

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION**

### **AGENDA**

#### **PLANNING COMMISSION**

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

#### **PLANNING STAFF**

David R. Cary: Director  
Shelli Reid: Administrative Officer  
Laura Tinnerstet: Admin. Aide

## **October 1, 2025**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 1, 2025, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of **\*FINAL ACTION\***. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission. The Planning Commission action on all other items is a recommendation to the City Council or County Board.

**AGENDA**  
**WEDNESDAY, October 1, 2025**

Approval of minutes of the regular meeting held [September 17, 2025](#).

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

**SPECIAL PERMITS**

- 1.1 SPECIAL PERMIT 16004C, for the renewal of soil mining and excavation permit, on property generally located at Saltillo Road and S 68th Circle. **FINAL ACTION**  
[Page 32](#) **Staff recommendation: Conditional Approval**  
**Staff Planner:** George Wesselhoft, (402) 441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)
- 1.2 SPECIAL PERMIT 25035, to allow soil mining and excavation on property generally located at W McKelvie Road and NW. 40th Street. **FINAL ACTION**  
[Page 41](#) **Staff recommendation: Conditional Approval**  
**Staff Planner:** George Wesselhoft, (402) 441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)
- 1.3 SPECIAL PERMIT 25036, to allow a parking lot associated with Sower Church within the front yard setback, on property generally located at 2640 R Street. **FINAL ACTION**  
[Page 51](#) **Staff recommendation: Conditional Approval**  
**Staff Planner:** Ben Callahan, (402) 441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

**2. REQUESTS FOR DEFERRAL**

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

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

## **5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

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

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### **Adjournment**

**PENDING LIST:** No items

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other  
Wednesday  
will be available for viewing on LNK City TV at**

<https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

**The Planning Commission agenda may be accessed on the Internet at**

<https://www.lincoln.ne.gov/City/Departments/Planning-Department/Boards-and-Commissions/Planning-Commission>

## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 9, 2025.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME, AND PLACE OF MEETING:** Wednesday, September 17, 2025, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**IN ATTENDANCE:** Dick Campbell, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Cristy Joy, Rich Rodenburg, Ben Callahan, David Cary, Rachel Christopher, Steve Henrichsen, Emma Martin, Shelli Reid, Jacob Schlange, Laura Tinnerstet, and George Wesselhoft of the Planning Department, media, and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

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

Chair Joy requested a motion approving the minutes for the regular meeting held September 03, 2025.

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

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

Chair Joy asked the Clerk to call for the Consent Agenda Items.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION** **BEFORE PLANNING COMMISSION:**

**September 17, 2025**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 25005, Annexation 25005, Annexation 25007, and Change of Zone 25021.**

**There were no ex parte communications disclosed.**

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

Campbell moved for approval of the Consent Agenda; seconded by Eddins

Consent Agenda approved 7 -0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg, voting "yes". Ball and Ryman Yost absent.

**Note:** This is **Final Action** on the following items: **Preliminary Plat 25001 and Special Permit 25028 unless** appealed by filing a Notice of Appeal with the **City Council** or the **County Board** within 14 days.

**COMPREHENSIVE PLAN CONFORMANCE 25009 – TO REVIEW AS TO THE CONFORMANCE WITH THE 2050 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, TO DECLARE LAND SURPLUS ON A PORTION OF CITY PROPERTY, LOCATED WITHIN THE HIGHLANDS GOLF COURSE, GENERALLY LOCATED AT NW 12TH STREET AND W FLETCHER AVENUE. AND**

**CHANGE OF ZONE 25013-OF APPROXIMATELY 0.03 ACRES FROM O-3 (OFFICE PARK DISTRICT) TO P (PUBLIC), AND APPROXIMATELY 0.70 ACRES FROM P (PUBLIC) TO O-3 (OFFICE PARK DISTRICT) ON PROPERTY GENERALLY LOCATED AT NW 13TH STREET AND W FLETCHER AVENUE.**

**AND**

**USE PERMIT 04004A-TO AMEND THE EXISTING USE PERMIT TO ADD 72 MULTI-FAMILY UNITS, A PERMANENT OUTLOT FOR DRAINAGE, ADJUST THE USE PERMIT BOUNDARY, AND ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT NW 13TH STREET AND W FLETCHER AVENUE.**

**PUBLIC HEARING:**

**SEPTEMBER 17, 2025**

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

**Staff Recommendation:**

Comprehensive Pan Conformance 25009: In Conformance with the Comprehensive Plan

Change of Zone 25013: Approval

Use Permit 04004A: Conditional Approval

**There were no ex-parte communications disclosed.**

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

**Staff Presentation-**

**Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE,** came forward and presented a detailed request to amend Use Permit 040004 to facilitate the development of approximately 3.45 acres located southwest of Northwest 13th Street and West Fletcher Avenue. Martin explained that the proposed amendment seeks to add 72 multifamily dwelling

units to the existing approval of 94 units, increasing the total allowable units to 166, which remains consistent with established density calculations for the site. She also stated that while the development will be part of the existing use permit, vehicular access will be exclusively from West Fletcher Avenue through private driveways, with no direct roadway connections to the existing residential neighborhood to the east. The only connection to that neighborhood will be via a pedestrian sidewalk.

Martin further described boundary adjustments to the use permit area, involving the addition of 0.7 acres acquired from the Highlands Golf Course to accommodate stormwater detention requirements and provide a buffer between the residential development and adjacent green space. This acquisition is supported by a comprehensive plan conformance request and a related change of zone from public to office park district zoning. Additionally, the applicant has relinquished 0.03 acres to the city along West Fletcher Avenue to serve as a buffer for a future pedestrian and bicycle trail.

The presentation included two waiver requests: a reduction of the rear yard setback from 40 feet to 30 feet to maintain a 270-foot buffer to adjacent industrial zoning, and a waiver from constructing a sidewalk on the west side of a proposed driveway, in recognition of future road widening plans for West Fletcher Avenue. Martin noted that the Parks and Recreation Advisory Board, which manages the golf course property, recommended approval of the surplus designation and that no other city departments raised objections to the proposals.

Martin emphasized that the proposed development is consistent with the municipal zoning code and supports the goals and policies of the 2050 Comprehensive Plan, particularly in relation to providing accessible, affordable housing and fostering neighborhood development. Martin concluded her presentation by inviting questions from the Commission.

#### **Applicant-**

**Rick Onnen, E&A Consulting, 2077 N Street, Suite 400, Lincoln, NE, and Bob Lewis, 7101 South 82nd, Lincoln, NE**, appeared on behalf of the owner and developer to address the Commission. Onnen began by proposing a minor amendment to Condition No. 3 of the staff report. He explained that the current condition requires the sidewalk along the driveway to be completed prior to the issuance of a building permit. He requested that the condition be modified to require sidewalk construction before the issuance of an occupancy permit, instead, noting that sidewalks are typically constructed concurrently with the associated buildings.

Onnen provided background on the site, explaining that the area was originally included in a use permit approved in 2005, but was not developed at that time due to the lack of gravity sewer infrastructure. The current developer, who has held the property for several years, now proposes to construct apartments rather than townhomes, which allows for the use of a private sewage pump system serving the units as a single lot. This change in infrastructure was a primary motivation for revisiting the project.

During early site planning, it became apparent that achieving the number of units necessary for financial feasibility would be difficult within the original site boundaries. As a result, the

developer approached Highlands Golf Course regarding the potential use of a portion of its land for stormwater detention. While initial discussions considered an easement, further negotiations with the golf course and Parks and Recreation staff resulted in a purchase agreement, as previously noted by staff. Onnen emphasized that this process took over a year and involved multiple meetings and reviews with Parks and Recreation committees.

Regarding site access, Onnen explained that the previously approved plan included connections from Northwest 14th Street and a right-in, right-out access onto Fletcher Avenue. Early in the process, the developer met with the homeowners' association of the adjacent townhome development to the east, which opposed a roadway connection. In response, the development team evaluated several alternatives, including a gated access option. Ultimately, the layout was revised to eliminate vehicular access to the east, leaving only a pedestrian sidewalk connecting the developments. Onnen added that fire department requirements were satisfied by providing adequate turnaround space for fire trucks, with all vehicular access now routed via West Fletcher Avenue.

Onnen also noted a modification from the previously approved access plan: the new design includes a dedicated left-turn lane for westbound traffic on Fletcher Avenue, which was not part of the original approval. The Lincoln Transportation and Utilities (LTU) Department reviewed and approved this change, which Onnen explained significantly improves traffic flow and circulation into and out of the development.

Finally, Onnen mentioned one remaining issue related to the proposed length of the turn lanes, which will be addressed by the City Council. He offered to answer any questions on the matter and concluded his presentation.

Feit asked for clarification on the traffic flow for vehicles exiting the proposed apartment development. Specifically, she inquired whether drivers would be required to turn right onto West Fletcher Avenue or if they could cross over and turn left.

Onnen responded that vehicles would be required to turn right when exiting the development. Feit acknowledged that there is a median in place. Onnen confirmed this and added that a roundabout is located just to the east of the site, allowing vehicles to travel north, loop through the roundabout, and return westbound on Fletcher Avenue if needed.

Chair Joy commended the applicant for the clarification and noted the explanation was helpful. She then asked if there were any additional questions for the applicant. There were none.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity



### **Opposition:**

**Catherine Gabell, 5821 NW 14th Street, Lincoln, NE**, came forward and stated that she is a homeowner on Lot 33 and has lived there since 2007. Gabell expressed concerns regarding the proposed development plans. Gabell stated that the community maintains and pays for private streets, snow removal, and sprinkler systems, and that the proposed sidewalk and parking expansion would intrude upon these shared, privately maintained spaces.

Gabell expressed confusion and frustration about the reclassification of the townhome properties as apartments, emphasizing that longtime homeowners, including herself, have distinct ownership rights, such as the ability to install fences.

Gabell clarified that Blake Collinsworth is no longer the property owner and that the current developer is identified as Resort [something] LLC. Additional concerns raised included increased traffic congestion, noise from nearby commercial trucking operations, the removal of mature trees that contribute to neighborhood character, and the potential impact on property taxes.

Gabell also requested clarification on the ownership of certain common areas and urged the commission to obtain detailed responses from both the developer and the homeowners' association before further action.

Chair Joy explained to Gabell that the commission will address her questions and concerns.

### **Staff Questions**

Campbell asked whether the Planning Department would support removing the proposed sidewalk.

Martin explained that the sidewalk is a critical component for neighborhood connectivity and the creation of complete neighborhoods and streets, providing safe, accessible connections for residents and preventing the apartment area from being isolated. She noted that without the sidewalk, residents would need to take longer routes to reach other parts of the neighborhood, emphasizing that the proposed development functions as a single, unified area requiring cohesive connections.

Martin further explained that a complete neighborhood includes diverse housing types and affordability levels, and the sidewalk is essential for connecting residents to transit, trails, and other sidewalks. She added that the sidewalk would also provide existing homeowners access to nearby trails, referencing a map showing solid red lines for sidewalks and hash-marked red lines for trails, indicating that the sidewalk in question is a key connection point. Martin also addressed concerns about screening, stating that design standards require screening between multifamily structures and property lines, including garages, driveways, maintenance buildings, and parking lots, and that these requirements would be enforced during the building permit review process. She acknowledged potential impacts on neighbors but emphasized

that the sidewalk is an important feature aligned with the comprehensive plan's goals for community connections.

Campbell inquired whether any other portions of the bike trail are currently built. Martin deferred to Wade with Parks and Recreation, confirming that no other segments have been constructed. She explained that the existing sidewalk is five feet wide but is planned to expand to a ten-foot trail in the future, which may either replace or connect to the current sidewalk. Campbell noted that the trail is currently unusable along the apartment property, as users would have to rely on the city sidewalk, which is not intended for motorized vehicles or bikes, suggesting that the sidewalk may seem unnecessary at this time.

Campbell then asked whether the waiver under discussion pertained to the sidewalk connecting to Northwest 14th Court.

Martin clarified that the waiver is a request to delay construction of the sidewalk until the occupancy permit stage rather than the building permit stage. She explained that this approach is appropriate for apartments, while pedestrian way easements for single-family homes should be established at or before the building permit stage. Martin noted that she had previously discussed this with Henrichsen, confirming that delaying the pedestrian way easement until occupancy is reasonable for apartments.

Rodenburg asked if there is any alternative access to the future trail for the existing townhomes besides the proposed sidewalk.

Martin replied that she did not know and suggested that the parties involved could address it separately.

Rodenburg emphasized that the sidewalk is intended to provide trail access for townhome residents and ensure connectivity for all, including future apartment residents.

Martin confirmed that the sidewalk would allow connectivity for all users, including children and residents walking, biking, or participating in neighborhood activities.

Ebert asked for clarification regarding access, noting that without the sidewalk, residents would have no alternative to exiting the apartment complex except via West Fletcher. Martin responded that while people could walk through parking lots and grass areas, there would be no designated sidewalk connection without the proposed improvement.

Feit clarified that all land in question, including common spaces, is owned by Highlands Townhomes LLC. Feit also inquired whether trees located in the outlot designated for water runoff would need to be removed.

Martin did not have an answer but indicated that the applicant would be able to provide clarification, and that LTU representatives, if present, might also be able to respond.

### **Applicant Questions-**

**Bob Lewis, 7101 South 82<sup>nd</sup> Lincoln, NE**, came forward representing the owner and developer, stating that the property is currently owned by Highlands Town Homes LLC, which includes Breck and Blake Collingsworth. Breck Collingsworth is the developer of the lot currently. Lewis clarified that the parcel in question is a zoned and buildable lot—not an outlot—and pointed out that the staff report incorrectly refers to it as an outlot.

Regarding the sidewalk connection, Lewis deferred to staff and others to determine whether it should be included, stating he did not have a strong opinion either way. He acknowledged the value of cross-connectivity as a general development standard used throughout the city.

Addressing tree removal, Lewis explained that approximately six trees are planned to be removed from the site. The location was selected as it naturally functions as a detention area, which avoids the need for extensive excavation. A small dam and pipe will be installed to manage runoff, but otherwise the area will remain in its natural state, with only dead or diseased trees removed to ensure the functionality of the drainage system.

Lewis added that the area has been in a natural condition since the golf course opened in the early 1990s and confirmed that while golf balls and poison ivy are present, the intent is to preserve the natural landscape as much as possible.

Regarding the sidewalk along Fletcher Avenue, Lewis said the development team has agreed with staff and the Parks Department to build a 10-foot trail in the future trail location from the existing sidewalk west to the project's driveway. This plan considers future widening of Fletcher Avenue, allowing the trail to be constructed once rather than in phases. The portion of sidewalk east of the project is not within the applicant's control and may or may not require removal.

Lewis also discussed access concerns. He stated that early in the planning process, the development team met with the HOA board and shared plans to connect the new development with the townhome cul-de-sac. The HOA board requested that no connection be made due to traffic and parking constraints. In response, the applicant worked with staff to eliminate the rear connection and ensure emergency vehicle access through other means.

Because there is no connection between the development and the existing neighborhood, the applicant is not part of the HOA. However, the development will connect to the public sanitary sewer located in the cul-de-sac. While the road is private, there is a public access easement, which gives the applicant the right to perform necessary work. The applicant intends to coordinate with the HOA board on timing and any pavement repairs or impacts.

