LAND USE & ZONING

North:	Wyuka Cemetery	P
South:	Single Family Residential	R-2
East:	Calvery Cemetery	R-2
West:	Duplex	O-2

APPROXIMATE LAND AREA: 0.36 acres (15,846 square feet)

LEGAL DESCRIPTION:

Lot 2 and the Remaining Portion of Lot 1, Block 1, Youngs Hyland Park Addition, located in the NE 1/4 of Section 30-10-7, Lincoln, Lancaster County, Nebraska

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

Date: December 7, 2023

Owners
Chawn Siegel & Christopher B Chase
110 S. 38th Street
Lincoln, NE 68510

Isaac Frank
102 S. 38th Street
Lincoln, NE 68510

Contact:
Charlie Wesche
Neighborhoods Inc. dba NeighborWorks Lincoln
2530 Q Street
Lincoln, NE 68501
(402) 477-7781
charlie.wesche@nwlincoln.org



2020 aerial

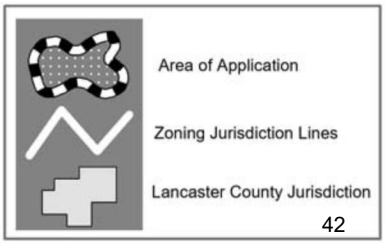
Change of Zone #: CZ23072 (O-2 to R-4)
S 38th St & O St

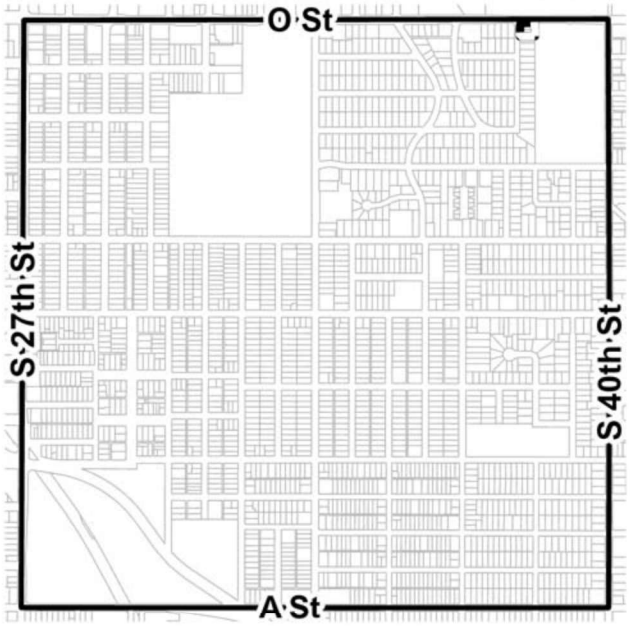


Zoning:

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

One Square Mile:
Sec.30 T10N R07E





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File: E:_GIS\Projects\DevReview\AgendaDrawings\AgendaDrawings\AgendaDrawings_SDE.aprx (CZ23072)

NeighborWorks®
LINCOLN

November 9, 2023

RE: Change of Zone at 102 and 110 S 38th

To Whom It May Concern,

Neighborhoods Inc. dba NeighborWorks Lincoln (NWL) is the current owner of the single family detached home at 102 S 38th. In April of 2022 NWL purchased this property along with the adjacent properties, 110 and 120 S 38th. Since purchasing these three properties, we have renovated and resold 110 S 38th to an income qualifying, first-time homeowner and built a new single family home at 120 S 38th, which also was sold to an income qualifying, first-time homeowner. .

The property at 102 S 38th has been extensively rehabilitated by NWL. There is a purchase agreement in place to sell this property to an income qualifying, first-time homeowner. However, during the course of this transaction we learned that because of the current zoning—O-2 (Suburban Office District)—any mortgage used in conjunction with the purchase of this home is not allowed to be sold on the secondary market. Since the vast majority of mortgages are sold on the secondary market, this becomes a significant limitation to all future owners that affects resale opportunities.

It should be noted that the sale of 110 S 38th in August of 2022 did not discover this zoning/mortgage issue. We are seeking this change of zone on behalf of the current owner, Chawn Siegel, to remedy any future resale restrictions. A letter of support for this change of zone from Ms. Siegel is attached.

To remedy this situation, ***NWL is asking for a change of zone from O-2 to R-4 for the properties located at 102 S 38th and 110 S 38th.*** This change would allow these single family homes to be mortgaged conventionally without limitation. There are adjacencies to both R-2 and R-4 zoning at this location. After discussion with City of Lincoln Planning Department staff, we are seeking a change to R-4 to allow for greater flexibility in any potential future redevelopment should either of these properties become a total loss.

We appreciate your time and consideration in this matter.

Sincerely,

Charles Wesche
Chief of Staff | Director of Real Estate Development

2530 Q St. Lincoln, NE 68503 // Phone: 402.477.7181 // Fax: 402.477.7406

09 November 2023

RE: Application for change of zone, 102 & 110 S 38th St.

To Whom It May Concern:

My name is Chawn Siegel and I, along with my son Christopher Chase, are the owners of 110 S 38th Street in Lincoln, Nebraska. We are writing this letter in support of the proposed change of zone for our property. We understand that the current zoning of our property is O-2 (Suburban Office) and we fully support the proposed change to an R-4 designation.

If you have any need to discuss this further, please contact me at the number or email below.

Sincerely,

Chawn Siegel
Owner, 110 S 38 Street
(402)617-4850
vegasgrandma12@gmail.com

Christopher Chase
Owner, 110 S 38 Street

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

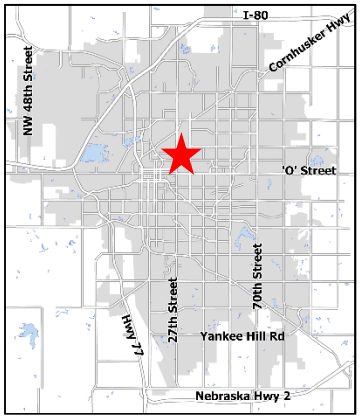
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #23074	No	Staab Mgt Company/MBG Property LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 20, 2023	None	880 N. 27th Street/N. 27th and W Streets

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Change of Zone from R-4 Residential District to B-3 Commercial District on 0.15 acres located to the southeast of the intersection of N. 27th and W Streets. The purpose of this request is to allow for a drive-through lane along with the existing parking on the R-4 portion of the business site at 880 N. 27th Street. The business frontage along N. 27th Street is already zoned B-3. The existing parking was previously permitted through a special permit; however, the drive-through lane is only permitted under B-3 zoning as it is not considered the same use as parking.



JUSTIFICATION FOR RECOMMENDATION

The proposal is justified as it will allow for an existing commercial site to redevelop with a new business. The change of zone area already includes a parking area for the commercial use. The only difference in use proposed is the drive through lane for the new business. The existing B-3 parking already allows a drive through lane, so the main difference with the change of zone is moving the drive through lane slightly closer to the residential use to the east. The B-3 parking to the south extends significantly more to the east of this lot.

APPLICATION CONTACT
Mike Staab, (402) 430-5791 or
staab65@gmail.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is compatible with the Comprehensive Plan. This site is shown as mostly commercial in the Land Use Plan. The change of zone will allow a limited change in use for the property for an adjacent commercial use. The commercial use itself will not move any closer to the residential use to the east. There is already an existing parking lot in the area of the change of zone.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as commercial on the 2050 Future Land Use Plan.

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

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity — commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.

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

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

P17: Predictability - Strive for predictability for neighborhoods and developers.

ANALYSIS

1. This is a request for a change of zone from R-4 Residential District to B-3 Commercial District over 6,716 square feet. The property is located at 880 N. 27th Street just east of the southeast corner of N. 27th Street and W Street. The change of zone area is for the east side of the business site which presently is a parking lot.

2. A small building expansion is proposed for the existing B-3 zoned area, but there will be no new building on the

existing R-4 zoned area as this will continue to be used for parking. In addition, the redevelopment includes a new drive-through lane which will be located along the west side of the rezoning area near the existing B-3 district boundary line.

3. Special Permit 360 approved by the City Council on August 22 of 1966 authorized a parking lot for the area in question. This was for off-street parking for customers of a dining establishment at the time. This Special Permit was for parking only. A drive-through lane is considered a different use than a parking lot. Both are accessory to the main business use in the adjacent B-3 zoning.

4. The prior use for the property at 880 N. 27th Street was an auto service business. The proposed new use will be a drive-through carry out pizza business. If tables and chairs are provided the use will be considered restaurant use, otherwise it will be considered retail use. Either use is permitted in B-3 zoning. Access for the site will include a driveway to W Street on the north and alley access on the South.

5. The zoning pattern for the area in terms of the extent of the B-3 zoning east of N. 27th Street varies. South of the property there is existing B-3 zoning that extends over 200 feet further to the east. North of the property in question the B-3 zoning does not extend further to the east than the subject property. In this case, the change of zone would extend the B-3 zoning 46 feet further east. All along N 27th Street, on the east side, the zoning line varies from O Street to north of Holdrege Street. Since the streets run mostly east-west, there was not a north-south street to use as the dividing line for the commercial zoning. On the west side of N 27th Street, there is N 26th Street for a significant length which sometimes serves as a consistent edge to the commercial zoning.

6. This proposed change of zone is compatible with the Comprehensive Plan as it will allow for commercial reuse of a site with a limited change of zone and not a significant negative impact on the adjacent residential use or neighborhood compared to the existing zoning pattern. The main impact is allowing a drive through lane to be slightly closer to the residential use to the east. The parking for the commercial use will not get any closer to the residential use.

EXISTING LAND USE & ZONING: Parking Lot/R-4

SURROUNDING LAND USE & ZONING

North:	Commercial/Single Family Residential	B-3/R-4
South:	Commercial	B-3
East:	Single Family Residential	R-4
West:	Commercial	B-3

APPROXIMATE LAND AREA: 0.15 acres (6,716 square feet)

LEGAL DESCRIPTION: Lot 14, Block 2, Orchard Subdivision

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

Date: December 7, 2023

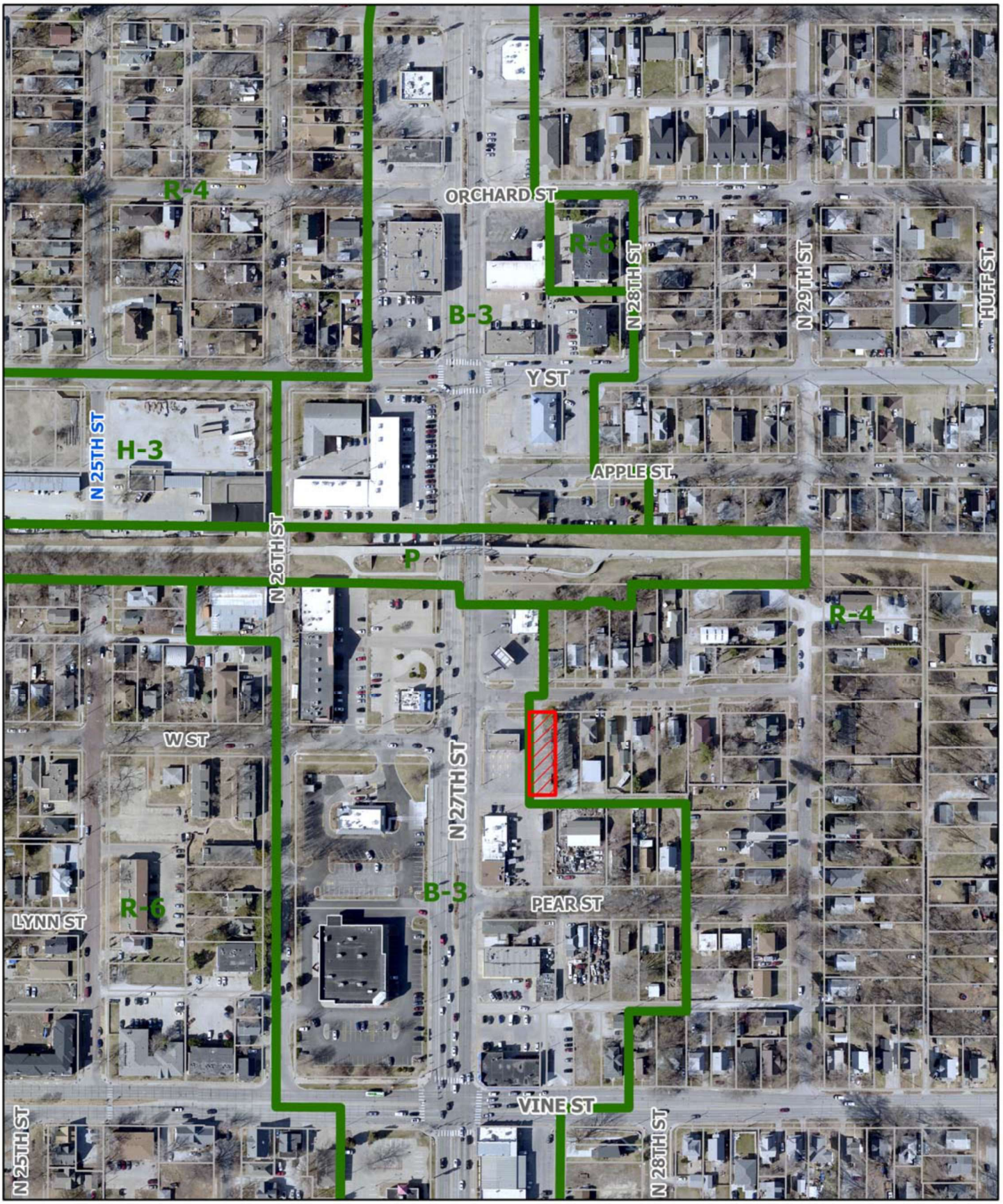
Owner: MBG Property LLC
2162 Blackburn Hills Ave
Henderson, NV 89044
(402) 853-2842
mturbettmbg@cs.com

Contact: Mike Stabb
1001 S. 112th Street
Lincoln, NE 68520
(402) 430-5791
staab65@gmail.com



Change of Zone #: CZ23074 (R-4 to B-3)
N 27th Street & W Street

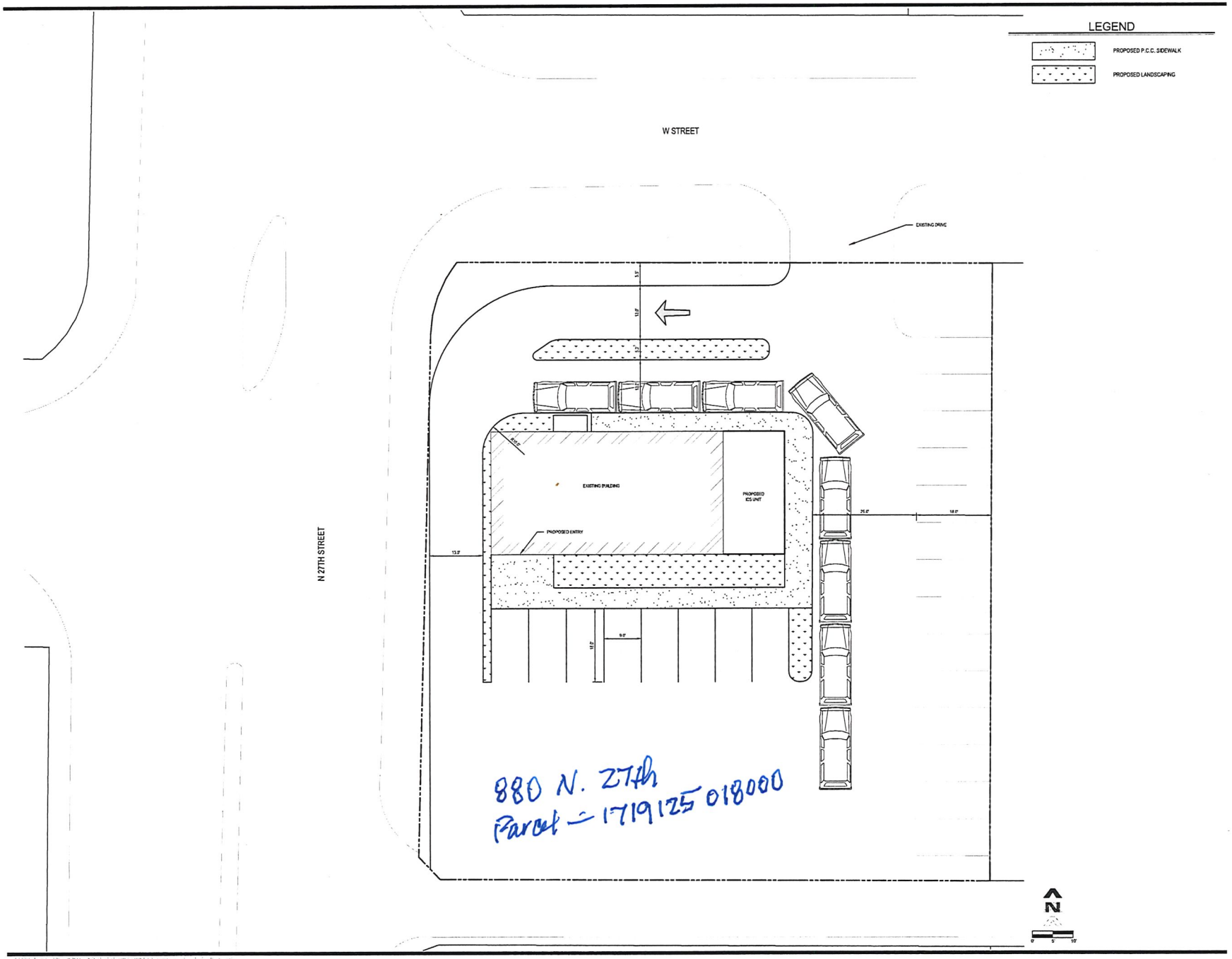
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Change of Zone #: CZ23074 (R-4 to B-3)
N 27th Street & W Street

CZ23074
Existing Zoning

N



TD2 engineering & surveying
thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name
Pizza Hut

Client Name
Chris Goebel

50

Progress Print Date
PROGRESS PRINT
NOT TO BE USED FOR CONSTRUCTION
DATE PRINTED: November 2, 2023

Revision Table

No.	Description	MM-DD-YY
-	-	-

Drawn By: ZAS Reviewed By: DEK
Job No.: xxxx-xxx Date: 11-02-23

Sheet Title
Prelim Site Plan

Sheet Number
Sheet 1 of 1

Zoning Change – Letter Application

Address: 880 N 27th

Parcel - #1719125018000

Planning Dept –

Per request from George Wesselhoft (Planner w Lancaster County Planning Dept) and Planning Dept we are requesting zoning change on this parcel. We've had several meetings with city on our proposed plan soliciting there feedback.

