



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #20014B	FINAL ACTION? Yes	DEVELOPER/OWNER Coffey Grounds, LLC
PLANNING COMMISSION HEARING DATE February 18, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW 40 th Street & Highway 34

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code to renew a special permit for Excavation. The property is zoned AG-Agricultural and H-3 Highway Commercial. The boundary of the special permit is approximately 220 acres and the area of excavation in this phase is 20 acres. The site, which is at the northwest corner of NW 40th Street and Highway 34, was previously approved for soil excavation in May 2020 with a renewal in April 2023.



JUSTIFICATION FOR RECOMMENDATION

This application, with the conditions of approval meets the requirements for an Excavation special permit. There are few houses nearby. There should be no significant impact on adjacent properties with proposed conditions.

APPLICATION CONTACT

Joe Brackenhoff, (402) 420-7217 or
jbrackenhoff@eacg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil is in conformance with the 2050 Comprehensive Plan. It does not negatively impact future growth or agricultural use as only 20 acres is used at a time. It helps support road and development projects that support growth of the community.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

P. 12.3 - This site is shown primarily as future agriculture on the 2050 Lincoln Area Future Land Use Plan with a smaller commercial area at the intersection of NW 40th Street and Highway 34. The latter matches the H-3 zoning extent.

P. 12.9 – This site is in Tier III of the Growth Tiers. Tier III provides an approximately 131 square mile area for Lincoln’s longer term growth potential—beyond 50 years. Little active planning of utilities is likely to occur in the near term in Tier III.

ANALYSIS

1. This request is to renew a special permit for soil excavation on approximately 219.80 acres under the provisions of Chapter 27.63.160 Excavation. The property is generally located at the northwest corner of Highway 34 and NW 40th Street. The area of excavation is 20 acres. No more than 20 acres is allowed to be open for operations at any one time. Approximately 1.5 million cubic yards of soil of excavating material is possible for the entire site. Over the last six years approximately 264,049 cubic yards of material have been excavated. The special permit is for three years. After three years a new special permit will be required. Prior to excavation of the fill, topsoil will be collected and stored for redistribution at the conclusion of mining activities. After excavation activities are completed for the year, the property will be temporarily seeded until grading commences again.
2. This site was granted a special permit in May 2020, for soil excavation with the special permit renewed in April 2023. The original special permit was for 214 acres; the last amendment increased the size to approximately 220 acres. The special permit expires 3 years from the approval date. This site plan is similar to the site plan submitted for the previous special permit.
3. The site plan shows an access drive off NW 40th Street, approximately 675 feet from Highway 34. NW 40th Street is a county gravel road. The proposed route for hauling extends from the entrance off NW 40th Street south to Highway 34. No hauling will go north of the entrance on NW 40th Street.
4. Groundwater wells are located to the south and east of the special permit boundary, but the proposed grading activities will take place more than 1,000 feet from any registered groundwater well. A water report was not submitted. Rather than submit a water report, the applicant will not do any excavation within 1,000 feet from any private well. A water report is required if there is to be any excavation within 1,000 feet of a private well or 2,000 feet of a community well or designated to result in an excavated area that does not drain to a lower area. They do not meet any of these criteria, therefore a water report is not required.
5. There are two houses near the site: one to the north and the other on the east side of NW 40th St. The house to the north is approximately 1,000 feet from the north boundary of the special permit.
6. Operating hours shall be limited to daylight hours, Monday through Saturday.
7. The County Engineer requires a Road Maintenance Agreement for adjacent county roads. The previous road maintenance agreement with SP20014A is required to be updated. The County Engineer also requires that warning signs be posted along the adjacent roads warning traffic of entering/exiting trucks which these have been posted for prior permitting.
8. The access drive into the site was approved by the Lancaster County Engineering Department with the previous special permit.
9. Lincoln Transportation and Utilities Watershed Management had no concerns. They had noted previously that there are wetlands and a minimum flood corridor within the special permit boundary. No excavation will take place within these areas.