Lewis concluded by stating they own up to the private roadway and will continue working with the board as needed. He offered to answer any additional questions from the Commission.

### **Staff Questions-**

Chair Joy asked a few follow-up questions. Referring to the sidewalk that connects to the current private drive, she inquired about the piece of property owned by the applicant in that area. Joy asked what the applicant's plans were for working with adjacent property owners—particularly regarding existing concerns such as green space, grass, and irrigation systems that are already in place.

Lewis explained that discussions had taken place with the homeowners regarding maintenance of the area between the two lots where the future driveway is planned. The homeowners indicated they had been mowing that portion of land. Lewis noted there may be existing irrigation in the area, which could be addressed during final design. He clarified that any disturbance caused by construction would be restored, including the replacement of grass or relocation of sprinklers to the project's system if necessary. At the time of those early conversations with the HOA, detailed arrangements had not been finalized. Ultimately, the property in question will become part of the apartment complex and will be owned and maintained by the developer, with coordination to ensure the HOA no longer mows or irrigates the area.

Chair Joy acknowledged the discussion and asked if there were any additional comments regarding the screening planned for the east side of the property.

Lewis explained that the project is currently at the site plan approval stage, and the final design has not yet been completed. He stated that all requirements would be met as the site plan advances, including adjustments to parking locations and amounts to achieve the required screening. Lewis noted that the site slopes significantly from east to west, dropping into a detention area, which was a key factor in selecting the location. He added that a substantial berm and existing trees already provide screening for the rear of nearby houses, making them largely unseen from the site. A small detention cell also exists behind the first four units along the west cul-de-sac, offering additional protection. Lewis indicated that the properties most impacted will likely be one or two homes with side yard setbacks, and he affirmed that efforts would be made during final design to minimize those impacts to the greatest extent possible.

Rodenberg asked whether the proposed connection to the east, leading to the townhomes, was optional.

Lewis responded that the connection is required by the City and the Comprehensive Plan, but noted that even without it, people would likely still cross the grass to move between the two areas.

Rodenberg then asked who would be responsible for snow removal on the sidewalk. Lewis clarified that because the sidewalk is located on the development's lot, snow removal would be the responsibility of the developer, along with other sidewalks within the project.

Chair Joy asked if there were any further questions, and none were raised.

**COMPREHENSIVE PLAN CONFORMANCE 25009, CHANGE OF ZONE 25013, AND USE PERMIT 04004A**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 17, 2025**

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

Campbell moved to approve Comprehensive Plan Conformance 25009; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting "yes"; Ball and Ryman Yost absent.

Campbell indicated that he was holding off on making the other two amendments until the Commission reached consideration of the use permit, noting that this would be the appropriate stage for those decisions. He confirmed that the Commission could discuss all amendments together if desired. Campbell stated that he intends to agree with the developer to add the third amendment, which would require construction of the sidewalk and trail concurrent with building occupancy. He explained that this approach makes sense, as it prevents the project from being disrupted during construction.

Regarding the connecting sidewalk, Campbell moved to consider eliminating it, explaining that the townhome residents had not expressed a need for it and that the sidewalk would provide limited connectivity for the apartment residents, who can access the short bike trail. He noted that as the development evolves, the homeowners' association may choose to establish additional connections, but at this time, given the lack of expressed interest from either side, he recommended eliminating the connecting sidewalk.

Eddins agreed with Campbell's assessment, noting that the townhome residents do not want the sidewalk, and the apartment complex also expressed no need for it. She observed that although the City might require sidewalks, there are no nearby services, grocery stores, or shops for the sidewalk to connect to, aside from linking the homes and the apartment complex. Eddins suggested that a trail through the grass may eventually emerge and that the option to reinstall a sidewalk could be revisited in the future. She supported the removal of the sidewalk at this time and added that the remainder of the project appears well-planned, noting that this has been a long-term project and that the development of the apartment complex was anticipated.

Feit stated that she might be in the minority, but expressed support for maintaining the sidewalk connectivity. She noted that the sidewalk would help bring together residents of the apartment complex and the adjacent townhome neighborhood, fostering a family-friendly

environment and facilitating gatherings. Feit emphasized that having the sidewalk would symbolically and practically demonstrate mutual access and welcome between the two communities. She also agreed with Eddins' earlier point, noting that constructing a sidewalk is preferable to creating a path through the grass, which could damage landscaping. Feit concluded that she supports including the sidewalk as part of the development plan.

Cruz noted that the discussion raised an interesting perspective, drawing from her experience in an architecture class where she learned that sidewalks should be placed where people naturally walk, often indicated by informal, worn paths. She suggested that observing such patterns can help determine where sidewalks are most needed. Cruz added that a small connection could provide easier access to the trail for residents, rather than requiring them to take longer routes. She concluded that while the sidewalk will likely be constructed eventually, the question remains whether the Commission should be proactive in building it now or allow residents to determine the timing of its installation.

**Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE**, came forward and provided additional context regarding the sidewalk. Henrichsen explained that the proposed sidewalk would reduce travel distance for residents heading to destinations such as the Highlands Pool or nearby parks. He emphasized that without the sidewalk, residents attempting to walk east from the apartment buildings—potentially with strollers or other mobility considerations—would need to take a significantly longer route, heading west, then north, before accessing public sidewalks along Northwest 13th Street. Henrichsen noted that the sidewalk supports neighborhood connectivity and neighborliness, while also providing accessible routes that comply with ADA requirements, preventing unnecessary extension of trips to other public facilities. Henrichsen concluded that this important aspect of connectivity had not been fully highlighted in earlier discussions.

Eddins briefly acknowledged Henrichsen's point regarding ADA accessibility, noting the importance of considering accessible routes in planning discussions.

Campbell shared his experience from similar developments, noting that there is typically very little interconnectivity between apartment residents and single-family homeowners. Campbell explained that in his own development, social events such as monthly gatherings are attended primarily by homeowners, with apartment residents rarely participating. Based on this experience, he does not anticipate long-term engagement between apartment residents and townhome owners in the current project. Nevertheless, Campbell stated that he would proceed with his proposed amendment to gauge the opinions of other commissioners.

Rodenberg stated that he sees the primary benefit of the sidewalk as providing townhome residents with access to the future trail, rather than serving the apartment residents. He acknowledged that some apartment residents may also benefit when traveling east. Considering the importance of connectivity and the guidance of the Comprehensive Plan, Rodenberg indicated that he supports the sidewalk being constructed, but he favors Amendment No. 3, which would delay construction until the appropriate time.

Ebert stated that she supports the sidewalk connection to the nearby cul-de-sac, citing the points previously made by Henrichsen. She noted that the alternate route around the area would significantly lengthen travel times and highlighted safety concerns, particularly for children crossing busier streets. Ebert emphasized that the sidewalk would provide a more direct and safer connection through the townhome development to destinations such as the aquatic center.

Chair Joy stated that she will support the sidewalk and expressed approval of the transition of maintenance responsibilities to the ownership group. She noted that it is appropriate for the developer to be responsible for sidewalk upkeep and snow removal, ensuring proper maintenance of the area.

**Abby Littrell, City Law Department, 555 S 10<sup>th</sup> Street, Lincoln, NE**, came forward and addressed the Commission to clarify the process. Littrell noted that the current motion pertains to the Comprehensive Plan amendment and emphasized that all actions at this stage are recommendations to the City Council, not final decisions. Littrell explained that there is no formal amendment process at this time, and any motion regarding sidewalks—for example, allowing installation at the time of occupancy—would be framed as a recommendation to approve the use permit with that condition, rather than as an amendment or waiver. Littrell asked if there were any questions regarding this clarification.

Chair Joy confirmed her understanding of Littrell's explanation and thanked her for the clarification, noting that the Commission would proceed with consideration of the current motion.

Campbell moved to approve Change of Zone 25013; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting "yes"; Ball and Ryman Yost absent.

Campbell moved to approve Use Permit 04004A as presented with site-specific sidewalk and trial with occupant permit; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting "yes"; Ball and Ryman Yost absent.

**ANNEXATION 25006 - TO ANNEX APPROXIMATELY 37.07 ACRES ON PROPERTY GENERALLY LOCATED AT NW 56TH STREET AND W HOLDREGE STREET.**

**AND**

**CHANGE OF ZONE 25020- TO CHANGE THE ZONE FROM AG (AGRICULTURAL) TO R-3 (RESIDENTIAL) FOR APPROXIMATELY 37.07 ACRES, ON PROPERTY GENERALLY LOCATED AT NW 56TH STREET AND W HOLDREGE STREET.**

**AND**

**PRELIMINARY PLAT 25001- TO PLAT 128 SINGLE FAMILY LOTS AS PART OF WEST VIEW RIDGE, A PROPOSED RESIDENTIAL SUBDIVISION, ON PROPERTY GENERALLY LOCATED AT NW 56TH STREET AND W HOLDREGE STREET**

**PUBLIC HEARING AND ACTION:**

**SEPTEMBER 17, 2025**

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

**Staff Recommendation:**

Conditional Approval for Annexation 25006  
Approval for Change of Zone 25020  
Conditional approval for Preliminary Plat 25001

**There were no ex-parte communications disclosed.**

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

**Staff Presentation-**

**Jacob Schlange, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE**, came forward and presented information regarding a request for annexation and change of zone for approximately 37 acres located northwest of West Holdridge and Northwest 56th Street, including adjacent right-of-way along West Holdridge Street. The proposed change of zone is from AG (Agricultural) to R3 (Residential), facilitating new single-family residential development at urban densities contiguous with existing city limits. Schlange noted that the site has access to public utilities, and municipal services, including water and sanitary sewer, could be extended from adjacent neighborhoods. He added that the proposed R3 zoning is compatible with surrounding neighborhoods and would accommodate single-family homes.

Schlange explained that as part of the annexation agreement, the developer will pave West Holdridge Road from Northwest 56th Street to the western edge of the property, with details still under discussion. He then provided an overview of the preliminary plat, which proposes 128 single-family homes under R3 zoning. Although initially submitted as a Community Unit Plan (CUP), the applicant revised the request to a preliminary plat, as all proposed dwellings are single-family residences, and the CUP was deemed unnecessary. Condition references in the plan were updated to reflect the change from CUP to preliminary plat.

Schlange identified two waivers associated with the preliminary plat. The first allows the sanitary sewer to run opposite the street grades, necessary due to a central crest in the property's topography and recommended for approval by LTU Wastewater. The second waiver reduces the centerline radius of a C1 curve to 100 feet (rather than the required 150 feet) to minimize tree removal and maximize green space and detention capacity in Outlot C. He noted that LTU approval will be required at the time of final plan submission, as the grading and drainage plan has not yet been submitted.

Finally, Schlange noted a change to Condition 2.1.13 regarding an eastbound left-turn lane at West Holdridge and Northwest 56th Street. The applicant was not in agreement as of that morning, and discussions with LTU are ongoing. The updated resolution allows for an eastbound left-turn lane unless an alternate design is approved by the City of Lincoln. Schlange concluded by stating he could answer any questions from the Commission.



**Applicant Presentation-**

**Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, Lincoln, NE**, came forward and addressed the Commission in follow-up to Schlange's presentation. Eckert noted that the project is straightforward and confirmed agreement with Schlange's explanation. Eckert stated that the application was revised back to a preliminary plat because all proposed lots meet minimum lot size requirements, and the development will include either single-family or attached townhome lots. Eckert noted that this is one of the first preliminary plats submitted in 2025.

Eckert addressed the two minor waivers, indicating that discussions with LTU are ongoing. Eckert also noted continued coordination regarding the design of Holdridge Street, particularly concerning the left-turn lane from the west, due to the adjacent land being in a different drainage basin and unlikely to develop for decades. He concluded by stating he would be happy to answer any questions from the Commission.

**Staff Questions-**

Campbell asked for clarification regarding the existing buildings on the site.

Eckert responded that, according to the preliminary plat layout, all existing buildings are scheduled to be removed. He noted that the client is expected to close on the property toward the end of the month and will proceed with obtaining demolition permits to remove the structures, including the existing house, from the site.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

**ANNEXATION 25006, CHANGE OF ZONE 25020, AND PRELIMINARY PLAT 25001**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 17, 2025**

Campbell moved to close the public hearing; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting "yes"; Ball and Ryman Yost absent.

Campbell moved to approve Annexation 25006; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting "yes"; Ball and Ryman Yost absent.

Campbell moved to approve Change of Zone 25020; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg, voting “yes”; Ball and Ryman Yost absent.

Campbell moved to approve Preliminary Plat 25001; seconded by Eddins. Motion carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg voting “yes”; Ball and Ryman Yost absent.

Chair Joy asked if there was any further discussion, noting that the matter appears to be straightforward and well-defined.

Eddins noted her appreciation that the proposal included relatively few waivers, indicating that the project largely aligns with standard requirements and regulations.

Chair Joy agreed, commenting that it is encouraging to see a project of this nature with minimal waivers and expressing her approval of the presentation.

Motion for approval of Annexation 25006, Change of Zone 25020, and Preliminary Plat 25001 carried 7-0: Campbell, Cruz, Eddins, Ebert, Feit, Joy, Rodenburg, voting ‘yes’. Ball and Ryman Yost absent.

**SPECIAL PERMIT 25028- FOR STILL WATERS RECOVERY, LLC TO ALLOW FOR A RESIDENTIAL HEALTHCARE FACILITY FOR UP TO 44 RESIDENTS, ON PROPERTY GENERALLY LOCATED AT 12788 W ROCA ROAD.**

**PUBLIC HEARING AND ACTION:**

**SEPTEMBER 17, 2025**

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

**Staff Recommendation:** In General Conformance with the Comprehensive Plan

**There were no ex-parte communications disclosed.**

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

**Staff Presentation-**

**George Wesselhoft, Planning Department, 555 S. 10th Street, Suite 213, Lincoln, NE,** came forward and presented information regarding a request for a special permit for a residential health care facility in southwestern Lancaster County, near the intersection of Southwest 128th Street and West Roca Road, close to the Crete zoning jurisdiction. The proposal is for development on approximately 31.45 acres zoned AG (Agricultural) and requests approval for up to 44 residents with 20 employees. The facility would provide voluntary residential treatment for substance use disorders.

Wesselhoft noted that an existing home on the property would be remodeled to accommodate offices, a cafeteria, and a group fitness space for residents and staff. Four modular structures would be added southwest of the existing home to provide housing for residents. The modular units are designed to be removable if the residential health care use ceases.

Wesselhoft explained that Lancaster County zoning regulations allow residential health care facilities in AG zoning at a density of one person per 5,000 square feet. With the site's area, up to 273 individuals would be allowed; the applicant's request for 44 residents represents approximately 16% of the maximum density. Parking requirements call for 25 spaces, and the applicant is providing 28. Wesselhoft clarified that residents will not have vehicles, and the parking is provided to meet zoning standards.

Wesselhoft also referenced a prior special permit request on the property (SP15064) for an expanded home occupation/event center, which was denied approximately ten years ago due to opposition. He emphasized that the current proposal is not expected to significantly impact traffic, as access will be via the existing driveway onto West Roca Road (Highway 33), a paved state highway. Noise impacts are expected to be minimal, with most activity occurring indoors; the nearest neighboring homes are approximately 800 feet from the proposed facility and modular structures.

