

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 15, 2018, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Tom Beckius, Tracy Corr, Tracy Edgerton, Deane Finnegan, Maja Harris, Chris Hove, Cristy Joy, Dennis Scheer, and Sändra Washington. David Cary, Steve Henrichsen, Tom Cajka, George Wesselhoft, Brian Will, Geri Rorabaugh, and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Scheer requested a motion approving the minutes for the regular Planning Commission hearing held August 1, 2018. Motion for approval made by Hove, seconded by Edgerton and carried, 7-0: Beckius, Corr, Edgerton, Finnegan, Hove, Joy, and Scheer voting 'yes'; Harris and Washington abstained.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 15, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 18005, SPECIAL PERMIT NO. 1968A, and COUNTY SPECIAL PERMIT NO. 18028.**

There were no ex parte communications disclosed.

Hove moved approval of the Consent Agenda, seconded by Washington and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Scheer voting 'yes'.

Note: This is FINAL ACTION on SPECIAL PERMIT NO. 1968A and SPECIAL PERMIT NO. 18028 unless appealed by filing a Letter of Appeal with the Office of the City Clerk or County Board within 14 days. This is a recommendation to the City Council on ANNEXATION NO. 18005.

Scheer called for **REQUESTS FOR DEFERRAL**. The following related items were called:

ANNEXATION NO. 18003, TO ANNEX APPROXIMATELY 24.1 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT 7420 YANKEE HILL ROAD: **August 15, 2018**

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

CHANGE OF ZONE NO. 18015, FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) ON PROPERTY GENERALLY LOCATED AT 7420 YANKEE HILL

ROAD: August 15, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

SPECIAL PERMIT NO. 18022, FOR A 55 LOT CUP, WITH WAIVERS, ON PROPERTY GENERALLY LOCATED AT 7420 YANKEE HILL ROAD:

August 15, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

Harris moved to place these items on the Pending List, as requested by the Applicant; seconded by Finnegan and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Scheer voting 'yes'.

There was no public testimony on these items.

CHANGE OF ZONE NO. 18013, FROM AGR (AGRICULTURAL RESIDENTIAL) TO O-3 (OFFICE PARK DISTRICT), ON PROPERTY GENERALLY LOCATED AT 8435 FIRETHORN

LANE: August 15, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

Staff Recommendation: Approval.

USE PERMIT NO. 18005, FOR AN APPROXIMATELY 2.74-ACRE USE PERMIT FOR UP TO 26,400 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS, ON PROPERTY GENERALLY LOCATED AT 8435 FIRETHORN LANE:

August 15, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer, and Washington.

Staff Recommendation: Conditional Approval.

Scheer disclosed that he had a call from an adjacent neighbor and asked that they submit their comments to the Planning Department, which he believes was done.

Staff Presentation: Brian Will of the Planning Department stated the eastern third of this property is being left with residential zoning and will be included as part of the Firethorn CUP via an associated Administrative Amendment that is currently under review. The western portion will become O-3, Office Park District. The surrounding area is primarily residential in character; however, the Pipeline Planning Area that runs along 84th Street is in excess of 250

feet wide and extends onto properties adjacent to the road. This impacts future development since the recommendation from Staff is that no residential uses, and things like hotels or daycares, be located within the area. As areas along the corridor develop, it is typical to see a change of zone request in response to that Staff position. O-3 is the zoning in the larger surrounding area. Some spot zoning is occurring, but the particular area in question is large enough to have its own use permit.

The other concerns for this site are related to access and traffic. Several years ago, this property and the one adjacent to the south each had individual drives that took access off of 84th Street. When 84th Street was widened, the two drives were combined into a shared access off of Firethorn Lane. With this current request, Staff was concerned about what would happen to the access for the property to the south. After meeting with the applicants, that property owner submitted a letter stating they support the proposed site plan, as shown. There was a Motion to Amend submitted by the Applicant to reflect this support (See Attachment 1); Staff supports that motion. The other question was how that drive will function given its proximity to 84th. Moving the drive farther east to line with the drive of the church or submitting a traffic study were potential options, but the applicant has since agreed to install a right-turn lane in Firethorn at the north edge. Public Works agreed that was an adequate solution and the drive can remain in place. Staff requests that a condition be added to the Motion to Amend to guarantee that the turn lane is officially included in the site plan.