10. During the soil mining process, the landowner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:	AG Agriculture	Farm ground
	H-3 Highway Commercial	Farm ground

SURROUNDING LAND USE & ZONING

North:	AG Agriculture	Farm ground and one dwelling
South:	AG Agriculture	Farm ground and one dwelling
	H-3 Highway Commercial	Outside and inside storage
East:	AG Agriculture	Farm ground and one dwelling
West:	AG Agriculture	Farm ground

APPROXIMATE LAND AREA: 219.80 acres, more or less

LEGAL DESCRIPTION:

Lot 40 Irregular Tract located in the SE 1/4 of Section 30, Township 11 North, Range 6 East and Lots 65,66, and 67 Irregular Tracts, excluding that portion of Lots 66 and 67 east of NW 40th Street, located in the NE ¼ of Section 31, Township 11 North, Range 6 East, Lancaster County, NE.

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

Date: February 5, 2026

Applicant/
Owner: Coffey Grounds, LLC

Contact: Joe Brackenhoff, E & A Consulting Group, Inc.

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/20000/SP20014B Coffee Borrow Pit.gjw.docx>

CONDITIONS OF APPROVAL – SPECIAL PERMIT #20014B

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

Site Specific Conditions:

1. Before initiating excavation operations, the permittee shall cause to be prepared and submitted to the Planning and Development Services Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:
 - 1.1 Include description of all phases of the contemplated operation.
 - 1.2 List specific types of machinery and equipment which will be or might be used to carry on the operation.
 - 1.3 In the general grading notes add “The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the County. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the County”.
 - 1.4 In the general notes add "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. Before beginning the excavation operation,
 - 2.1 The Permittee shall have
 - 2.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.
 - 2.1.2 Post performance bond in the amount of \$10,500.00 (\$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.
 - 2.1.3 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 Planning and Development Services Department to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 2.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for adjacent County roads throughout the operation of the permit.
 - 2.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 2.1.6.1 Clearly visible from the adjacent road;
 - 2.1.6.2 At least 32 square feet in area;
 - 2.1.6.3 Lettering shall be at least two inches in heights, black on a white background;

2.1.6.4 The sign 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 Planning and Development Services Department contact number.

3.1 After beginning the excavation operations, the Permittee shall have

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 3.1.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 3.1.8 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.
- 3.1.9 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.
- 3.1.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.

3.1.11 Permittee shall prepare and submit an annual report to the Director of Planning and Development Services Department 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.

3.1.12 Permittee shall be subject to an annual site inspection by the Director of Planning and Development Services Department. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department's hourly rate in effect on the date of the application. The Planning and Development Services Department shall:

3.1.12.1 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

3.1.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

3.1.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.

3.1.14 The construction plans shall generally comply with the approved plans.

4. At the conclusion of the operation, the permittee shall provide to the Planning and Development Services 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.