Wesselhoft concluded by indicating he was available to answer any questions from the Commission.

#### **Applicant Presentation-**

**Derek Zimmerman, attorney with the Baylor Edmond Law Firm, 12480 O Street, Lincoln, NE**, addressed the Commission on behalf of Stillwaters, the applicant for the proposed special permit. He began by expressing appreciation to the Planning Department staff, particularly Wesselhoft, for their support and engagement during the neighborhood meeting.

Zimmerman stated that the project meets all applicable requirements, requests no waivers, and aligns with the Comprehensive Plan. He noted the proposed development represents only 16% of the maximum allowable density and clarified that residents will not have vehicles on-site, with parking provided solely to meet zoning requirements.

Zimmerman emphasized that locating the facility on the southwestern portion of the property allows for appropriate buffering from adjacent properties. He also expressed gratitude for the Planning Department's recommendation of approval and confirmed the applicant's understanding of, and agreement to comply with, all standard special permit conditions, including wastewater and state licensing requirements, before commencing operations.

He concluded by introducing Matt Rennerfeldt, the owner and developer, along with representatives from Ascension Recovery Services, highlighting their collaborative involvement in the project, and welcomed any questions from the Commission.

**Matt Rennerfeldt, 11821 Grayhawk Circle, Lincoln, NE 68526**, came forward and addressed the Commission. Rennerfeldt provided background on his experience as co-founder of Alpha Brewing Operations, a company he sold in 2022, and explained that his motivation for establishing Stillwaters stems from personal experiences with addiction in his family and among former colleagues.

Rennerfeldt described the property's unique features, including existing buildings, a lake, and natural surroundings, which make it well-suited for a residential recovery sanctuary. He outlined his vision for the facility, emphasizing a tranquil, non-institutional setting, with enhanced landscaping, gardens, and local sourcing of food and supplies. Planned amenities include a fitness center, an indoor pool for therapy, and partnerships with local organizations and universities to provide educational and life-skills programming.

Rennerfeldt also introduced plans to establish a nonprofit to financially support guests after their stay, including outpatient care, sober living housing, family support, and scholarships. He explained that residential treatment is only the beginning of recovery and stressed the importance of ongoing support to impact long-term outcomes.

Rennerfeldt discussed the operational structure, highlighting a staffing-to-resident ratio of approximately 1:12 and the modular housing design, which will include four aesthetically pleasing structures to accommodate residents, including detox beds. Rennerfeldt concluded by introducing Ascension Recovery Services as the chosen operational partner to manage day-to-day clinical operations and programming, emphasizing the alignment of values and approach with Stillwater's mission.

#### **Staff Questions-**

Eddins asked why the number of residents was set at 44.

Rennerfeldt explained that the number is based on a staff-to-guest ratio of roughly 1:12. The modular structure designated for medical detoxification can't house 12 residents in a single building because space is needed for nursing and staff. The other three modular structures each house 12 residents, so combined with the detox beds, the total comes to 44. Rennerfeldt emphasized that the modular buildings are designed to blend aesthetically into the environment.

**Chris Watras, Client Services Director, Ascension Recovery Services, 5278 Major Boulevard, Orlando, FL** came forward and stated he is also a therapist, substance use disorder counselor, and clinical supervisor with over 25 years of direct practice experience. Watras explained that Ascension has partnered with Matt Rennerfeldt to develop the Stillwaters Recovery Sanctuary over the next 12–14 months and will operate the facility once open. Watras noted that Ascension is a leading expert in developing and operating quality evidence-based substance use disorder treatment programs, with operations in 35 states and residential programs like Stillwaters in Iowa, Indiana, New Hampshire, and Oklahoma.

Watras added that Ascension owns and operates several facilities in West Virginia, where a large portion of employees are in long-term recovery from substance use disorder, including their CEO and founder, Doug Leech. Watras stated that Ascension's mission is to expand access to comprehensive, fully integrated behavioral health care for underserved populations and regions, focusing on those struggling with substance use disorder, regardless of insurance type or ability to pay.

With Ascension's mission and Matt Rennerfeldt's vision, Watras stated they are very excited to be a part of developing and operating Stillwaters Recovery Sanctuary. He then concluded by offering to answer any questions before handing the discussion over to his partner, Morgan Henson.

### **Staff Questions**

Campbell asked about the recidivism rate at Ascension Recovery facilities nationwide, specifically the rate of clients who complete the program and then relapse.

Watras responded that while it is difficult to provide a definitive statistic, addiction—like other chronic health conditions—often involves a risk of relapse. He noted that studies indicate approximately 50% of individuals in addiction treatment relapse after completing a program.

Campbell then asked about the frequency of patient outbursts and whether clients ever need to be assisted or restrained due to harm to staff or other patients.

Watras explained that in this type of facility, restraints are not used, and staff are trained in de-escalation techniques to handle any challenging behavior. He noted that the client population at Stillwaters consists of voluntary participants who have been professionally screened. The facility maintains 24/7 professional supervision, so there has been no need to physically restrain clients.

Watras highlighted that Stillwaters will provide a spacious, high-quality residential treatment environment with unique natural beauty and amenities, creating new jobs for the local community. He noted plans to source food and supplies locally, establish partnerships with Doane University, UNL, and other organizations, and offer scholarships, grants, and educational opportunities. Residents and staff will volunteer in the community. The renovation is projected to be complete in summer 2026, with an anticipated opening in fall 2026.

Campbell acknowledged the response and confirmed that the facilities are staffed 24/7.

Eddins asked if the Stillwaters facility would be staffed 24/7.

Watras confirmed that it would be, with awake staff on site always.

Eddins then asked how clients come to the program—whether it is through parole collaboration, referrals, or other means.

Watras explained that referrals come from multiple sources. The facility conducts community outreach and business development to inform medical centers and behavioral health providers that services are available. Once clients are identified, they are screened to determine if they are an appropriate fit for the program.

Eddins clarified by asking whether individuals recommended for sober living through parole would be accepted.

Watras confirmed that it is not uncommon for clients to be involved with the criminal justice system, and the facility works closely with the judicial system when appropriate.

Cruz asked for clarification regarding the type of recovery facility. She confirmed that the program would operate like a Betty Ford-style center with a full payer mix, including private pay, commercial insurance, Medicaid, and scholarships for those unable to pay.

Watras confirmed that the facility would accept private pay, commercial insurance, Medicaid, and provide scholarships as needed.

Cruz asked about staffing, noting that since this is a medical program, licensed professionals would be on site 24/7, including medical, psychological, and psychiatric staff for substance use disorder treatment.

Watras confirmed that licensed professionals would always be present, and the facility would provide appropriate medical and psychological care consistent with ADA requirements.

Cruz asked about referrals to the recovery center, including partnerships with healthcare providers such as Bryan Health, private doctors, and family members seeking treatment for loved ones.

Watras confirmed that referrals would come from healthcare providers, family members, and other community partners, emphasizing outreach to ensure accessibility. Cruz noted that a 50% recovery rate is consistent with industry standards and that many clients typically undergo multiple treatment stints before achieving long-term recovery.

Feit asked about the state licensing process for the facility, specifically what steps are required, and which agency provides the license.

Watras explained that obtaining a state license involves multiple steps. He noted that Nebraska Health and Human Services provides the license, and additional details would be provided by Morgan (Ascension Recovery Services). Watras also mentioned that the facility will be accredited by the Joint Commission, which is considered the gold standard for healthcare facility accreditation.

Rodenburg asked how the individuals at the facility are considered—clients, patients, or residents—given that similar programs, such as Oxford House, are protected under fair housing laws. He noted that the Commission's ability to deny such facilities may be limited due to protections for individuals in recovery.

Watras responded that the terminology varies within the industry. At the facility, they would be considered residents, though "guests" is often used as a more welcoming term. He explained that the Oxford House model is part of a continuum of care: individuals may start with

withdrawal management, move into a 28-day residential program, and then transition to sober living or intensive outpatient services. The Oxford House represents a step-down in the continuum.

Watras confirmed this explanation addressed the question, and noted that Morgan, with more experience in other projects, could provide further insight into legal and operational considerations for facilities in protected classes.

Chair Joy asked Morgan Henson to come forward to answer questions regarding the operations and services at Still Waters Recovery Sanctuary.

**Morgan Henson, Senior Director at Ascension Recovery Services, 5728 Major Boulevard, Suite 301, Orlando, Florida**, came forward and provided an overview of the day-to-day operations and services at Still Waters Recovery Sanctuary. Henson noted that the facility differs from Oxford House programs and is more akin to a higher-end treatment center, comparable to a Betty Ford Clinic, serving a full payer mix including private pay, commercial insurance, Medicaid, and scholarships.

Henson explained that all guests are thoroughly screened before admission through an over-the-phone assessment at the admissions center. Upon acceptance, guests typically begin with a short-term, 3–5-day program to manage mild to moderate withdrawal symptoms, followed by a residential program of approximately 28 days.

Programming is structured and supervised 24/7 by credentialed staff, including registered nurses, LPNs, nurse practitioners, and medical doctors. Daily activities include comprehensive assessments, individualized treatment planning, individual and group counseling, family therapy, eco-therapy (offsite), aquatic therapy, case management, peer support, life skills development, guest speakers, and recreational activities. Evenings feature quieter activities such as fire-side gatherings, movie nights, and outdoor activities like kayaking and fishing, weather permitting.

Henson addressed community concerns, including staffing shortages and safety. She highlighted Ascension's strong recruitment pipeline, partnerships with local universities, competitive pay, and career development opportunities to maintain staffing ratios. Community safety is supported through structured programming, staff trained in de-escalation and crisis prevention, controlled access, visitor protocols, and continuous 24/7 staffing.

Henson emphasized the organization's commitment to creating a safe, respectful, tranquil, and healing environment and highlighted her personal experience in long-term recovery. She expressed confidence that Still Waters Recovery Sanctuary will strengthen the community, assist individuals in recovery, and rebuild families.

### **Staff Questions-**

Feit asked about emergency response procedures, referencing written testimony expressing concern about calling 911 if an incident occurred. She asked where the nearest police station is located and how long it would take for law enforcement to respond to a call at the facility.

Henson stated that she did not know the location or response time of the nearest police station.

Rennerfeldt addressed Feit's question about emergency response, noting that the closest law enforcement station is approximately 2 to 2.5 miles away in Crete, which is in a different county. He acknowledged that response times may vary due to the facility's location on the outskirts of Lancaster County.

Feit commented that the issue may require further research and suggested establishing a special relationship with local law enforcement to ensure optimal response times for staff and residents' safety. Rennerfeldt agreed.

### **Proponents:**

No one approached in support.

### **Neutral:**

No one approached in a neutral capacity.

### **Opposition:**

**Jan Fischer, 12401 Bob White Trail, Crete, Nebraska 68333,** came forward and spoke on behalf of the group that submitted a letter regarding the proposed facility. She provided an updated signature page and a document from the Nebraska Department of Health and Human Services showing the number of similar facilities and beds in Lancaster County. Fischer displayed a map outlining the property and noted that most signatories reside in the nearby Lakeside Estates neighborhood.

Fischer emphasized that the facility is a healthcare center, not housing, and that residents are patients undergoing treatment for substance use disorders. She noted concerns regarding safety and security due to the voluntary, unlocked nature of the facility, the "hands-off" policy, the lack of criminal background checks (aside from sex offender registry checks), and the number of patients rotating through the facility—potentially up to 500 annually at full capacity. She also expressed concern about the potential presence of mental health conditions or criminal backgrounds among patients.

Fischer highlighted emergency response issues, noting that local law enforcement in Lancaster County may not respond promptly to the area, and requested that any approval include consideration of emergency security measures. She questioned compatibility with the comprehensive plan, pointing out that the plan references housing and affordable housing, not drug treatment centers, and noted that the property's infrastructure (well, septic system) was



designed for a single-family residence rather than a 44-bed healthcare facility. She requested a groundwater or well capacity study to ensure sufficient resources.

Fischer concluded by stating that her comments reflect the collective concerns of approximately 40 area residents and offered to answer questions. Fischer also stated that she believed all commissioners had received the letters submitted in opposition.

Campbell confirmed that the commissioners had read them.

Rodenburg noted he had read them twice, and other commissioners echoed similar sentiments.

Chair Joy thanked the speaker for attending and for representing the concerns of the community. Fischer expressed appreciation and concluded her testimony.

**Pam Wakeman, 15751 Bob White Trail, Crete, NE 68333**, came forward and spoke regarding the proposed facility. Wakeman noted that her property directly borders the proposed site and expressed concerns like those raised by Jan Fischer. Wakeman stated that the term “healthcare facility” was misleading and that most residents in her subdivision did not receive notification from Lancaster County until after they had met with Stillwaters representatives.

Wakeman raised concerns regarding water supply, waste disposal, security, and emergency response, noting uncertainty about available resources and the involvement of CIT services. She emphasized that the facility is not residential, as patients stay for short-term treatment (approximately 30 days).

Wakeman discussed the impact on property values, comparing her subdivision's assessed value and taxes with those of the Stillwaters property. She questioned potential tax incentives for the development and requested information on the effects of similar facilities in other neighborhoods. She cited advice from a mental health professional regarding the need for a robust security system, noting concerns about theft due to the facility's patient population and the limited 50% recovery rate.

Wakeman also shared research indicating that Nebraska has 67 licensed mental health rehabilitation facilities with 1,638 beds statewide, including 334 licensed beds in Lancaster County, questioning the need for additional local capacity. She concluded by noting that while the facility may serve individuals from Crete, other nearby facilities are also available to the same population.

Wakeman concluded her remarks and asked if the commissioners had any questions. Chair Joy also invited questions, then thanked Wakeman for her testimony. Wakeman expressed her thanks and concluded her testimony.

**Arthur Grinstead, 15380 Bob White Trail, Crete, NE, 68333**, came forward and spoke regarding the proposed facility. Grinstead introduced himself as a husband and father of six children and noted that his family's primary residence directly borders the proposed site. Grinstead expressed concern about the proximity of the facility to his home, emphasizing that his wife homeschools their children and is at home throughout the day.

Grinstead shared his professional background as a medical doctor with training in mental health and substance use disorder treatment, including experience at the Hazelden Betty Ford Clinic, and acknowledged the need for recovery centers. Despite this, he expressed concern about the facility's "hands-off" approach, noting that patients could leave the property and potentially come into his neighborhood, which he viewed as a safety concern.

Grinstead raised questions regarding emergency response times from Lancaster County, citing uncertainty about how quickly law enforcement or medical personnel could respond to incidents at the edge of the county. Grinstead also questioned the adequacy of patient screening to ensure that only appropriate cases are admitted to the facility.

Additional concerns included potential impacts on property values, trespassing issues, and the qualifications of on-site medical providers, including whether a medical doctor would be present in person or via telehealth. Grinstead concluded by emphasizing the importance of neighborhood safety and requested consideration of contingency plans for medical and security emergencies.

Grinstead stated he wanted to bring those concerns to the commission's attention and thanked the commission for listening. Chair Joy asked if there were any questions; there were none and then thanked Grinstead for his testimony.