Currently parcel is combination of B3 and R4 zoning

Applicant is requesting B3 zoning for whole parcel. There will be no new building on the existing (R4) zoning but used for parking and traffic flow.

Proposed site plan is attached and will entail remodeling existing building and adding freezer and cooler unit to east side of building.

Mike Staab

Cell 402-430-5791

Staab65@gmail.com

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

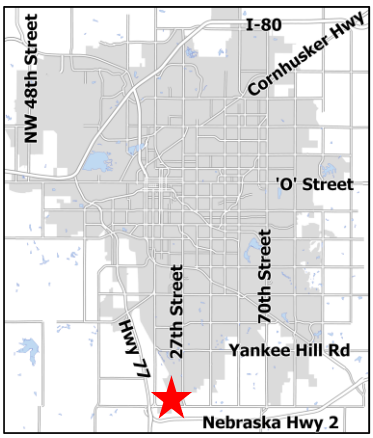
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #21022A	Yes	Sapp Bros.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 20, 2023	None	1700 Saltillo Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Special Permit #21022 allowing the bulk storage of petroleum products with an increase in the special permit boundary on property zoned I-1, Industrial by approximately 2.04 acres. The existing special permit is approximately 1.74 acres and located at 1700 Saltillo Road, outside of the current city limits but within the 3-mile zoning jurisdiction.



JUSTIFICATION FOR RECOMMENDATION

This request for the expansion of the existing special permit is compatible as the property will then include land to the north side of the current facility. The existing site and much of the surrounding area is zoned I-1 with heavy industrial and commercial uses in the near vicinity along Saltillo Road.

APPLICATION CONTACT
Brian Lang, (402) 458-5691 or
blang@olsson.com

STAFF CONTACT
Ben Callahan, (402) 441-6360 or
bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with the 2050 Comprehensive Plan as the Future Lande Use Map designates this location for future industrial. The site is zoned I-1, Industrial and the proposed use is compatible with the surrounding area as much of this area along Saltillo Road is shown to be future industrial. This location has direct access to Saltillo Road which is a minor arterial roadway and in close proximity to both Nebraska Highway 2 and U.S. Highway 77. The site is more than 300 feet from existing residential or land designated for future residential uses.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

> Figure GF.b: 2050 - This site is shown as future industrial on the 2050 Future Land Use Plan.
>
> Land Use Plan – Industrial – Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

Policies Section: Industrial Zoning and Pipelines

P61: Discourage residential land uses and buildings with vulnerable populations from locating near high-pressure pipelines and industrial zoning districts. Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public's health.

ANALYSIS

1. This is a request to amend the existing Special Permit #21022 with a proposed expansion of the site allowing for the bulk storage of refined fuel and propane products stored above ground. The Lincoln Municipal Code Section 27.06.180 allows bulk storage of petroleum products including diesel, gas, and propane in the I-1, Industrial District with an approved special permit. The property is currently not within city limits but does abut existing city limits on the south side of Saltillo Road and is within the City's 3-mile zoning jurisdiction. The existing special permit was approved in 2021 and currently has an existing 6,000 square foot building and existing bulk storage tanks on site.
2. The site is surrounded by I-1 Industrial zoning with both heavy industrial and agricultural uses. The future land use on both the subject property and surrounding property is shown as industrial. The surrounding area along Saltillo Road has similar and heavier industrial uses including a petroleum supplier with above ground storage tanks to the west, along with a concrete rock crushing operation to the south across Saltillo Road. The closest residential use is approximately 1,000 feet away located to the east along Saltillo Road, also zoned I-1.
3. The property is located and accessed off Saltillo Road which is classified as a minor arterial street and in close proximity to the Highway 77 and Nebraska Highway 2 interchange. The proposed expansion of the site will be to the north of the existing special permit boundary, extending north along an existing drainage way on the east, and abutting the Magellan Pipeline Company on the west. The revised site plan for the special permit does not propose expanding the existing 6,000 square foot building but shows the existing propane tank on site being relocated north of the bulk storage and containment tanks. This amendment does not propose or require any additional changes to the existing driveway on Saltillo Road serving as the only access to the site. The amended site plan continues to show 25' of right-of-way being dedicated on the north side of Saltillo Road due to the minor arterial street classification.
4. This request to amend the special permit is related to the submitted application for the Jamaica North Business Park project located north of this site. With the future subdivision and development of the existing land to the north within the proposed Use Permit #23002, this amendment will allow for the additional 2.04 acres to be included in this special permit and platted into one lot. Since the existing drainage way running along the east side of the property will remain, it creates a barrier for providing access to this land on the north side of the existing special permit boundary. With this application, Final Plat #23130 has been submitted to the Planning Department which will plat all of the property within the new special permit boundary into one lot with access remaining from Saltillo Road. This plat will then create an outlot over the existing drainage way along the east side of the property as it will continue to serve as drainage for the surrounding properties.
5. During the review of this application, it was noted LMC 27.06.180 correctly requires a special permit for the bulk storage of petroleum products. This then refers to the Special Permits section under Chapter 27.63.300 - Bulk Storage of Petroleum Products. It was discovered this section inadvertently left out "I-1" as a zoning district requiring this special permit. This does not change the requirement for this special permit as 27.06 Use Groups clearly requires the special permit in I-1. A future text amendment will be completed to correct 27.63.300 to include I-1 zoning.
6. This request is compatible with the 2050 Comprehensive Plan as the site is shown for future industrial and zoned I-1, Industrial today. The expansion of the special permit boundary and existing use is found to be compatible with

the surrounding properties as the immediate area has continued to develop with heavier industrial and commercial uses for over 40 years. This request also meets elements within the Comprehensive Plan for the dedication of additional right-of-way along Saltillo Roadway as it is classified as a minor arterial and located within a future growth tier. This site will continue to have access to a minor arterial roadway and within close proximity to both Highway 77 and Nebraska Highway 2, designated as an interstate or freeway in the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Sapp Bros. Fue Storage I-1, Industrial

SURROUNDING LAND USE & ZONING

North:	Farmland	I-1, Industrial and AG, Agriculture
South:	Concrete Rock Crushing	I-1, Industrial
East:	Farmland/Outdoor Storage	I-1, Industrial
West:	Fuel Storage	I-1, Industrial

APPLICATION HISTORY

June 2021 – Special Permit #21022 was approved by the Planning Commission to allow the bulk storage of petroleum products in the I-1 Industrial zoning district on approximately 1.7 acres.

APPROXIMATE LAND AREA: 3.78 acres, more or less

LEGAL DESCRIPTION: See Attached

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov

Date: December 7, 2023

Applicant/
Owner
Sapp Bros.
Andrew Richard
9915 S. 148th Street
Omaha, NE 68138
(402) 423-0909
arichard@sappbros.net

Contact:
Brian Lang
601 P Street
Lincoln, NE 68508
(402) 458-5691 or blang@olsson.com

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/21000/SP21022A Sapp Bros Expansion.bmc.docxpath to filename", OK

CONDITIONS OF APPROVAL – SPECIAL PERMIT #21022A

Per Section 27.63.300 this approval permits the expansion of an existing special permit to allow bulk storage of petroleum in the I-1 Industrial zoning district.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:

    1.1 Change Note #12 to state "Special Permit" and remove "Use Permit"

    1.2 Update legal description under Site Information on the site plan.

    1.3 Identify the existing floodplain on the site plan. Identify the future use of the expansion area on the site plan.

    1.4 Provide Lowest Floor Elevation on the site plan based on the 2' minimum allowance above the existing floodplain.

    1.5 Identify the future Outlot F shown with the proposed Jamaica North Business Park adjacent to this property.

    1.6 Add a new note stating, "Prior to any permit, Lot 66 I.T. shall be replatted to include the additional area within the special permit."

Standard Conditions:

2. The following conditions are applicable to all requests:

    2.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

    2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

    2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

    2.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

    2.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



2020 aerial

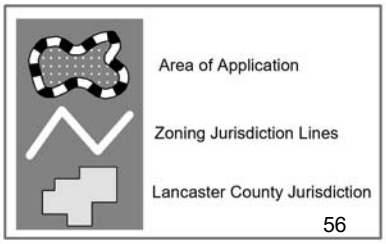
Special Permit #: SP21022A
S 14th St & Saltillo Rd

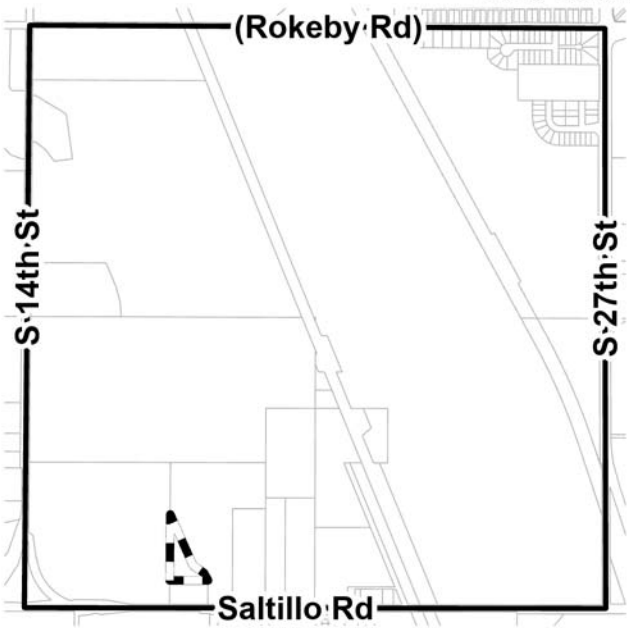


Zoning:

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
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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.36 T09N R06E

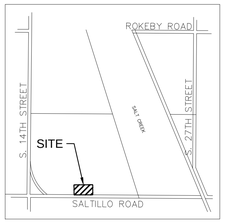




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SAPP BROS SPECIAL PERMIT

SITE PLAN



VICINITY MAP

OWNERS & DEVELOPERS

SAPP BROS., INC
9915 S. 148TH STREET
OMAHA, NE 68138
PHONE: (402) 895-7068

ENGINEER & PREPARER

OLSSON, INC
601 P STREET
LINCOLN, NE. 68508
PHONE: (402) 474-6311

SITE INFORMATION

LEGAL: S36, T9, R6, 6TH PRINCIPAL MERIDIAN, LOT 66 SW

ADDRESS: 1700 SALTILLO RD, LINCOLN, NE 68430

ZONED: I-1

GENERAL NOTES

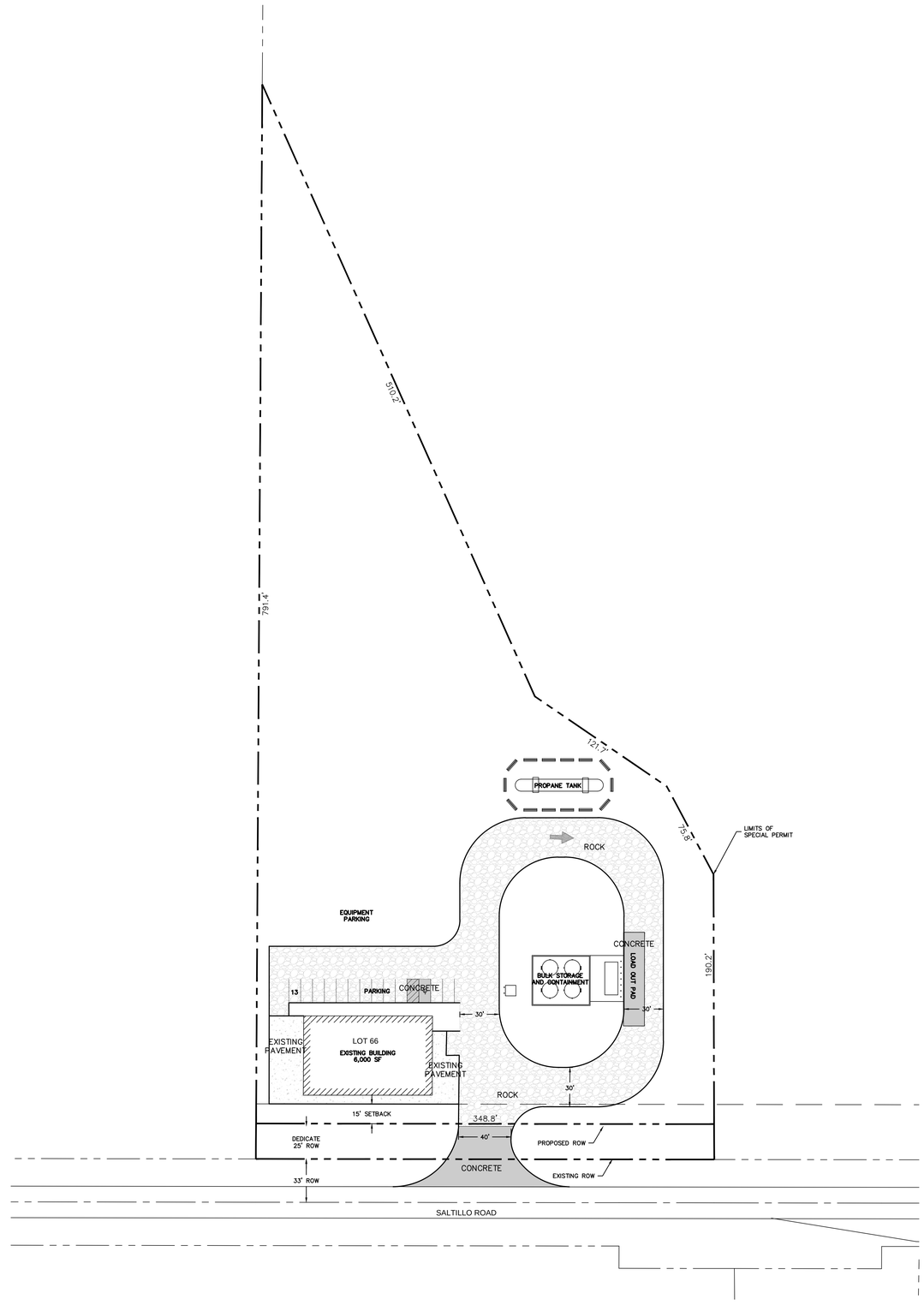
1. ADJUSTMENTS IN THE FLOOR AREA OF EACH BUILDING MAY BE MADE AT TIME OF BUILDING PERMIT.
2. THE EXISTING ZONING IS I-1.
3. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY ON FUTURE FINAL PLATS.
5. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
7. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
8. THE LAYOUT SHOWN IS APPROXIMATE AND MAY VARY SLIGHTLY AT TIME OF BUILDING PERMIT APPLICATION. CHANGES TO THE LOCATION OF THE PARKING REQUIRES AN AMENDMENT TO THE SPECIAL PERMIT, HOWEVER CHANGES TO THE LOCATION OF THE DRIVE AISLES, TANKS, THEIR SIZE, AND THE CONFIGURATION OF THEIR PADS WILL NOT REQUIRE AN AMENDMENT IF THEY COMPLY WITH SETBACK REGULATIONS.
9. TO THE BEST OF THE PROPERTY OWNER'S KNOWLEDGE, NO OTHER WETLANDS ARE LOCATED ON THE PROPERTY.
10. PARKING TO BE PROVIDED IN COMPLIANCE WITH THE ZONING ORDINANCE.
11. SETBACKS FOR PARKING AND BUILDINGS AS PER THE ZONING ORDINANCE UNLESS OTHERWISE NOTED.
12. PERIMETER BOUNDARY OF THE USE PERMIT SHALL BE USED FOR OUTDOOR LIGHTING TRESPASS AND GLARE REQUIREMENTS FOR THE ENTIRE DEVELOPMENT, ALLOWING EXTERIOR BUILDING AND PARKING LOT LIGHTING TO TRESPASS ONTO INTERNAL PROPERTY LINES WITHIN THE PERIMETER BOUNDARY.
13. ACCESS TO SALTILLO ROAD SHALL BE REMOVED IF A FUTURE PUBLIC STREET OR PRIVATE ROADWAY IS CONSTRUCTED ADJACENT TO THE NORTHWEST AND/OR WEST OF THIS LOT.
14. ALL MATERIAL SHALL BE STORED IN SUCH A WAY AS TO PERMIT ACCESS OF FIRE-FIGHTING EQUIPMENT.