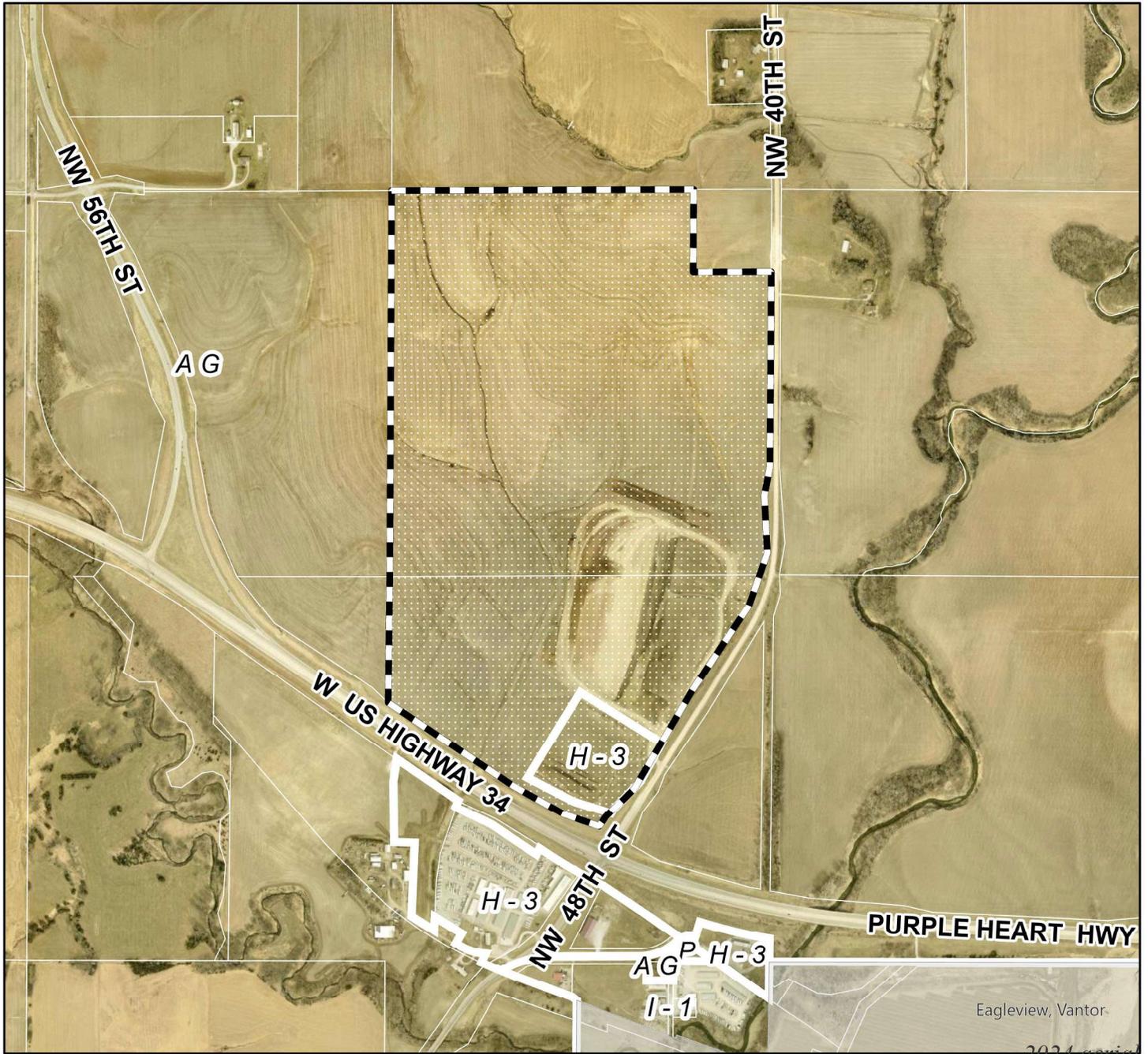
Standard Conditions:

5. The following conditions are applicable to all requests:

5.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.

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

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



Special Permit #: SP20014B
Coffee Borrow Pit
NW 40th St & Highway 34

Zoning:

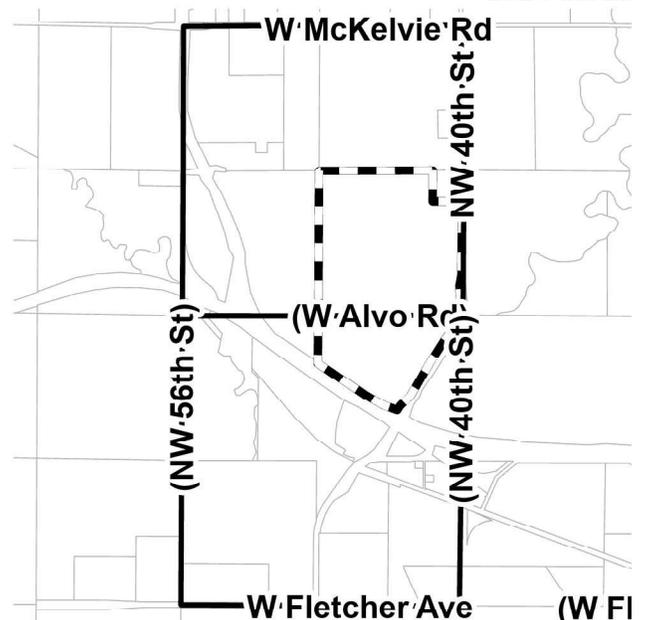
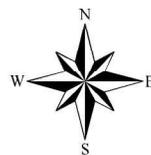
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

