

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

August 21, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 21, 2024, 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, August 21, 2024

Approval of minutes of the regular meeting held [August 7, 2024](#).

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

COMPREHENSIVE PLAN CONFORMANCE:

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1.1 COMPREHENSIVE PLAN CONFORMANCE 24016, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, an amendment to the Antelope Valley Redevelopment Plan to add the Constellation Studios Expansion Redevelopment Project, to include the expansion of the existing Constellation Studios Building and associated streetscape enhancements, on property generally located at 2055 O Street.

Staff recommendation: In Conformance with the Comprehensive Plan

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

SPECIAL PERMIT:

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1.2 SPECIAL PERMIT 24025, to allow soil mining and excavation, on property generally located at S. 96th Street and Roca Road. ****FINAL ACTION****

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoftf@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**

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

Adjournment

PENDING LIST: No items

Planning Department Staff Contacts:

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George Wesselhoft, <i>County Planner</i> gwesselhoft@lincoln.ne.gov	402-441-6366

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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, July 30, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 7, 2024, 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, Bailey Feit, Cristy Joy, Rich Rodenburg, and Cindy Ryman Yost; Lorenzo Ball and Brett Ebert absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin and George Wesselhoft with the Planning Department; media and other interested citizens were present.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Ryman Yost requested a motion approving the minutes for the regular meeting held August 7, 2024.

Motion for approval of the minutes made by Campbell; seconded Joy.

Minutes approved 6-0: Campbell, Cruz, Eddins, Feit, Joy, and Rodenburg voting “yes”; Ball and Ebert absent, Ryman Yost abstained.

Note: This is **Final Action** on the following item **Special Permit 24024** unless appealed by filing a Notice of Appeal with the **County Clerk within 14 days**.

TEXT AMENDMENT 24011
AMENDMENT TO LINCOLN MUNICIPAL CODE SECTION 27.59.060 TO EXPAND THE ABILITY TO OBTAIN BLANKET HEIGHT PERMITS ON AREAS WITHIN THE AIRPORT HAZARD AREA THAT HAVE AN ELEVATION OF MORE THAN 100 FEET BUT NOT MORE THAN 115 FEET ABOVE THE ELEVATION ON THE NEAREST EXISTING OR PROPOSED RUNWAY END IN RESIDENTIAL AREAS AND TO MODIFY WHEN POST-CONSTRUCTION CERTIFICATION IS REQUIRED.

PUBLIC HEARING:

August 7, 2024

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request to amend the Lincoln Municipal Code, specifically Section 27.59.060 Airport Zoning Regulations, to allow blanket height permits over properties in the shaded area of the Airport Zoning Map when the properties meet proposed conditions. It also clarifies when post-construction certification is required after a blanket height permit. This amendment was submitted after several meetings and drafts regarding the rules and regulations surrounding blanket height permits within the shaded area of the Lincoln Airport Zoning Map and post-construction certification. All discussions in regard to the amendment involved the Lincoln Airport Authority.

Martin stated in the airport turning zones, no structure can be built if it is higher than 150 feet above the elevation at the closest runway end. Shaded areas are generally found in the turning zones and have elevations that are 75 feet or more above the elevation on the nearest runway end. This amendment does not permit construction where none was previously allowed. Instead, it will help streamline the height permit and building permit processes by reducing the time and cost involved with applying for multiple height permits at once, as well as reduce the time and effort required for post-construction certification. The amendment will provide a minor reduction in the final cost to the homebuyer or renter. The Lincoln Airport Authority has reviewed the amendment and is not opposed to the change in the text. The amendment is compatible with the 2050 Comprehensive Plan by helping Lincoln and Lancaster County meet a variety of goals and policies, including safe and affordable housing and streamlining the zoning and building permitting processes.

Applicant

DaNay Kalkowski, Seacrest and Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE came forward and stated she is here on behalf of the applicant. Kalkowski stated that the text amendment is confusing, and Martin did a great job explaining. Kalkowski stated that a small regulatory adjustment will keep the housing area affordable and reduce cost for the homebuilders. This boils down to finding a way for residential property to use the blanket height permit. The second component is that it will not require a post construction certification to be done for each lot. By putting some of these in place it assures a little extra room on the top for extra protection. Kalkowski stated that this will allow areas that will be able to utilize the blanket height permit and the post construction certification. Kalkowski noted there are areas in Hub Hall Heights that are subject to the elevation. There are 36 lots that are impacted by the Text Amendment that have an elevation of more than 100 feet but

less than 115 feet. This will have the protections in place and will also protect the dwellings that are built in that area.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

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

Motion carried 7-0; Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Ball and Ebert absent.

TEXT AMENDMENT 24011

ACTION BY PLANNING COMMISSION:

August 7, 2024

Campbell moved to approve Text Amendment 24011; seconded by Joy.

Campbell stated that this is great that so many departments and the applicant worked together. This will be an addition of more moderate cost homes that are needed in this community. Campbell is in full support of this.

Ryman Yost stated that this is fantastic when so many people can partner together to find better solutions to the homeowners.

Motion carried 7-0. Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Ball and Ebert absent.

SPECIAL PERMIT 24024

FOR LAST ENCHANTMENT HELIPORT TO ALLOW FOR A HELIPORT, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 801 CRESTHILL LANE.

FINAL ACTION

PUBLIC HEARING:

August 7, 2024

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request for a heliport in the Special Permit section of the County regulations. The applicant noted that this property had been approved in 1985 for a personal use heliport. Wesselhoft stated that a complaint was received through the Building and Safety Department. Upon investigation, Wesselhoft noted that a Special Permit was not in place. The plan use is for one helicopter. There will not be any commercial operations. The applicant noted that there will not be more than 3 take-offs during the week. Wesselhoft stated that there is not a noise ordinance that will apply at this location. Wesselhoft stated that there was one waiver requested. That waiver was from the drainage and grading plan requirements. The Lancaster County Engineer agrees that the drainage and grading plans should be waived. It was also noted that there were no issues noted by the Airport Authority. Wesselhoft stated that the proposal for the heliport does meet the Lancaster County Zoning Regulations.

Applicant

Richard Greb, 801 Cresthill Lane, Davey, NE came forward and wanted to thank Wesselhoft and the Planning Commission for all the hard work on this Special Permit. Greb stated that he has operated a helicopter from that location since the 1980's. Greb stated that safety is the most important issue. The second is the noise level and the neighbors have written in and stated that the noise level is not an issue. Greb stated that the safety concern is that there are no homes in the depart or arrival path. Greb stated that the National Guard does maneuvers in the area and are fully authorized to use this property if there is an issue and need to land. Also, the public can use the property in an emergency.

Campbell asked how the helicopter is moved in and out of the building. Greb stated that it has ground handling wheels and uses a tractor. Campbell asked what Greb uses the helicopter for? Greb stated that it is for recreational use and offers his services to the Nebraska State Patrol. Greb stated that they go camping and use it for personal use.

Eddins asked if the Air National Guard can land in case of an emergency? Greb stated that the Air National Guard operates between there and Wahoo, so he has offered his services to them.

Ryman Yost wanted to clarify that when public comments are received, the Planning Commissioners do receive and review the comments.

