

**City of Lincoln
Planning**

Urban Design Committee Agenda

URBAN DESIGN COMMITTEE

Notice is hereby given that the **URBAN DESIGN COMMITTEE** will hold a meeting on Wednesday, March 3, 2010 at **3:00 p.m.**, **County-City Building**, 555 S. 10th Street, Lincoln, Nebraska, in Room 106 on the 1st Floor. For more information, please contact the Lincoln City/Lancaster County Planning Department, 441-7491.

**AGENDA
March 3, 2010**

1. Approval of meeting notes from the regular meeting of [February 3, 2010](#).
 2. Recommendation to Planning Director regarding [Special Permit No. 1816B, Soil excavation](#) NW 40th Street and West Vine Street improvements for Color Court project, M Street between 8th and 9th Streets
 3. [Enersen Urban Design Award](#)
 4. Miscellaneous
-

INTERDEPARTMENTAL COMMUNICATION

TO: **Urban Design Committee** DATE: **February 26, 2010**
DEPT: FROM: **Ed Zimmer**
CC: file DEPT: **Planning**
RE: **Advice to Planning Director on
urban design aspects of
SP1816B, Soil excavation at
NW 40th & West Vine.**

On Feb. 24, 2010, the Planning Commission reviewed and conditionally approved a special permit allowing three years of soil mining from a tract north of Interstate 80 at NW 40th Street. One of the conditions of that approval was that the applicant “Provide a screening and grading plan to be reviewed and approved by the Planning Director based on review and recommendation by the Urban Design Committee.”

The staff report to Planning Commission for SP1816B is attached, along with the approved resolution. Lincoln’s soil mining regulations have recently been revised. Because prior permits for this operation have lapsed, the current application is subject to the new requirements.

Urban Design Committee does not commonly review soil mining applications but the ordinance establishing the Committee states among its Duties and Powers:

The committee shall advise the Mayor, City Council, Planning Commission, city boards, and city departments in matters relating to urban design, visual relationships, architectural design, and aesthetics. However, the committee shall not review the engineering or technical aspects of any project or standard....

and

...provide whatever other guidance is necessary and desirable in the absence of specific regulations or standards to promote and encourage exemplary urban design...

The new soil mining requirements mention screening without specific requirements and the Planning Commission has turned to the Urban Design Committee to advise the Planning Director on this matter affecting a key entryway to Lincoln. We hope to receive a screening and grading plan by the time of the meeting for the Committee’s response.

Ed Zimmer, Planner

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 24, 2010 PLANNING COMMISSION MEETING

P.A.S.: Special Permit # 1816B

PROPOSAL: A special permit to allow mining/extraction of soil.

LOCATION: NW 40th and W. Vine Street, north of Interstate 80.

LAND AREA: 61.64 acres, more or less. **33.53 acres of disturbance.**

CONCLUSION: In conformance with the City Zoning. This is an entryway to the City and visual screening must be done in a sensitive manner.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 59 I.T. in the SW 1/4 of Section 20 T10N, R6E, all in Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Soil mining in process.

SURROUNDING LAND USE AND ZONING:

North: Airport property, zoned AG and P

South: I-80, zoned H-4

East: Ag land, zoned AG

West: Ag land, zoned AG

ASSOCIATED APPLICATIONS: None

HISTORY: Special Permit 1816 for excavation, was approved in January 2000. Special Permit 1816A was approved in Feb. 2005. These permits have expired (in January 2010). A special permit was approved to the east of this parcel in Feb 1994 (#1489). A second special permit (#1489A) was approved for soil excavation adjacent to the east of this site in February 1996, for a period of one year, renewable up to three years. That permit has now expired. Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Agricultural, inside the Tier I area. The Airport West Subarea Plan, shows this as Industrial and also shows NW 40th street extending to the south, over I-80 and "O" Street.

UTILITIES: This is outside the City limits. Utilities are not yet available.

TOPOGRAPHY: Gently rolling hills, falling off to the south.

TRAFFIC ANALYSIS: NW 40th and W. Vine Street are gravel county roads.