**Dave Rodger, 13000 W. Roca Rd, Crete, NE 68333**, came forward and stated that he is immediately to the west of the subject property. Rodger noted that he had contacted Creek Police and the Creek Fire Department, and both were unaware of the proposed rezoning.

Rodger stated that he supports the previous speakers' objections without repeating them, including concerns about safety, incompatibility with the comprehensive plan, incompatibility with the character of the neighborhood, and concerns about water usage and environmental impact. Rodger noted that water levels and pressure in the area fluctuate and that there is a lack of demonstrated community support for the project. Rodger requested the denial of the special permit.

Rodger discussed the purpose of zoning, noting that it is a tool used by the government to manage the growth of land for the public good while providing residents with predictability and protection for property values. He emphasized that zoning is also a promise to the community, residents, and businesses, and that residential neighborhoods expect residential use as was intended when the area was originally zoned.

Rodger asked the commission to honor that promise, reconsider the committee's report, and seek another location for the facility—closer to Lincoln or in an area where services are genuinely needed. He reiterated his request for denial of the special permit.

Rodger thanked the commission and asked if there were any questions. Chair Joy thanked the applicant for their testimony, and the applicant responded courteously.

**Howard Doty, 15500 Redwing Drive, Crete, Nebraska 68330**, came forward and introduced himself as the current president of the Homeowner's Association for the development. Doty noted that he had spoken with many of his neighbors and that while they agree the cause is worthwhile and recognize the struggles many families face, their biggest concern is security. Doty stated that he has lived in the development for 37 years and could recall only three times the county sheriff had been called for an emergency. In those cases, response times were between 45 minutes and one hour. Doty explained that while the Crete Police Department is physically closest, they do not provide service in the area. Some service is provided by the Crete Fire Department, but law enforcement response falls to the county sheriff, who may be a considerable distance away.

Doty emphasized that because the development is located on the far edge of the county, the proximity of the proposed facility raises security concerns for nearly all residents. He also noted that sound travels easily across the lake, and activities at the facility, such as music or fireworks, would be noticeable to neighbors.

Doty concluded by reiterating that security is the primary concern of most residents due to their proximity to the proposed site.

Doty concluded his testimony by stating that those were the only comments he wanted to make and thanked the commission, after which Chair Joy acknowledged the conclusion.

**Betty Doty, 15500 Redwing Drive, Crete, NE 68330**, came forward and introduced herself as a retired RN with 54 years of experience in mental health, shared her concerns regarding the availability and accessibility of mental health and substance abuse treatment facilities in Lancaster County. Doty expressed the difficulty in assessing the truthfulness of patients, citing a personal experience of a patient she had worked with for several months.

Doty also raised the issue of the shortage of mental health beds in Lancaster County, pointing out that while the state of Nebraska has 1,600 licensed beds, Lancaster County has only 463, with many of the beds concentrated in Lincoln and Omaha. She highlighted the limited availability of beds in western Nebraska, noting that facilities in areas like North Platte and Alliance are nonexistent.

In her discussion of Bridge Behavioral Therapy, a local facility licensed for 68 beds, Doty explained that the facility currently operates with only 42 patients due to staffing and financial constraints, with the director considering it "full" despite having available licensed capacity. She questioned whether Lancaster County really needed additional facilities, suggesting that the current facilities might be underutilized due to staffing issues.

Doty also pointed out that many of the patients at these facilities are walk-ins or homeless, raising concerns about access to care for those in rural areas. She questioned the practicality of providing care in rural locations, especially for patients who may face challenges accessing services.

Chair Joy asked if there were any questions and then thanked the speaker for their testimony.

**Judy Siedhoff, 15651 Bobwhite Trail, Crete, NE 68333**, came forward and spoke about her concerns regarding the proposed facility in her area. She mentioned that her property backs up to the proposed site and referenced a line marking the jurisdictional boundary, beyond which Creek police will not go. Siedhoff recounted an incident where her son's car was stolen from outside their house, and it took 45 minutes for the sheriff to arrive. She also noted that the sheriff had presented to their neighborhood watch and acknowledged that their location at the edge of the county results in slower response times. Siedhoff also mentioned that it takes approximately 25 minutes to get to South Point, suggesting that services like those in Lancaster County would also require travel time.

Siedhoff pointed out that their community is rural, with many residents who hunt, fish, and have alcohol or prescription drug use issues. She emphasized the proximity of the proposed facility to an area where substances like alcohol, drugs, and firearms are accessible, which she believes could increase risks. As a registered nurse with 43 years of experience, Siedhoff shared her personal experience with substance abuse patients, stating that many of them also suffer from mental health issues. She expressed concern over the lack of hands-on treatment at the facility, noting the difficulty in managing patients with detox or substance abuse issues without physical intervention, fearing they could leave the facility if not restrained.

Siedhoff also raised concerns about how the facility would affect her quality of life. She questioned whether it would improve her safety, noting that the neighborhood has always been quiet and peaceful, with residents able to come and go without disturbances. She expressed that having 44 individuals across the lake with potential legal issues would not enhance her sense of security or well-being. Additionally, Siedhoff worried that the facility would decrease the property value of her home. She closed by stating that the proposed facility does not align with her vision for her neighborhood or the improvements she had hoped for in her quality of life.

Siedhoff noted those were the points she wanted to present and asked if there were any questions. Chair Joy indicated there were none and thanked Siedhoff for her testimony.

## **Staff Questions**

Ebert asked about comments regarding water concerns and septic usage, specifically whether site-specific conditions 2.1 and 2.2 would address those issues.

Wesselhoft responded that the Health Department was present and noted that these concerns had been included as conditions of approval. He explained that before a building permit could be issued, the applicant would need to obtain all necessary water and wastewater permits through both the state and Lancaster County.

Chair Joy asked Wesselhoft to explain the zoning and special permit process for the proposed use.

Wesselhoft responded that the facility is classified as a residential healthcare facility, which requires a special permit under both city and Lancaster County regulations. He explained that this type of use is allowed in residential zoning through a special license, unlike other facilities that might require office or commercial zoning. Wesselhoft noted that this is not an uncommon type of special permit and that there are multiple examples within the Lincoln jurisdiction, emphasizing that the proposed use is consistent with what is allowed in residential areas through the special permit process.

**John Ward, Deputy County Attorney, 605 S. 10th Street, Lincoln, NE,** came forward and addressed the Planning Commission regarding land use regulations and public safety, health, and wellness considerations. Ward noted that the zoning resolution was adopted following the comprehensive plan, which had already taken public health and safety into account. He explained that zoning regulations presuppose adherence to these considerations and that the County Board retains the authority to adopt additional regulations at any time. Ward further emphasized that under the Americans with Disabilities Act and the Fair Housing Act, individuals with substance use disorders are classified as having a disability. He cautioned that if the Planning Commission were to apply zoning regulations indiscriminately based on perceived dangers or “not in my backyard” concerns, any such decision would likely be overturned on appeal.

Henrichsen came forward and addressed the Planning Commission, agreeing with the earlier assessment but clarifying some distinctions. Henrichsen explained that the current request is under county zoning regulations. In contrast, previous cases involving Oxford Houses were within the city’s jurisdiction, specifically focused on a reasonable accommodation request for people to live in a single-family dwelling as a unit. Hendrichsen emphasized that today’s request is not a reasonable accommodation, nor is it for collaborative or transitional living, which are typically found in the city’s jurisdiction. Instead, the current proposal is for a residential healthcare facility. He pointed out that the discussion about reasonable accommodation would not apply in this context, as it pertains to a separate type of review under city regulations and clarified that the current request is within the county’s jurisdiction.

Feit asked Henrichsen for a brief definition of a residential healthcare facility and how it is defined in Lancaster County zoning regulations.

Henrichsen responded by explaining that a residential healthcare facility is a building or structure used in a residential manner, licensed or approved by the state or an appropriate agency if required. He outlined that the facility could include, but is not limited to, assisted living, nursing care, memory care, convalescent homes, hospice homes, group homes for 16 or more people, and intermediate care. Henrichsen also noted that some facilities may include independent living units, as some facilities offer both assisted and independent living within one facility.

Henrichsen further mentioned that the application was sent to the county sheriff, who recommended approval, as well as to the Crete Volunteer Rural Fire Department, which covers the Crete area and 120 square miles beyond. Henrichsen noted that they did not receive any comments from the Crete Rural Fire Department. He concluded by acknowledging that the sheriff's office serves an expansive area of 840 square miles and emphasized that the sheriff's office prioritizes service to the entire county, regardless of the distance from their headquarters.

### **Applicant Rebuttal**

Zimmerman addressed the commission, acknowledging the discussion around the Fair Housing Act and the Americans with Disabilities Act. He emphasized that the goal of the project was to present it in a way that demonstrated its suitability for the community while meeting the requirements. He clarified that the issue had not been raised during the neighborhood meeting and reiterated that the intent was not to force the project through without regard for public input. Zimmerman stated that, while the project fits within the special permit requirements, if it had not, they would have pursued an accommodation. He also explained that the county does not have a specific process for seeking accommodations, unlike the city ordinance, but that an accommodation could still be requested similarly. Zimmerman further highlighted that their project did not require a variance, as it met the criteria for the special permit, and thus, they were protected under both the Fair Housing Act and ADA.

### **Staff Questions-**

Rodenberg asked whether the facility would accept people regardless of their ability to pay, acknowledging that Medicaid insurance would likely be accepted. He inquired if any individuals might have "slipped through the cracks" in terms of coverage.

Zimmerman responded that he would let Watras address the question, as his expertise is in distance requirements and buffers, which he had previously discussed.

Watras came forward and asked for clarification, and Rodenberg replied, inquiring whether anyone had been denied access due to an inability to pay, asking Watras to elaborate more on what was meant by people "slipping through the cracks." Watras explained that whether individuals are accepted depends on the treatment center and its location. He mentioned that scholarships are generally available, and if someone is an appropriate fit for the program —

meaning they do not require acute medical, psychiatric, or addiction treatment, which are common concerns — they make every effort to find a way to accommodate them and get them into the program.

Rodenberg asked if there had been any incidents of individuals wandering off the facility, getting into legal trouble, or causing disturbances.

Watras replied that such incidents have never occurred at any of their facilities. He explained that it simply doesn't happen, as staff are present 24/7, awake, and work closely with the individuals, especially those who may be impaired.

Ebert asked if this site was similarly rural to other sites the facility operates or if it had more distance between neighbors than is typical.

Watras replied that they have a mixture of different environments. He mentioned that while some of their facilities are in city, urban, and rural neighborhoods, the current site is a combination of all the above.

Chair Joy thanked everyone and then asked the commissioners if they had any more questions. When there were none, the discussion concluded

Rennerfeldt came forward and stated that he did not actively seek out letters of support or recruit signatures, noting that while he could likely gather numerous letters in favor of the project, he didn't feel it was necessary. Rennerfeldt expressed that "you don't need an army unless you're going to war," emphasizing that he was not in conflict with his neighbors. He clarified that he holds his neighbors in high regard and wanted to make that clear. Rennerfeldt acknowledged that if more effort was needed to demonstrate support, he would be willing but added that he believed support for the project extended beyond his own perspective.

#### **SPECIAL PERMIT 25028**

#### **ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 17, 2025**

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

Campbell moved to approve Special Permit 25028; seconded by Eddins.

Campbell acknowledged that the area is rural but emphasized that it is well-separated from other housing developments. He then shared his experience with Bryan's independent center on the west campus, noting that it is a more restricted facility, but serves a different type of individual compared to the current proposal. Campbell expressed that while he believes there may be individuals who fail within the system, he has confidence in the facility's nationwide network and professional staff, which he feels is more robust than what other facilities, such as the Oxford houses, offer. For these reasons, Campbell stated that he would be supporting the motion.

Eddins stated that she would support the motion, acknowledging the constant need for facilities like the one proposed. She shared his experience serving on the foster care review board, where many parents struggling with addiction are waiting for a bed to get sober and become better parents. Eddins emphasized that this issue is real and personal to her, as it has touched her life. Eddins expressed understanding of the concerns from residents, acknowledging questions about the right number of beds and whether the proposed capacity is appropriate. She compared the potential safety and security concerns to those that come with a "rotten neighbor," noting that even sober individuals can cause issues.

Eddins also noted that there appeared to be a natural buffer in the land and mentioned that, if the land were subdivided into houses like those in the nearby neighborhood, the number of homes would likely approach the same number of residents as the proposed facility. Eddins also noted that the applicant had met with the neighbors, which she appreciated. She concluded by stating that she believed the applicant was genuine in their desire to do the project right without negatively impacting the neighbors, and that's why she would support the motion.

Cruz shared her understanding of the rigorous process required to obtain JCO accreditation, the necessary licensing, and the professional staff needed to meet those standards. She emphasized that if the facility were staffed at a 1:1 ratio, the "boogeyman issues" that some may be concerned about would not arise. Cruz acknowledged that while there may not be locks on the doors, the critical issue is that there are simply not enough inpatient recovery options, particularly in western Nebraska, which she believes is even more pressing given the upcoming changes in healthcare over the next six to 18 months. She then addressed the common question of whether she would want such a facility in her neighborhood, stating that she would be fine with it.

Feit expressed her support for the proposal and complimented the team, saying they did a good job.

Chair Joy acknowledged that it is always their responsibility to review land use. Joy noted that the special use permit with conditional approvals by staff had been thoroughly vetted and stated that she would also be approving it, agreeing with her fellow commissioners on the matter.

Motion for approval of Special Permit 25028 carried 7-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg, voting 'yes'. Ball and Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of September 17, 2025; seconded Eddins.

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

There being no further business, the meeting was adjourned at 3:44 pm.





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Special Permit #16004C

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
Triple S & L Developers, LLC

PLANNING COMMISSION HEARING DATE  
October 1, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
Saltillo Rd and S 68<sup>th</sup> Circle

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. This application is to renew an existing special permit for excavation for three more years. The boundary of the special permit is approximately 133 acres, and the area of excavation is 87.61 acres. The site is generally located south of Saltillo Road and west of S 68<sup>th</sup> Circle.



#### JUSTIFICATION FOR RECOMMENDATION

This application subject to the conditions of approval complies with the requirements for an Excavation special permit. There should be no significant negative impacts to any nearby neighbors.

#### APPLICATION CONTACT

Mike Eckert, (402) 434-8494 or  
meckert@civildg.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. There are a few houses in the area but there is no significant impact on adjacent properties anticipated given the proposed conditions. This is the third renewal of this permit, and there have been no complaints about the operation.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

P. 1.12- this site is designated for future urban-density residential and commercial land uses on the 2050 Lincoln Area Future Land Use Plan.