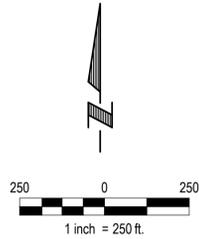
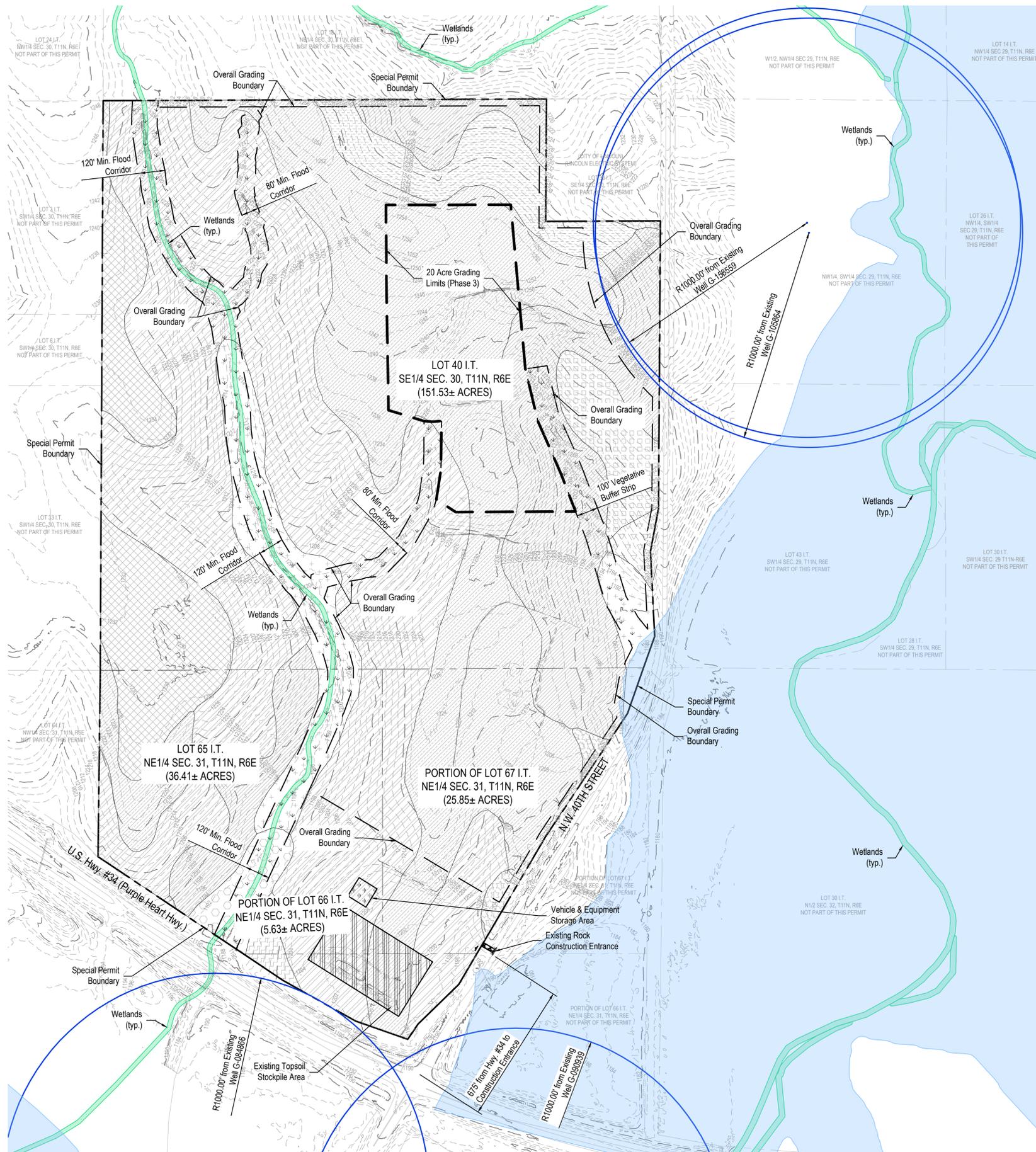
Two Square Miles:
 Sec.31 T11N R06E
 Sec.30 T11N R06E