BULK FUEL USE TABLE	
PRODUCT LINE	VOLUME (GALLONS)
REFINED FUEL	240000
PROPANE	30000

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 66 I.T. AND A PORTION OF LOT 76 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 66 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, NORTHERLY, ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SAID LINE BEING THE WEST LINE OF SAID LOT 66 I.T., AND THE WEST LINE OF SAID LOT 76 I.T. ON AN ASSUMED BEARING OF N00°20'23"E, A DISTANCE OF 851.40' TO A POINT; THENCE S24°00'08"E, A DISTANCE OF 510.19' TO A POINT; THENCE S55°41'36"E, A DISTANCE OF 121.69' TO A POINT; THENCE S27°59'26"E, A DISTANCE OF 75.91' TO THE NORTHEAST CORNER OF SAID LOT 66 I.T.; THENCE S00°07'25"E, ON THE EAST LINE OF SAID LOT 66 I.T. SAID LINE BEING A WEST LINE OF SAID LOT 76 I.T., A DISTANCE OF 250.16' TO THE SOUTHEAST CORNER OF SAID LOT 66 I.T., SAID POINT BEING A SOUTHWEST CORNER OF SAID LOT 76 I.T., SAID CORNER BEING ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE N89°55'25"W, ON THE SOUTH LINE OF SAID LOT 66 I.T. SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 349.27'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 176,000.67 SQUARE FEET OR 4.04 ACRES, MORE OR LESS.



LEGEND

- CENTER LINE
- PERMIT BOUNDARY
- EDGE OF ROAD
- EDGE OF DRIVE
- SETBACK
- DRAINAGE CORRIDOR
- PROPERTY LINE
- BUILDING
- PROPOSED CONCRETE
- PROPOSED ROCK
- EXISTING PAVEMENT

olsson

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

TEL 402.474.6311
www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION
1	11/08/2023	AMENDMENT #1 PUD BOUNDARY REVISION

REVISIONS

SITE PLAN

SAPP BROS
SPECIAL PERMIT

2021

LINCOLN, NE

drawn by:	MRG
checked by:	BAL
approved by:	BJM
QA/QC by:	BJM
project no.:	021-03586
drawing no.:	1
date:	05/10/2021

SHEET 1 of 1

DWG: F:\2021\03501-04000\021-03586\40-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\C_SIT01_02103586.dwg USER: alabenz
DATE: Nov 13, 2023 4:18pm XREFS: C_PBASE_02103586 C_XBASE_02103586

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOT 66 I.T. AND A PORTION OF LOT 76 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 66 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, NORTHERLY, ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SAID LINE BEING THE WEST LINE OF SAID LOT 66 I.T., AND THE WEST LINE OF SAID LOT 76 I.T. ON AN ASSUMED BEARING OF N00°20'23"E, A DISTANCE OF 851.40' TO A POINT; THENCE S24°00'08"E, A DISTANCE OF 510.19' TO A POINT; THENCE S55°41'36"E, A DISTANCE OF 121.69' TO A POINT; THENCE S27°59'26"E, A DISTANCE OF 75.91' TO THE NORTHEAST CORNER OF SAID LOT 66 I.T.; THENCE S00°07'25"E, ON THE EAST LINE OF SAID LOT 66 I.T. SAID LINE BEING A WEST LINE OF SAID LOT 76 I.T., A DISTANCE OF 250.16' TO THE SOUTHEAST CORNER OF SAID LOT 66 I.T., SAID POINT BEING A SOUTHWEST CORNER OF SAID LOT 76 I.T., SAID CORNER BEING ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE N89°55'25"W, ON THE SOUTH LINE OF SAID LOT 66 I.T. SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 349.27'; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 176,000.67 SQUARE FEET OR 4.04 ACRES, MORE OR LESS.

olsson

November 13, 2023

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

RE: Sapp Bros Bulk Fuel Storage
Application for Amendment to Sapp Bros Bulk Fuel Storage Special Permit
Olsson Project No. 023-07259

Dear Mr. Cary:

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

1. City of Lincoln Application, including:
2. Special Permit Site Plan
3. Application fee in the amount of $1,109.00

The following will be uploaded to ProjectDox when the project has been set up.

1. Site Plan

On behalf of the Owner/Developer, Sapp Bros, we are requesting an amendment to the special permit which will update the boundary to increase the acreage of Lot 66 SW, to add an additional 2.04 Acres from S36, T9, R6, 6th Principal Meridian, Lot 76 SW to Sapp Bros Lot 66 SW.

Sapp Bros is the current owner of the following real estate described as S36, T9, R6, 6th Principal Meridian, Lot 66SW and described as parcel 0936300005000 ("Existing Parcel"). The Existing Parcel is currently zoned I-1. Fog Limited is the current owner of the following real eastate described as S36, T9, R6, 6th Principal Meridian, Lot 76 SW and described as parcel 0936300001000 and is currently zoned I-1.

If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

Brian Lang

Brian Lang

cc Sapp Bros – Andrew Richard

MEMORANDUM

TO: Lincoln-Lancaster County Planning Commission

FROM: Tom Cajka, Planner

SUBJECT: Miscellaneous 23008 The Bridges First Addition

DATE: December 7, 2023

This application is to correct Resolution PC-01880 approved by Planning Commission on October 18, 2023. The resolution inadvertently left item 3p, q and r as required corrections. These required corrections were deleted at the request of the Planning Department, by the Planning Commission on October 18, 2023. The signed resolution incorrectly left in the conditions, requiring the Planning Commission to approve the resolution once again, this time with the correct conditions.

Thank You,

Tom Cajka, Planner

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 ● Lincoln NE 68508
Phone: (402) 441-7491 ● Fax: (402) 441-6377

MEMORANDUM

TO: Lincoln-Lancaster County Planning Commission

FROM: Tom Cajka, Planner

SUBJECT: Miscellaneous 23009 Correct Resolution for SP16026A
Doc's Creek 1st Addition

DATE: December 7, 2023

This application is to correct Resolution PC-01868 for Special Permit #16026A, approved by Planning Commission on July 26, 2023. The signed resolution inadvertently left off Outlot C, Doc's Creek Addition from the legal description. Thus, it is necessary for the Planning Commission to approve the revised resolution, this time with the correct legal.

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 ● Lincoln NE 68508
Phone: (402) 441-7491 ● Fax: (402) 441-6377

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

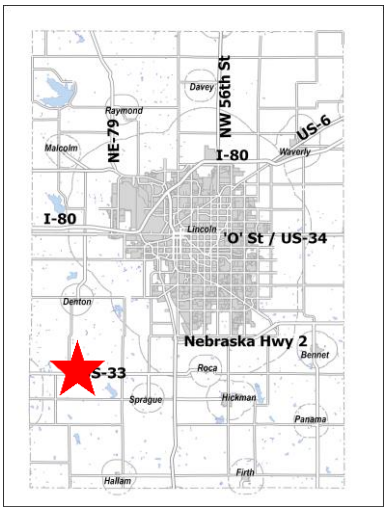
APPLICATION NUMBER	FINAL ACTION?	OWNER
Special Permit #23042	Yes	Hugh Sieck
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
December 6, 2023	None	7459 W Roca Road, one-quarter mile west of the intersection of SW 72nd Street and W Roca Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

The applicant is seeking approval of an approximately 239'-tall lattice tower for wireless facilities to address inadequate coverage in this area for Verizon Wireless. The proposed site for the tower is located approximately one-quarter mile west of the intersection of W. Roca Road and Southwest 72nd Street on an approximately 149-acre tract of farm ground.

Wireless facilities are allowed in the AG zoning district per County Zoning Regulations Section 4.007. The provisions of the special permit Section 13.017 require review per the criteria of Article 10 Personal Wireless Telecommunication Facilities.



JUSTIFICATION FOR RECOMMENDATION

Verizon Wireless is seeking to enhance coverage to the Bluestem Lake and camping areas, the Highway 33 corridor east to Highway 77, and to the community of Martell. It is the intent of the Zoning Regulations to limit tower proliferation and encourage the most efficient use of existing facilities. For this reason, applicants are required to both demonstrate need, and demonstrate there are no other possibilities for collocation (towers, buildings, tall facilities, etc.) within a one-half mile radius as partial justification for a new tower.

There are no other towers or other facilities of sufficient height within a one-half mile radius that can accommodate collocation and serve this carrier's needs.

The applicant has satisfactorily addressed all the criteria of the Zoning Regulations. Lacking adequate collocation opportunities which address the carrier's needs, the applicant has demonstrated the need for a new personal wireless facility in this area.

APPLICATION CONTACT
Andrew Dewhirst, 208-938-8844 or
drew.dewhirst@powderriverdev.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The Comprehensive Plan encourages an efficient and effective telecommunications network while minimizing the impact of such infrastructure. The Plan also calls for compatibility among land uses, screening where necessary, and adequate separation where possible. This proposal complies with those goals.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.11 – The Lincoln Area Future Land Use Plan designates Agriculture land uses for this site.

P. 3.83 - 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.

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.'

OVERVIEW

The applicant is seeking to site a 239'-tall lattice tower for wireless facilities to address inadequate coverage in this area for Verizon Wireless to provide enhanced service in the area. The proposed site is located west of the intersection of W. Roca Road and SW 72nd Street on agricultural land zoned AG.

Wireless facilities are allowed in the AG zoning district by special permit per the Lancaster County Zoning Regulations Section 4.007. The provisions of the special permit require review per the criteria of Article 10 for Personal Wireless Telecommunication Facilities. The review under that article is as follows.

ANALYSIS

Article 10, Section 10.010 Standards for Evaluation

Conformity with Comprehensive Plan.

1. The Comprehensive Plan encourages an efficient and effective telecommunications network while minimizing the impact of such infrastructure. The Plan also calls for compatibility among land uses, screening where necessary, and adequate separation where possible. The Comprehensive Plan designates agricultural land uses for this site. The predominant land uses are agriculture and residential. Residential areas generally are not preferred locations, but wireless facilities can be appropriate near residential areas provided care is taken in their design and siting. Typical strategies include camouflaged facilities, screening, low-profile antennas, or a limit on the height of the tower, or separation.

In this case, separation from surrounding residential uses is being used to mitigate impact. The nearest dwellings are approximately one-third mile away to the northwest and southeast.

Preference of site location in accordance with Section 10.008.

2. *There are three location preferences as follows:*

A. Preferred Location Sites:
(1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites:
(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

This location is a sensitive site given the relative (for AG-zoned areas) proximity to dwellings, and the fact the site is not commercially zoned. Considered a sensitive site, the applicant is required to eliminate other all other potential preferred or limited preference sites within a one-half mile radius from consideration. Upon evaluation, there are no other facilities within one-half mile which are tall enough to meet the carrier's needs.

Compatibility with abutting property and land uses.

3. There are two dwellings in the immediate area. One is located approximately 1,500' to the northwest on the north side of W. Roca Road, and the other is approximately 1,400' to the southeast located on the east side of SW 72nd Street. Separation is used in the siting of the facility to help mitigate the impact of the facility on the area.

Uses which require a special permit may not be compatible land uses in every instance. The Planning Commission is allowed discretion with special permits to include measures to help mitigate the impact of those uses, such as separation, and to enhance overall compatibility. However, a nexus, or direct relationship, between the impact and the mitigation must exist.

Adverse impacts such as visual, environmental or noise impacts.

4. The most significant impact of a wireless facility at this location is visual. Separation is being employed as mitigation as well as a fence screen surrounding the ground equipment compound. There are no environmental effects such as noise or excessive light to note. The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

5. There is no regulatory screening requirement. However, an 8'-tall fence for both screening and security is proposed surrounding the ground lease area which screens the ground equipment from view from the adjacent roads.

Scale of facility in relation to surrounding land uses.

6. In the rural areas, tall facilities such as power transmission lines and broadcast towers appear intermittently throughout Lancaster County and are not unusual. Horizontal separation helps reduce the effect of scale differential and can serve to diminish the visual impact of the tower from adjacent uses.

Compatibility with Surrounding uses.

7. See item #3.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

8. There are no historically significant structures, landmarks or vistas in the area impacted by the proposed tower.

Impact on natural resources, open spaces, recreational trails and other recreational resources.

9. The proposed facility is approximately 1.5 miles from the Bluestem Lake recreation area. At that distance the facility will be barely visible if at all. There are no other significant natural resources or recreation facilities nearby.

Color and finish.

10. The proposed facility is a self-support, lattice tower with a galvanized finish. Because the tower is more than 200' in height lighting is required by the Federal Aviation Administration (FAA). The required lighting consists of a white light during the day which changes to red after dark.

Ability to collocate.

11. The site plan shows the tower at 239' in height. At that height, the Zoning Regulations require the facility to accommodate two additional carriers for a total of three. The plans show the ability to accommodate four wireless carriers and microwave antennas.

Availability of suitable existing structures for antenna mounting.

12. The applicant is required to eliminate all other preferred or limited preference sites within one-half mile of the proposed site and demonstrate why they are not feasible per the Zoning Regulations. This would include any potential collocation sites that would accommodate this carrier's antennas. As noted previously, there are no other facilities in the area capable of accommodating collocation within one-half mile.

There is an existing tower approximately eight-tenths mile to the west on SW 86th Street. Even though the tower exceeds one-half mile, the applicant was asked to address its feasibility and eliminate it from consideration. The carrier did evaluate that tower and their RF engineer states that tower is too far west to achieve coverage objectives.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

13. The subject location is considered a sensitive site due to proximity to residential uses and requires the applicant to eliminate preferred and limited preference sites in the area. The applicant did that and found only one tower nearby. Located approximately eight-tenths of a mile away, while not required the carrier evaluated the facility and determined it would not satisfy their needs.

14. This proposed facility meets the setbacks for the AG zoning district, provides the required fall zone separation (one-half the height of the tower from property lines), has received an FAA Determination of 'No Significant Impact', and is not located in or near any historic sites or facilities.

15. This facility can help enhance wireless coverage in this part of Lancaster County, parts of which are underserved. Subject to the recommended conditions of approval, this request complies with the Lancaster County Zoning Regulations and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture AG

SURROUNDING LAND USE & ZONING: Agriculture, Residential - AG

APPROXIMATE LAND AREA: Parent parcel – Approximately 148.95 acres
Lease area – 10,000 square feet (100' x 100')

LEGAL DESCRIPTION: Lot 20 I.T., located in the NE 1/4 of Section 23-8-5, -Lancaster County, Nebraska, generally located southeast of the intersection SW 72nd Street and W Roca Road.