Washington asked if the applicant will choose to move their drive. Will said the drive will remain. The condition said that the applicant would either have to request a deviation or move the drive; one or the other.

Edgerton asked if Staff agrees with the request to change the setback. Will said yes. All of the setbacks around the perimeter are part of the use permit, as are screening and landscape requirements.

Corr asked for further clarification about the driveway coming off the access road. Will said they either have to reroute it or apply for the deviation. The property owner is fine with the location, but City Codes do not allow access of the end of a private roadway, so it is a technical matter that needs to be resolved via the deviation request. Public Works has said they will approve it.

Washington noted there are waivers requested to the front yard setback, line of trespass, and driveway. Will said that is correct. Originally, Staff recommended denial, but that has changed.

Edgerton wondered about the R-5 area that was deleted. She asked if the original intention was to preserve the residential feel. Will said yes, but if that lot owner is fine with the plan being proposed, then Staff is fine with it.

Scheer commented there was a memo regarding the long-term plan and a letter received in opposition to that. Will said that was addressing a concept plan created by the Applicant at the request of Staff. It is simply an exercise to demonstrate how, if started down this path, the office use could continue to south along 84th Street. The concept shows that there is some potential way to create street connectivity and compatibility with the surrounding area. The

concept does not commit any property owners to anything and they have the right to exist as they are indefinitely.

Applicant Testimony:

1. **Brad Marshall, Olssen Associates, 601 P Street**, came forward representing the property owner. It has been a long road to get here and there were many changes along the way. This is the first of what will likely be several acreages adjacent to S. 84th Street who will consider redevelopment of their property in a similar way. All of the comments and efforts made to protect adjacent landowners have been appreciated. A public meeting was held. The O-3 Zoning seem like an odd fit now, given the current character of the area, but it makes a good fit as to what the corridor could look like, given the Pipeline Planning Area. This application shows phased development where the owner will live in the residence for the time being. Along the way, the "master plan" was requested, showing what the area could look like. It was very important to neighbors to leave a buffer for neighbors currently developing along Kilkee Lane. Several of those owners have expressed concern. As part of the conditions, the setback requirements of the R-3 zoning will be in place so anyone purchasing those lots will know there is O-3 zoning behind them. Knowing that traffic was the other main concern, the applicant worked with Public Works on adding the turn lane, an appropriate option. Public Works has the ability to implement further measures in the future, should more development take place to the south.

Beckius asked for more information about the phasing. Marshall said the area adjacent to 84th Street is the first phase. The private roadway will be improved to access that front parcel. The house sits to the east and will remain. The owner may plat a couple of adjacent lots.

Finnegan expressed her appreciation for the public meeting.

Proponents:

1. **Mark Hunzeker, Baylor Evnen Law Firm, 1248 O Street, Suite 600**, stated he also appears on behalf of the developer. 84th Street is primarily occupied by acreages and churches which makes sense, as for many years it marked the edge of the City and sewerability. Now that the Stevens Creek trunk line is opening up, those lots will inevitably be redeveloped; it is just a matter of when. The reality of the pipeline planning area will limit residential development and necessitates something similar to what we have shown. Office is probably the least intrusive to the abutting residential development to the east.

Opponents:

1. **Dana Ball, 3608 Kilkee Road**, stated she purchased her lot on Kilkee Road last year. Part of the appeal was the quiet environment with wildlife and the buffer of trees to the rest of the city. They paid a premium amount for the lot and this type of development was not on the radar when purchased. The concerns of she and her neighbors regarding the encroachment of commercial uses include the potential drop in property values, increased traffic, light and noise, and the loss of the trees. These were sold as golf course lots. She was unable to attend the public meeting, but she is aware that there are others who are still in opposition. Keeping the green areas should be desirable even with development to prevent a

nonstop commercial environment.

Staff Questions:

Harris asked Staff to address concerns about traffic.