P. 1.15 - this site is in Tier I Priority C of the Growth Tiers. The next areas for development, after 2036, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's Capital Improvement Program (CIP) but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

## ANALYSIS

1. This request is for soil excavation on approximately 133 acres with 87.61 acres being disturbed for requested soil mining activities, as per the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation. Approximately 939,524 cubic yards of soil is planned to be excavated.
2. This site was granted a special permit in May 2016 for excavation. At that time the area of the special permit was approximately 150 acres in area, but approximately 18 acres were acquired by the State of Nebraska as right-of-way for the South Beltway. A three-year extension was granted in 2018. An additional three-year extension was granted in 2022.
3. The beltway has been constructed at this location and South 68<sup>th</sup> Circle right-of-way remains and is shown on the plan. The right-of-way has not yet been vacated, nor has the old roadway surface been removed. The primary access for the excavation/mining will be off the terminus of S. 68<sup>th</sup> Circle right-of-way. Access is limited to this one driveway.
4. The site plan submitted with this application is similar to the site plan submitted and approved for the original special permit and the prior amendments.
5. Hours of operation shall be limited to daylight hours Monday through Saturday. The equipment used on site will include scraper, dozer, motor grader, dump trucks, excavator and water truck.
6. 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 are not limited to, application of water or other dust suppression chemicals.
7. There have been no complaints filed with the Health Department on this operation.
8. LTU Watershed notes that the channel along the east side of the property at the edge of the excavation area will need to be evaluated for minimum flood corridor. This is a condition of approval. The regulations regarding Minimum Flood Corridors have changed since the last approval.
9. The County Engineer supports the renewal of the permit subject to an updated road maintenance agreement, truck route, erosion control and sediment plan, and other updates to the site plan information.
10. This request is consistent with the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG-Agriculture                      Farm ground and soil excavation

## SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground and smaller acreages.
	AGR-Agricultural Residential	Single family houses on acreages.
South:	AG-Agriculture	Farm ground
East:	AG-Agriculture	Farm ground
West:	AG-Agriculture	Farm ground
	AGR-Agricultural Residential	Single family houses on acreages

## APPLICATION HISTORY

June 2022	Special Permit #16004B was approved granting a three-year extension of the permit.
Oct 2018	Special Permit #16004A was approved granting a three-year extension of the permit.
May 2016	Special Permit #16004 for soil excavation was approved.

**APPROXIMATE LAND AREA:** 133 acres, more or less

**LEGAL DESCRIPTION:**

Lots 32, 38 and 39 Irregular Tracts all located in the Northeast Quarter of Section 4, Township 8 North, Range 7 East, and Lot 4 Irregular Tract located in the Northwest Quarter of Section 3, Township 8 North, Range 7 East, Lancaster County, NE.

Prepared by  
George Wesselhoft, Planner

Date: September 18, 2025

Applicant: Gana Trucking & Excavating

Contact: Mike Eckert

Owner: Triple S & L Developers, LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/16000/SP16004C Cottonwood Excavation.gjw.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #16004C

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 Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Update legal description to current lot information.
  - 1.2 Update S 68<sup>th</sup> Street to S 68<sup>th</sup> Circle for all street references and label information.
  - 1.3 Add a note to general site notes to install advanced warning sign for trucks turning ahead, north of the construction entrance on S 68<sup>th</sup> Circle.
  - 1.4 Update the plan document to show all current information from SP16004B Final Approved Plan including roads, section corners and boundary dimensions.
  - 1.5 Provide current excavation area and cubic yard information on the plan.
  - 1.6 Provide erosion and sediment control plan.
  - 1.7 Label the contours on the plan and label the excavation contours.
  - 1.8 Add a note to general site notes "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".
  - 1.9 Evaluate the channel along the east edge of the excavation area for minimum floor corridor to the satisfaction of LTU-Watershed.
2. Before beginning the excavation operation,
  - 2.1 The Permittee shall have
    - 2.1.1 Received review and permits, as required for the Federal NPDES and 404 Permits.
    - 2.1.2 Post performance bond in the amount of \$45,995.25 (\$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 Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.

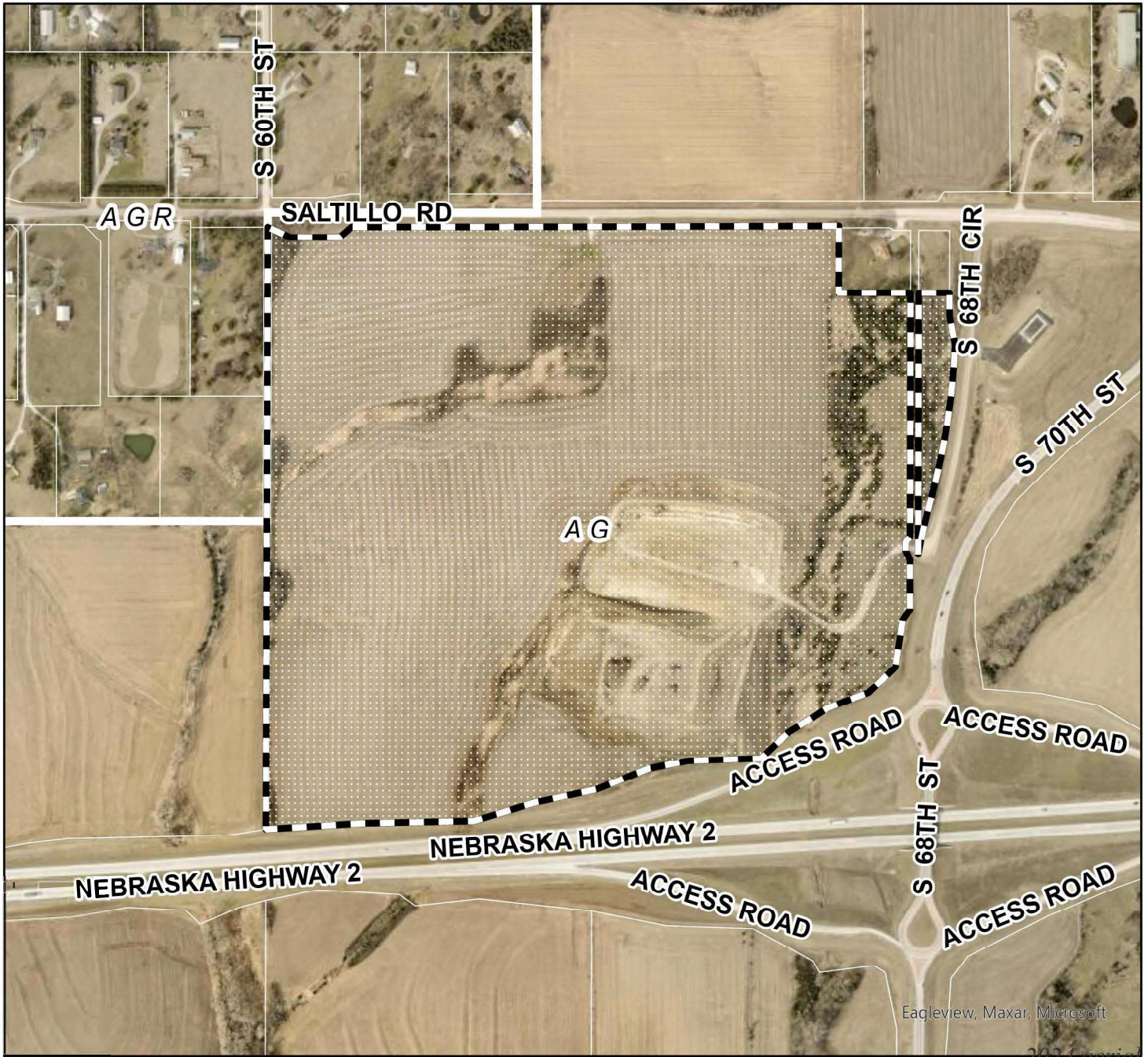
- 2.1.4 Applicant shall submit an updated truck haul route map with anticipated hauling routes to the County Engineer for review.
- 2.1.5 Applicant shall enter into a revised Road Maintenance Agreement with Lancaster County for adjacent County roads throughout the operation of the permit.
- 2.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
  - 3.1.6.1 Clearly visible from the adjacent road;
  - 3.1.6.2 At least 32 square feet in area;
  - 3.1.6.3 Lettering shall be at least two inches in heights, black on a white background;
  - 3.1.6.4 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 Building and Safety Department contact number.
- 2.2 After beginning the excavation operations, the Permittee shall have
  - 2.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
  - 2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
  - 2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
  - 2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
  - 2.3.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
  - 2.3.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
  - 2.3.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
  - 2.3.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.

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

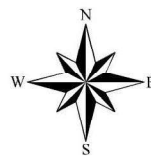
**Standard Conditions:**

- 4. The following conditions are applicable to all requests:
  - 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 4.2 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.
  - 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.





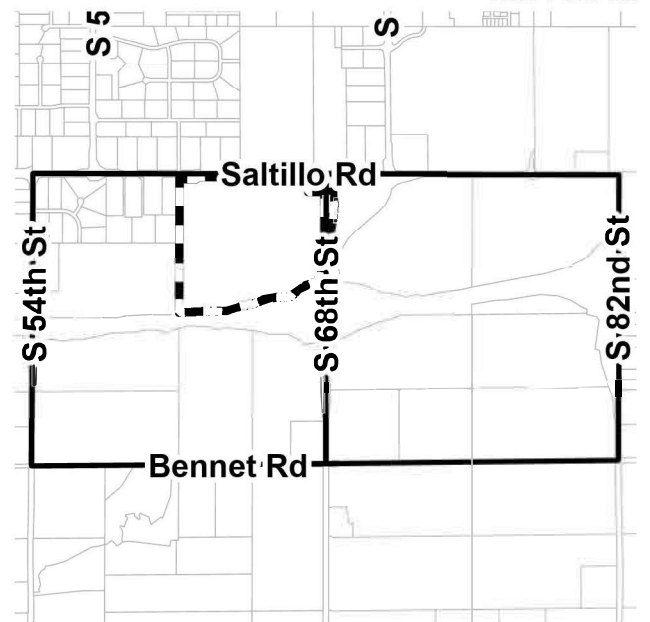
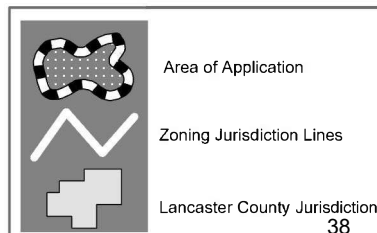
**Special Permit #: SP16004C**  
**S 68th Cir & Saltillo Rd**



**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
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.03 T08N R07E  
 Sec.04 T08N R07E







## LEGAL DESCRIPTION -SPECIAL PERMIT

GENERAL SITE NOTES

## GENERAL SITE NOTES

- [illegible]

2022

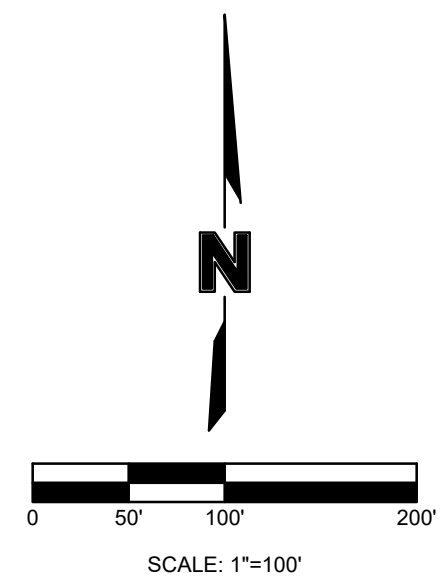
**COTTONWOOD RIDGE  
SOIL EXTRACTION SPECIAL PERMIT #16004B**

## SITE PLAN

LINCOLN, NEBRASKA

drawn by:	jds
checked by:	-
approved by:	-
project no.:	2018-0248
drawing no.:	-
date:	05/03/2022

**SHEET**  
**1 OF 1**



DRIVEWAY ACCESS FOR  
MINING / EXCAVATION  
OPERATION

STAGING AREA FOR MINING /  
EXCAVATION OPERATION.

### LEGEND

- 
- PROPERTY LINE
- LIMITS OF DISTURBANCE
- EXISTING MAJOR CONTOUR 1180
- EXISTING MINOR CONTOUR 1179
- PROPOSED MAJOR CONTOUR 1180
- PROPOSED MINOR CONTOUR 1179
- PROP. CONSTRUCTION SITE ENTRANCE

**APPLICANT:**  
 GANA TRUCKING & EXCAVATING  
 2200 W. PANAMA ROAD  
 MARTELL, NE 68404

**OWNER:**  
TRIPLE S & L DEVELOPERS, LLC  
14505 W. VIA TERCERO  
SUN CITY WEST, AZ 85375

**ENGINEER:**  
CIVIL DESIGN GROUP, INC.  
8535 EXECUTIVE WOODS DRIVE  
SUITE 200  
LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**  
ALLIED SURVEYING & MAPPING  
8535 EXECUTIVE WOODS DRIVE, SUITE 200  
LINCOLN, NE 68512  
(402)434-2686

DWG: F:\Projects\2025\20250138\Landplanning\Preliminary\Special Permit\250138\_SITE--soil - 2025 Renewal.dwg  
DATE: Aug 13, 2025 3:18pm XREFS: or040807 180248\_final boundary 180248\_xbase - 2022 Renewal  
USER:





# Civil Design Group, Inc.

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

September 3, 2025

CDG Project No. 2025-0138

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

**Re: Application for Renewal of Excavation and Stone Milling (Soil Extraction) Special Permit  
#16004C**

Dear Mr. Cary:

On behalf of Gana Trucking & Excavating we submit the above-mentioned application for the renewal of an Excavation and Stone Milling Special Permit for an existing soil mining operation. This application will update and renew the previously approved special permit on this site, generally located south of Saltillo Rd and west of S. 68<sup>th</sup> Street.

With this application we submit the following items:

Special Permit fee of \$1,142.00  
All plan sheets, uploaded via Project Dox

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

Sincerely,

Mike Eckert, AICP

cc: Gana Trucking & Excavating

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## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Special Permit #25035

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
Coffee Grounds, LLC

PLANNING COMMISSION HEARING DATE  
October 1, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
W McKelvie Road and NW 40<sup>th</sup> Street

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. This application is for a new special permit for excavation. The boundary of the special permit is approximately 190.48 acres, and the area of excavation for the first phase is 20 acres. The site is to the southwest of the intersection of W McKelvie Road and NW 40<sup>th</sup> Street.



#### JUSTIFICATION FOR RECOMMENDATION

This application subject to the conditions of approval complies with the requirements for an Excavation special permit. There will be no negative impact to the area.

#### APPLICATION CONTACT

Joe Brakenhoff, (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. There are five houses adjacent to the special permit boundary or across the road, but there will be no significant negative impacts to these or other nearby properties with the proposed conditions.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

P. 1.12 - this site is designated for future agricultural and environmental resources on the 2050 Lincoln Area Future Land Use Plan. The environmental resources designation corresponds to the drainage way on the property that has wetlands and is shown on the site plan as floor corridor.

P. 1.15 - this site is in Tier III. Tier III provides an approximately 128.4 square mile area for Lincoln's longer term growth potential – beyond 50 years. This area is based upon the drainage basins located within the 3-mile extraterritorial jurisdiction, excluding the area identified as Salt Creek Tiger Beetle habitat. Little active planning of utilities or service delivery is likely to occur in the near term in Tier III. However, it should also remain in its present use in order to provide for future urban development.