Prepared by Brian Will,
November 21, 2023

Owner: Hugh Sieck III
4930 Thomasbrook Lane
Lincoln, NE 68516
hughsieck@hsphe.com
402-327-0936

Applicant: Tillman Infrastructure
c/o Casey Reeves
1955 Lakeway Drive, Suite #265B
Lewisville, TX 75057
720-229-6721

Contact: Andrew Dewhirst
408 South Eagle Road, Suite #200
Eagle, ID 83616
208-938-8844
Drew.dewhirst@powderriverdev.com

CONDITIONS OF APPROVAL – SPECIAL PERMIT #23042

Per Section 13.017 of the Lancaster County Zoning Regulations this approval permits a 239'- tall personal wireless facility capable of accommodating a minimum of three carriers.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:

    1.1 Indicate the lease areas for ground equipment for a total of at least three carriers inside the 100' x 100' lease area on the applicable plan sheets (ZD-2 and 3).

    1.2 Indicate that the locations for the future carriers on the tower elevation on Sheet ZD-4 as 'Approximate CL of Proposed Verizon Antennas', or 'Approximate CL of Future Carrier'.

    1.3 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

    1.4 Provide a surety in an amount sufficient to guarantee the removal of the facility to run for the life of the special permit to be held by Lancaster County.

Standard Conditions:

2. The following conditions are applicable to all requests:

    2.1 Before operation of the facility all development and construction shall substantially comply with the approved plans.

    2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

    2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

    2.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



2020 aerial

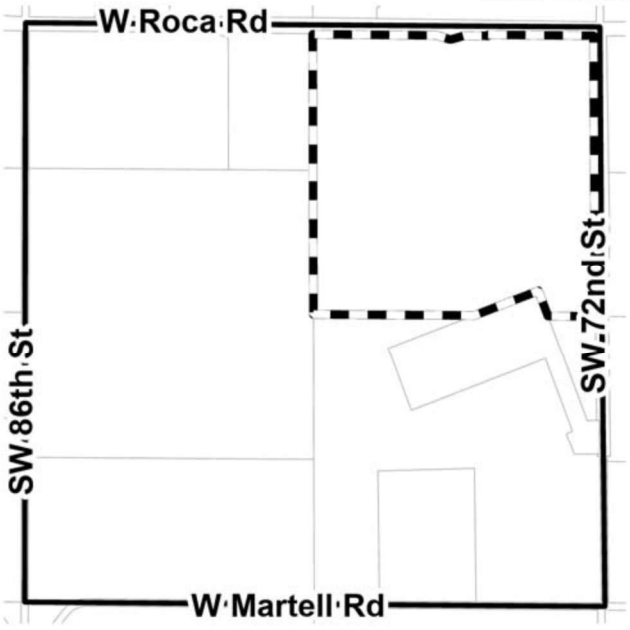
Special Permit #: SP23042
SW 72nd St & W Roca Rd

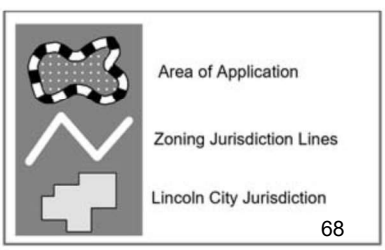


Zoning:

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.23 T08N R05E





PDF: F:\Boards\PC\Internet\out\ (SP23042)
File: D:_GIS\Projects\DevReview\AgendaDrawings\AgendaDrawings\AgendaDrawings_SDE.aprx (SP23042)

TILLMAN INFRASTRUCTURE

TILLMAN INFRASTRUCTURE :

SITE NAME: LIN BLUESTEM

SITE#: TI-PP-20856

SITE ADDRESS:

7459 W ROCA RD
MARTELL, NE 68404

235' SELF SUPPORT TOWER - NEW SITE BUILD

SITE INFORMATION

PROPERTY OWNER:	HUGH H III SIECK 4930 THOMASBROOD LN. LINCOLN, NE 68516
SITE ADDRESS:	7459 W ROCA RD MARTELL, NE 68404
COUNTY:	LANCASTER
LATITUDE: LONGITUDE:	40.653011 -96.821556
GROUND ELEVATION:	1406' AMSL
OCCUPANCY TYPE:	UNMANNED
ZONING JURISDICTION: ZONING CODE:	LANCASTER COUNTY AG
ASSESSMENT CODE: GEO CODE:	---- ----
POWER PROVIDER: TELCO PROVIDER:	NORRIS PUBLIC POWER DISTRICT KINETIC BY WINDSTREAM

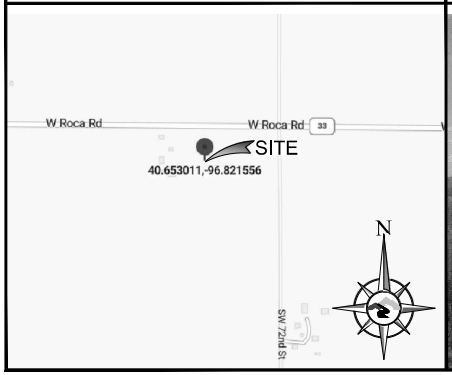
CONTACT INFORMATION

A&E SERVICES:
POWDER RIVER DEVELOPMENT SERVICES, LLC.
408 S. EAGLE ROAD, SUITE 200
EAGLE, ID 83616
CONTACT: SCOTT PINKHAM
PHONE: 845.505.0607
EMAIL: scott.pinkham@powderriverdev.com

SITE ACQUISITION:
POWDER RIVER DEVELOPMENT SERVICES, LLC.
408 S. EAGLE ROAD, SUITE 200
EAGLE, ID 83616
CONTACT: RYAN STREFF
PHONE: 507.227.0129
EMAIL: ryan.streff@powderriverdev.com

APPLICANT:
TILLMAN INFRASTRUCTURE
152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PHONE: 212.706.1677

VICINITY MAP



SITE PHOTO



DRIVING DIRECTIONS

DIRECTIONS FROM LINCOLN AIRPORT:

DEPART AIRPORT HEAD NORTHWEST ON W ADAMS ST. TAKE THE RAMP ON THE LEFT FOR I-80 W / US-77 S. AT EXIT 397, HEAD ON THE RAMP RIGHT AND FOLLOW SIGNS FOR US-77 SOUTH. TAKE THE RAMP ON THE RIGHT FOR US-77 S / S 12TH ST. TAKE THE RAMP ON THE RIGHT FOR NE-33 / NE-55F SPUR AND HEAD TOWARD CRETE / ROCA. KEEP STRAIGHT TO GET ONTO NE-33 / ROCA RD. ARRIVE AT NE-33 / W ROCA RD ON THE LEFT.

APPLICABLE CODES

BUILDING CODE 2018 IBC
ELECTRICAL CODE 2017 NEC
MECHANICAL CODE 2018 IMC

DRAWING INDEX

SHEET NO.	DESCRIPTION
T-1	TITLE SHEET
LS1	TOPOGRAPHIC SURVEY (BY OTHERS)
ZD-1	OVERALL SITE PLAN
ZD-2	SITE PLAN
ZD-3	COMPOUND PLAN
ZD-4	ELEVATION

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TILLMAN INFRASTRUCTURE
152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

POWDER RIVER
Development Services, LLC
408 S EAGLE RD, SUITE 200
EAGLE, ID 83616

COA #: CA2518

REVISIONS

REV	DATE	DESCRIPTION	INT
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B	10/17/23	ISSUED FOR REVIEW 90%	BMW
A	10/02/23	ISSUED FOR REVIEW 90%	BMW

PRELIMINARY
NOT FOR
CONSTRUCTION

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SITE INFORMATION

TILLMAN INFRASTRUCTURE

SITE#: TI-PP-20856

SITE NAME: LIN BLUESTEM

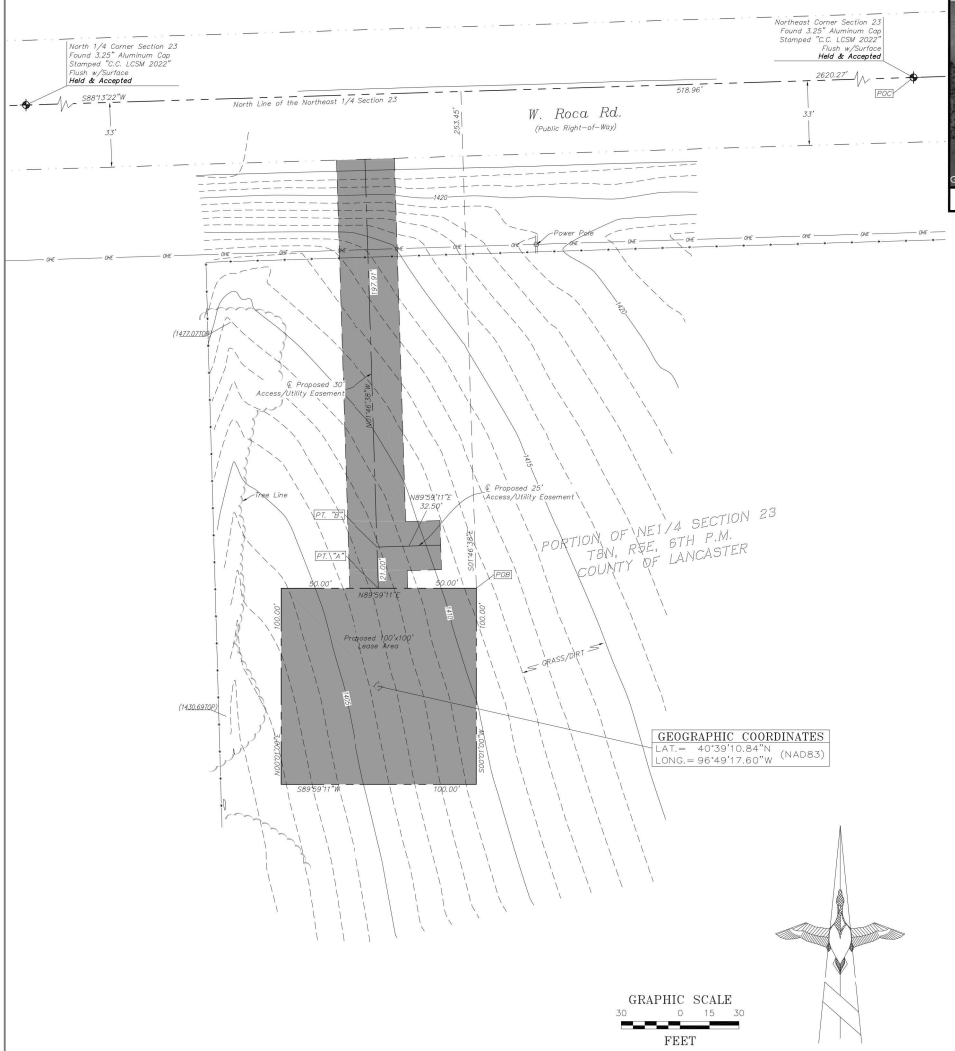
7459 W ROCA RD
MARTELL, NE 68404
40.653011°,-96.821556°

SHEET TITLE:

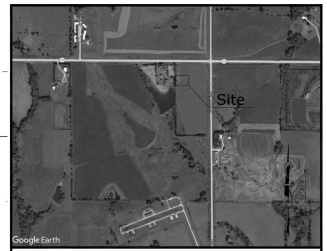
TITLE SHEET

SHEET NUMBER:

T-1



GRAPHIC SCALE
30 0 15 30
FEET



Vicinity Map - N.T.S.

Title Report
PREPARED BY: WESTCOR LAND TITLE INSURANCE COMPANY
ORDER NO.: TIL-148560-C
DATED: FEBRUARY 27, 2023

Legal Description
LOT THIRTEEN (13) NKA LOT 20, IRREGULAR TRACTS IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 5, EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA; ALSO BEING DESCRIBED AS THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 5, EAST OF THE 6TH P.M., LANCASTER COUNTY.

Assessor's Parcel No.
02-23-200-001-000

Geographic Coordinates as Shown
1983 DATUM: LATITUDE 40°39'10.84"N LONGITUDE 96°49'17.60"W

Date of Survey
APRIL 5, 2023

Basis of Bearings
THE NABERASKA STATE PLANE COORDINATE SYSTEM (NAD83).

CLASSIFICATION	MINIMUM GEOMETRIC ACCURACY STANDARD
THIRD	5.0 cm + 1: 10,000

Bench Mark
NGS CONTROL POINT "K 438", ELEVATION = 1334.9 FEET (NAVD 88)

Lease Area/Access & Utility Easements
LEASE AREA

BEING A TELECOMMUNICATIONS LEASE PARCEL LYING WITHIN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., COUNTY OF LANCASTER, STATE OF NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, S88°13'22"W, 518.96 FEET; THENCE DEPARTING SAID NORTH LINE, S01°46'38"E, 253.45 FEET TO THE POINT OF BEGINNING; THENCE S00°01'00"W, 100.00 FEET; THENCE S89°59'11"W, 100.00 FEET; THENCE N00°01'00"E, 100.00 FEET; THENCE N89°59'11"E, 50.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING N89°59'11"E, 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,000 SQ. FT. OR 0.230 ACRES MORE OR LESS.

30' ACCESS/UTILITY EASEMENT

BEING A STRIP OF LAND 30.00 FEET IN WIDTH LYING WITHIN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., COUNTY OF LANCASTER, STATE OF NEBRASKA, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT "A" AS DESCRIBED ABOVE; THENCE N01°46'38"W, 21.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE CONTINUING N01°46'38"W, 197.91 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF WEST ROCA ROAD AND THE END OF SAID STRIP OF LAND.

EXCEPT ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF WEST ROCA ROAD.

25' ACCESS/UTILITY EASEMENT

BEING A STRIP OF LAND 25.00 FEET IN WIDTH LYING WITHIN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 5 EAST OF THE 6TH P.M., COUNTY OF LANCASTER, STATE OF NEBRASKA, LYING 12.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE N89°59'11"E, 32.50 FEET TO THE END OF SAID STRIP OF LAND.

SIDELINES OF SAID STRIPS OF LAND ARE TO BE LENGTHENED AND/OR SHORTENED TO PREVENT GAPS AND/OR OVERLAPS.

Title Schedule B Exceptions
NO EXCEPTION WITHIN THE TITLE REPORT

LINE LEGEND
- = SUBJECT PARCEL BOUNDARY LINES
- = SECTION LINES
- = ADJOINING PARCEL BOUNDARY LINES
- = EASEMENT LINES
- = RIGHT OF WAY LINES
- = FLOOD PLANE LINES
- = BARBED WIRE FENCE
- = CHAINLINK FENCE
- = UNDERGROUND ELECTRIC LINES
- = UNDERGROUND GAS LINES
- = OVERHEAD ELECTRIC LINES
- = UNDERGROUND SANITARY SEWER LINES
- = UNDERGROUND TELEPHONE LINES
- = UNDERGROUND WATER LINES

Legend

CONCRETE PAVEMENT		NG	NATURAL GROUND
CONIFEROUS TREE		•	PARKING BOLLARD
#	DIAMETER	POB	POINT OF BEGINNING
DECIDUOUS TREE		POC	POINT OF COMMENCEMENT
EOA	EDGE OF ASPHALT	OHE	OVERHEAD ELECTRIC LINE
FF	FINISHED FLOOR		POWER POLE
FS	FINISH SURFACE		PROPERTY LINE
	FIRE HYDRANT	R.O.W.	RIGHT OF WAY
FL	FLOW LINE		SEWER MANHOLE
	FOUND MONUMENT AS NOTED		SIGN POST
	FOUND SECTION MONUMENT		STREET LIGHT STANDARD
	GEOGRAPHIC LOCATION		TELEPHONE PEDESTAL
	GAS METER	TYP	TYPICAL
	IRRIGATION CONTROL VALVE		WATER METER
			WATER VALVE

Certificate of Survey
THIS IS TO CERTIFY THAT THIS TOPOGRAPHIC MAP AND IMPROVEMENTS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NEBRASKA REGISTERED LAND SURVEYOR LS-722 JESUS A. LUGO

4/25/23
JESUS A. LUGO, LS 722

THIS DOES NOT REPRESENT A MONUMENTED SURVEY.
REFERENCE IS MADE TO A COMMITMENT FOR TITLE INSURANCE, NUMBER TIL-148560-C, ISSUED BY WESTCOR LAND TITLE INSURANCE COMPANY, AND HAVING AN EFFECTIVE DATE OF FEBRUARY 27, 2023. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THE LESSOR'S LEGAL DESCRIPTION AND RECORD BOUNDARY ARE SHOWN HEREON FOR REFERENCE ONLY.
THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE LESSOR'S PROPERTY.