Area of Application

Zoning Jurisdiction Lines

Lincoln City Limits





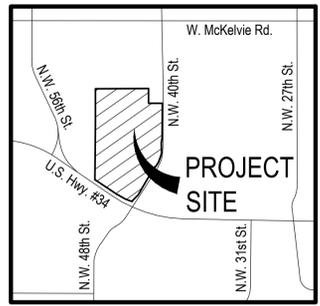
OWNER:
Coffey Grounds, LLC
Larry Coffey
701 Marina Bay Place
Lincoln, NE 68528
(402) 639-2964

CONTRACTOR:
Jake Whitefoot
Gana Trucking & Excavating
2200 W. Panama Rd.
Martell, NE 68404
(402) 794-4313
jakew@ganatrucking.com

ENGINEER:
Richard Onnen
E & A Consulting Group, Inc.
701 "O" St., Suite 400
Lincoln, NE 68508
(402) 420-7217
ronnen@eaag.com

MACHINERY:
1. Excavator
2. Side Dump
3. Scraper
4. Dump Truck

**PRELIMINARY
NOT FOR
CONSTRUCTION**



VICINITY MAP

LEGAL DESCRIPTION:
Lots 65, 66 and 67 of Irregular Tracts, excluding that portion of Lots 66 and 67 of Irregular Tracts East of N.W. 40 Street, all located in the Northeast Quarter of Section 31, Township 11 North, Range 6 East, and Lot 40 of Irregular Tracts, located in the Southeast Quarter of Section 30, Township 11 North, Range 6 East, all being part of the 6th P.M., Lancaster County, Nebraska.

SPECIAL PERMIT AREA: 219.80 ACRES

APPROXIMATE EXCAVATION VOLUME:
Total Borrow Pit Haul-Off: 1,478,350 CY
Amount Hauled-Off: 264,049 CY
Remaining Borrow Pit Haul-Off: 1,214,302 CY

- GENERAL GRADING NOTES:**
- Operating hours shall be limited to daylight hours, Monday through Saturday.
 - N.W. 40th St. shall be maintained, including watering as needed for dust control on a regular basis during operations and be free of mud and/or clods of dirt.
 - Proper erosion control and drainage shall be maintained at all times to prevent damage to N.W. 40th St. The existing ditch shall be maintained for proper drainage through the existing 24" CMP under the existing construction entrance. Drainage shall also be maintained in the ditch from the 24" CMP outlet East to the Outlet of the Concrete Box Culvert under Hwy. #34.
 - Access to N.W. 40th St. shall be limited to one location only.
 - The land will be reclaimed in conformance with USDA "Farm Bill Compliance".
 - No more than 20 acres of the site shall be open at any time.
 - Dust control to meet Lincoln-Lancaster County air pollution control program regulations.
 - Contractor shall collect and store topsoil for redistribution to be used at termination of grading.
 - Contractor shall post warning signs during hauling operations along N.W. 40th St. warning traffic of trucks entering.
 - Contractor shall enter into a road maintenance agreement with Lancaster County for N.W. 40th St. throughout the operation of the permit.
 - Access and use of this excavation and stone milling permit is only via N.W. 40th St.
 - The Special Permit is approved for three years from the date the Special Permit is approved.
 - Any work done within Lancaster County right-of-way will be completed in accordance with Lancaster County Design Standards.
 - No grading shall take place within the minimum flood corridor, wetlands or the vegetative buffer strip.
 - No excavating shall take place within 1,000 feet of any existing well.