Proponents:

Julie Parham, 17301 Northridge Lane, Davey, NE came forward and stated that her husband, Randy, submitted a public record comment in support. Parham stated that her property line is shared with the Greb property line. Parham stated that she works in her home office daily and during the past 8 years, has never found this to be disruptive to her or her family. Parham has been the secretary and treasurer for the Northridge Neighborhood Association. There has never been an issue brought forward to the Homeowner's Association in regard to the helicopter or landing pad. Parham stated that they are in support to this application.

Stephanie Thompson, 641 Davey Road, Davey, NE came forward in support to this application. Thompson stated that there have not been any issues and have only heard the helicopter a couple of times.

Neutral:

No one approached in neutral.

Opposition:

Chuck Kohles, 17700 Northridge Lane, Davey, NE came forward and stated that they are opposed to the Special Permit application to allow the helicopter to be stored and to land in a residential area. Kohles stated that the concerned citizens in the area have other issues that they had to deal with in Lancaster County and now are having to oppose the heliport. Kohles stated that some other concerns are of the environmental impact on property values. Part of buying a home is researching zoning ordinances and what will affect the buyers and sellers. There are also noise issues, concern of flight pattern of airport traffic, and complaints about the helicopter hovering over the homes. Kohles stated that the low flying helicopter spooks the livestock and farm animals. There is also concern about the tall trees and the fueling the helicopter.

Krista Kohles, 17700 Northridge Lane, Davey, NE came forward and stated that she has 42 signatures of some of the landowners within a mile that have been notified that are protesting this application. Kohles stated that an accident can happen at any time and there is a concern with an accident happening in the area. Kohles stated that the applicant was aware of needing to take out a permit in 1985, and wanted to know why a Special Permit was not taken out at that time. She also questioned as to why one person's convenience could trump another person's lives. The noise can be acceptable, but how it will affect the residential property value, is not fair. Kohles is not sure why this has gone on so long and it was required in 1985, and nothing has been done.

Campbell asked the Kohles how long have lived at their property. Krista Kohles stated that they have lived there as long as the Greb's have lived there (since April of 1979). Krista Kohles stated that a helicopter accident can happen to anyone. That is why she started to look into the permits needed and found out all the other information.

Rodenburg asked how many times a week does the helicopter take off or land. Krista Kohles stated that they would have to be home or outside to hear, but you can feel the vibration. Krista Kohles stated her major concern is property value and safety. There are 42 people and 38 property owners that have signed petition being opposed to this permit.

Ryman Yost asked if they are going to submit the names and addresses of the signatures. Krista Kohles gave the clerk the pages for the petition (Exhibit 1) that included names, addresses and phone numbers of the people opposed to this Special Permit.

Mike Ketterer, 17900 Northridge Lane, Davey, NE came forward and stated that he opposes this permit and has many concerns. Ketterer stated that he contacted some real estate agents about the heliport in being in the area and stated that many insurance companies do not offer insurance for this. Ketterer wanted to know who will regulate the compliance issues and abuses? Ketterer stated that he can see this as being a common issue throughout with additional sites within the area and other areas. Ketterer read a letter from a Civil Engineer that focuses on airports and is an Aviation expert. (Exhibit 2)

Debra Krohn, 17600 Northridge Lane, Davey, NE came forward and stated that she is not in opposition. Krohn stated that the Kohles's did not come to ask what her opinion was. Krohn stated that she lives closer to the heliport than the Kohles's do. Krohn stated that her riding mower makes more noise than the helicopter.

Feit asked if there are issues and are not following the process that are not set forth in the application, who do they call? Wesselhoft stated that a special permit can be revoked if it is not meeting the criteria. Feit asked if they would call the Planning Department or Building and Safety. Wesselhoft stated that Building and Safety or the Planning Department would be recipients of the complaints. Wesselhoft noted that Building and Safety was contacted in 2020, which was the year that a complaint was received. Wesselhoft noted that they are not aware of any violations on the property prior.

Rodenburg asked if the Special Permit goes with the applicant or run with the land. Wesselhoft stated it runs with the land.

Feit asked if the Special Permit would last a certain number of years, would the applicant need to reapply. Wesselhoft stated that it would last in perpetuity regardless of ownership.

Campbell asked that with the Special Permit and the flying three times a week, will that follow also? Wesselhoft stated that is not a condition listed under the conditions of approval, but information that was provided on the application.

Ryman Yost asked Wesselhoft about the comments made about the FAA and violations. Wesselhoft stated that the Planning Department was not aware of any violations with the FAA and enforcement would be through those agencies for their regulations.

Joy asked if Wesselhoft contacted the FAA or if the Nebraska Department of Transportation was contacted? Wesselhoft stated that he did not contact them since they were not included.

Applicant Rebuttal:

Greb came forward in regards to the original application and stated that the information about the FAA was in the original staff report. All the documentation is date stamped back in 1985-1986. Ryman Yost stated that it is part of the application and is online to view. Greb stated that

the highest elevation a helicopter flies at is 500 feet which is the maximum height that he travels. This will decrease once he starts descending back down. Greb stated that he was not aware of any signatures that were received and would like to know if the signatures or comments were verified and would hope that they would enter their questions or comments through a portal so he could respond.

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

Motion carried 7-0. Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Ball and Ebert absent.

SPECIAL PERMIT 24024

ACTION BY PLANNING COMMISSION:

August 7, 2024

Campbell moved to pass the conditional approval of Special Permit 24024; seconded by Joy.

Campbell stated that the reason that he will support this is the fact that this has been in place since 1986 and the neighbors closest to this property support this application. The neighbors closest would have the most impact of noise and do not have an issue. Campbell stated that a helicopter does not take off straight up, it must take off on a glide path, the same with landing. Campbell will be supporting this approval.

Joy stated that the path of the airport goes over this portion of the county. Joy will be supporting this application.

Feit stated that she is a little concerned that the Special Permit going with the land and does not know how the next person will be as safe. Feit stated that she will not be supporting this today.

Motion carried 5-2; Campbell, Cruz, Eddins, Joy, and Ryman Yost voting "yes", Feit and Rodenburg dissenting. Ball and Ebert absent.

Campbell moved to adjourn the Planning Commission meeting of August 7, 2024; seconded by Joy.

Motion to adjourn 7-0; Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Ball and Ebert absent.

There being no further business the meeting was adjourned at 2:11 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 Comprehensive Plan Conformance 24016 <i>Constellation Studios Expansion Redevelopment Project</i>	FINAL ACTION? No	OWNER Constellation Studios LLC
PLANNING COMMISSION HEARING DATE August 21, 2024	RELATED APPLICATIONS None	PROPERTY LOCATION 21 st & O Streets

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to Antelope Valley Redevelopment Plan to add the Constellation Studios Redevelopment Project.

The Project includes expansion of the Constellation Studios building and associated streetscape enhancements. Constellation Studios is a creative gallery, workspace, and professional art demonstration space in a refurbished building.

The Redevelopment Project is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC24016](#).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, Antelope Valley Redevelopment Plan, Affordable Housing Coordinated Action Plan, and Climate Action Plan. It will strengthen Downtown Lincoln’s position as the center for arts and cultural expression within the region, and it will support the expansion of a locally-owned small business.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

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.