PUBLIC SERVICE: This area is served by the Lincoln School District, the Southwest Rural Fire District, and is in the LES service area.

REGIONAL ISSUES: Interstate views.

ENVIRONMENTAL CONCERNS: The proposed excavation includes issues of dust control, erosion control, restoration of topsoil and vegetation, and sedimentation control. There are drainage and treed areas on the northeast of this site that are to be protected and retained. The soil rating is/was 4.6. On a scale of 1 to 10 where 1-4 is prime land, this is not prime agriculture soil. This is within the airport noise zone.

AESTHETIC CONSIDERATIONS: This site abuts Interstate 80

ALTERNATIVE USES: Agricultural uses.

ANALYSIS:

1. This proposal is for the continuation of a special permit for soil excavation operation under the provisions of Chapter 27.63.160 Excavation and Stone Milling. This is a 62 acre site generally located on the south side of West Vine street and east of NW 40th street. Grading cuts of up to 36 feet are proposed. The applicant is requesting a three year permit. Approximately 850,000 cubic yards of soil are proposed to be removed.
2. This would be a continuation of the 1996, 2000 and 2005 operations, for the purpose of a source of fill in the west Lincoln and Lancaster County area.
3. No waivers are requested.
4. The County Engineer's memo of February 5, 2010
 - 1) Applicant shall enter into a "Road Maintenance Agreement" with Lancaster County for West Vine Street and NW 27th Street.

- 2) Access and use of this mining permit is only via West Vine Street to NW 27th Street to West "O" Street. Use of NW 40th Street and West Holdrege Street is not permitted for this permit.
 - 3) West Vine Street and NW 27th Street shall be maintained on a regular basis during operations and be free of mud and/or clods of dirt.
 - 4) Proper erosion control and drainage shall be maintained at all times to prevent any damage to West Vine Street.
 - 5) Access shall be limited to one location only which is currently the existing driveway located approximately 180 feet east of the east line of Lot 59, irregular tracts, and runs southwest diagonally across Lot 60, irregular tracts.
 - 6) Warning signs shall be posted along West Vine Street during hauling operations warning traffic of trucks entering.
 - 7) Show existing culverts under West Vine Street. The culvert near the middle of the site will be affected by the grading. Provisions shall be made for this culvert.
5. LES notes LES Facilities are along NW 40th Street. These do not appear to be impacted but shall not be encroached upon.
 6. The Lower Platte NRD notes the Consultant has submitted NPDES Permit & SWPPP to LPSNRD and NDEQ for Authorization. They will authorize permit, suggesting further maintenance specifications in the SWPPP for sediment removal from basins after capacity has exceeded 50%, per Drainage Criteria Manual Chapter 9.
 7. Health Department has not responded but normally would note:
Owners/operators are responsible for all mosquito control issues during the soil mining process.

All wind and water erosion must be controlled during the soil mining process. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the soil mining process, the land owner(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 not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

The Health Department has received multiple complaints relative to dust from heavy truck traffic on NW 27th Street and West Vine Street. The renewal of this

soil mining permit should require the applicant to control dust from NW 27th Street and West Vine Street.

8. Public Works notes the mining of soil from this site is satisfactory to meet zoning ordinance requirements subject to obtaining the necessary permits. The new permit should require a new or extension of the old agreement for road maintenance and dust control along Vine Street.

Public Works suggests that “the applicant should consider the future development potential of this property. The final site grades proposed for this grading operation do not appear to lend themselves to future development to this property. The plans show up to a 30 foot grade difference between the bottom of the excavation and existing grades of West Vine Street. West Vine has not been designed for future urban street grades but it does not appear that future grades can or will be designed to accommodate future access for this property along much of the frontage if the property is graded as shown on the submitted plans.”