## ANALYSIS

1. This request is for soil excavation on approximately 190.48 acres with 20 acres being disturbed for requested soil mining activities, as per the provisions of Lincoln Municipal Code (LMC) 27.63.160 Excavation. Approximately 164,000 cubic yards of material is estimated to be excavated within the first phase of the operation over a three-year period. This property is generally located at the southwest corner of W McKelvie Road and NW 40<sup>th</sup> Street.
2. This proposal is separate from the existing Coffey Borrow Pit (SP20014A) which is currently in operation and located directly south of this proposed application area.
3. The site plan submitted shows the entrance for the site off NW 40<sup>th</sup> Street, just over a mile from Highway 34. The proposed truck route will include NW 40<sup>th</sup> Street which is a county gravel road to Highway 34. Trucks will not go north on NW 40<sup>th</sup> from the entrance or use W McKelvie Road.
4. 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. The grading limits are located within 1,000 feet of the registered groundwater well at 5,045 W McKelvie Road. The special permit plans show the approximate location of this well along with the 1,000-foot distances. Nearby residences, including those at 8545, 9000, and 9001 NW 40<sup>th</sup> Street and 3900, 4332, 4488 and 5022 W McKelvie Road, likely have unregistered private groundwater wells that may also fall within 1,000 feet of the proposed grading area. No community wells are located within 2,000 feet of the excavation limits. The report indicates that groundwater levels and nearby wells will not be adversely affected by the excavation. The Health Department reviewed the groundwater report data and recommended approval.
5. There are five houses adjacent to the property boundary or directly across the road. There are six additional houses that are not adjacent to the property but are approximately 1000 feet from the permit boundary. The proposed truck route goes past two of the nearby homes going south on NW 40<sup>th</sup> Street.
6. Hours of operation shall be limited to daylight hours Monday through Saturday. The equipment used on site will include excavator, side dump truck, scraper and dump truck.
7. 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 are not limited to, application of water or other dust suppression chemicals.
8. LTU Watershed stated in their review they have no concerns with the proposed special permit.
9. The County Engineer supports the proposed special permit with road maintenance agreement and additional site plan information which are included as conditions of approval.
10. This request is consistent with the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG-Agriculture                      Farm ground

### **SURROUNDING LAND USE & ZONING**

North:	AG-Agriculture	Farm ground, single family acreages
South:	AG-Agriculture	Farm ground
East:	AG-Agriculture	Farm ground, single family acreage
West:	AG-Agriculture	Farm ground, single family acreages

**APPROXIMATE LAND AREA:**    190.48 acres, more or less

### **LEGAL DESCRIPTION:**

Lots 16 and 18 I.T. in the NE 1/4 and Lot 24 I.T. in the NW 1/4 of section 30-11-6, Lincoln, Lancaster County, Nebraska,

Prepared by  
George Wesselhoft, Planner

Date: September 18, 2025

Applicant: Gana Trucking and Excavating

Contact: Joe Brackenhoff

Owner: Coffee Grounds, LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/25000/SP25035 W McKelvie Borrow Pit.gjw.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #25035

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 Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Add information describing the phases of the operation.
  - 1.2 Add to General Note "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."
  - 1.3 Update General Grading Note 6 to be "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."
  - 1.4 Provide proposed excavation contours.
  - 1.5 Update General Note 11 to add the text after NW 40<sup>th</sup> Street "as shown".
2. Before beginning the excavation operation,
  - 2.1 The Permittee shall have
    - 2.1.1 Received review and permits, as 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 Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
    - 2.1.5 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:
      - 3.1.6.1 Clearly visible from the adjacent road;
      - 3.1.6.2 At least 32 square feet in area;
      - 3.1.6.3 Lettering shall be at least two inches in heights, black on a white background;
      - 3.1.6.4 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 Building and Safety Department contact number.

2.2 After beginning the excavation operations, the Permittee shall have

- 2.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- 2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- 2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 2.2.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
- 2.2.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 2.2.7 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.
- 2.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 2.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.2.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 2.2.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 2.2.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety’s hourly rate in effect on the date of the application. Building and Safety shall:

2.3.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and

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

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

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

3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

**Standard Conditions:**

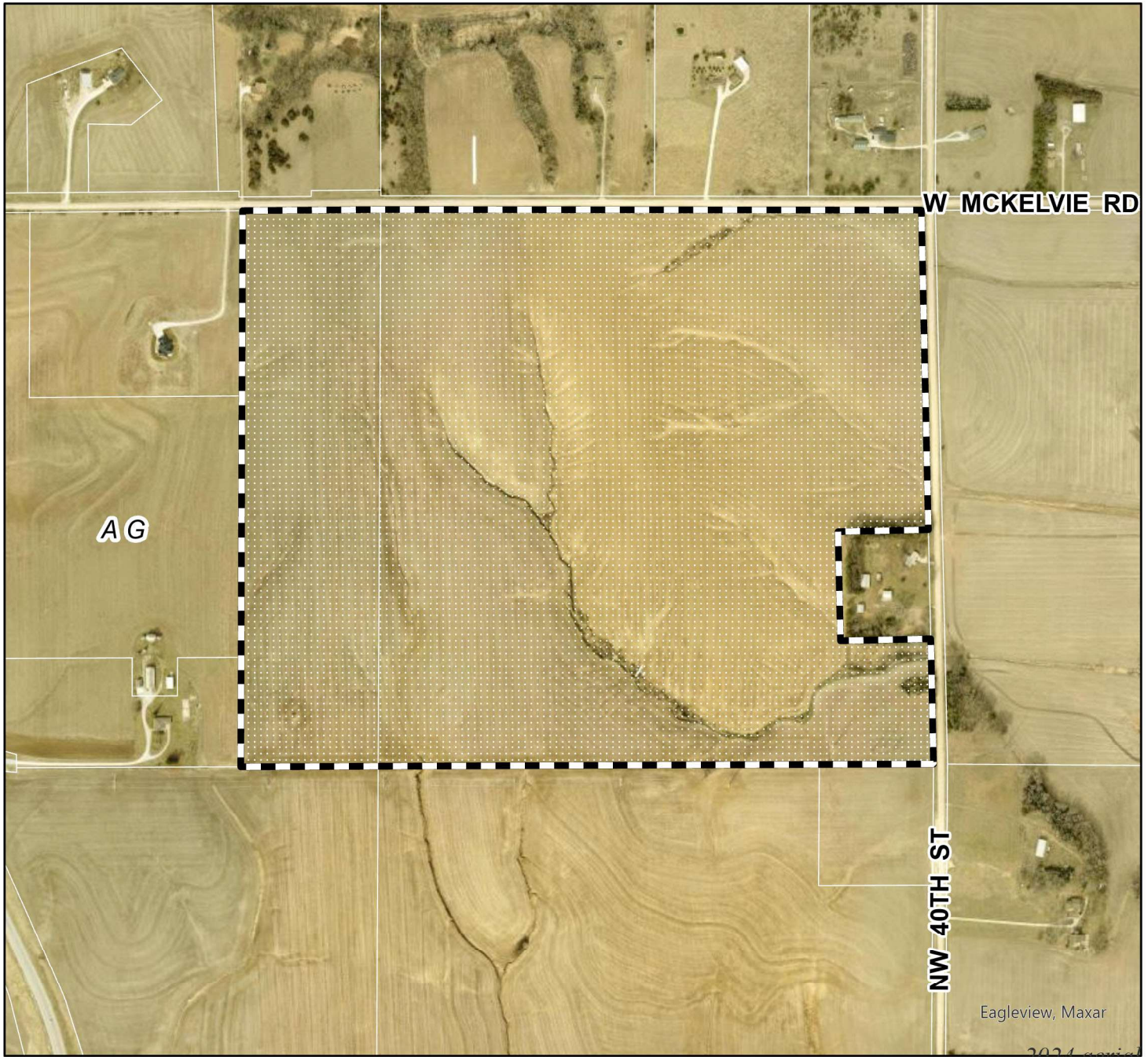
4. The following conditions are applicable to all requests:

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

4.2 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.

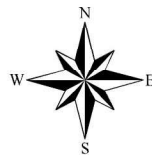
4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.





2024 aerial

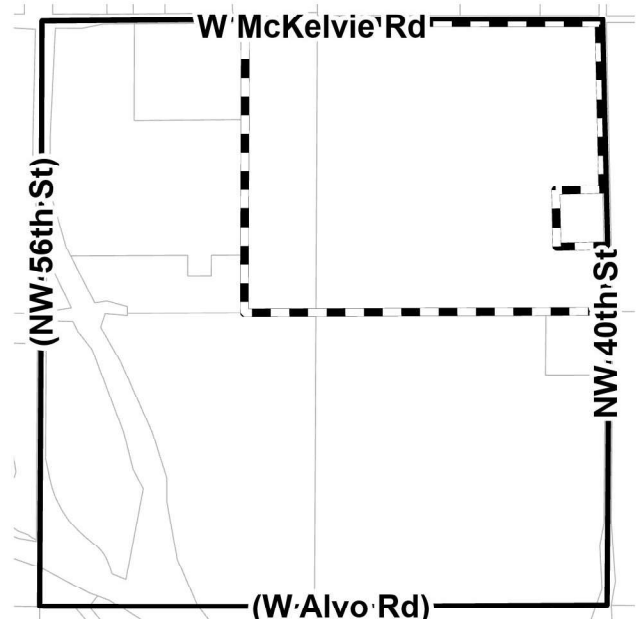
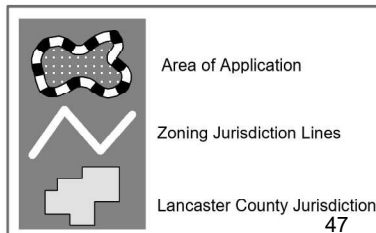
**Special Permit #: SP25035**  
**NW 40th St & W McKelvie Rd**



**Zoning:**

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

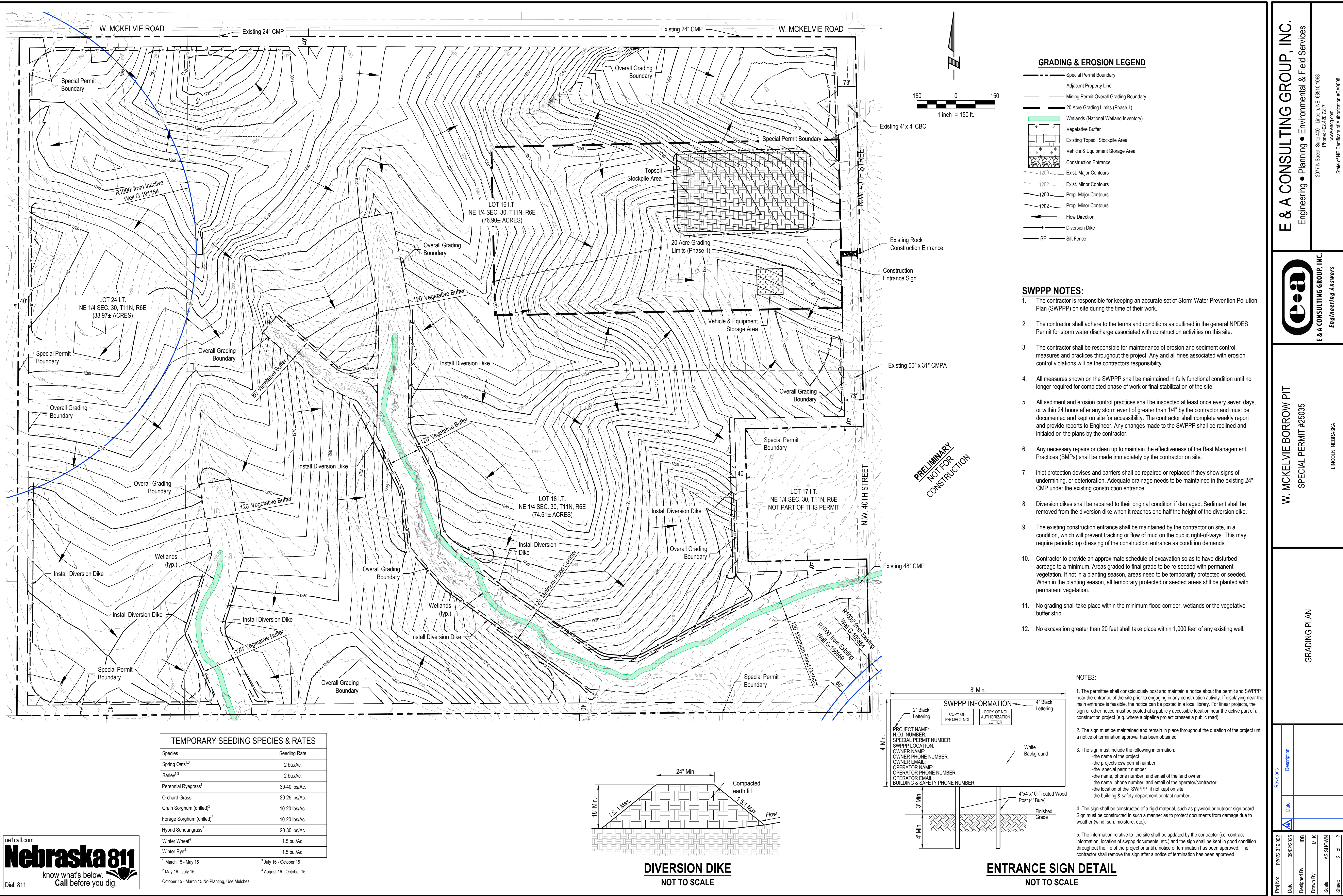
One Square Mile:  
 Sec.30 T11N R06E











GRADING & EROSION LEGEND

- Special Permit Boundary
- Adjacent Property Line
- Mining Permit Overall Grading Boundary
- 20 Acre Grading Limits (Phase 1)
- Wetlands (National Wetland Inventory)
- Vegetative Buffer
- Existing Topsoil Stockpile Area
- Vehicle & Equipment Storage Area
- Construction Entrance
- Exist. Major Contours
- Exist. Minor Contours
- Prop. Major Contours
- Prop. Minor Contours
- Flow Direction
- Diversion Dike
- Silt Fence

SWPPP NOTES:

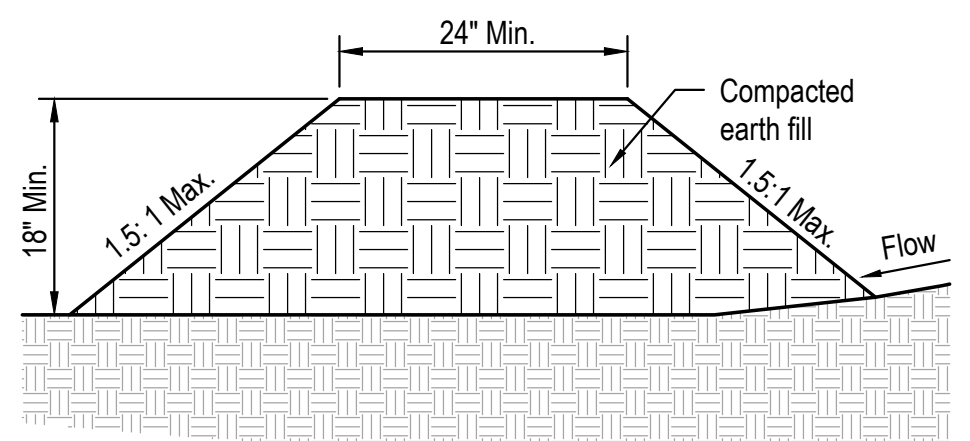
- The contractor is responsible for keeping an accurate set of Storm Water Prevention Pollution Plan (SWPPP) on site during the time of their work.
- The contractor shall adhere to the terms and conditions as outlined in the general NPDES Permit for storm water discharge associated with construction activities on this site.
- The contractor shall be responsible for maintenance of erosion and sediment control measures and practices throughout the project. Any and all fines associated with erosion control violations will be the contractors responsibility.
- All measures shown on the SWPPP shall be maintained in fully functional condition until no longer required for completed phase of work or final stabilization of the site.
- All sediment and erosion control practices shall be inspected at least once every seven days, or within 24 hours after any storm event of greater than 1/4" by the contractor and must be documented and kept on site for accessibility. The contractor shall complete weekly report and provide reports to Engineer. Any changes made to the SWPPP shall be redefined and initialed on the plans by the contractor.
- Any necessary repairs or clean up to maintain the effectiveness of the Best Management Practices (BMPs) shall be made immediately by the contractor on site.
- Inlet protection devices and barriers shall be repaired or replaced if they show signs of undermining, or deterioration. Adequate drainage needs to be maintained in the existing 24" CMP under the existing construction entrance.
- Diversion dikes shall be repaired to their original condition if damaged. Sediment shall be removed from the diversion dike when it reaches one half the height of the diversion dike.
- The existing construction entrance shall be maintained by the contractor on site, in a condition, which will prevent tracking or flow of mud on the public right-of-ways. This may require periodic top dressing of the construction entrance as condition demands.
- Contractor to provide an approximate schedule of excavation so as to have disturbed acreage to a minimum. Areas graded to final grade to be re-seeded with permanent vegetation. If not in a planting season, areas need to be temporarily protected or seeded. When in the planting season, all temporary protected or seeded areas shll be planted with permanent vegetation.
- No grading shall take place within the minimum flood corridor, wetlands or the vegetative buffer strip.
- No excavation greater than 20 feet shall take place within 1,000 feet of any existing well.