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents.

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.

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

Land Use Plan

[Figure GF.b: 2050](#) - This site is shown as Commercial on the 2050 Future Land Use Plan.

Goals Section

G2: Complete Neighborhoods - Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln.

Downtown Lincoln is a good example of a complete neighborhood in Lincoln as it serves as an attractive place to live and serves as the central location for commerce, government, entertainment, and the arts.

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

G12: History and Culture - Lincoln and Lancaster County will celebrate the community's history and diverse cultures and build upon the benefits they provide to civic health, economic vitality, and quality of life.

G13: Community Appearance - Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride.

To achieve this goal, PlanForward addresses community appearance in a variety of topic areas, including:

- Preservation and re-use of historic structures, including both designated landmarks and non-designated buildings.
- Preservation and re-use of historic structures, including both designated landmarks and non-designated buildings.

Elements Section

E2: Infill and Redevelopment

Downtown and Greater Downtown

This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Primary Mixed Use Redevelopment Nodes and Corridors

O Street is a Primary Mixed Use Redevelopment Corridor. It is Lincoln’s “main street” and a key transportation route that provides connections through the heart of the community. The O Street corridor includes a mix of residential and commercial uses and features prosperous commercial areas alongside underutilized commercial properties that present strong opportunities for redevelopment.

E3: Business, Economy, and Workforce

Downtown

Downtown Lincoln stands as a unique community resource. Downtown is the County’s most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses.

Policies Section

P5: Downtown - Continue to make Greater Downtown a major focus for mixed-use reuse, infill and redevelopment.

Action Steps

2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
6. Continue to support Downtown as the entertainment center of the community through development of the Music District proposed in the Downtown Master Plan, continued enhancements and programming for public spaces such as the Railyard, Tower Square, Union Plaza and the future South Haymarket Park, along with maintaining Lincoln’s successful Theater Policy.

P6: Supporting Small Businesses - Support the development, growth, and retention of small businesses.

P37: Historic Preservation - The community’s distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

p. 4.4.1 Maintain Downtown as the economic engine and employment hub for the greater Lincoln region.

p. 4.4.1 Improve Lincoln’s ability to attract and retain talented workers by providing high-quality jobs in diverse fields and offering the amenities that appeal to a new generation of workers.

p. 4.5.1 Continue to strengthen Downtown’s position as the center for arts and cultural expression within the region. By continuing to ensure a diversity of art and cultural offerings and venues, Downtown will create a welcoming and inclusive environment for all.

Arts and culture provide a differential advantage for Downtown by creating the place where local creativity thrives. Arts and culture support economic development in a variety of ways, not just in ticket sales, but also in spending money at local businesses before and after art and music events, as well as purchasing local art. These events can have a positive impact on other Downtown sectors and can be a cultural draw for potential students as well as a way to attract young professionals to Lincoln.

A public/private supported creative arts scene can also retain talent for a wide variety of sectors, as many artists and musicians also work in other fields such as business, healthcare, retail, and education, to name a few. Arts and culture also can provide an important common ground for bringing diverse populations together as well as providing family friendly events for all ages.

p. 4.5.2 Mid-Term Action Item: Encourage, promote, and assist art and cultural retailers to locate in Downtown. Financial assistance may include incentives or short-term, low-interest loans

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

- p. 57 The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core.
- p. 66 Guiding Land Uses and Design Principles, General Principles
1. More Choices - Provide people more choices in housing, shopping, neighborhoods, employment, recreation, entertainment and transportation.
 3. Compaction - Compact development patterns help assure that a City uses its land, infrastructure, transportation and human resources wisely.
 5. Easy Walking Distance - As many activities as possible should be located within easy walking distance of trails and transit stops. Walkable communities are desirable places to live, work, play, learn, and worship.
 9. Economic Development - Create economic development patterns that support the existing business community and promote new business development opportunities. Protect critical economic enterprise areas and promote a variety of locations for economic activities
 18. Incentives - Provide incentives and tax policies to support urban intensification including brown field redevelopment and the redevelopment of underutilized lands and buildings.

AFFORDABLE HOUSING COORDINATED ACTION PLAN SPECIFICATIONS:

- p. 87 Urban living opportunities, including downtown, mixed-use centers, and revitalization of older commercial corridors can be very appealing options for empty-nesters and newly retired professionals. Lincoln has seen some of this in the downtown condo market, but the vast majority of these units are not affordable to moderate-income households. Low-maintenance units close to services and entertainment allow individuals to live more active lifestyles. The demand for this type of unit by the nation's aging Baby Boomers is only growing. Adding these units to downtown, commercial centers like Havelock, or corridors like South 48th Street would mix housing with services already available to residents.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar "80x50" goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
- Continue to encourage mixed-use development in the Comprehensive Plan.
 - Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

ANALYSIS

1. This is an amendment to the Antelope Valley Redevelopment Plan that identifies the Constellation Studios Expansion Redevelopment Project. Constellation Studios was established in 2013 by Karen Kunc, an internationally renowned Nebraska artist and provides a creative gallery, workspace, and professional art demonstration space in a refurbished building in the City's Antelope Valley neighborhood.
2. The Project includes expansion of the existing Constellation Studios building in order to have the ability to offer more art demonstration space and multiple artist studio spaces along with designated parking. The Project will also include an updated streetscape design along the abutting 21st Street and potentially O Street.

3. The Project was reviewed by the Urban Design Committee on July 9th. The Commission unanimously (4-0) recommended approval for the project. The meeting minutes and associated staff report are below. The staff report includes proposed site and building renderings.

[Meeting Minutes - Urban Design Committee July 9](#)
[Urban Design Committee Staff Report](#)

4. The Project is located Downtown, within the Antelope Valley Project area, and is near the Telegraph District and adjacent to the O Street Entryway Corridor. It is an area that is experiencing pockets of revitalization through previous redevelopment activities. The Project fits well with surrounding land uses including retail, commercial, residential, dining, and entertainment.
5. The site is within the B-4 zoning district (Lincoln Center Business District), and the site layout and use is in conformance with the B-4 district requirements.
6. The overall goal of the Project is to expand an existing business that has been a cornerstone of the area for over a decade, as well as strengthening the long-term viability of Downtown and the Telegraph District, support the 24-hour vibrancy of Downtown and the Telegraph District by expanding artistic opportunities and creating a community creative space, and improve the pedestrian environment within the Redevelopment Area.
7. The Project is consistent with PlanForward, the Lincoln- Lancaster County 2050 Comprehensive Plan. One of the Comprehensive Plan's overarching goals is to support small businesses, as they are important to the local economy for a variety of reasons. Small businesses provide an opportunity for local entrepreneurs to enter the marketplace, serve as a platform for innovation, and nurture businesses that specialize in niche products and services.
8. The Project is also consistent with the 2018 Lincoln Downtown Master Plan. The Master Plan encourages the continuation of strengthening Downtown's position as the center for arts and cultural expression by continuing to ensure a diversity of art and cultural venues. The Project provides the opportunity to expand artistic offerings in the Downtown. Further, the Project will continue to support public art via exterior murals and elevated streetscape designs.
9. The Project is also consistent with the goals of the Antelope Valley Redevelopment Plan. It is located within the Mixed Use (MU) area of the plan, which is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center.
10. The Project is consistent with the City's Affordable Housing Coordinated Action Plan, which states that the City will need an estimated 17,000 housing units to support population growth over the next decade. Though this Project will not impact the City's overall housing need, the Project supports the goal to create an active and vibrant community by creating a unique creative space opportunity that will support artists and other residents living and working in the Downtown.
11. The Project is consistent with the City's Climate Action Plan as well. The Climate Action Plan prioritizes the adoption of transit-oriented development ("TOD") policies with Lincoln's growth and redevelopment. It also emphasizes the alignment of economic development goals with climate realities, through the growth of climate smart businesses and the development of a climate ready workforce. The Project includes energy enhancements and impervious surface for parking.
12. The Project Site has an assessed property value of \$538,900 for 2024. Upon completion of the Project, the assessed value of the Project Site is anticipated to increase by approximately \$1,047,600 with an estimated assessed property value of \$1,586,500. This would generate approximately \$230,000 in available TIF funds over 20 years. Specific details for publicly funded improvements for this site will be finalized with the redevelopment agreement.