9. The sheet #2 is marked as the site enclosure plan but it is assumed by staff that this is the final contours for a closure plan, after completion of the phased excavation shown on sheet #1.
10. The applicant addressed the listed conditions of the Lincoln special permit application conditions (27.63.160) as follows (responses shown in **bold**);
 - a) A site plan drawn to scale that includes but is not limited to identifying proposed vehicle and equipment storage areas and entrance and exit locations to the operation; **These are all shown or noted.**
 - b) A map showing the site location and the location of private access roads, existing or proposed, and public roads and highways adjacent to the site which will be affected by the operation; **A site plan is provided.**
 - (c) A grading map showing existing contours, proposed excavation contours, proposed final grade contours, and excavation volumes; **A map is provided, showing existing and proposed final contours. The applicant provided the excavation volume of 855,490 cubic yards, to be conducted in two phases.**
 - (d) A full and adequate description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will be or might be used to carry on the operation; **Two phases are shown. Types of machinery and equipment are noted.**

(e) A groundwater report from a groundwater hydrologist in cases where proposed operations are: (i) within 1,000 feet of any off-site private well, (ii) within 2,000 feet of a community well, or (iii) designed to result in an excavated area that does not drain to a lower area (i.e. a "hole"). The report should demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination, and/or that monitoring wells will be installed to provide early warning of any such impact; Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain it as a functioning and attractive year-round water feature. **The applicant did not address this issue. It appears that all operations are over 1,000 feet of a private or community well and a groundwater report thus is would not be required, However, this needs to be substantiated by the applicant and a groundwater report provided if this is not the case. No permanent pond is proposed.**

(f) 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. **All ponding is for sediment control. The applicant states no more than 33.5 acres will be opened and that would be done in two phases.**

(g) Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase. **Applicant does not address this item.**

(h) 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. **This is adjacent to Interstate 80. The applicant did not address nor request waivers to visual screening. Visual screening is not addressed in the notes nor shown on the plans. An on site visit indicated this is very visible from the westbound traffic and westbound on-ramp.** Complete screening does not appear possible. However, berming and plant material and some existing hills should be able to provide partial visual screening.

(i) Operating hours shall be limited to daylight hours, Monday through Saturday. **Not addressed.**

(j) A sign shall be posted and maintained at the entrance to the site. **The applicant does not address this.**

(k) A special permit may be approved for a maximum of three-years from the date the special permit is issued. **The applicant is requesting this permit be for three years.**

11. The applicant addressed seeding within seven days of operations. He did not address "Farm Bill Compliance" conditions.
12. This site is highly visible and is an entryway along I-80 to Lincoln. and as such, positive visual screening needs to be addressed as best a possible.

CONDITIONS OF APPROVAL:

SITE SPECIFIC CONDITIONS:

1. This approval permits mining for a soil, sand and gravel excavation operation for a period of three (3) years from the date of approval of this special permit.
2. Before initiating excavation operations:
 - 2.1 The permittee shall have
 - 2.1.1 Received review and permits, if required, for the Federal NPDES and 404 Permits.
 - 2.1.2 Add a note that the entrance will be signed and gated. Revise sheet #2 to reflect this as the final grading/closure plan.
 - 2.1.3 Provide a screening and grading plan to be reviewed and approved by the Planning Director. Visual screening of Interstate 80, in conjunction with existing natural features, said screen shall obstruct at least 75% , up to 20' in height along the south side of the permit, abutting Interstate (including existing berming). Screening along the existing county road need not be provided due to the low traffic, with no residences in viewing distance or location.
 - 2.1.4 Add a note that operating hours shall be limited to daylight hours Monday through Saturday.
 - 2.1.5 Add a note that land will be reclaimed in conformance with USDA "Farm Bill Compliance".

- 2.1.6 Add a note that any grade changes under existing LES electrical distribution and transmission line easements are subject to review and approval by LES staff before grading commences.
- 2.1.7 Provide a drawing to the satisfaction of the Planning Director, addressing the ability to adequately access potential future development of this site as a commercial/industrial use.
- 2.1.8 Make the revisions requested in the County Engineers memo of February 3, 2010. The applicant shall enter into a "Road Maintenance Agreement" to the satisfaction of the County Engineer.
- 2.1.9 The applicant shall agree to address the control of dust on the perimeter roads, including West Vine Street and NW 27th Street to the satisfaction of the Lincoln Lancaster Health Department.
- 2.1.10 Post and maintain a sign at the entrance to the site. The sign shall be:
- (1) Clearly visible from the adjacent road;
 - (2) At least 32 square feet in area;
 - (3) Lettering shall be at least two inches in height, black on a white background;
 - (4) The sign shall list:
 - (i) The approved Special Permit Number;
 - (ii) The name, contact phone, and email address for the land owner;
 - (iii) The name, contact phone, and email address for the operator/ contractor;
 - (iv) The Building and Safety Department contact number.
- 2.1.11 Post a \$ 17,588 performance bond or escrow agreement in a form acceptable to the City Attorney.
- 2.1.12 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 operations until it has received said certificate of operation.