Robert Simmering, Building and Safety Department, said the general assumption for residential traffic is that ten trips per day will be generated, on average. He does not know how many homes are planned in the area in total. Office uses can vary. A medical office might generate a higher number. There may be a small increase in trips generated by the use, but probably not by a tremendous amount. He added that if this type of development were to continue, another connection would be made which would be beneficial in terms of dispersing traffic flow.

Washington asked if the three lots shown in the application today are shown as an example. Will said the application rezones the eastern portions of this property. The eastern third shows three lots facing the houses across Kilkee Road. There is an Administrative Amendment under review to bring those into the Firethorn CUP. Washington wondered about the gap in lots between the new lots coming into the CUP and the existing lots. Will said that property has a different owner so it is unknown what will be there. If asked today, he would say those should also be residential across Kilkee in order to keep like uses facing one another. Hove asked what that area is zoned now. Will said AG. Edgerton asked for confirmation that the three lots that are shown will face Kilkee. Will said yes. She asked if there would be any access off of Kilkee Road. Will said there is no entrance from Kilkee; cars will have to go out to Firethorn.

Continued Opposition:

Scheer allowed additional testimony in opposition at the request of a member of the public who missed the initial call for testimony.

2. Angie Thompson, 3410 S. 83rd Street, stated her lot is directly under and behind the light at Firethorn. She counted vehicles at the intersection and there were 28 from the north and 36 from the south. She had to pull into the median to drive north. She has also counted high amounts of traffic at Pine Lake Road. People in her townhomes advised her to avoid the access on Crown Point because it is dangerous unless at a light. At the public meeting, she was told that there were not 100 cars per hour. People also drive extremely fast; she would guess up to 60 mph. She is more concerned about public safety than property values. There is also significant noise from fire trucks and motorcycles. She has not yet called for an accident report.

Harris advised that this action is not final today and more information can be provided to City Council.

Applicant Rebuttal:

Hunzeker the area to the south will most likely be developed as residential across Kilkee Road. Even if it does not, there will be the rear yard setback of 40 feet, with heavy

screening, so hopefully there will not be a big impact on the green areas. The traffic issues cannot be cured at this time. Hopefully, additional connections will help, as will the eventually construction of 98th Street.

Marshall said he wanted to add that an additional concern brought up by neighbors is that the additional three lots will maintain the same level of responsibility to the neighborhood. He wanted to make it clear that these lots will be added into the HOA and will look and feel the same as what is there. He agreed that traffic is a big concern and they have done their best to alleviate it, as far as what they can do. He added that work is being proposed at Rockledge Road to allow left turns which will greatly alleviate traffic from flowing through the neighborhood. Our proposal is well under the amount of square footage where the Access Management Policy would require a change.

CHANGE OF ZONE NO. 18013

ACTION BY PLANNING COMMISSION:

August 15, 2018

Beckius moved for Approval, seconded by Corr.

Beckius said this development balances the exiting residential and the commercial viability along the pipeline area that runs along 84th Street. This project could serve as an example of what can be reasonably expected down the road. He is comforted by the fact that the existing residential will face residential. This is good infill along this corridor.

Corr agreed with Beckius. An office use will most likely see more use only during business hours. For the time being, the tree buffer will remain. Hopefully, the turn lane and improvements made at other intersections will alleviate some traffic issues.

Scheer said the pipeline zone is a major design issue to deal with and the highest and best use of the land must be considered with that in mind. This is a good approach. His sense is that Planning thinks it is logical to keep and protect the residential character in the areas east of the corridor.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Scheer voting 'yes'.

USE PERMIT NO. 18005

ACTION BY PLANNING COMMISSION:

August 15, 2018

Beckius moved for Conditional Approval, as amended by Staff, seconded by Finnegan and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington and Scheer voting 'yes'.

COUNTY SPECIAL PERMIT NO. 18025, FOR CONSTRUCTION OF A COMMERCIAL FEEDLOT, ON PROPERTY GENERALLY LOCATED AT 13350 WEST WITTSTRUCK ROAD: **August 15, 2018**

Members present: Beckius, Corr, Edgerton, Finnegan, Hove, Joy, and Washington; Harris and Scheer absent.

Staff Recommendation: Conditional Approval.