13. The overall project boundary includes the surrounding right-of-way for O Street, 21st Street, and the adjacent alleyway. These areas are included to allow for streetscape enhancements utilizing TIF. Details of potential streetscape enhancements will be finalized as part of the redevelopment agreement.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: Constellation Studios

SURROUNDING LAND USE AND ZONING:

North: O Street, Commercial	B-4 Lincoln Center Business District
South: LES Substation	B-4
East: 21 st Street, Antelope Creek	B-4
West: Commercial	B-4

APPROXIMATE LAND AREA: 2.4 acres

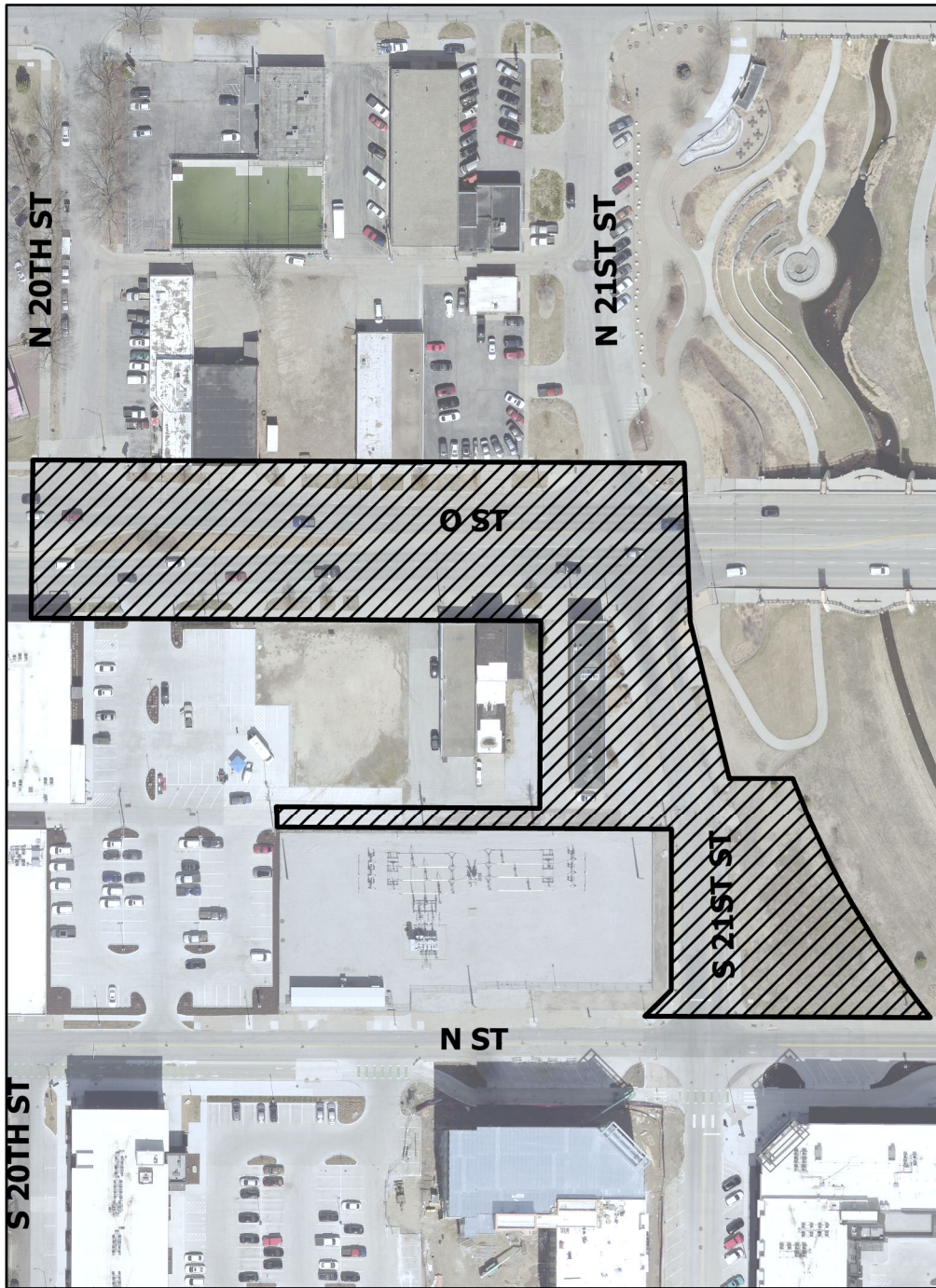
Prepared by Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