NOTES:

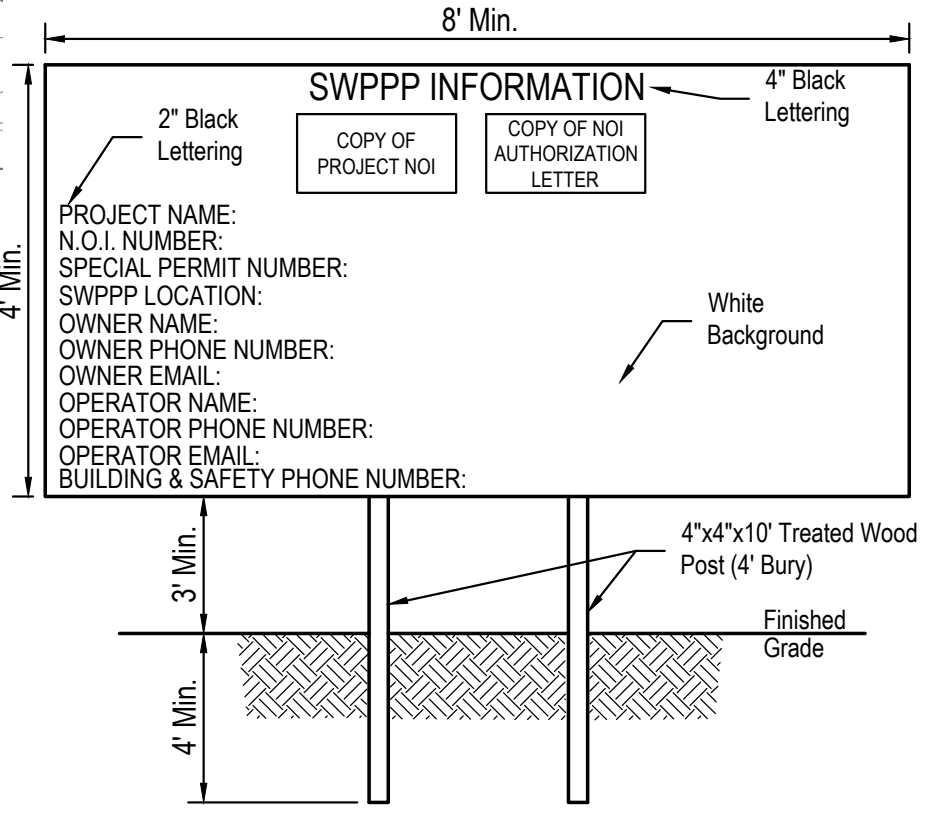
- The permittee shall conspicuously post and maintain a notice about the permit and SWPPP near the entrance of the site prior to engaging in any construction activity. If displaying near the main entrance is feasible, the notice can be posted in a local library. For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of a construction project (e.g. where a pipeline project crosses a public road).
- The sign must be maintained and remain in place throughout the duration of the project until a notice of termination approval has been obtained.
- The sign must include the following information:
  - the name of the project
  - the projects csw permit number
  - the special permit number
  - the name, phone number, and email of the land owner
  - the name, phone number, and email of the operator/contractor
  - the location of the SWPPP, if not kept on site
  - the building & safety department contact number
- The sign shall be constructed of a rigid material, such as plywood or outdoor sign board. Sign must be constructed in such a manner as to protect documents from damage due to weather (wind, sun, moisture, etc.).
- The information relative to the site shall be updated by the contractor (i.e. contract information, location of swppp documents, etc.) and the sign shall be kept in good condition throughout the life of the project or until a notice of termination has been approved. The contractor shall remove the sign after a notice of termination has been approved.

TEMPORARY SEEDING SPECIES & RATES	
Species	Seeding Rate
Spring Oats <sup>1,3</sup>	2 bu./Ac.
Barley <sup>1,3</sup>	2 bu./Ac.
Perennial Ryegrass <sup>1</sup>	30-40 lbs./Ac.
Orchard Grass <sup>1</sup>	20-25 lbs./Ac.
Grain Sorghum (drilled) <sup>2</sup>	10-20 lbs./Ac.
Forage Sorghum (drilled) <sup>2</sup>	10-20 lbs./Ac.
Hybrid Sundangrass <sup>2</sup>	20-30 lbs./Ac.
Winter Wheat <sup>4</sup>	1.5 bu./Ac.
Winter Rye <sup>4</sup>	1.5 bu./Ac.

<sup>1</sup> March 15 - May 15      <sup>3</sup> July 16 - October 15  
<sup>2</sup> May 16 - July 15      <sup>4</sup> August 16 - October 15  
October 15 - March 15 No Planting, Use Mulches



DIVERSION DIKE  
NOT TO SCALE



ENTRANCE SIGN DETAIL  
NOT TO SCALE

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

E & A CONSULTING GROUP, INC.  
Engineering • Planning • Environmental & Field Services

Engineering Answers

W. MCKELVIE BORROW PIT  
SPECIAL PERMIT #25035

GRADING PLAN

Proj No: P202319.002  
Date: 09/02/2025  
Designed By: JDB  
Drawn By: MLK  
Scale: AS SHOWN  
Sheet: 2 of 2

Revisions  
Date  
Description

Lincoln, NE 68510-1068  
Phone: 402.420.7217  
www.eag.com  
State of NE Certificate of Authorization #CA008

Lincoln, NEBRASKA

9/30/2025 2:26 AM  
K:\Project\202319\p202319\Engineering\CAU File\Grading\W. McKelvie Mining Permit\SP11 GRD-000.dwg  
Marcel Kitting





E & A CONSULTING GROUP, INC.

Engineering Answers

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

September 2, 2025

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

RE: W. McKelvie Borrow Pit  
Excavation Permit – Special Permit  
E & A File: P2022.319.002

Dear Mr. Cary,

On behalf of Coffey Grounds, LLC and Gana Trucking and Excavating, we are submitting an application for an excavation permit on property located in the southwest corner of W. McKelvie Road and N.W. 40<sup>th</sup> Street. The property, to be referenced as W. McKelvie Borrow Pit, consists of approximately 190.48 acres of land. We request for the permit to be affective for 3 years with approval of the permit.

The excavation and mining of soils shall be used for fill in and around Lincoln with a total of 1.45 million cubic yards of excavating material possible for the entire site. Approximately 164,000 cubic yards of material is estimated to be excavated within the first phase of the operation which will extend over a three-year period. 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.

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 have a maximum of 3:1 slope and a minimum of 50:1 slope.

A SWPPP permit will be uploaded to reflect the proposed application and will be searchable on DWEE's website using the CSW-202509911.

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

Sincerely,  
E & A Consulting Group, Inc.

Marcia L. Kinning  
Cc: Larry Coffey  
Jake Whitefoot  
Enclosed: Application Form  
Application Fee of \$1142.00  
Legal Description

## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Special Permit #25036

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
Sower Church

PLANNING COMMISSION HEARING DATE  
October 1, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
2640 R Street

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit to allow a parking lot to be located within the front yard setback. The request is for the existing Sower Church located at 2640 R Street and zoned R-6 Residential. The church parking lot is undergoing an improvement project to pave an existing gravel area and improve the existing parking layout. To maximize the parking area and provide sufficient room for vehicle circulation, the church is requesting the special permit with a waiver for the parking lot to extend up to 6 feet from the property line within the three front yards of this property on N 26<sup>th</sup>, N 27<sup>th</sup> and R Street.



#### JUSTIFICATION FOR RECOMMENDATION

The request for the Special Permit and waiver to reduce the required 20-foot front yard setback to 6 feet for parking is compatible with the existing site and surrounding neighborhood. The existing parking area is part concrete and gravel today, which has slowly expanded without building permits to the property line today. The parking lot will continue to be associated with the Sower Church. With this project, the parking area will be completely paved, removing the gravel surface. This will create a uniform parking lot and spaces which will increase the distance from the property line to where parking exists currently. The striping of the lot will also help with keeping the existing alleyway which dissects the parking lot clear for north/south traffic access. As part of the approval, additional landscaping beyond the standard parking lot screening requirements will be required to help reduce the visual impacts within the residential neighborhood.

#### APPLICATION CONTACT

Nate Burnett, REGA Engineering, (402) 484-7342

#### STAFF CONTACT

Ben Callahan, (402) 441-6360 or  
[bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with the 2050 Comprehensive Plan. The 2050 Future Land Use map continues to show this site as future urban residential. A place of religious assembly is a permitted use within all residential districts. The proposed project will ultimately increase areas of green space and landscaping along N 26<sup>th</sup> Street and R Street as portions of the existing gravel parking will be removed from the current location along the property line.

#### WAIVERS

1. To LMC 27.72.020(a) to allow parking up to 14 feet within the 20-foot front yard setback. (Recommend Approval)

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

Land Use Plan - Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

### ANALYSIS

1. This is a request for a Special Permit for parking located at 2640 R Street in relation to an existing place of religious assembly, operated as the Sower Church. The property is zoned R-6 residential with the Sower Church owning the south half of this block and utilizing an existing pavement and part gravel parking lot. The Lincoln Municipal Code 27.63.170 allows for a special permit for a parking lot which can be associated with a place of religious assembly. With this special permit the applicant is requesting a waiver to allow the parking lot to extend up to 14 feet within the three 20-foot front yard setbacks on the property, keeping a 6-foot area from the parking to the property for greenspace and landscaping.
2. The site, which consists of the south half of this block owned by the Sower Church abuts a mix of single and two family residential zoned R-6 Residential to the north, to the south, and to the west across both N 26<sup>th</sup> Street and R Street. Also to the south is an automotive repair shop zoned B-3 Commercial. To the east across N 27<sup>th</sup> Street is a multitenant commercial building zoned B-3 Commercial.
3. The proposal meets the criteria set in LMC 27.63.170 which allows parking lots within 360 feet of a place of religious assembly to be considered for a special permit, provided the parking lot is primarily used in connection with the main use. Sower Church is working to improve the existing parking lot by removing a portion of the gravel parking area on the west half of the site and making it one paved lot. This site is limited by having three front yards, requiring a 20-foot front yard setback on all three sides. With the proposed parking layout, the improvement would provide approximately 51 striped parking spaces and assist with circulation on this site. The site will continue to have access on N 27<sup>th</sup> Street and access through the north-south public alleyway between R and S Street that will continue to provide full access north and south.
4. The special permit will include a waiver to allow the parking lot to extend up to 14 feet into the 20-foot front yard setbacks. The waiver is justified as the parking lot will be allowed within the front yard setback, with the condition that additional landscaping will be required around the parking lot to help minimize the visual impact for the surrounding properties. The waiver will assist with providing additional space, allowing better circulation and ensuring the alleyway remains unblocked with new striping.
5. As part of the Conditions of Approval a Landscape Plan will be required to be submitted to show the existing and proposed landscaping to be located around the property, as the north property line abuts single family residential. The existing condition along the north side of the property will be improved as the applicant is not asking for a waiver to the side yard which is required at 5 feet. Today, the parking area and gravel lot have encroached to the property line, allowing this site plan to correct the parking areas and relocate it back to the required 5 foot minimum. As part of the Conditions of Approval, Lincoln Transportation & Utilities Watershed Management is requesting verification that the proposed changes will not increase stormwater runoff onto the adjacent properties to the north.
6. The request is compatible with the 2050 Comprehensive Plan as the site is shown to continue as future urban residential. The use as a place of religious assembly is a permitted use within a residential district. The proposed parking lot improvement will increase the setback from the current lot today, allowing for additional green space and landscaping to return between the property line and sidewalk along N 26<sup>th</sup>, N 27<sup>th</sup>, and R Street. Similar requests have been previously approved for other places of religious assembly, such as the Temple Baptist Church at 51<sup>st</sup> & Randolph Street and Sacred Heath Catholic Church on N 32<sup>nd</sup> & S Street, in which the sites justified the reducing the required setback by increasing the landscaping around the parking area. The improved parking area

with striping will also assist in keeping the existing north-south alley open and safe for thru traffic.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Sower Church & R-6 Residential

**SURROUNDING LAND USE & ZONING**

North: Single Family Residential	R-6 Residential
South: Single Family Residential/Automotive Repair	R-6 Residential & B-3 Commercial
East: Multitenant Commercial	B-3 Commercial
West: Single Family Residential	R-6 Residential

**APPROXIMATE LAND AREA:** 1.2 acres, more or less

**LEGAL DESCRIPTION:** Portion of Lot 3, the south 103' of Lots 7 & 8, and remaining portion of Lots 9-13, and the vacated east-west alley adjacent to Lot 10 and south half of the vacated east-west alley adjacent to Lots 11-13, and vacated north-south alleys adjacent to Lots 10 & 11, Block 2, Keystone Addition, located in the SE 1/4 of Section 24-10-6 East of the 6th P. M. Lincoln, Lancaster County, Nebraska.

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

Date: September 18, 2025

Owner/  
Applicant: Sower Church  
2640 R Street  
Lincoln, NE 68503

Contact: REGA Engineering  
Nate Burnett  
601 Old Cheney Road  
Lincoln, NE 68512

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/25000/SP25036 Sower Church Parking Lot.bmc.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #25036

Per Section 27.63.170 this approval permits a parking lot in the R-6 Residential District for a Place of Religious Assembly with a waiver to allow parking to be located within 6 feet from the property line within the front yard setback.