Finnegan disclosed that at the July 18, 2018, hearing on this application, she had a friend from the past approach her during a break. They did not discuss this application. Her friend was appearing in opposition. She also spoke with Walt Shafer from Lincoln Premium Poultry about where he lived in Virginia because she moved here from Virginia. Again, the application was not discussed at all.

Harris spoke with J.P. Jameson who reiterated concerns that were already a part of public record. They discussed the process without going into the specifics of the application.

Washington stated that a board member of the NRD contacted her regarding comments and concerns. She explained the process for entering public comments into the record and urged her to do so.

Staff Questions:

Tom Cajka of the Planning Department came forward to review the recommendation and the conditions presented at the last hearing on August 1, 2018, as identified on Attachment 2.

Corr asked if the applicant had any concerns with the Conditions. Cajka said he has not had any discussion with the applicant since the last meeting.

Washington noted the conditions addressed outdoor storage of animal waste and litter, but not the compost shed. She expressed her continued concern that, based on the description, it is not a totally enclosed building. Cajka acknowledged that was not made a part of the conditions. Washington suggested she would like to amend the conditions to state that the mortality shed should be treated the same as the litter in that it should not be outdoors. Cajka said the definitions would most likely need to be clarified to do that. Corr asked if the applicant is allowed to approach to explain how the mortality shed works. Scheer said that is not allowed because the Public Hearing is officially closed.

SPECIAL PERMIT NO. 18025

ACTION BY PLANNING COMMISSION:

July 18, 2018

Joy moved for Conditional Approval, as currently amended by Staff, seconded by Corr.

Harris read the following statement into the record:

Comments for Commercial Feedlot Permit

I was absent from the last two meetings on SP 18025, so I have watched the two hearings online to catch myself up on the application. I have had the opportunity to ask Tom Cajka questions and I have visited the site.

I couldn't help but notice that every house in the vicinity seemed to have had a sign in the yard that said "No Chicken Factory". It was a powerful visual reminder of how unwelcome Randy

Essink's proposal is there.

I understand the homeowners' concerns and I sympathize. But my job as a Planning Commissioner is to determine if the proposed land use meets the intent of our zoning code and if it conforms to our Comprehensive Plan. I have to wear that hat today, whether I like it or not, and this application checks both of those boxes.

The Comprehensive Plan specifically asks us to *"continue efforts to preserve the viability of the county's agriculture industry through zoning, easements, and other means."*

Commercial feedlots are allowed by special permit in AG zoning, and nowhere else. Not in AG-R zoning, and not even in industrial zoning. All of the land in this area is zoned AG, and the designated future land use is also AG.

The intent of the AG district is described in our code as *"designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development."*

Homeownership in AG zoning has many benefits, but because of the nature of the district, homeowners also have unique exposure to certain intensive uses that are only allowed in AG. These uses include excavation, commercial windmills, commercial composting, soil excavation, and commercial feedlots. Our comprehensive plan even states that the County should provide objective information on the pros and cons of rural living to the public.

Randy Essink's land is appropriately zoned for a commercial feedlot operation. This is a special permit, and Planning Commission can attach conditions to mitigate impact. In this case Mr. Essink has volunteered to impose mitigating conditions on *himself*, and they go above and beyond what is required by law.

The information about potential health risks that has been circulated by the opposition is really unnerving. That is not lost on me. But the official channels, the DEQ, the Health Department and the County Engineer have all signed off on this project. The law forbids Mr. Essink from polluting the air, and if he fails to comply there is a process for bringing him into compliance.

In June of last year this body unanimously approved a chicken commercial feedlot in Firth despite similar opposition from neighbors. In my opinion, this makes it very problematic to deny Randy Essink's application. Why should the rules apply to one permit and not to the other?

Two of the most important guiding principles of the comprehensive plan are predictability and fairness. Unpredictability erodes public faith in the system. It is also very bad for business, and in this case, particularly investments in agriculture that are important to Lancaster County from an economic development perspective.

I didn't write the zoning code, and I'm not taking a position on whether the code is good or bad.

All I can do is try to apply it fairly. If there is consensus that the code is bad, or outdated, or uninformed, then we should change the code. There is a process for that called a text amendment.