- 2.1.13 Provide a groundwater report or validate that no community well is within 2,000, and not off site private well is within 1,000' of the operations.
- 2.2. 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 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.
- 2.4 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. 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:
- 2.5 The construction plans shall generally comply with the approved plans.
- 2.6 The applicant shall meet all conditions of 27.63.160 unless specifically amended by this permit.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
DATE: February 16, 2010

APPLICANT: Lyle Loth, ESP
601 Old Cheney Rd., Ste 200
Lincoln, NE 68512
(402) 421-2500
Lyle@espeng.com

OWNER: Noel L and Gloria J Chadd
3335 N 13th Street
Lincoln, NE 68512
(402) 430-7264

CONTACT: Lyle Loth

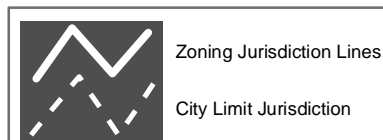


Special Permit #1816B NW 40th & W Vine St

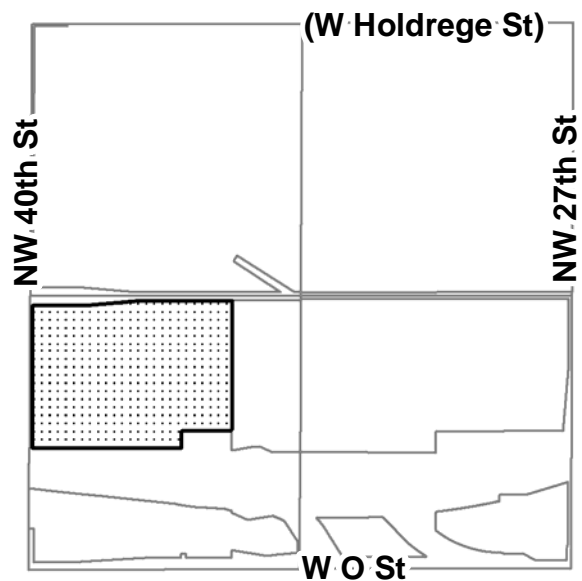
Zoning:

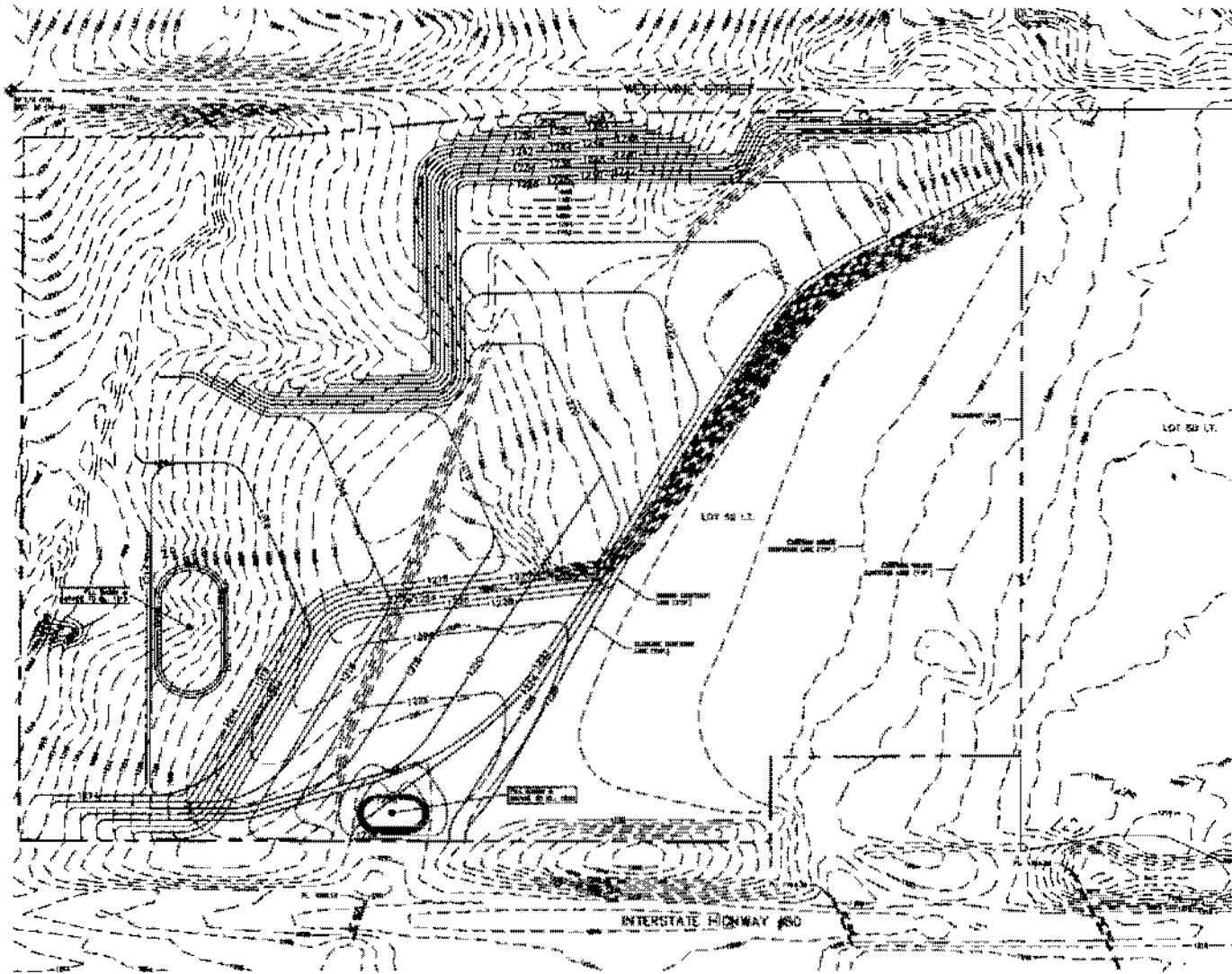
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

One Square Mile
Sec. 20 T10N R6E



2007 aerial





E.S.P.
 CONSULTING
 ENGINEERS

801 OLD
 GENEY RD.
 SUITE 'A'
 LINCOLN
 NEBRASKA
 68512
 471-2802
 471-7386 FAX

LOT 59 I.T., SW 1/4, SEC. 20 (10-6)
 SITE ENCLOSURE

W. VINE ST. & NW 27TH ST.
 LINCOLN, NEBRASKA

SITE
 ENCLOSURE
 PLAN

SCALE: 1"=100'
 E.S.P. Inc./Jep/Jep
 Date: 10/20/79
 DATE: 01/20/79

REVISIONS:

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△	
△	
△	
△	

Special Permit #1816B
NW 40th & W Vine St

GENERAL EROSION CONTROL NOTES:

- 1.) AREA OF LAND DISTURBANCE: 33.50 ACRES, MORE OR LESS IN A SITE ENCOMPASSING 61.64 ACRES, MORE OR LESS.
- 2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.
- 3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.
- 4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS ACQUIRED.
- 5.) A DISTURBED AREA MUST BE SEEDED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAT SEVEN (7) DAYS.
- 6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEEDED, AND MULCHED ACCORDING TO SEEDING SPECIFICATIONS, OR AS APPROVED BY OWNER.
- 7.) PRIOR TO PERMANENT SEEDING OF OUTLOTS, SOIL TESTS SHALL BE PERFORMED AND FERTILIZER SHALL BE APPLIED AS DIRECTED BY ENGINEER.
- 8.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED AUGUST 1999, AND APPROVED SUPPLEMENTS.
- 9.) ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24-HOUR PERIOD BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.
- 10.) FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
<u>NATIVE GRASS SEED MIX</u>		
PERENNIAL RYEGRASS-LINN	85	5
WESTERN WHEATGRASS-FLINTLOCK	85	8
SIDEOATS GRAMA-TRAILWAY	75	4
LITTLE BLUESTEM-CAMPER	45	3
SAND LOVEGRASS-NATIVE	80	1.5
BLUE GRAMA-NE.KS.CO	35	2
BLUE FLAX	90	3
BLACK-EYED SUSAN	90	1
RED CLOVER-2X INOCULATION	90	2
PARTRIDGE PEA-PLATTE	90	0.25
OATS	90	12
<u>NRO COOL SEASON #4 SEED MIX</u>		
1/3 FAWN FESCUE	85	
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	50