August 6, 2024

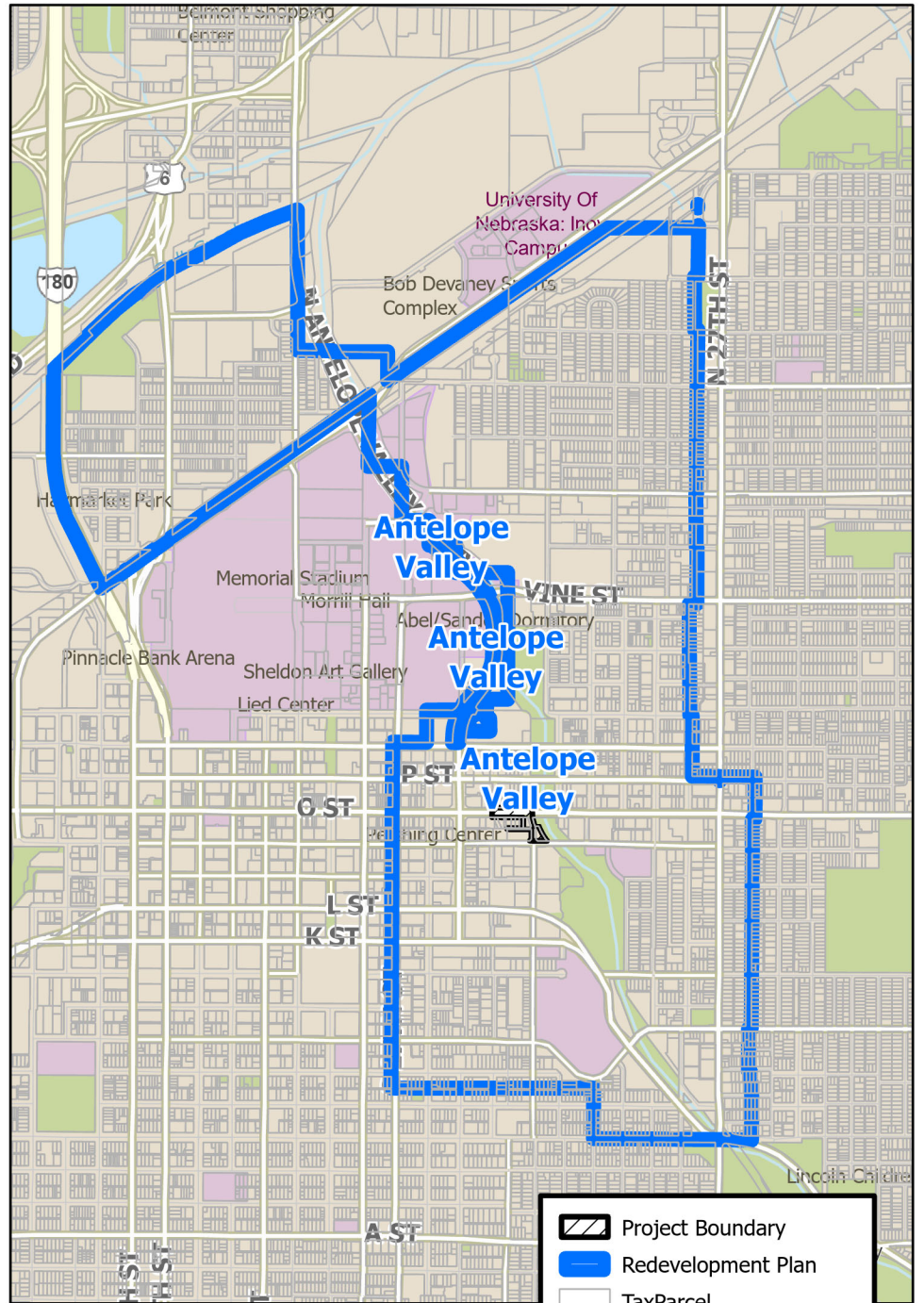
Applicant: Urban Development Department, City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Hallie Salem
Urban Development Department, City of Lincoln
(402) 441-7866, hsalem@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24016 Constellation Studios Expansion Redevelopment Project.adt.docx>



2022 aerial



	Project Boundary
	Redevelopment Plan
	TaxParcel

Comprehensive Plan Conformance #: CPC24016
Constellation Studios Expansion Redevelopment Project





LINCOLN
Urban Development

July 23, 2024

Andrew Thierolf, Planning Department
City of Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Dear Andrew:

Enclosed is a copy of the Constellation Studio Expansion Redevelopment Plan Amendment to the Antelope Valley Redevelopment Plan. This redevelopment project proposes the expansion of the existing Constellation Studios as well as right-of-way and other public -improvements.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration for Comprehensive Plan compliance at the August 21, 2024 public hearing. We request that the redevelopment plan also be scheduled at City Council for introduction on September 9, 2024 and public hearing on September 16, 2024.

If you have questions or need additional information, please contact me at 402-441-7857 or jhiatt@lincoln.ne.gov.

Sincerely,

Jennifer Hiatt
Planner II | Economic Opportunity
Urban Development

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

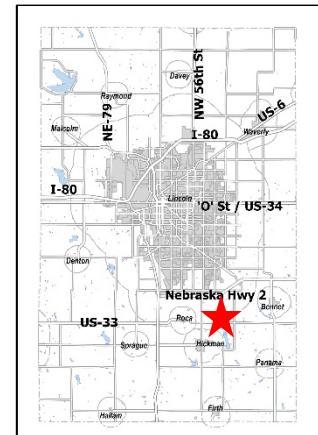
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #24025	FINAL ACTION? Yes	DEVELOPER/OWNER Haes Excavating, Inc./Hacor, Inc.
PLANNING COMMISSION HEARING DATE August 21, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 15101 S. 96 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation on property generally located to the north and west of the intersection of S. 96th and Roca Road. This is at the edge of the Lincoln 3-Mile jurisdiction south of Lincoln and east of Roca. The property is currently zoned AG Agriculture with a total of 18.6 acres proposed to be disturbed.



JUSTIFICATION FOR RECOMMENDATION

The application with the conditions of approval meets the requirements for an excavation permit. No waivers are requested. There will be no negative impact to nearby properties with the proposal with the conditions and associated requirement for this special permit.

APPLICATION CONTACT

Scott Haes, (402) 499-1166 or scotthaes@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area is shown as Agricultural, Environmental Resources and Green Space in the 2050 Future Land Use Plan with the vast majority of the property identified as Agricultural. The property is beyond Growth Tier III. The use is compatible with the agricultural designation for the area in the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as Agricultural, Environmental Resources and Green Space on the 2050 Future Land Use Plan. The majority is Agricultural with only the far west side of the property identified for Environmental Resources and Green Space reflecting floodplain and wetlands located to the west.

Land Use Plan -

Agricultural. Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as

growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

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

Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

ANALYSIS

1. This is a request for a special permit for soil excavation located north and west of the intersection of S. 96th Street and Roca Road. The property address is 15101 S. 96th Street. There is an existing single-family home on the far north side of the Lot 26 I. T. which is not included in the proposed special permit area. The area of the special permit is approximately 23.2 acres with 18.6 acres being disturbed for soil excavation. The site is located in the Lincoln 3-Mile jurisdiction and is currently zoned AG, Agriculture. The proposed excavation area has been used for crops.
2. The excavation will be divided into three phases with the first phase starting on the south side of the site and the moving north with subsequent phasing. Each phase will be around 5 acres in size. The vehicle entrance and exit will be located on the south side of the site generally between phase 1 and phase 2. Phase 1 will include 45,700 cubic yards and a maximum cut of about 10 feet. Phase 2 will include 58,400 cubic yards and a maximum cut of about 12 feet. Phase 3 will include 64,800 cubic yards and a maximum cut of about 12 feet. Total excavation will include 168,900 cubic yards. Vehicle and equipment storage area and soil storage will be included with Phase 1.
3. As part of the requirements under the Special Permit, a groundwater report was submitted from a groundwater hydrologist. This examined any wells within 1,000 feet and any community well within 2,000 feet. The groundwater report identified six wells within 1,000 feet of the proposed excavation. The report concluded that the proposed excavation and final grading plan are not expected to have any adverse impact on the groundwater or nearby wells. The Health Department reviewed and only had minor corrections that need to be addressed in the groundwater report which are included as conditions of approval.
4. The applicant has submitted the required grading information. LTU Watershed did not have any concerns. The County Engineer requested additional information on contours, grading and volume of excavation which is included in the conditions of approval. The grading will not impact the FEMA 100-year floodplain or wetlands which are located to the west and only overlap the property at its far western edge.
5. The primary haul routes in and out of the site will utilize S. 96th Street and then Roca Road. Then either east along Roca Road to S. 120th Street and north to Highway 2 or west of S. 68th Street and north to Highway 2. S. 96th Street is a rock surfaced road. Roca Road is a paved road. As part of the conditions of the permit, the applicant will be required to enter into a road maintenance agreement with Lancaster County Engineering. In addition, a truck haul route map will be provided as a condition of approval to determine traffic impacts to County roads. The applicant did not identify other routes besides the above routes in their application letter.
6. As part of the requirement of the permit, activity on the site is limited to daylight hours, Monday through Saturday.
7. Within nine months after the completion of excavation on any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded. Topsoil will be stored on site for this purpose. The special permit will last for three years from the date of approval.
8. The Special Permit with the conditions of approval meets the Zoning Ordinance requirements for excavation and is consistent with the Comprehensive Plan. There will be no negative impact to the residential uses outside of the project boundary.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single Family Home, Farmland, AG Agriculture