Because of the level of concern about this application, I think it would be appropriate for Planning Commission to attach a recommendation to this vote that the County Board discuss the need for a broader evaluation of commercial feedlots and their impact on neighbors. The County Board could then choose to direct the Planning Department to initiate a public input process involving the appropriate agencies and the community as a whole, including the farming community.

If anyone here today would like to submit a proposed text amendment to the Planning Department, that is your right, or you can approach an elected official to do it on your behalf. There is a process for that too.

But today we are not asked to vote on a text amendment. We are asked to vote on a specific application that conforms to the rules as they stand today. For that reason, I intend to vote yes.

Commissioner Scheer asked if any Planning Commissioner would like to attach an amendment regarding the broader evaluation of this topic.

Harris moved to make a friendly amendment to make the recommendation to the County Board; seconded by Beckius.

Steve Henrichsen of the Planning Department stated that the recommendation of Staff is that the recommendation to the County Board to conduct a broader evaluation of this topic should not be part of this specific application.

Harris withdrew her amendment; Beckius his second.

Washington moved an amendment to the Conditions that the compost shed, meaning the mortality shed, needs to be an enclosed structure.

Finnegan wondered if there was a reason the structure could not be enclosed.

David Cary, Director of Planning, said that the shed is different from the barns and based on testimony about how the shed operates, it is our understanding that it requires exposure to the outdoors. The intent was to be clear that there could be use of the litter in that shed, but no statement that it is to be enclosed.

Corr recalled that the shed will have some barrier to prevent runoff. Washington said she is addressing concerns about odors and pests. There must be airflow, but her intent is to contain it as much as possible so there is less impact on the neighbors.

Hove seconded the motion to amend.

Harris said she is not opposed to the motion but is reluctant to act on it without clear

understanding of the actual operation. She would prefer to have it attached as part of the consideration made by County Board, if appealed.

Corr agreed. She also has concerns that no similar restriction was placed on other poultry farms that were approved.

Beckius said he will also vote against the amendment, not because he does not share the concerns of Washington, but because of the reasons stated by Harris and Corr.

The motion to amend failed to carry, 2-7: Hove and Washington voting 'yes'; Beckius, Corr, Edgerton, Finnegan, Harris, Joy, and Scheer voting 'no'.

Scheer said that his comments mirror those of Harris and with those made by Beckius four weeks ago. It is important to understand that as Commissioners, first and foremost, they must view applications within the existing parameters set out by the Comprehensive Plan and Zoning Ordinances. He believes this is an important application that should be appealed, either way the vote turns out today. There are issues here that go beyond Planning Commission consideration, which should be considered in a broader context than planning concerns. It should be debated and decided by elected officials through an open process that allows continued public discourse. He thanked everyone for their testimony. This is a great county because citizens are willing to share their time and views. That is taken seriously. Nonetheless, Planning Commission must act based on the fact that the applicant has met all of the requirements, and the application complies with the stated intent of the 2040 Comprehensive Plan. He is compelled to approve the application based on those circumstances.

Motion carried, 6-3: Beckius, Corr, Finnegan, Harris, Joy, and Scheer voting 'yes'; Edgerton, Hove and Washington voting 'no'.

Note: This is **FINAL ACTION** unless appealed by filing a letter of appeal with the Office of the County Clerk within 14 days.

Harris moved that a recommendation be made for the Planning Department to engage in further discussion and review of this topic with the County Board as the governing body; seconded by Joy.

Edgerton asked if this applies only to poultry operations. Harris said she would leave that open to the County Board and their constituencies. Edgerton noted that the matrix provided by the State applies to all types of feedlots so the County might base discussion on that. Washington said that she would not want to single out poultry operations. The State gives good guidance for all types of operations via the matrix. Hove observed that there are three Industrial Zones to regulate various uses and only one AG zone; it should not be that way.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

There being no further business to come before the Commission, the meeting was adjourned at 2:30 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, August 29, 2018.