Underground Utility Note:
BURIED UTILITIES AND/OR PIPELINES SHOWN HEREON ARE PER VISIBLE AND APPARENT SURFACE EVIDENCE, RECORD DRAWINGS OF THE CONSTRUCTED UTILITY LINES OBTAINED FROM RELIABLE AND RESPONSIBLE SOURCES NOT CONNECTED WITH ALTURA LAND CONSULTANTS, LLC. OR MARKINGS PROVIDED BY AN INDEPENDENT LOCATING CONTRACTOR. NO GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF SUCH INFORMATION. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES OR PIPE LINES ARE REQUIRED, THE UTILITY OR PIPELINE WILL HAVE TO BE VERIFIED BY FIELD POTHOLING. ALTURA LAND CONSULTANTS, LLC AND THE SURVEYOR OF RECORD SHALL NOT BE HELD LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES OR PIPELINES.

PROJECT INFORMATION:
TI-OPP 20856A
7459 W. ROCA RD.
MARTELL, NE.
COUNTY OF LANCASTER

CURRENT ISSUE DATE:
4/25/23

ISSUED FOR:
DESIGN

REV:	DATE:	DESCRIPTION:	BY:
0	4/10/23	SUBMITTAL	JT
1	4/17/23	ADDED TITLE REPORT	JT

PLAN PREPARED BY:
ALTURA LAND CONSULTANTS
6950 S. Tucson Way, Unit C
Centennial, CO. 80112
Phone: (720) 488-1303

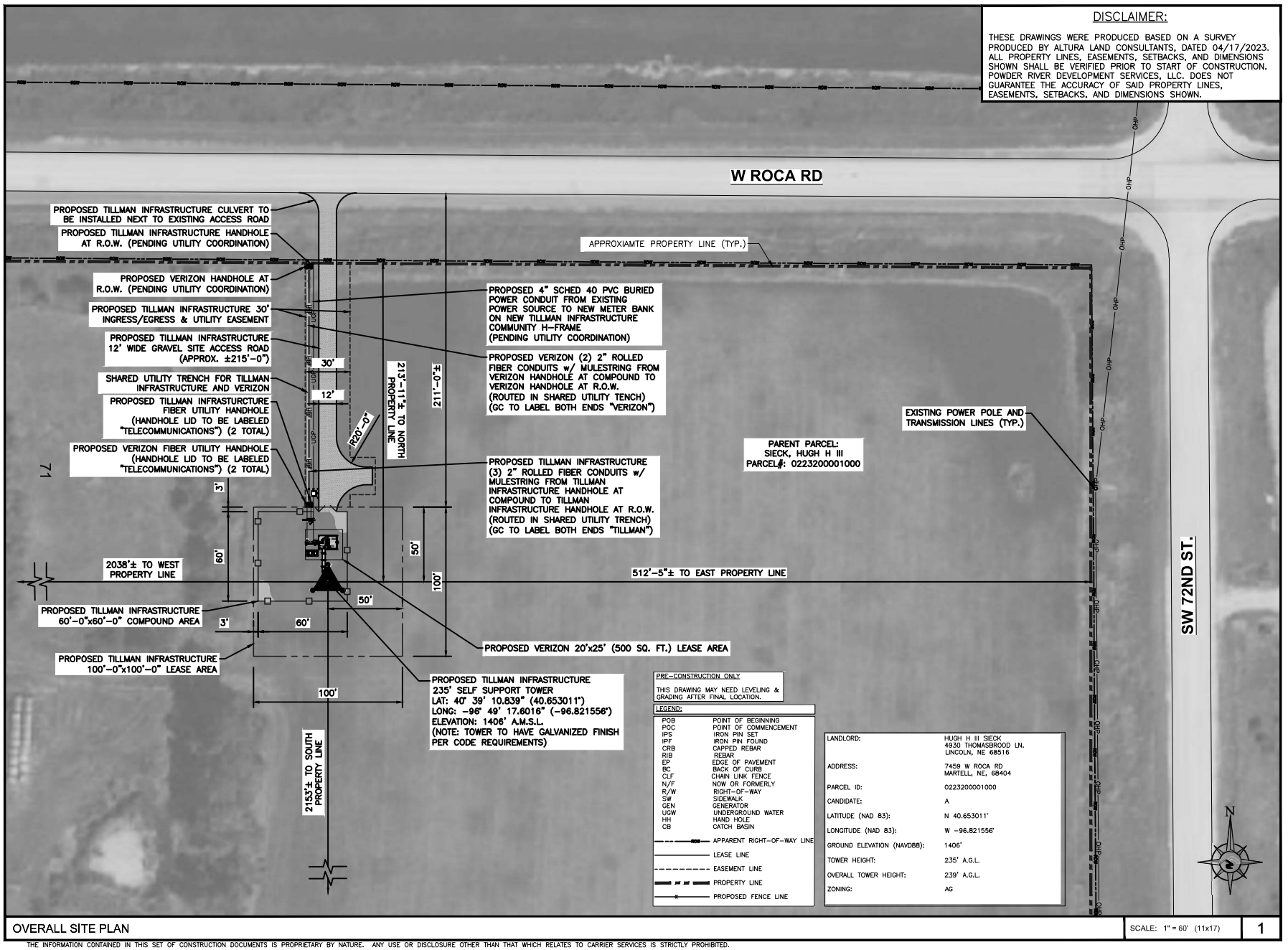
LICENSURE:

DRAWN BY:	CHK.:	APV.:
JT	JAL	JAL

PROJECT MANAGER/ARCHITECT:
POWDER RIVER
Development Services, LLC
www.powderriverdev.com

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:	REVISION:
LS1	1
SHEET 1 OF 1 SHEETS	23032



DISCLAIMER:

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PRE-CONSTRUCTION ONLY

THIS DRAWING MAY NEED LEVELING & GRADING AFTER FINAL LOCATION.

LEGEND:

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPS	IRON PIN SET
IPF	IRON PIN FOUND
CRB	CAPPED REBAR
RIB	REBAR
EP	EDGE OF PAVEMENT
BC	BACK OF CURB
CLF	CHAIN LINK FENCE
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
SW	SIDEWALK
GEN	GENERATOR
UGW	UNDERGROUND WATER
HH	HAND HOLE
CB	CATCH BASIN
	APPARENT RIGHT-OF-WAY LINE
	LEASE LINE
	EASEMENT LINE
	PROPERTY LINE
	PROPOSED FENCE LINE

LANDLORD:	HUGH H III SIECK 4930 THOMASBROOD LN. LINCOLN, NE 68516
ADDRESS:	7459 W ROCA RD MARTELL, NE, 68404
PARCEL ID:	0223200001000
CANDIDATE:	A
LATITUDE (NAD 83):	N 40.653011°
LONGITUDE (NAD 83):	W -96.821556°
GROUND ELEVATION (NAVD88):	1406'
TOWER HEIGHT:	235' A.G.L.
OVERALL TOWER HEIGHT:	239' A.G.L.
ZONING:	AG

OVERALL SITE PLAN

SCALE: 1" = 60' (11x17)

1

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TILLMAN INFRASTRUCTURE
152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

POWDER RIVER
Development Services, LLC
408 S EAGLE RD, SUITE 200
EAGLE, ID 83616

COA #: CA2518

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SITE INFORMATION

TILLMAN INFRASTRUCTURE

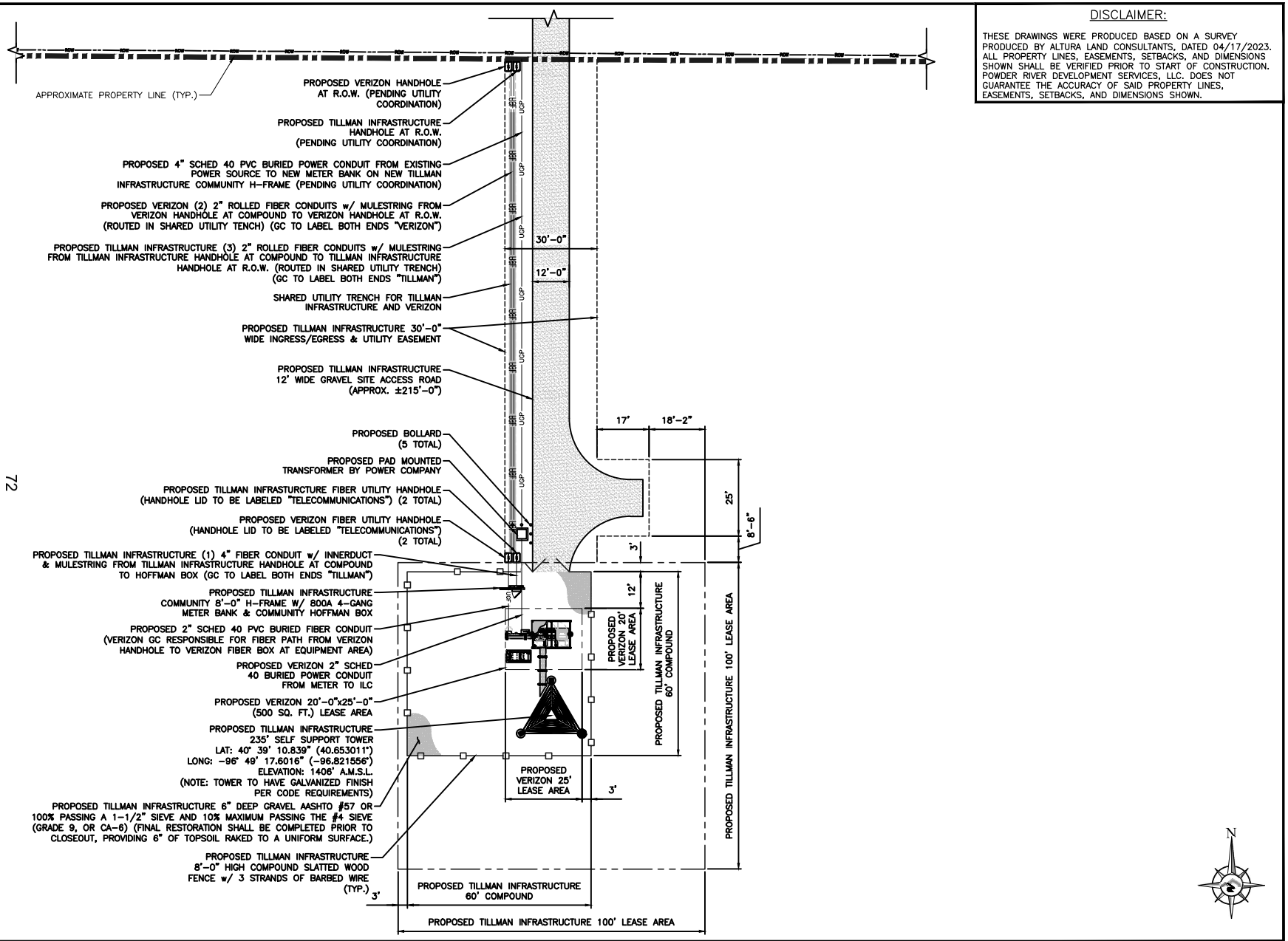
SITE#: TI-PP-20856

SITE NAME: LIN BLUESTEM

7459 W ROCA RD
MARTELL, NE 68404
40.653011°,-96.821556°

SHEET TITLE:
OVERALL
SITE PLAN

SHEET NUMBER:
ZD-1



72

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SITE PLAN

SCALE: 1" = 30' (11x17)

1

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EAGLE, ID 83616

COA #: CA2518

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SITE INFORMATION

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SITE#: TI-PP-20856

SITE NAME: LIN BLUESTEM

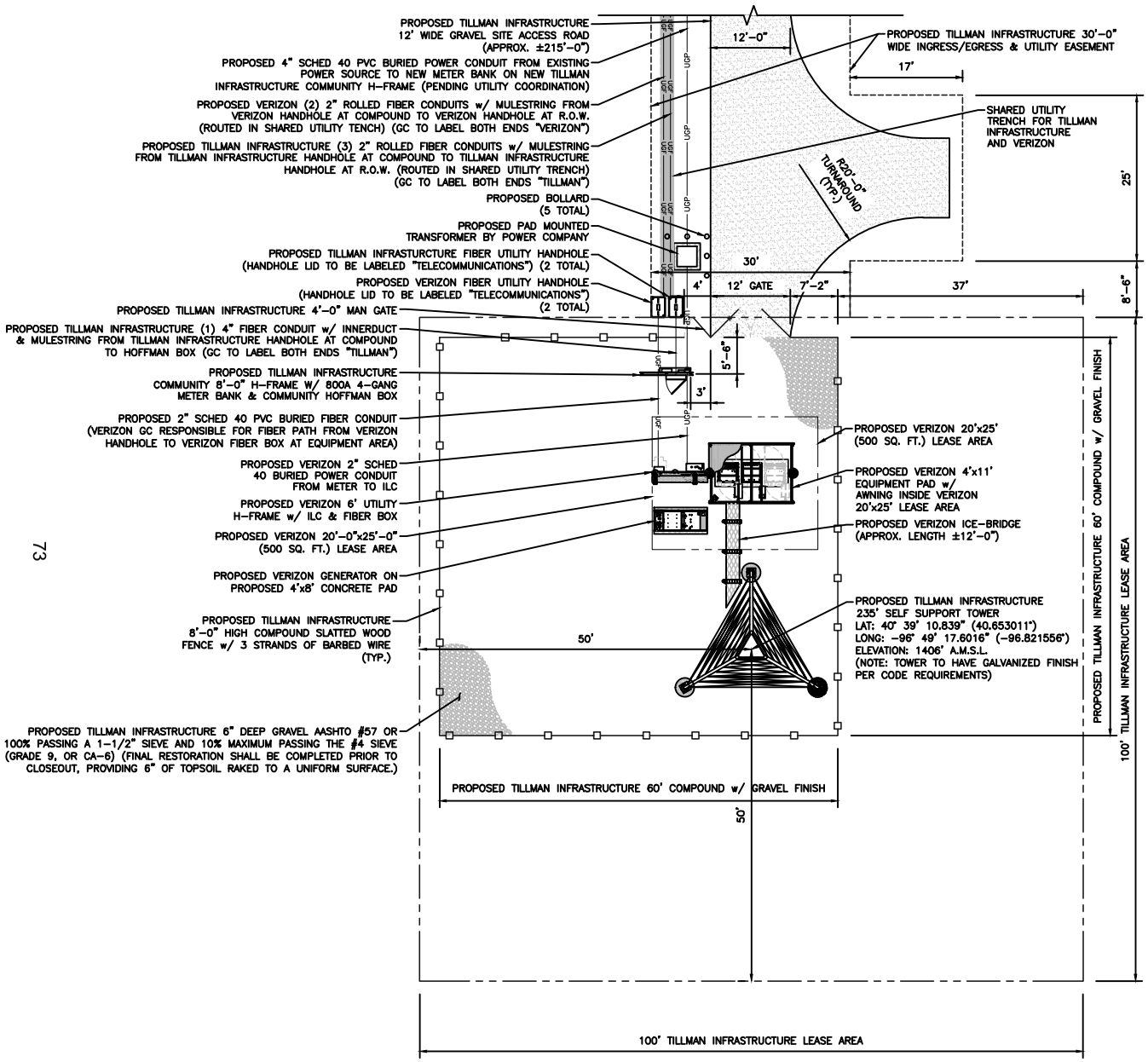
7459 W ROCA RD
MARTELL, NE 68404
40.653011°,-96.821556°

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

ZD-2



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TILLMAN INFRASTRUCTURE

152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

POWDER RIVER
Development Services, LLC

408 S EAGLE RD, SUITE 200
EAGLE, ID 83616

COA #: CA2518

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SITE INFORMATION

TILLMAN INFRASTRUCTURE

SITE#: TI-PP-20856

SITE NAME: LIN BLUESTEM

7459 W ROCA RD
MARTELL, NE 68404
40.653011°,-96.821556°

SHEET TITLE:

COMPOUND PLAN

SHEET NUMBER:

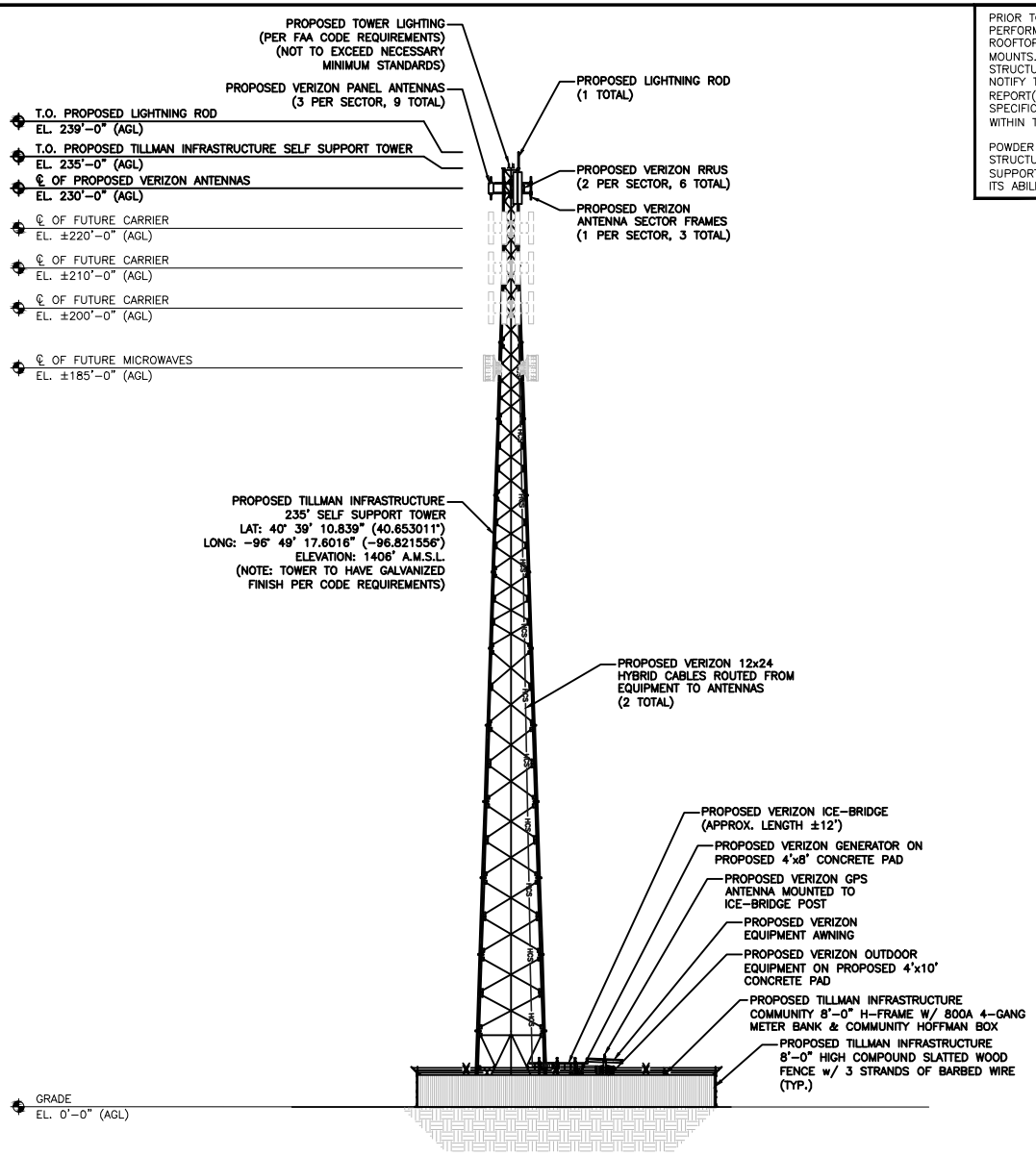
ZD-3

COMPOUND PLAN | SCALE: 1/16" = 1'-0" (11x17) | 1

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TOWER LIGHTING NOTE:

PLEASE SEE "THE DETERMINATION OF NO HAZARD TO AIR NAVIGATION" ISSUED BY THE FAA, THAT IS PROVIDED WITH THIS APPLICATION FOR A SPECIAL PERMIT. THE DETERMINATION INCLUDED A CONDITION OF APPROVAL THAT "THE STRUCTURE IS TO BE MARKED/LIGHTED IN ACCORDANCE WITH FAA ADVISORY CIRCULAR 70/7460-1 , OBSTRUCTION MARKING AND LIGHTING, A MED-DUAL SYSTEM-CHAPTERS 4,8(M-DUAL),&15"



PRIOR TO CONSTRUCTION, STRUCTURAL ANALYSIS SHALL BE PERFORMED FOR ALL NEW AND EXISTING SUPPORTING TOWERS, ROOFTOPS, FLAG POLES, LIGHT POLES AND ASSOCIATED EQUIPMENT MOUNTS. CONTRACTOR SHALL REVIEW THE SIGNED/SEALED STRUCTURAL ANALYSIS REPORTS PRIOR TO CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES LISTED WITHIN THE REPORT(S). ALL CONSTRUCTION, MODIFICATIONS AND/OR REPLACEMENT SPECIFICATIONS SHALL BE FULLY IMPLEMENTED EXACTLY AS NOTED WITHIN THE STRUCTURAL ANALYSES REPORTS/LETTERS.

POWDER RIVER DEVELOPMENT SERVICES, LLC HAS NOT PERFORMED STRUCTURAL ANALYSIS FOR THE NEW EQUIPMENT MOUNTS, NOR THE SUPPORTING STRUCTURE(S), AND ASSUMES NO RESPONSIBILITY FOR ITS ABILITY TO SUPPORT THE PROPOSED MODIFICATIONS.

PROPOSED SELF SUPPORT TOWER ELEVATION

SCALE: 1" = 30' (11x17)

1

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74

TILLMAN INFRASTRUCTURE
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POWDER RIVER
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408 S EAGLE RD, SUITE 200
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SITE INFORMATION

TILLMAN INFRASTRUCTURE

SITE#: TI-PP-20856

SITE NAME: LIN BLUESTEM

7459 W ROCA RD
MARTELL, NE 68404
40.653011°,-96.821556°

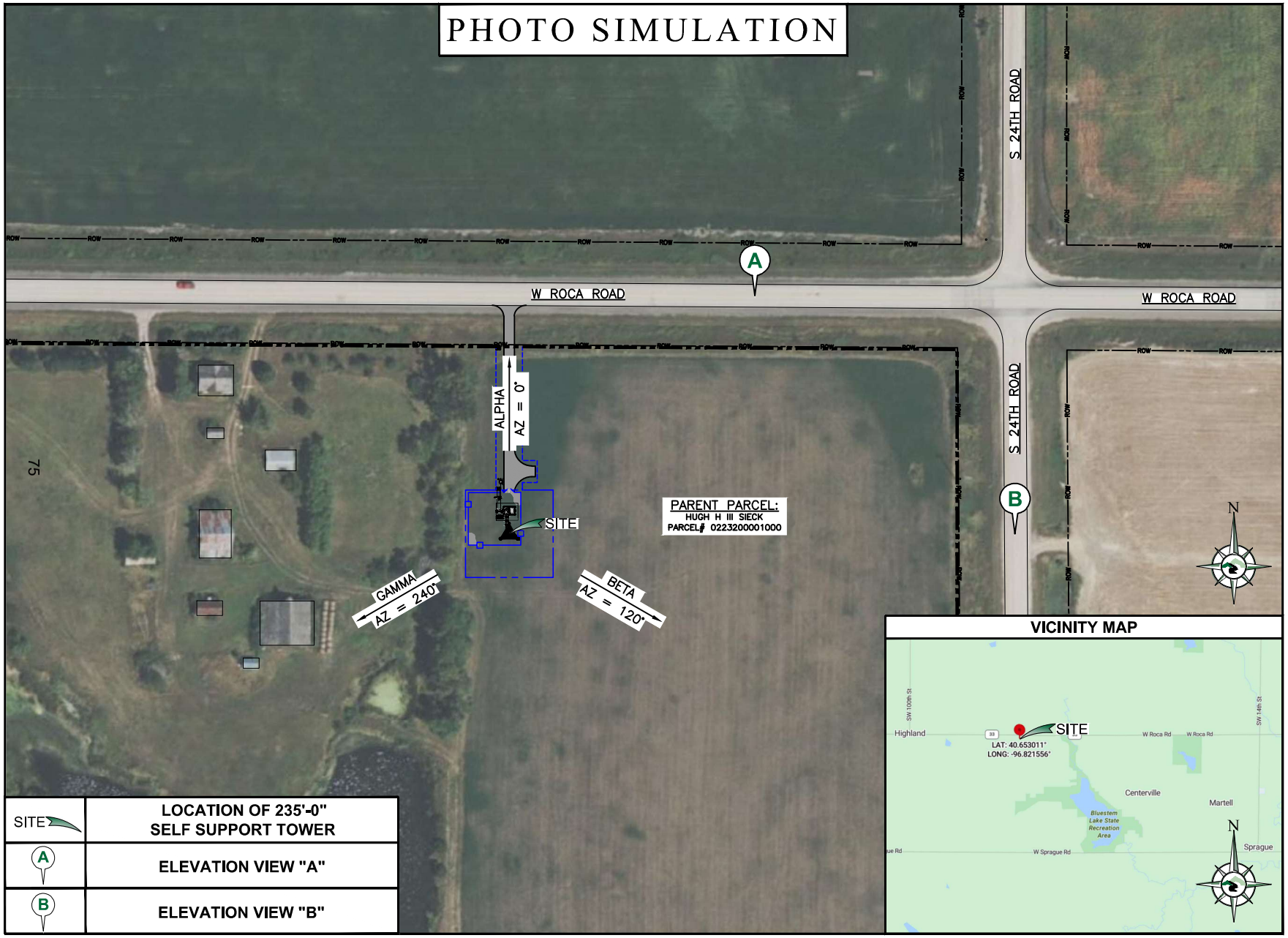
SHEET TITLE:

ELEVATION

SHEET NUMBER:

ZD-4

PHOTO SIMULATION



SITE	LOCATION OF 235'-0" SELF SUPPORT TOWER
A	ELEVATION VIEW "A"
B	ELEVATION VIEW "B"

VICINITY MAP

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TILLMAN INFRASTRUCTURE
152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

verizon

POWDER RIVER
Development Services, LLC

REVISIONS

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REVIEWED BY: SP

FOR REFERENCE ONLY

DISCLAIMER:

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SITE INFORMATION
TILLMAN INFRASTRUCTURE
SITE#: TI-OPP 20856A
SITE NAME: LIN 86TH & HWY 33
VERIZON
SITE NAME:LIN BLUESTEM
LOCATION ID: ----
FUZE ID: 16965507
7459 W ROCA RD
MARTELL, NE 68404 68404

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
PS-1



AFTER INSTALLMENT | SCALE: N.T.S. | 2



BEFORE INSTALLMENT | SCALE: N.T.S. | 1

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152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

verizon

POWDER RIVER Development Services, LLC

REVISIONS

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REVIEWED BY: SP

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SITE INFORMATION

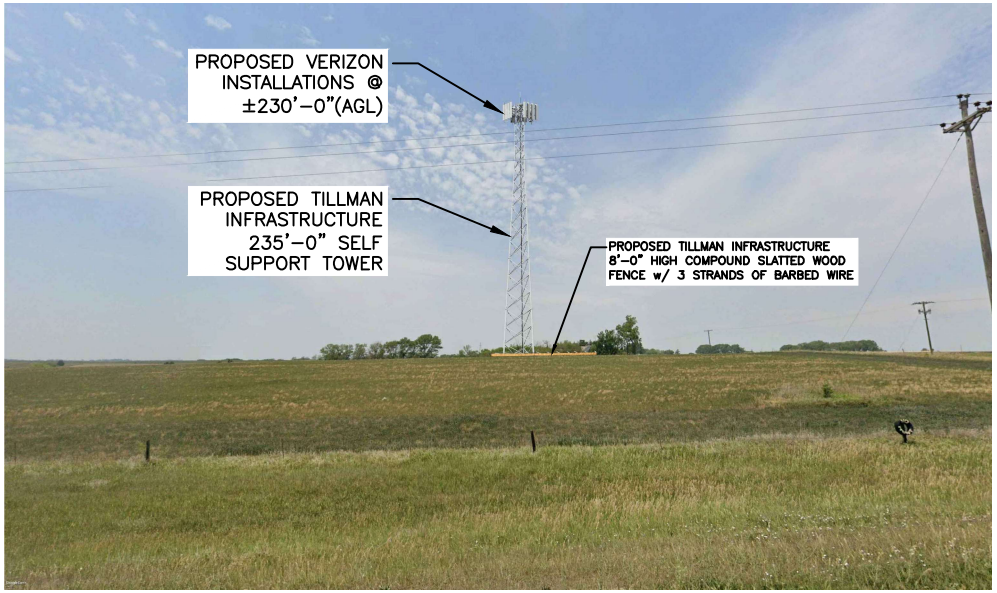
TILLMAN INFRASTRUCTURE
SITE#: TI-OPP 20856A
SITE NAME: LIN 86TH & HWY 33
VERIZON
SITE NAME:LIN BLUESTEM
LOCATION ID: ----
FUZE ID: 16965507
7459 W ROCA RD
MARTELL, NE 68404 68404

SHEET TITLE:

ELEVATION VIEW "A"

SHEET NUMBER:

PS-2



AFTER INSTALLMENT | SCALE: N.T.S. | 2



BEFORE INSTALLMENT | SCALE: N.T.S. | 1

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TILLMAN INFRASTRUCTURE
152 W. 57TH STREET
NEW YORK, NEW YORK 10019
PH: (212) 706-1677

verizon

POWDER RIVER
Development Services, LLC

REVISIONS

REV	DATE	DESCRIPTION	INT
A	11/02/23	ISSUED FOR REVIEW 90%	BMW

REVIEWED BY: SP

FOR REFERENCE ONLY

DISCLAIMER:

THIS PHOTO SIMULATION IS AN ARTIST'S DEPICTION OF A FUTURE INSTALLATION. THE ACTUAL CONSTRUCTION MAY VARY SLIGHTLY IN SIZE, LAYOUT, COLOR, AND TEXTURE FROM THIS SIMULATION.

SITE INFORMATION

TILLMAN INFRASTRUCTURE
SITE#: TI-OPP 20856A
SITE NAME: LIN 86TH & HWY 33
VERIZON
SITE NAME:LIN BLUESTEM
LOCATION ID: ----
FUZE ID: 16965507
7459 W ROCA RD
MARTELL, NE 68404 68404

SHEET TITLE:

ELEVATION VIEW "B"

SHEET NUMBER:

PS-3



WEST | SCALE: N.T.S. | 4



SOUTH | SCALE: N.T.S. | 2



EAST | SCALE: N.T.S. | 3



NORTH | SCALE: N.T.S. | 1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

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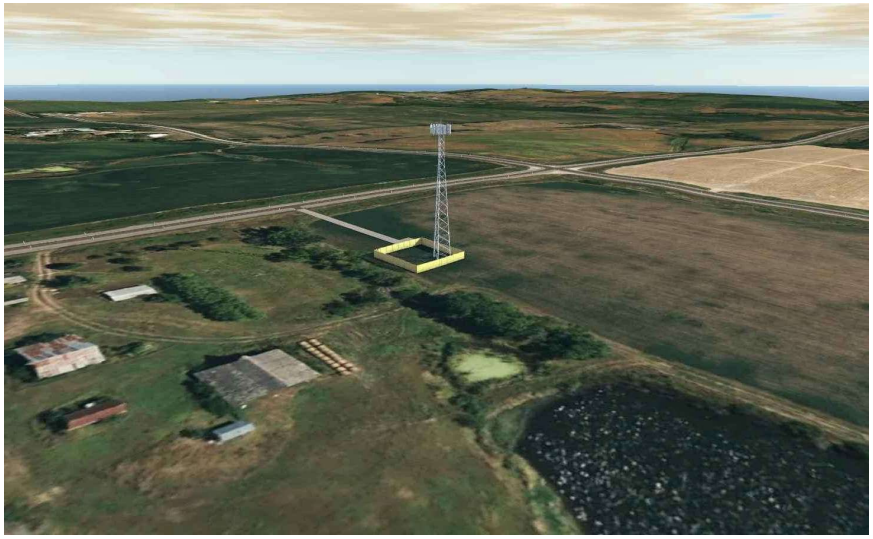
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MARTELL, NE 68404 68404

SHEET TITLE:

AERIAL VIEWS

SHEET NUMBER:

PS-4



SOUTH WEST | SCALE: N.T.S. | 4



SOUTH EAST | SCALE: N.T.S. | 2



NORTH WEST | SCALE: N.T.S. | 3



NORTH EAST | SCALE: N.T.S. | 1

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LOCATION ID: ----
FUZE ID: 16965507
7459 W ROCA RD
MARTELL, NE 68404 68404

SHEET TITLE:

AERIAL VIEWS

SHEET NUMBER:

PS-5

Powder River Development Services, LLC
408 South Eagle Road, Suite 200
Eagle, ID 83616
(208) 938-8844 office
(208) 938-8855 fax
www.powderriverdev.com

November 7th, 2023

Brian Will, Planner
Lancaster County, Nebraska
555 S. 10th St., Ste. 213
Lincoln, NE 68508
(402) 873-9548

Subject: Special Permit Request – proposed 239' Self-Support Communications Tower

Address: 7459 W Roca Rd, Martell, NE 68404

Dear Mr. Will and Members of the Lancaster County Planning Commission,

Powder River Development Services is representing Tillman Infrastructure in their request to be considered for the construction of a new, collocatable, cell tower at the address referenced above.