FERTILIZER-200 LBS/ACRE OF 16-48-0 OR 18-40-0 OR 11-52-0
 MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.
 MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATIVE, IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

**Special Permit #1816B
 NW 40th & W Vine St**

LEGAL DESCRIPTION:

LOT 59 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

DEVELOPER & OWNER OF RECORD:

NOEL CHADD
CHADD CONSTRUCTION, INC.
3335 N 13TH ST.
LINCOLN, NE 68521 (402) 438-7208

ENGINEER:

LYLE L. LOTH
ENGINEER/ SURVEYING/ PLANNING
601 OLD CHENEY ROAD, SUITE 'A'
LINCOLN, NE 68512 (402) 421-2500

PROJECT SCHEDULE

1. INSTALLATION SEDIMENT BASINS
2. STRIPPING
3. GRADING
4. PERMANENT SEEDING
5. OPERATIONAL MAINTENANCE, INSPECTION OF PRACTICES

MACHINERY:

1. BACKHOE
2. FRONT-END LOADER
3. MOTOR GRADER

**Special Permit #1816B
NW 40th & W Vine St**



January 22, 2010

Mike Dekalb, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

RE: Noel Chadd Special Permit for Soil Excavation

Dear Mike,

On behalf of Noel Chadd, we are submitting an application for a Special Permit for the purposes of soil extraction. This submittal constitutes a continuation of the soil excavation activity authorized by Special Permits #1816, 1816A and Administrative Amendment #009001.

The Special Permit will be for Lot 59, I.T., located in the N ½, SW ¼, of Section 20, Township 10 North, Range 6 East, of the 6th P.M., Lancaster County. The total area of Lot 59 is 61.64 acres with 33.5 acres of the total being designed for soil extraction. The drawings have been modified to reflect existing contours and the owner's intent to return the disturbed area to agricultural purposes upon completion of soil extraction. Erosion control drawings and the required applications for ND PES permit has been filed with the appropriate agencies. The net excavated amount of material is 850,000 cubic yards.

Under the previous Special Permit, Mr. Chadd had a Road Maintenance Agreement in place with Lancaster County that he is willing to renew for the duration of the new Permit.

Please contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in black ink that reads 'Lyle Loth'.

Lyle Loth, PE

Cc: Noel Chadd



Application Information	
Application #	1111111
Title	SOIL EXCAVATION
Associated Requests	

Planning Department Use Only			
Submission Date	1/27/2010	Review Due	2/6/2010
Project Planner	Mike Dekalb		

Review Comments	
Planning	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required Note this is an extension of operationing time for the existing operation, who's existing special permit has expired. The new standards should apply.
Airport Authority (Jon Large)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required
Building & Safety (Mike Petersen)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required Not sure why this was routed to me. -Mp
Building & Safety (Terry Kathe)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required
County Engineer (Ken Schroeder)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required see miscellaneous documents for comments.
County Health (Chris Schroeder)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required Owners/operators are responsible for all mosquito control issues during the soil mining process. All wind and water erosion must be controlled during the soil mining process. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. During the soil mining process, the land owner(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 not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. The Health Department has received multiple complaints relative to dust from heavy truck traffic on NW 27th Street and West Vine Street. The renewal of this soil mining permit should require the applicant to control dust from NW 27th Street and West Vine Street.
Development Review Manager (Steve Henrichsen)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required See project dox comments.
LES (Mike Petersen)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required LES Facilities are along NW 40th Street. Mike P. 02-03-2010
Lower Platte South NRD (JB Dixon)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required Consultant has submitted NPDES Permit & SWPPP to LPSNRD and NDEQ for Authorizalton. Will authorize permit, suggesting further maintenance specifications in the SWPPP for sediment removal from basins after capacity has exceeded 50%, per Drainage Criteria Manual Chapter 9.
Public Works (Bruce Briney)	<input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required