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**County Special Permit 18025
Proposed Motion of the Planning Commission
August 1, 2018**

(Reflects revised conditions identified in Staff Memo #2, dated July 27, 2018, and proposed revision to Condition 2.2.2 as offered at the hearing)

Site Specific Conditions:

1. Before receiving building permits, the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Add the title "Randy Essink Commercial Feedlot. Special Permit #18025 to the site plan.
 - 1.2 Add a legal description to the site plan.
 - 1.3 Identify on the site plan a quarter mile (1,320 feet) setback from the nearest point of any new building to the nearest existing house at the time of application.
 - 1.4 Identify the compost shed on the site plan
 - 1.5 Add a note to the site plan that any chicken barn and compost shed shall be located a minimum of a quarter mile (1,320 feet) from any existing house.
- 2.1 Before receiving building permits provide the following documents to the Planning Department:
 - 2.1.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- 2.2 As part of occupying the buildings, the permittee shall:
 - 2.2.1 Maintain an approved Nutrient Management Plan by the Nebraska Department of Environmental Quality.
 - 2.2.2 Keep all animal waste and litter inside all buildings except when used as a carbon element in a mortality shed or when in transit. No outside storage of litter these items is allowed otherwise.

PC MINUTES 8/15/18 - ATTACHMENT #2

MOTION TO AMEND

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Use Permit No. 18005 to read as follows:

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a use permit for up to 26,400 square feet of commercial floor area, with waivers to allow light trespass across internal lot lines and an adjustment to the internal setback between the outlot and parking lot from 20' to 6'.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #18013
2. 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 3 copies with all required revisions and documents listed below:
 - 2.1 Make the following revisions to Sheet 1a of 4:
 - 2.1.1 Label the roadway as 'Private' and provide a name for it.
 - 2.1.2 ~~Show the required 20' front yard setback between the outlot and parking lot.~~
 - 2.1.3 Add a note that states "Screening and landscaping to be provided per Design Standards."
 - 2.1.4 Add a note which states that "Parking to be provided in compliance with the Zoning Ordinance."
 - 2.1.5 Remove the parking from the side yard near the north lot line.
 - 2.1.6 Revise the plan set to only include the appropriate portion of Lot 1, Firethorn 28th Addition by deleting the remainder of the Firethorn Office Park Use Permit #107.
 - 2.1.7 Add a note which states "Residential dwellings, hotels, motels, childcare facilities, schools, healthcare facilities, or retirement facilities are prohibited within the delineated Pipeline Planning Area.
 - 2.1.8 Identify future utility easements to the satisfaction of Lincoln Electric System.
 - 2.1.9 Add a note which states "Direct access to South 84th Street will be relinquished at the time of the final plat.

- 2.1.10 Add a note which states “Setbacks for parking and buildings as per the Zoning Ordinance unless otherwise noted.”
- 2.1.11 Add the dimensions for the private roadway and provide a standard roadway cross-section.
- 2.1.12 Show the existing house to remain during Phase I and show the minimum 20’ setback dimension to the house from the east line of the outlet.
- 2.1.13 Show access to the private roadway being provided to the adjacent dwelling other than off the end of the roadway or ~~provide a new driveway for the house to the south to Kilkee Road. For either option provide written consent to the owner to the south.~~ apply for and have approved a Deviation Request from Public Works and Utilities to allow it.
- 2.1.14 ~~Revise the site plan to either show the buildings adjacent to the private roadway with the parking relocated behind them, or the neighboring property owners’s driveway routed to the east to Kilkee Road across the subject property.~~
- 2.1.15 ~~Add a note that states “The office buildings will comply with the R-T zoning district criteria if shared driveway use continues.”~~
- 2.1.16 ~~If shared driveway use continues, the roadway alignment must be revised so the driveway does not take access of the end of the roadway.~~
- 2.2 ~~Revise the grading plans and related documentation~~ per the published written review comments from ~~to the satisfaction of~~ the Public Works and Utilities Department.
- 2.3 ~~Realign the street intersection to align the church driveway to the north or submit a traffic study for review by Public Works and Utilities and make the changes too the site plan as determined by the Public Works and Utilities.~~

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: ??????

Brian Will

To: file

Add Condition 2.1.14 – Revise the site plan to show the right-turn lane to be constructed by the applicant in Firethorn Lane.

Brian J. Will, MCRP, AICP
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