SURROUNDING LAND USE & ZONING

North:	Farmland/Single Family Home	AG Agriculture
South:	Trees/Single Family Home	AG Agriculture
East:	Farmland/Single Family Home	AG Agriculture
West:	Farmland, Floodplain, Wetlands	AG Agriculture

APPROXIMATE LAND AREA: 23.2 acres, more or less
18.6 acres of disturbed area, more or less

LEGAL DESCRIPTION: The south 1500 feet of Lot 26, located in the E 1/2 of Section 14-8-7, Lancaster County, Nebraska

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

Date: August 8, 2024

Applicant/
Contact: Scott Haes - Haes Excavating, Inc.
9800 Breagan Road
Lincoln, NE 68526
(402) 499-1166
scotthaes@gmail.com

Owner: Julius E. Haes - Hacor, Inc.
6815 Northridge Road
Lincoln, NE 68516
juliushaes@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24025 96th & Roca Borrow Pit.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24025

Per Section 27.63.160 this approval permits Excavation for three years from the date of approval for approximately 23.2 acres with 18.6 acres being disturbed.

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 Revise the groundwater report to clarify on page 1 under Project Introduction an Objective that ponding will not occur on the site.
 - 1.2 Correct the language in the groundwater report addressing the registered well G-180074's aquifer depth and separation to the lowest excavation elevation so it is accurate.
 - 1.3 Correct the typographical error in the groundwater report as identified on page 3 by the Health Department 7/26/2024 comments.
 - 1.4 Amend General Note 11 to add portions of Roca Road, S. 120th Street and S. 68th Street in addition to S. 96th Street.
 - 1.5 Submit a "Truck Haul Route" map as a separate exhibit.
 - 1.6 Provide a plan view and profile of the proposed entrance into the borrow site.
 - 1.7 Clarify General Note 15 so it is consistent with the groundwater report information on existing wells within the vicinity.
 - 1.8 Provide site exhibit showing existing contours and flow paths within the Special Permit boundary.
 - 1.9 Include proposed excavation contours and proposed final grade contours on the grading plan.
 - 1.10 Indicate excavation volumes on the grading plan.
 - 1.11 Clarify the flow direction for flow areas on sheets C2.0 and C3.0 so they are consistent.
 - 1.12 Include grading information for phase 2 and 3 or add a general note stating information for phase 2 and 3 will be included in a future submittal, prior to work beginning on site.
 - 1.13 Clarify General Note 14 respective of floodplain boundary within the special permit area if there is floodplain in the boundary.
 - 1.14 Include information and description of all phases of the operation and the specific listing of the type of machinery and equipment to be used.
 - 1.15 Add SP24025 to the title information.
 - 1.16 Correct the legal description for the Special Permit area to "The South 1500 feet of Lot 26 located in the East ½ of S14, T8, R7, Lancaster County, Nebraska".
2. The following conditions shall apply:
 - 2.1 Before beginning the excavation operations, the Permittee shall have
 - 2.1.1 Post performance bond in the amount of \$9,765.00 (\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading,

topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

- 2.1.2 Applicant shall enter into a “Road Maintenance Agreement” with Lancaster County to include all roads impacted by the operation.
- 2.1.3 Make access permit application with Lancaster County Engineering Department at 444 Cherrycreek Road Building “C” for the construction entrance to this borrow pit site along S. 96th Street.
- 2.1.4 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
- 2.1.5 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 2.1.5.1 Clearly visible from the adjacent road;
 - 2.1.5.2 At least 32 square feet in area;
 - 2.1.5.3 Lettering shall be at least two inches in heights, black on a white background;
 - 2.1.5.4 The shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Building and Safety Department contact number.
- 2.2 After beginning the excavation operations, the Permittee shall have
 - 2.3.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
 - 2.3.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
 - 2.3.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
 - 2.3.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
 - 2.3.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
 - 2.3.6 Operating hours shall be limited to daylight hours, Monday through Saturday.

- 2.3.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
 - 2.3.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
 - 2.3.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
 - 2.3.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
 - 2.3.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
 - 2.3.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety’s hourly rate in effect on the date of the application. Building and Safety shall:
 - 2.3.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
 - 2.3.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
 - 2.3.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
 - 2.3.14 The construction plans shall generally comply with the approved plans.
3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

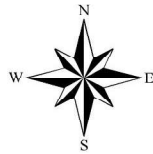
Standard Conditions:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 3.4 The applicant shall sign and return the letter of acceptance to the 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.
- 3.5 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.



Special Permit #: SP24025
S 96th St & Roca Rd

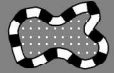




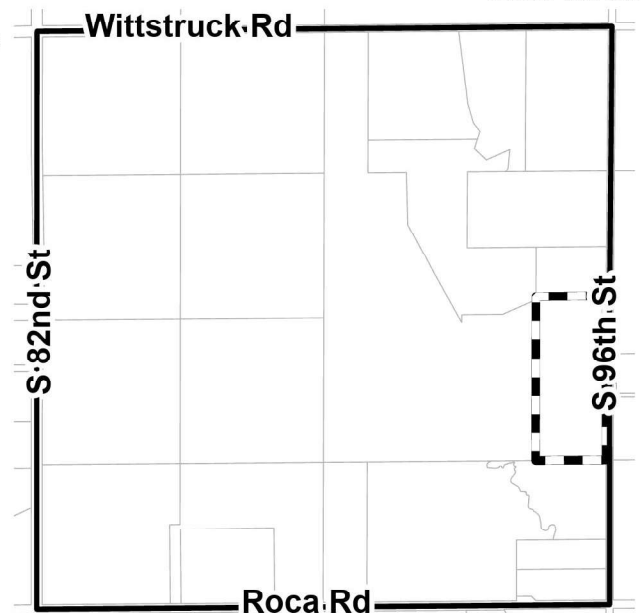
2020 aerial

One Square Mile:
 Sec.14 T08N R07E

Zoning:

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
26	



PAGE INDEX

C0.0	COVER
C1.0	SITE PLAN
C2.0	GRADING PLAN
C3.0	SWPPP PLAN

Haes, Scott
 15101 S 96th Street
 Bennet, Nebraska 68430

HAZARD

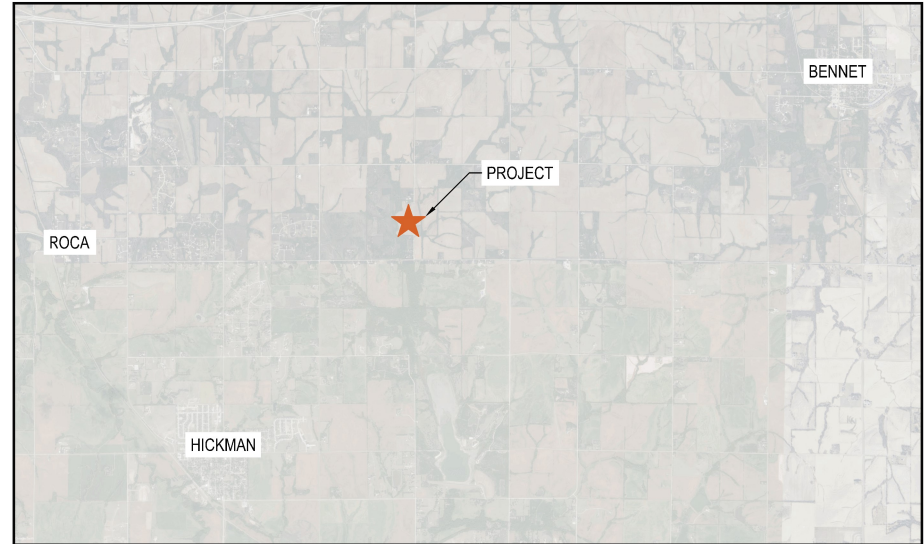
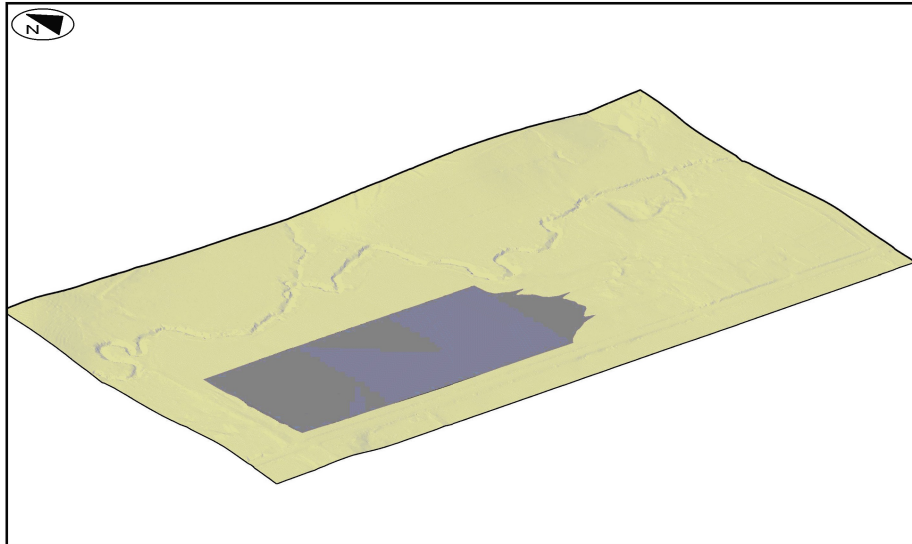
ENGINEERING

96TH & ROCA BORROW PIT



HAZARD ENGINEERING, LLC
 NBAA COA - CA4833
 Valparaiso, NE 68065
 Phone: (402) 525-3651
 thazard@hazardeng.com

COVER



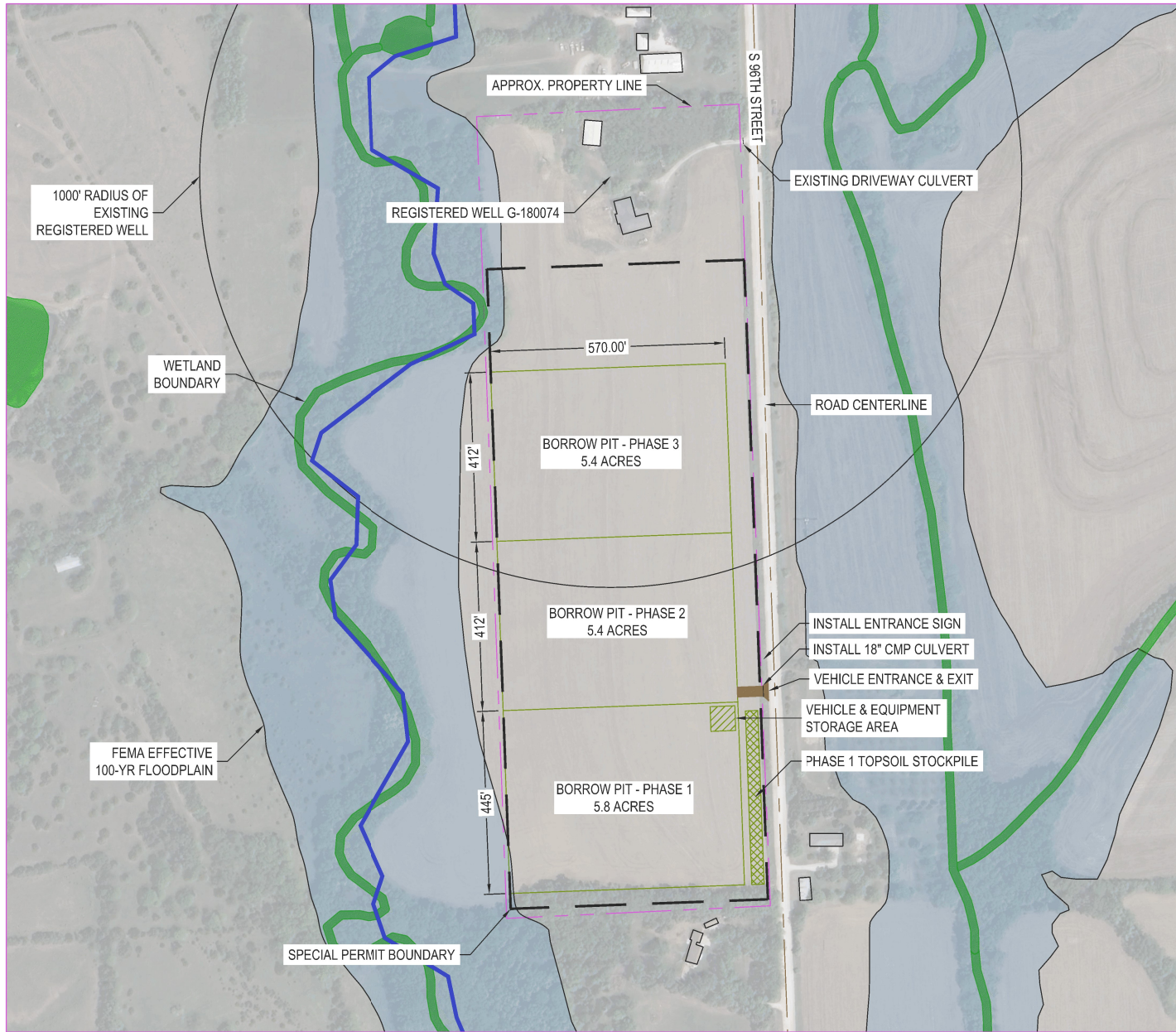
1 PROJECT LOCATION
 NOT TO SCALE

96TH & ROCA BORROW PIT
 Haes, Scott
 15101 S 96th Street
 Bennet, Nebraska 68430
 Lat: 40.6605 Long: 96.5923