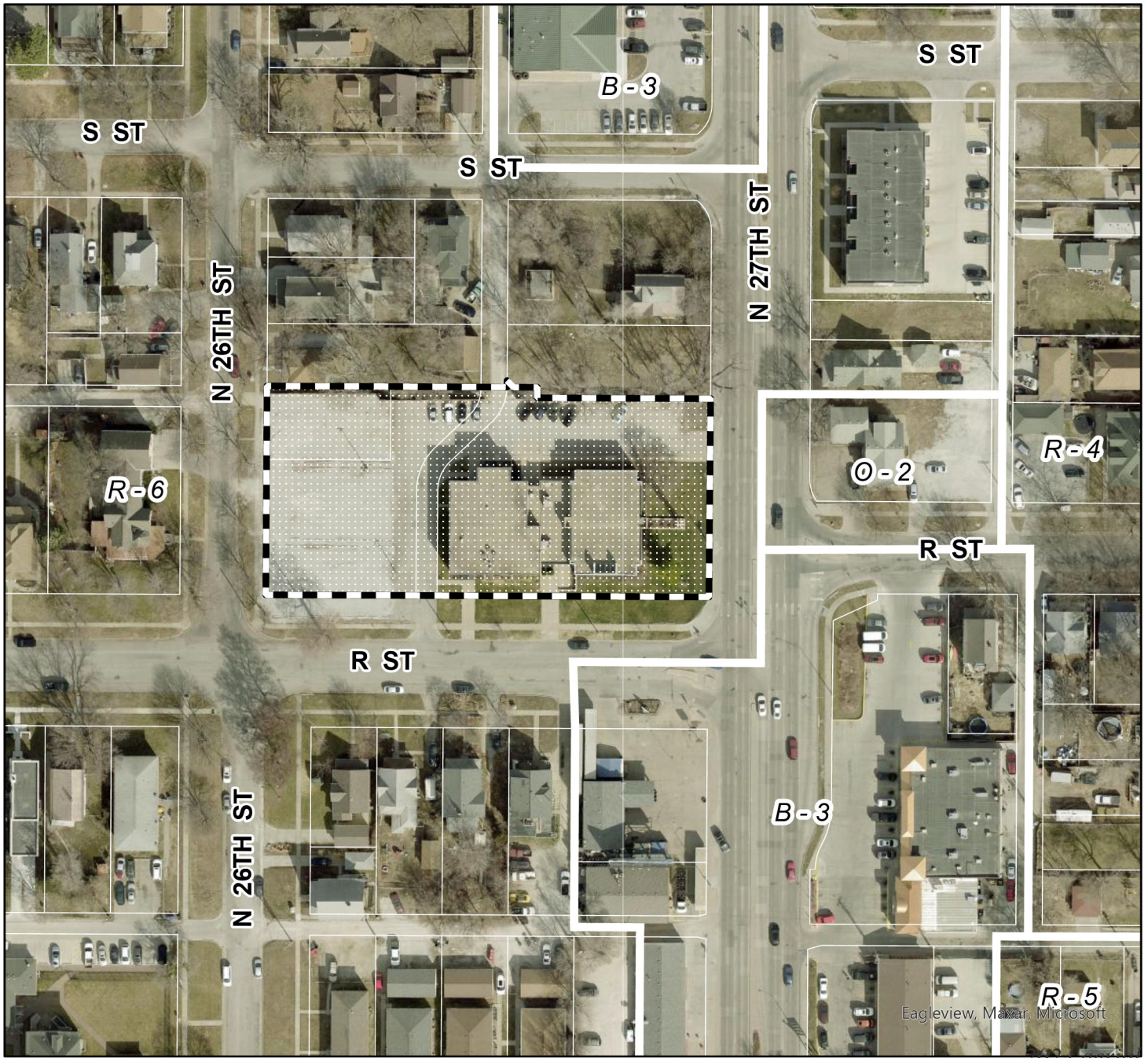
### Site Specific Conditions:

1. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Revise title to state "Special Permit" not "Use Permit".
  - 1.2 Update the legal description to match legal provided on ProjectDox review.
  - 1.3 Provide a legend or note to show abbreviations "PL" & "BOC" as referred to on the site plan.
  - 1.4 Provide a landscape plan showing double the amount of the required parking lot landscaping to the satisfaction of the Planning Department around the parking lot area.
  - 1.5 Show a 6-foot front yard setback to the concrete along N 27<sup>th</sup> Street.
  - 1.6 Submit a waiver to Lincoln Transportation & Utilities for parking stalls requiring a backing movement into the existing alleyway.
  - 1.7 Please provide a sheet showing the improvements will not increase any direct runoff onto the abutting properties to the north to the satisfaction of LTU-Watershed Management.
  - 1.8 Label the 5-foot side yard setback along the north property line.

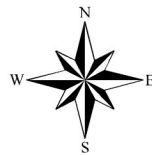
### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee.
  - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 2.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.





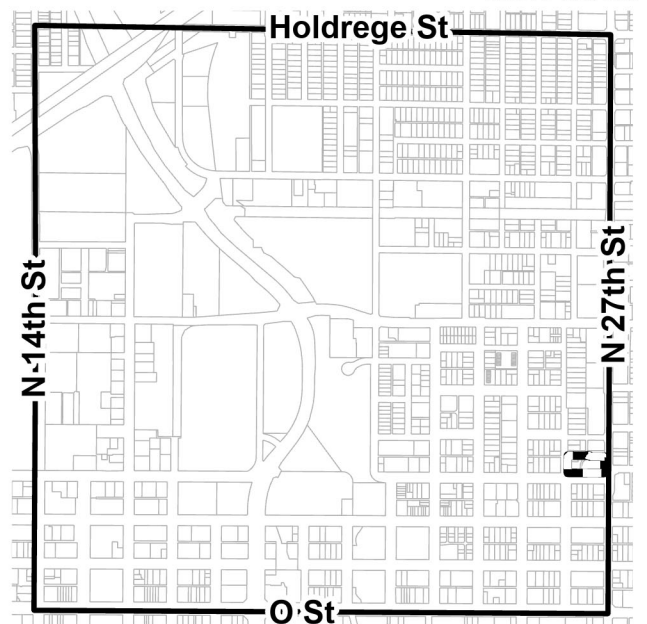
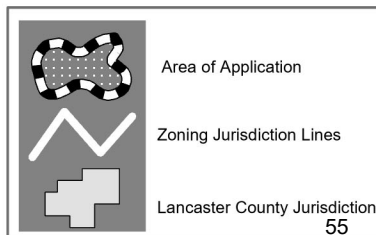
**Special Permit #: SP25036**  
**N 27th St & R St**



## Zoning:

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

**One Square Mile:**  
**Sec.24 T10N R06E**





SHEET LEGEND  
COVER SHEET AND SITE PLAN

1

LAND SURVEYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION, THAT THE SURVEY WAS DONE ON THE GROUND IN ACCORDANCE WITH THE MOST RECENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS SET FORTH BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR REGISTERED LAND SURVEYORS AND THAT THE ACCURACY SPECIFICATION AND POSITION TOLERANCE ARE IN ACCORDANCE WITH RURAL AREA SURVEYS.

DATE: \_\_\_\_\_

KYLE E. CATT LS - 609

LEGAL DESCRIPTION:

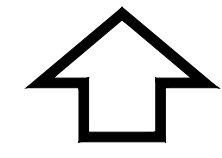
LOTS 7 AND 8, TOGETHER WITH PART OF LOTS 9 AND 10, LOTS 11 AND 12, PART OF LOT 13, AND THAT PART OF VACATED ALLEY ADJACENT, BLOCK 2, KEYSTONE ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 06 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

SOWER CHURCH PARKING LOT EXPANSION

USE PERMIT #25036  
2640 R ST.  
LINCOLN, NEBRASKA 68503

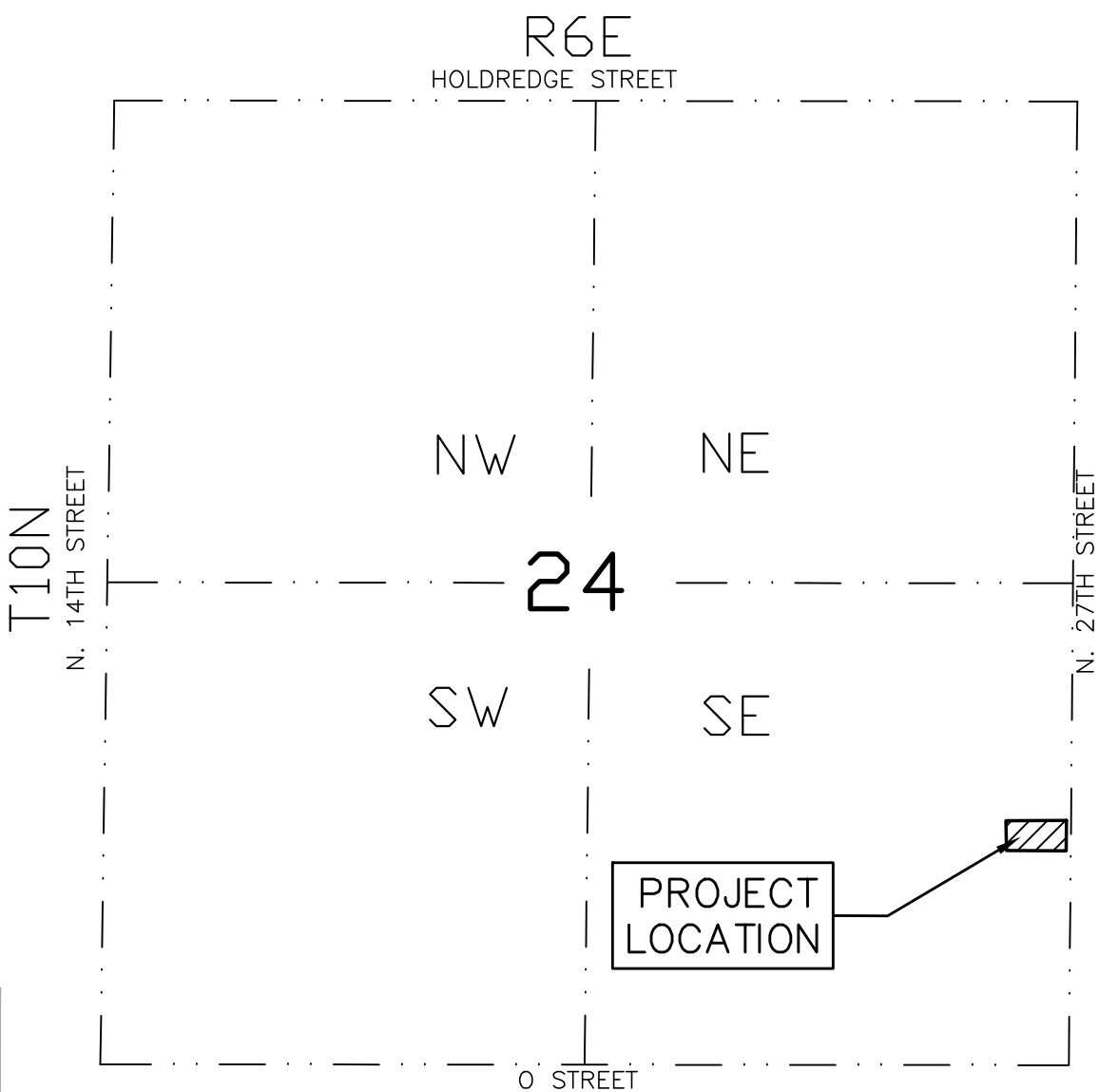
LEGEND

- PROPERTY LINE  
--- BOUNDARY OF USE PERMIT



NORTH  
SCALE 1" = 20'

20 0 20 40 60 Feet



GENERAL NOTES

- THIS USE PERMIT CONTAINS 1.20 ACRES
- ZONING IS R-6.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-6 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- TOPOGRAPHIC GRADING CONTOURS AT NAVD 1988

WAIVERS

- PARKING SHALL BE ALLOWED WITHIN EXISTING FRONT YARD SETBACK. (27.67.030a)

OWNER

SOWER CHURCH  
2640 R ST  
LINCOLN, NE 68503

DEVELOPER

SOWER CHURCH  
2640 R ST  
LINCOLN, NE 68503

ENGINEER:

NATHANIEL P. BURNETT  
REGA ENGINEERING GROUP, INC.  
601 OLD CHENEY ROAD, SUITE 'A'  
LINCOLN, NE 68512 (402)484-7342

SURVEYOR:

KYLE E. CATT, L.S. 609  
REGA ENGINEERING GROUP, INC.  
601 OLD CHENEY ROAD, SUITE 'A'  
LINCOLN, NE 68512 (402)484-7342

Section Corner Ties  
SE CORNER Sec. 24-T10N-R6E  
FND. 1 5/8" IRON PIN IN POT RING. SE 100.0'  
SET P.K. NAIL 5.32' SOUTH OF S.W. COR BRICK  
BLD. WINTER DRUG BLD. AN 2.35 EAST OF  
BACK OF SIDEWALK.  
SW 100.0' SET CHISELED '4' IN CONC. APPROX  
0.6 EAST OF EASE SIDE OF BLD.

BENCHMARK

BENCHMARK #1: SANITARY SEWER MANHOLE  
NORTH RIM = 1175.13'

BENCHMARK #2: STORM SEWER MANHOLE  
NORTH RIM = 1174.60'

notcall.com



PROJECT

211288

**REGA**  
ENGINEERING

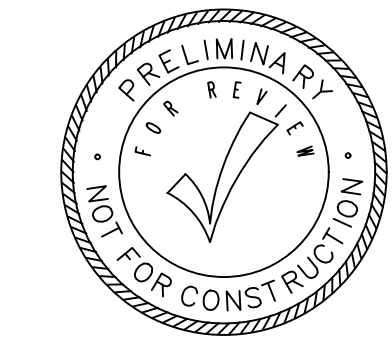
601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402).484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR DATE

ISSUED FOR	DATE

SOWER CHURCH  
USE PERMIT #25036  
2640 R ST.  
LINCOLN, NEBRASKA. 68503



SHEET NO.

1 of 1



September 3, 2025

Mr. David Cary  
Director of Planning  
Benjamin M. Callahan, Planner  
City of Lincoln/Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Reference: Sower Church  
Special Permit #1276  
REGA Engineering File: 211288

Dear Mr. Cary,

On Behalf of Sower Church, we are submitting an amendment to the Special Permit #1276.

The amendment requests a waiver of parking code 27.67.030a to allow parking within the front yard setback. Currently the site already has a gravel parking lot where parking is already available within the front yard setback. The client is looking to revitalize the current gravel parking and install concrete parking which will provide improvements in quality of life to the patrons of the church. There will also be better accessibility for those who may have issues walking on gravel parking.

Sincerely,

A handwritten signature in blue ink that reads 'Dan Rosenthal'.

Dan Rosenthal, PE  
Senior Project Manager

Cc: Sower Church  
Enclosed: Application Form  
Application Fee \$1,142.00