GRADING & EROSION LEGEND

- Special Permit Boundary
- - - Adjacent Property Line
- Mining Permit Overall Grading Boundary
- - - 20 Acre Grading Limits (Phase 2)
- Wetlands (National Wetland Inventory)
- Vegetative Buffer
- Geary Silty Clay Loam, 7-11% Eroded Slopes
- Kennebec Silt Loam, Occasionally Flooded
- Aksarben Silty Clay Loam, 2-6% Slopes
- Aksarben Silty Clay Loam, 6-11% Slopes
- Judson Silt Loam, 2-6% Slopes
- Morrill Clay Loam, 6-11% Slopes
- Morrill Clay Loam, 11-17% Slopes
- Morrill Clay Loam, Eroded 6-11% Slopes
- Yutan Silty Clay Loam, Eroded 6-11% Slopes
- Mayberry Silty Clay Loam, Eroded 3-6% Slopes
- Wymore Silty Clay Loam, 0-1% Slopes
- Wymore Silty Clay Loam, Eroded 3-6% Slopes
- Existing Topsoil Stockpile Area
- Vehicle & Equipment Storage Area
- 100-Year FEMA Floodplain

E & A CONSULTING GROUP, INC.
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701 O Street, Suite 400 Lincoln, NE 68508
Phone: 402.420.7217 Fax: 402.420.7218
www.eaag.com
State of NE Certificate of Authorization #CA008



**COFFEY BORROW PIT
SPECIAL PERMIT #20014B**

Overall Site Plan

Revisions	Date	Description
1	01/14/2026	Initial Design

ne1call.com
Nebraska 811
know what's below.
Dial: 811 Call before you dig.

Project: 2023.319.002 Engineering: CAD File: Grading/Convey Mining Renewal/ST/Altering Permits/001.dwg
1/14/2026 1:17 PM
Marek Kiding

EXHIBIT "A"



LEGEND



HAUL ROUTE

LIMITS OF SPECIAL PERMIT
OWNER:
COFFEY GROUNDS LLC

E & A CONSULTING GROUP, INC.
Engineering Answers

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
2077 N Street, Suite 400 Lincoln, NE 68510-1068
Phone: 402.420.7217
State of NE Certificate of Authorization #CA0008

Job No.: P2022.319.002

Date: 01/19/2026

Drawn by: MLK

Scale: 1" = 800'

Sht: 1 of 1

TRUCK HAUL ROUTE
SPECIAL PERMIT #20014B
COFFEY BORROW PIT

LINCOLN, NEBRASKA



E & A CONSULTING GROUP, INC.

Engineering Answers

2077 N St, Ste 400 | Lincoln, NE 68510
402.420.7217
eacg.com

January 15, 2026

Mr. David Cary
Planning Director
George Wesselhoft, Planner
City of Lincoln Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Coffey Borrow Pit – Excavation Permit – Special Permit #20014B
E & A File: P2022.319.002

Dear Mr. Cary,

On behalf of Coffey Grounds, LLC and Gana Trucking and Excavating, we are submitting an amendment to the approved Coffey Borrow Pit - Special Permit #20014A. We are requesting to continue soil excavation for the next three years. The existing special permit consists of 219.80 acres of land and remains with this application.

The excavation and mining of soils shall continue to be used for fill in and around Lincoln with a total of 1.5 million cubic yards of excavating material possible for the entire site. Approximately 264,049 cubic yards of material was excavated over the last six years. Prior to excavation of the fill material, topsoil will be collected and stored for redistribution at the conclusion of mining activities. After excavation activities are completed for the year, the property will be temporarily seeded until grading commences again.

Groundwater wells are located to the south and east of the Special Permit boundary but the proposed grading activities will take place more than 1,000 feet from any registered groundwater well. Additional information on the registered wells has been included with this application.

The proposed grading will be limited to 20 acres of disturbed area at one time. Erosion control measures will be installed as per plan. Dust control will be a priority, with measures including vegetative ground cover, application of water on haul roads and the excavation of the site as needed. All proposed grades will be at a maximum of 3:1 slope and have a minimum of 2% fall for drainage.

If you have any questions regarding the application, please contact me at 402-420-7217 or by email at mkinning@eacg.com.

Sincerely,
E & A Consulting Group, Inc.

Marcia L. Kinning

Cc: Larry Coffey
Jake Whitefoot

Enclosed: Application Form
Application Fee of \$1,176.00
Legal Description