Printed: 6/14/24	
Rev.	Date



C0.0



SITE PLAN LEGEND

- 100-YR FLOOD PLAIN
- - - PROPERTY LINE
- - - SECTION LINE
- - - GRADING LIMITS
- - - WETLAND BOUNDARY - NATIONAL WETLAND INVENTORY BY U.S. FISH & WILDLIFE SERVICE

OWNER: HAZARD INC. 6815 NORTHDRIVE RD LINCOLN, NE 68516

ENGINEER: HAZARD ENGINEERING 567 W. 15TH ST, SUITE 101 WAHOO, NE 68066 PHONE: 402-525-3651

APPLICANT: HAES EXCAVATING, INC. 9800 BREAGAN RD LINCOLN, NE 68526 PHONE: 402-499-1168

EQUIPMENT:
 • EXCAVATOR
 • TRACK LOADER
 • DUMP TRUCK

LEGAL DESCRIPTION: S14, T8, R7, 6TH PRINCIPAL MERIDIAN, LOT 26 E1/2

ZONING DISTRICT: AG - AGRICULTURE DISTRICT

SPECIAL PERMIT AREA: 22.3 ACRES

GENERAL NOTES:

1. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS, MONDAY THROUGH SATURDAY.
2. PERMITTEE SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE DIRECTOR OF BUILDING AND SAFETY ADDRESSING THE STATUS AND EXTENT OF OPERATIONS AND EACH CONDITION OF THE SPECIAL PERMIT FAILURE TO SUBMIT THE ANNUAL REPORT SHALL CONSTITUTE JUST CAUSE FOR THE CITY COUNCIL TO REVOKE THE SPECIAL PERMIT.
3. PERMITTEE SHALL BE SUBJECT TO AN ANNUAL SITE INSPECTION BY THE DIRECTOR OF BUILDING AND SAFETY.
4. S. 96TH STREET SHALL BE MAINTAINED, INCLUDING WATERING AS NEEDED FOR DUST CONTROL ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR CLOSOS OF DIRT.
5. PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES TO PREVENT DAMAGE TO S. 96TH STREET. THE EXISTING DITCH SHALL BE MAINTAINED FOR PROPER DRAINAGE.
6. ACCESS TO S. 96TH STREET SHALL BE LIMITED TO ONE LOCATION ONLY AND ACCESS AND USE OF THIS EXCAVATION AND MINING PERMIT IS ONLY VIA S. 96TH STREET.
7. THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA FARM BILL COMPLIANCE.
8. NO MORE THAN TWENTY (20) ACRES OF THE SITE SHALL BE OPEN FOR OPERATIONS AT ANY ONE TIME. THE SURFACE SHALL BE MAINTAINED IN SUCH A MANNER THAT SURFACE WATERS DO NOT COLLECT AND POND.
9. EXCAVATION SHALL BE CONDUCTED IN SUCH A WAY AS NOT TO CONSTITUTE A HAZARD TO ANY PERSONS, NOR TO THE ADJOINING PROPERTIES. DUST SHALL BE CONTROLLED ON-SITE TO MEET LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS.
10. TOPSOIL SHALL BE COLLECTED AND STORED FOR REDISTRIBUTION ON THE SITE AT THE TERMINATION OF THE OPERATION OR TERMINATION OF EACH PHASE.
11. APPLICANT SHALL ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH LANCASTER COUNTY FOR S. 96TH STREET THROUGHOUT OPERATION OF THE PERMIT.
12. A SPECIAL PERMIT MAY BE APPROVED FOR A MAXIMUM OF THREE YEARS FROM THE DATE THE SPECIAL PERMIT IS ISSUED.
13. AN ENTRANCE SIGN SHALL BE POSTED AND MAINTAINED AT THE ENTRANCE TO THE SITE WITH APPLICABLE PERMIT INFORMATION AND AS DESCRIBED IN LMC TITLE 27 - ZONING.
14. NO GRADING ACTIVITIES SHALL TAKE PLACE WITHIN THE FEMA EFFECTIVE FLOODPLAIN OR AREAS IDENTIFIED AS POTENTIAL WETLANDS.
15. NO EXCAVATION SHALL TAKE PLACE WITHIN 1,000 FEET OF ANY OFF-SITE PRIVATE WELLS OR WITHIN 2,000 FEET OF A COMMUNITY WELL.



SITE MAP



HAZARD ENGINEERING, LLC
 NBEA COA - CA4833
 Valparaiso, NE 68065
 Phone: (402) 525-3651
 thazard@hazardeng.com

SITE PLAN

96TH & ROCA BORROW PIT
 Haes, Scott
 15101 S 96th Street
 Bennet, Nebraska 68430
 Lat.: 40.6605 Long: 96.5923

Printed: 6/14/24

Rev.	Date



C1.0



GRADING LEGEND

- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPERTY LINE



HAZARD ENGINEERING, LLC
 NBEA COA - CA4833
 Valparaiso, NE 68065
 Phone: (402) 525-3651
 thazard@hazardeng.com

GRADING PLAN

96TH & ROCA BORROW PIT
 Haas, Scott
 15101 S 96th Street
 Bennet, Nebraska 68430
 Lat: 40.6605 Long: 96.5923

Printed: 6/14/24	
Rev.	Date



C2.0



July 16, 2024

George Wesselhoft
County Planner
Lincoln/Lancaster County Planning Department
555 s. 10th Street, Suite 213
Lincoln, NE 68508

Dear Mr. Wesselhoft,

Enclosed is a Special Use Permit application for a Mining Permit that complies with Lincoln Municipal Code and requirements outlined in Title 27.63.160 - Excavation. The borrow pit will be called the 96th and Roca Borrow Pit and operated by Scott Haes with Haes Trucking, LLC.

The primary haul routes in and out of the facility will utilize 96th Street from Roca Road. Then either East along Roca Road to 120th Street and North to Highway 2 or West to 68th Street and North to Highway 2. A site plan has been prepared to outline the phasing plan and associated site features related to ingress/egress, normal operations, and erosion control measures. In addition, a grading plan has been developed to outline both existing grades and proposed grades once each phase has been completed.

A water study has also been completed and is included as part of the submittal and required under this Title.

Included in the submittal is the application fee for a Special Use Permit for a site greater than 1 acre. No waivers are requested.

If you have any questions of the application, please contact me at thazard@hazardeng.com or at 402.525.3651.

Regards,

A handwritten signature in blue ink that reads "Travis R. Hyl".

Travis Hazard, PE, CFM
Hazard Engineering

Enclosure

cc: Scott Haes – Haes Trucking, LLC