Scope of Work
Development of new 239' Self-Support tower with a 100' x 100' fenced compound area. The proposed development would be in compliance with all applicable setback and code regulations and requirements.

Submittal Documents:

- Completed Application Form, signed by the Property Owner
- Photo Simulations
- Professional Engineer Letter
- Fall Zone Letter from a Professional Engineer
- Written technical Evidence from a Radio Frequency Engineer that there are no existing towers within a half mile that work from a technical standpoint
- Narrative Response to Article 10 of the Lancaster County Zoning Code
- Drawings of the proposed tower with all required information
- Tillman Maintenance Schedule
- Aeronautical Study No. 2023-ACE-7291-OE, provided from the FAA, and the associated the FAA's "Advisory Circular"
- Phase I Environmental Site Assessment Report of the subject property

If there are any questions or additional information needed, please do not hesitate to let me know. I may be reached by phone at **(208) 938-8844** and email at drew.dewhirst@powderriverdev.com.

Respectfully,

Andrew Dewhirst

Member
Powder River Development Services, LLC

ARTICLE 10 PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES

(Resolution No. RR-00-19, February 22, 2000)

Contents:

10.01. Purpose
10.02. Definitions
10.03. Permits Required
10.08. Location Preferences
10.09. Application Requirements
10.10. Standards for Evaluation
10.11. Design Criteria for Personal Wireless Service Facilities
10.12. General Requirements
10.13. Non-use; Abandonment
10.14. Zoning districts allowed
10.15. Permitted Special Use: Personal Wireless Services Facilities

10.01. Purpose (Included for Reference)

These regulations are adopted to protect the public health, safety and welfare, and to minimize visual impact, while furthering the development of enhanced telecommunications services in the County. These regulations are designed to comply with the Telecommunications Act of 1996 and any other applicable laws. The provisions of this Article are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This Article shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

10.02. Definitions (Included for Reference)

For the purpose of this Article, the following terms shall have the meaning ascribed to them below:

Abandonment, in the case of a co-located or non co-located facility, shall mean: (a) failure to start operations within 180 days of completion of the structure, or (b) to cease operation for a period of 180 or more consecutive days. In the event that factors beyond a provider's control postpone the start or cause the temporary cessation of operations of a co-located or non co-located facility, the time limitations specified herein shall be extended to such period of delay.

Administrative permit shall mean a process and recommendation by the Planning Director as described in this Article.

Antenna shall mean any exterior apparatus designed for telephonic, radio, data, Internet, or video communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced specialized mobile radio", "specialized mobile radio" and "personal communications services", telecommunications services, and its attendant base station.

Antenna support structure shall mean any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

Array shall mean a set of antennas for one carrier or service that are placed on a structure at a given height and spaced so as to avoid interference.

Camouflage describes a personal wireless service facility that is disguised, hidden, or integrated with an existing structure or a personal wireless service facility that is placed within an existing or proposed structure so as to be effectively hidden from view.

Co-location shall mean the location of antenna or an array of antennas on a personal wireless facility or antenna support structure by more than one personal wireless service provider.

Design shall mean the appearance of personal wireless service facilities, including such features as their materials, colors, texture, scale, and shape.

EIA shall mean the Electronics Industry Association.

Equipment enclosure shall mean a structure, shelter, cabinet, or vault used to house

and protect the electronic equipment necessary for processing wireless communication signals and associated equipment. Associated equipment may include air conditioning, backup power supplies and emergency generators.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission.

Fall zone shall mean the area on the ground within a prescribed radius from the base of a personal wireless service facility within which there is a potential hazard from falling debris or collapsing material.

Governing authority shall mean the County Board of the County of Lancaster.

Height shall mean the vertical distance above grade to the highest point of the antenna support structure, including the lightning rod and antenna.

Modification shall mean the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design, height, number or location of antennas.

Mount shall mean the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:

1. Building mounted – a personal wireless service facility affixed to the roof or side of a building;
2. Ground mounted – a personal wireless service facility fixed to the ground such as a tower; and
3. Structure mounted – a personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

Partial abandonment in the case of a facility shall mean to cease use of a portion of the antenna structure for 180 or more consecutive days.

Personal wireless service, personal wireless service facilities, personal wireless facilities, and facilities used in this Article shall be defined in the same manner as in Chapter 47, United States Code, Section 332 (c)(7)©, as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Provider shall mean every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

Screening shall mean materials which effectively hide personal wireless facilities from view, or landscaping in accordance with design standards recommended by the Planning Department.

Security barrier shall mean a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

Site shall mean a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, building, accessory buildings, and parking and may include other uses associated with and ancillary to personal wireless services.

Special permit shall mean a process and approval as currently described in ARTICLE 13 of the Lancaster County Zoning Regulations, or as otherwise set forth in County regulations.

Tower shall mean any structure that is designed, constructed or used for the primary purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term encompasses personal

wireless service facilities including microwave towers, common-carrier towers, cellular telephone towers or personal communicallltions services towers, alternative tower structures, and the like.

Unlicensed wireless services shall mean commercial mobile services that operate on public frequencies and do not need a FCC license. (Resolution No. R-15-0005; January 13, 2015)

10.03. Permits Required (Included for Reference)

a. No person shall locate an antenna or tower or alter an existing personal wireless services facility for personal wireless services facility upon any lot or parcel except as provided in this Article.

b. Maintenance or repair of a personal wireless service facility and related equipment, excluding structural work or changes in height, dimensions, towers, or buildings, is excluded from the requirement to obtain an administrative or special permit. However, building permits may still be required.

c. Installation of personal wireless service facilities requires either an administrative permit issued by the Planning Director or review of a special permit by the Planning Commission and approval by the County Board; except co- location on existing wireless facilities previously authorized by either an administrative permit or special permit.

Within 45 days of receiving a complete application, the Planning Director shall act on the request for an administrative permit, or shall refer the application to the Historic Preservation Commission, Nebraska Capitol Environs Commission as required by Chapter 27.56.090 of the Lincoln Municipal Code, and/or Planning Commission for public hearing.

If a request for an administrative permit is not acted upon within 45 days, or recommends denial, or the conditions imposed thereon are unacceptable to the applicant, then the applicant may, by written notice to the Planning Director, convert the request for an administrative permit to an application for a special permit. Moreover, an applicant may, in lieu of and without first seeking an administrative permit hereunder, request a special permit for its proposed facility.

1. Administrative Permit: In any zoning district, the Planning Director may issue an administrative permit approving an application to replace an existing tower or to locate a camouflaged facility or rooftop facility, if the application does not exceed the permitted height in the district or the height as allowed by special permit, and will have minimal adverse effect on the surrounding property, entryway corridors to the City, Capitol Environs District, Capitol View Corridors as described in Section 27.56.017 of the Lincoln Municipal Code, landmarks or landmark districts designated in accordance with Chapter 27.57, or properties listed or eligible to be listed on the National Register of Historic Places.
2. Special Permit: All towers and additions to existing facilities not issued or eligible for an administrative permit and all requests for a special permit shall be reviewed and evaluated for issuance of a special permit, according to the procedure established in ARTICLE 13 of the Lancaster County Zoning Regulations.

Any decision to deny a special permit under this Article shall be made in writing and shall state the specific reasons for the denial. Any recommendation to deny, by the Planning Commission will be forwarded to the County Board for a hearing. Any denial by the County Board shall be deemed a final administrative decision, subject to judicial review and appeal. (Resolution No. R-15-0005; January 13, 2015)

10.08. Location Preferences

Personal wireless facilities shall be located and designed to minimize any significant adverse effect on the abutting property. Sites shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The locational preferences for siting new personal wireless service facilities are listed below:

a. Preferred Location Sites:

1. Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such site may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.
2. Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on

existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

3. Publicly owned which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.
4. Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

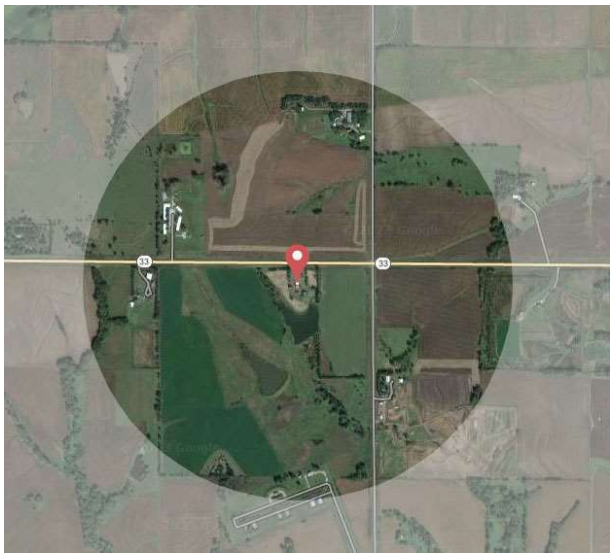
b. Limited Preference Sites, in order of priority:

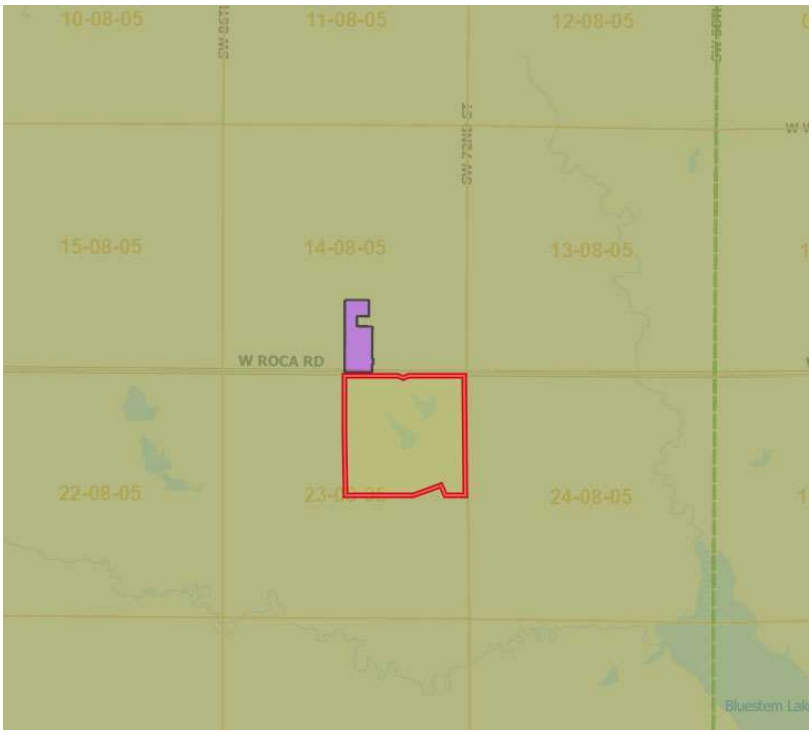
1. Sites on other public property.
2. Sites on other commercially or industrially zoned property.
3. Screened antennas on multi-family residential structures exceeding thirty feet (30) in height.
4. Camouflaged structures with minimal impact on residential land uses.

c. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas.

The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

- **Applicant Response:** **There are no publicly owned existing structures, towers or buildings or other usable antenna support structures within a half mile radius of the proposed tower. There are also no commercially or industrially zoned properties in the surrounding area. The map below shows all surrounding properties are either Agricultural or Agricultural Residential. See map (to the right) from TowerSource, which is the wireless industry's largest and most comprehensive tower database.**





Applicant Response (continued from 10.08)

- **The proposed tower is not located in a sensitive area. The vast majority of the properties in the surrounding area are both zoned and used for Agricultural purposes.**

10.09. Application Requirements

a. Pre-Application Conference and Fees. Prior to the acceptance of an application by the County, applicants shall participate in a pre-application conference for the purposes of discussing application requirements, specifics of the site, plans for current and future facilities, and establishing the application fee. The purpose of establishing the application fee is to ensure the recovery of County costs and expenses associated with the review of the application including, but not limited to, actual costs of County staff time and resources as well as any outside consultation expenses which the County reasonably determines are necessary to adequately review and analyze the application; (Resolution R-06-0103; September 23, 2006)

b. Applications for either an administrative permit or a special permit for a personal wireless facility shall be filed with the Planning Director and shall include the following:

1. Provide copies of any environmental documents required by any federal agency.

Applicant Response: Please find attached a copy of Aeronautical Study No. 2023-ACE-7291-OE, provided from the FAA, which states the proposed tower "would not be a hazard to air navigation" and also requires the tower be lighted for safety purposes. We included the FAA's "Advisory Circular" which provides additional detail on lighting requirements. Also please find attached a Phase I Environmental Site Assessment Report performed TriLeaf Corporation.

2. Provide a description of the anticipated maintenance and monitoring program for the antennae and back up equipment, including frequency of maintenance services.

Applicant Response: This will be an unmanned facility. However, routine maintenance will occur, by both the Tower Owner, Tillman Infrastructure, and the tenants on the tower (i.e., the cell phone companies). For Tillman, please see attached "Tillman Ground Maintenance Schedule" that addresses tower and compound maintenance. The carriers will typically visit the site once a month for routine maintenance, or as required if there are any problems.

3. A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions;

Applicant Response: The proposed height of 235' is the minimum height required to meet the desired coverage objectives (better described in the RF letter). With regard to minimizing adverse visual effects, the options are limited to camouflage a 235' tower in a predominately Agricultural area, however, as required by code the base of the tower is screened with a wooden fence. Please see photo simulations.

4. A description of the security barrier surrounding the base of the tower and accessory equipment. The description should include the method of fencing, finished color and, if applicable, the method of camouflage and illumination. Access shall be through a locked gate. The tower shall either have no climbing devices attached to the lower twenty feet of the tower or shall be fitted with anti-climbing devices.

Applicant Response: The proposed tower will be completely fenced by an 8' wood slatted fence with access provided through a locked gate. There will be no climbing devices attached to the lower twenty feet of the tower.