Public Works (Buff Baker)	Corrections Needed for Review Approval	Insufficient Information for Review	Recommend Denial	Recommend Approval with Conditions	Recommend
Public Works (Dennis Bartels)	No Review Required 1/28/10... See Dennis' Comments				
Public Works (Edwin Kzurna)	No Review Required				

DATE: February 3, 2010

TO: Mike DeKalb
Planning Department

FROM: Ken D. Schroeder
County Surveyor

SUBJECT: SPECIAL PERMIT SP1816B
NOEL CHADD - SOIL EXCAVATION
NW 40TH STREET AND WEST VINE STREET

Upon review, this office would offer the following comments:

- 1) Applicant shall enter into a "Road Maintenance Agreement" with Lancaster County for West Vine Street and NW 27th Street.
- 2) Access and use of this mining permit is only via West Vine Street to NW 27th Street to West "O" Street.

Use of NW 40th Street and West Holdrege Street is not permitted for this permit.
- 3) West Vine Street and NW 27th Street shall be maintained on a regular basis during operations and be free of mud and/or clods of dirt.
- 4) Proper erosion control and drainage shall be maintained at all times to prevent any damage to West Vine Street.
- 5) Access shall be limited to one location only which is currently the existing driveway located approximately 180 feet east of the east line of Lot 59, Irregular tracts, and runs southwest diagonally across Lot 60, Irregular tracts.
- 6) Warning signs shall be posted along West Vine Street during hauling operations warning traffic of trucks entering.
- 7) Show existing culverts under West Vine Street. The culvert near the middle of the site will be affected by the grading. Provisions shall be made for this culvert.

KDS/bml

Special Permits Events & Other/SP1816B Soil Excavation- NW 40th & W Vine.Mem.

Honor Roll: Enersen Urban Design Awards

Year	Public Projects	Private Projects
1984	Maple Lodge Park	Haymarket Square
1985	<i>no award</i>	<i>no award</i>
1986	Old City Hall Sculpture Garden	
1987	Dietrick Bikeway/ Northeast Linear Park	Three Pines Court
1988	deSuvero Sculpture in UN-L Cather Garden	CenterStone
1989		Color Court & Peanut Butter Factory
1990	Hardy Building	CenterOaks & FairOaks
1991	City Rails to Trails (Rock Island & MoPac)	Lazlo's Project (710 P St.)
1992	Iron Horse Park & Mural	Mount Emerald District
1993	Antelope Park Triangle	Stratford Avenue medians
1994	Rock'n'Roll Runza Mural Grainger Building	Lincoln Commercial Club Building
1995	*****George Chick*****	
1996	The gates at Love Library Garden, UNL City Campus	Restored signs, 729 Q St., Data Security (small scale) First-Plymouth Church addition (large scale).
1997	“The Torn Notebook” & its garden, UNL	
1998	Streetscape rebuilding, O Street	
1999	17 th St. Shops (Urban Devel. Dept. & Erickson/Sullivan, Architects)	Robert Ripley
2000	<i>no award</i>	<i>no award</i>
2001	Wyuka Cemetery entrance	Sinclair Hille Building
2002	*****Lincoln Children’s Museum*****	
2003	Haymarket Parking Garage	Tom Laging
2004	**Haymarket (baseball) Park & Pedestrian bridge to Haymarket District**	
2005	Lincoln Mall renovation	
2006	Sunken Gardens renovation	
2007	Government Square Park	
2008	Sawmill Building, 8 th & S Streets	
2009	Harris Overpass	Liberty Village (23rd-24th on Vine)