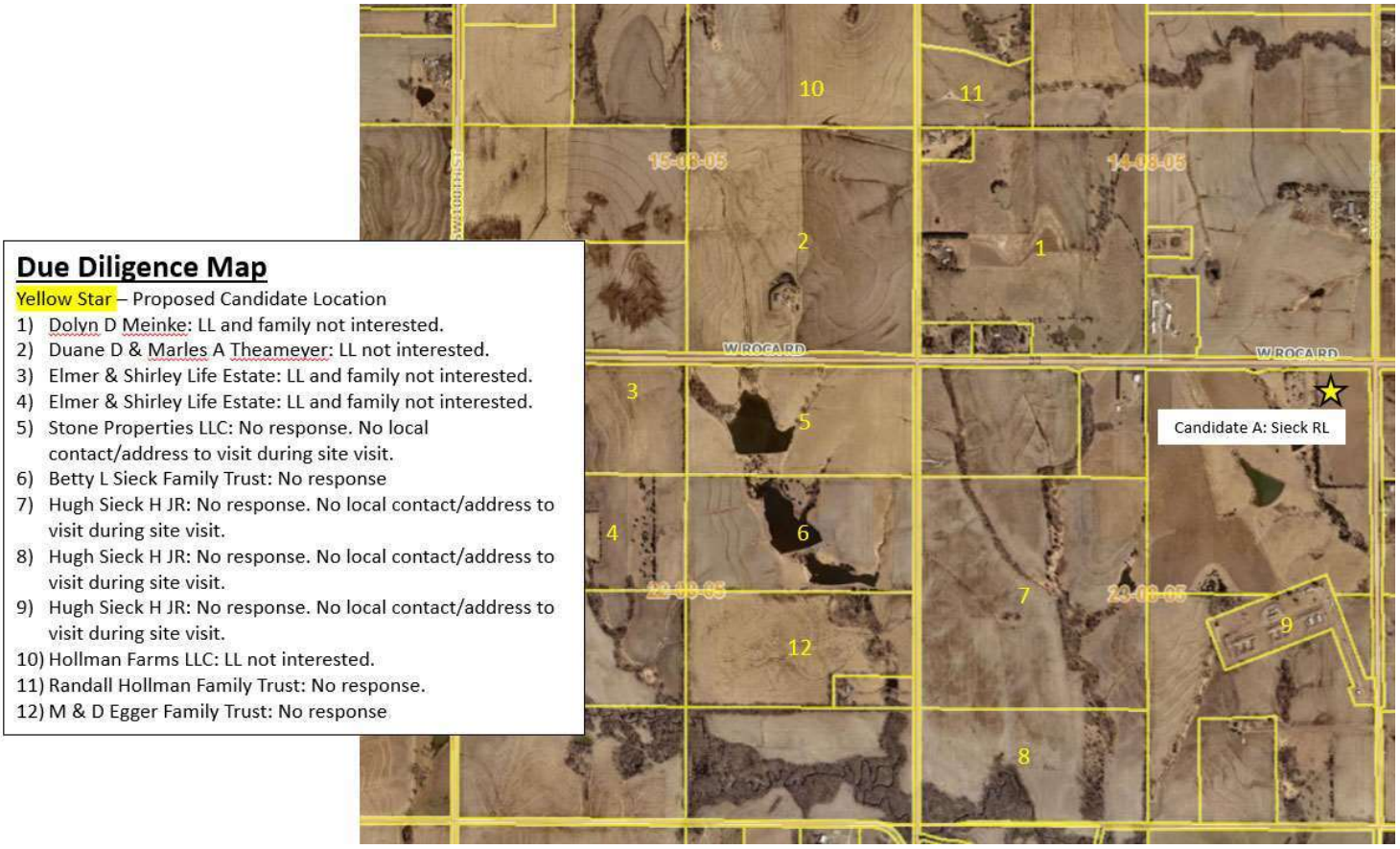
5. statement identifying which location preference, identified in Section 10.008, the proposed facility is meeting. If the proposed location is not a preferred site location, describe:

Applicant Response: As stated in 10.008 There are no publicly owned existing structures, towers or buildings or other usable antenna support structures within a half mile radius of the proposed tower. There are also no commercially or industrially zoned properties in the surrounding area.

c. Whether any preferred location sites are located within the service area of the proposed personal wireless facility;

Applicant Response: **The closest existing personal wireless facility is approximately .8 miles to the west of the proposed facility. As stated in the letter from RF Engineering, Chad Loecker, this existing tower does "not provide the necessary ground elevation, tower height, nor geographic location to achieve" the desired conditions which include the "targeted areas included for improvement" which include Bluestem Lake Recreation and Camping areas, Highway 33 east to Highway 77, and the community of Martell. Existing service in these areas is both coverage and capacity challenged, and the LIN Bluestem site location will provide needed improvements."**

i. What good faith efforts and measures were taken to secure each of these preferred location sites and why such efforts were unsuccessful;



Applicant Response: **The only co-locatable existing structure, located .8 miles to the west of the proposed facility, as discussed in the prior section, does not work for technical reasons. There were 12 other property Owners contacted that either did not respond to our inquiries or did respond and confirmed they were not interested.**

ii. Demonstrate why each such site was not technologically, legally or economically feasible;

Applicant Response: **As stated in the letter from RF Engineering, Chad Loecker, the existing tower does "not provide the necessary ground elevation, tower height, nor geographic location to achieve" the desired conditions.**

iii. How and why the proposed site is required to meet service demands for the geographic service area and citywide network; and

Applicant Response: **As stated in the letter from RF Engineering, Chad Loecker, the desired areas for geographic services include the "Bluestem Lake Recreation and Camping areas, Highway 33 east to Highway 77, and the community of Martell. Existing service in these areas is both coverage and capacity challenged, and the LIN Bluestem site location will provide needed improvements."**

iv. The distance between the proposed facility and the nearest residential unit and residentially zoned properties.

Applicant Response: **The nearest properties zoned "Residential" are approximately three miles to the East in the town of Sprague. The nearest property that includes the term "Residential" in the Zoning District name, is approximately .3 of a mile to the north and west; that property is zoned "Agricultural Residential." The closest Residential unit is a House/farmstead 1430' to the Southeast. This is measured from the base of the proposed tower.**

6. A plot plan of the lot and the proposed uses drawn to an accurate scale and showing all pertinent information. The application material shall provide sufficient information, as determined by the Planning Director, to allow a complete review of the proposal. The application material shall also include sufficient detail to indicate compliance with design

standards. Failure to provide adequate information may result in the rejection of the application.

Applicant Response: **Please see attached drawings and photo simulations, which provide all required information.**

10.10. Standards for Evaluation

a. The Planning Commission may recommend, by special permit, subject to approval of the governing authority, a personal wireless facility in any zoning district after review and consideration of all of the following:

1. Conformity with Comprehensive Plan.

Applicant Response: **Having a modern and robust, 5G enabled wireless network, for future carriers, conforms with multiple sections of the Lincoln-Lancaster Comprehensive Plan. Towers are the vertical backbone of these networks. A connected community with access to modern 5G technology will benefit the citizens of Lancaster County that are within relatively close proximity to the proposed Tower.**

2. Preference of site location in accordance with ARTICLE 10.008.

Applicant Response: **We have provided a response to this in Section 10.008.**

3. Compatibility with abutting property and surrounding land uses.

Applicant Response: **The proposed Tower is an unmanned facility that will generate very little traffic and have virtually no impact on surrounding land uses, other than the positive impacts of the improved coverage. The only potential impacts on surrounding property owners will be the visual impacts of seeing a tower.**

4. Adverse impacts such as the visual, environmental or noise impacts;

Applicant Response: **There will be no negative environmental impacts based on the construction of the proposed tower. The proposed tower, when built, will be unmanned and generate little traffic, and will otherwise sit in silent operation. Visually, in a rural Environment such as this, it is a challenge to camouflage a tower of this size. The landscape is relatively flat, wide open, and does not have a lot of structures.**

5. Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

Applicant Response: **The base of the tower will be surrounded by a wood slatted fence, which will screen ground equipment at the base of the tower, from public view.**

6. Scale of facility in relation to surrounding land uses.

Applicant Response: **The tower will be taller than most surrounding structures. However, it will not be unique in its verticality across the landscape, as other utilities such as power poles, transmission lines, and grain silos, along with the occasional cell phone tower, are all part of the modern rural landscape.**

7. Compatibility with surrounding uses.

Applicant Response: **Answered above.**

8. Impact on views/vistas.

Applicant Response: **Please see answer above to the question of scale in relation to surrounding land uses.**

9. Impact on landmark structures/districts, historically significant structures/ districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

Applicant Response: **We are not aware that the proposed tower will have any negative impacts on landmark structures/districts, historically significant structures/ districts, architecturally significant structures, landmark vistas or scenery and view corridors.**

10. Impact on natural resources, open spaces, recreational trails, and other recreational resources.

11. **Applicant Response:** **We do not anticipate the proposed tower having any impact on natural resources, open spaces, recreational trails, and other recreational resources.**

12. Color and finish.

Applicant Response: **The Tower will have a silver galvanized finish.**

13. Ability to co-locate.

Applicant Response: **As depicted on page ZD-4, the proposed Tower will be able to structurally accommodate a total of four cell phone carriers.**

14. Availability of suitable existing structures for antenna mounting.

b. An application to construct new facilities may be denied if the applicant has not shown by substantial evidence that it has made a good faith effort to mount the facilities on an existing structure and/or tower;

c. Locations in sensitive location sites shall be considered only if the applicant:

1. Provides evidence showing what good faith efforts and measures were taken to secure a preferred location site or limited preference site within one-half mile of the proposed facility; and

2. Demonstrates with engineering evidence why each such preferred location site or limited preference site was not technologically, legally or economically feasible.

d. Personal wireless facilities approved by special permit may be allowed to exceed the height of the district in which they are located.

Applicant Response: As addressed earlier in this section, the closest existing personal wireless facility is approximately .8 miles to the west of the proposed facility. As stated in the letter from RF Engineering, Chad Loecker, the existing tower does "not provide the necessary ground elevation, tower height, nor geographic location to achieve" the desired coverage objectives. This was the only existing structure in the area and was ruled out for technical reasons. We have provided all other property Owners we reach out to.

10.11. Design Criteria for Personal Wireless Service Facilities

a. Equipment Structures used primarily for personal wireless service facilities: Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

1. The maximum floor area is 450 square feet and the maximum height is twelve feet. The Planning Commission may increase the maximum area to accommodate co-location.

2. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in the Design Standards for Zoning.

3. Equipment buildings mounted on a roof shall have a color, and texture similar to the exterior building walls.

4. Equipment buildings which are located in residential zones shall be designed so as to conform in appearance with residential structures.

5. Equipment buildings, antenna, and related equipment shall occupy no more than twenty-five percent (25%) of the total roof area of a building, which may vary in the County's sole discretion if co-location and an adequate penthouse type structure are used.

6. All base equipment and structures shall be located no closer to the property line than the minimum setback for the zone in which it is located.

Applicant Response: The proposed Tower Location far exceeds the setback requirements for the Agricultural district: 512' from the East property line; 2,135' from the South property line; 2,038 to the West property line; and 211' from the North property line.

b. Security Fencing: A well-constructed fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. Screening shall be in conformance with design standards.

c. **Applicant Response: The proposed tower will be completely fenced by an 8' wood slatted fence with access provided through a locked gate.**

d. Color\Finish\Lights: The tower shall have a galvanized finish. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the necessary minimum standards therefor. The color, finish and lighting of the facility shall be specified at the time of application review. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Options on lighting shall be indicated on the application.

Applicant Response: As required by code the tower shall have a galvanized finish. The tower will not be painted. The tower will be lighted, as required by the FAA. The lighting shall not exceed the necessary minimum standards. Please see Aeronautical Study No. 2023-ACE-7291-OE, provided from the FAA, which states the proposed tower "would not be a hazard to air navigation" and also requires the tower be lighted for safety purposes. We included the FAA's "Advisory Circular" which provides additional detail on lighting requirements.

e. Antenna Accommodations. In order to reduce the number of antenna support structures needed in the County in the future, any new proposed support structure shall be designed to accommodate antenna for at least one additional

provider. Area shall be reserved for other providers' equipment near the base of the applicant's tower, unless co- location is shown to be infeasible. The site plan for towers in excess of 100 feet in height must propose space for two comparable providers, while the site plan for towers up to 100 feet in height must propose space for one comparable provider, unless co-location is shown to be infeasible.

Applicant Response: As depicted on page ZD-4, the proposed Tower will be able to structurally accommodate a total of four cell phone carriers.

f. Antenna Criteria: Antenna on or above a structure shall be subject to the following:

1. The proposal shall demonstrate that the antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall be fitted with anti-climbing devices as required in Section 10.009(b)(3).

Applicant Response: Please see letter from PE Anthony Tombo, a Nebraska licensed Engineer, that states that the proposed tower will be "will be designed and analyzed in accordance with IBC, ASCE 7, ANSI/TIA 222-H and all other applicable local and national codes/standards applicable to the proposed tower and foundation. In addition, please find the attached Fall Zone letter from PE Robert Beacom, a Nebraska licensed Engineer. Mr. Beacom works for Sabre Industries, who will manufacture the proposed Tower.

2. Antenna attached to the wall of an existing building shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is attached, unless adequately screened.

Applicant Response: This section of the code is not applicable to the proposed tower.

3. The antenna shall be architecturally compatible with the building and /or wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

Applicant Response: This section of the code is not applicable to the proposed tower.

4. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than that allowed in the applicable zoning district.

Applicant Response: This section of the code is not applicable to the proposed tower.

5. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.

Applicant Response: This section of the code is not applicable to the proposed tower.

6. Roof mounted antenna and related base stations shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

Applicant Response: This section of the code is not applicable to the proposed tower.

7. Rooftop mounts and related base stations shall be screened and integrated with the design of the building.

Applicant Response: This section of the code is not applicable to the proposed tower.

8. Antenna attached to the roof of a building, an existing tower, a water tank, or a similar structure must be either:

i. Omnidirectional or whip antenna no more than seven inches in diameter; or

ii. Panel antenna no more than two feet wide and eight feet long.

Applicant Response: This section of the code is not applicable to the proposed tower.

9. Antenna, antenna arrays, and support structures shall not extend more than the permitted height in the applicable zoning district. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

Applicant Response: This section of the code is not applicable to the proposed tower.

Free-standing roof-top antenna support structures: The roof-top structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and/or uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.

Applicant Response: This section of the code is not applicable to the proposed tower.

Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized,

unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the County, in the County's sole discretion.

g. Fall Zone. Towers and other camouflaged support structures shall be set back a distance no less than half than the height of the structure. The County Board may grant a reduction in the required fall zone when it finds that such reduction will not adversely impact adjacent properties, and is consistent with the intent of this Article to promote the public health, safety and welfare. However in no instance shall the setback be less than that required by the underlying zoning district.

Applicant Response: As previously stated, we exceed these setback requirements: 512' from the East property line; 2,135' from the South property line; 2,038 to the West property line; and 211' from the North property line. In addition, please find the attached Fall Zone letter from PE Robert Beacom, a Nebraska licensed Engineer. Mr. Beacom works for Sabre Industries, who will manufacture the proposed Tower.

10.12. General Requirements

The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

a. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable County building codes and the applicable standards for towers that are published by the Electronic Industries Association ("EIA"), as amended from time to time. If, upon inspection, the County concludes that a tower fails to comply with such codes and standards, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within thirty (30) days, the County may remove the tower at the owner's expense.

Applicant Response: Please see letter from PE Anthony Tombo, a Nebraska licensed Engineer, that states that the proposed tower will be "will be designed and analyzed in accordance with IBC, ASCE 7, ANSI/TIA 222-H and all other applicable local and national codes/standards applicable to the proposed tower and foundation."

b. Structural Design. Towers shall be constructed to the EIA Standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall comply with the requirements of this Article and shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

Applicant Response: We will fully comply with this requirement at the time we submit for a Building Permit.

c. Required Parking. Parking shall be required as per ARTICLE 13 of the Zoning Regulations and the specific requirements of the zoning district of which the tower is located.

Applicant Response: While there is no dedicated parking for this unmanned facility, there is sufficient room at the site for vehicles to pull in and turn around and park while providing maintenance to the tower and its associated equipment.

d. Tower Separation. An applicant will be required to demonstrate why it is necessary from a technical standpoint to have a tower within one-half (½) mile of a tower whether it is owned or utilized by applicant or another provider.

e. **Applicant Response: There are no towers within one-half mile of the proposed tower.**

f. Surety and Indemnity Requirements.

1. Prior to issuance of a building permit, the applicant shall post a surety, approved by the County Attorney, with the County in the minimum amount necessary, as determined by the County to guarantee the future removal of the facilities. The surety may not be revoked or terminated during the life of the permit. The County may use the surety for any expenses it incurs in removing any of the provider's facilities.
2. A provider shall at its sole cost and expense, indemnify and hold harmless the County, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or resulting from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suits and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the County Attorney's office and any employees of the County and any consultants retained by the County.

Applicant Response: Tillman will comply with these requirements.

Safety Inspection Requirements. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety. (Resolution No. R-15-0005; January 13, 2015)

Applicant Response: Tillman will comply with these requirements.

10.13. Non-use; Abandonment (Included for Reference)

Abandonment: No less than thirty (30) days prior to the date that a personal wireless service provider plans to abandon, partially abandon or discontinue operation of a facility, the provider must notify the County by certified U.S. mail of the proposed date of abandonment, partial abandonment or discontinuation of operation. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the County's discovery of discontinuation of operation for more than 90 and 180 days, as the case may be, on all or part of such facility.

a. Upon such abandonment, the provider shall have sixty (60) days or such additional period of time determined in the reasonable discretion of the County within which to:
   1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
   2. Dismantle and remove facility. If the facility or portion thereof is not removed within the sixty (60) days time period or additional period of time allowed by the County, the County may remove such tower or portion thereof or antenna at the provider's expense. If there are two or more providers co-locating on a facility, then this provision shall not become effective until all providers cease using the facility or until a portion of the antenna support structure is no longer used.

   At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, County approval for the facility or a portion thereof shall automatically expire.

b. If ownership of a facility is transferred from one provider to another, the previous provider and the new provider shall be required to notify the County of the change of ownership within thirty days of the change of ownership or transfer of the facility. The new provider shall be required to make amendments to the application that is on file with the County, in order to provide current information. The new provider shall also provide a surety in accordance with section 10.012 (e)(1).

10.14. Zoning districts allowed (Included for Reference)

Personal wireless services facilities may be allowed by administrative or special permit in any zoning district.

10.15. Permitted Special Use: Personal Wireless Services Facilities (Included for Reference)

Personal wireless services facilities may be allowed by administrative or special permit in any zoning district in conformance with the provisions of ARTICLE 10. (Resolution No. R-15-0005; January 13, 2015, Resolution R-00-19, February 22, 2000)