

FACTSHEET

TITLE: USE PERMIT NO. 13011A
(Russwood Park: North 84th Street and O Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Cornhusker Bank

RECOMMENDATION: Conditional Approval, as revised (9-0: Sunderman, Harris, Beecham, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Conditional Approval, as revised.

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION: To amend the Russwood Park use permit to increase the floor area; to exceed the maximum height in the B-2 Planned Neighborhood Business District; and to modify the parking requirements of the B-2 Planned Neighborhood Business District, on property legally generally located at North 84th Street and O Street.

DISCUSSION/FINDINGS OF FACT:

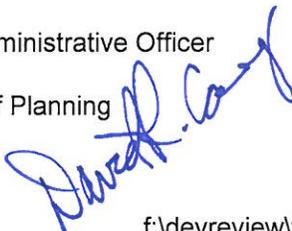
1. This amendment to use permit and associated Street & Alley Vacation No. 14013 were heard at the same time before the Planning Commission.
2. The purpose of this amendment to the use permit is to add approximately 27,500 square feet of commercial space, for a total of approximately 77,700 square feet. This amendment proposes a 58,000 sq. ft. office building and a 2,000 sq. ft. drive-thru restaurant, including a waiver of the maximum building height and an adjustment to the parking requirements.
3. The staff recommendation to approve the amendment, with conditions, as revised, is based upon the "Analysis" as set forth on p.4-6 and the staff memo on p.20, concluding that the location is adjacent to a Primary Entryway Corridor as identified in the Comprehensive Plan and is appropriate for additional commercial development. Primary Entryway Corridors should be protected and enhanced to create and express community pride. The proposal includes a mix of commercial uses and is in conformance with the 2040 Comprehensive Plan. The staff presentation is found on p.10-11.
4. The applicant's testimony is found on p.11.
5. There was no testimony in opposition.
6. On January 7, 2015, the Planning Commission agreed with the revised staff recommendation and voted 9-0 to recommend conditional approval of the amendment to the use permit, as revised. The revised conditions of approval are found on p.6-9 (Also see, p.20).
7. On January 7, 2015, the Planning Commission also voted 9-0 to find the proposed vacation of a portion of Russwood Parkway to be in conformance with the Comprehensive Plan, said Street & Alley Vacation No. 14013 being introduced on the Council agenda on January 26, 2015 (Bill #15-19).

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: January 20, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: January 20, 2015



LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2014 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval****
By Planning Commission: January 7, 2015

PROJECT #: Use Permit No. 13011A

PROPOSAL: To authorize development of 77,700 square feet of commercial floor area.

LOCATION: N. 84th Street and O Street

LAND AREA: 5 acres, more or less

EXISTING ZONING: B-2, Planned Neighborhood Business

WAIVERS:

1. Per Section 27.64.010, Use Permit Procedures and Requirements - Increase the maximum permitted height from 40 feet to 65 feet.
2. Per Section 27.64.010, Use Permit Procedures and Requirements - Adjust the parking requirements to 1 stall per 315 square feet of floor area for all uses.

CONCLUSION: This location is adjacent to a Primary Entryway Corridor as identified in the Comprehensive Plan and is appropriate for additional commercial development. Primary Entryway Corridors should be protected and enhanced to create and express community pride. The proposal includes a mix of commercial uses and is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
WAIVERS:	
1. Increase the maximum permitted building height from 40 feet to 65 feet.	Conditional Approval
2. Adjust the parking requirements to 1 stall per 315 square feet for all uses.	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 and Outlot A, Russwood Park 4th Addition, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant Land and a Grocery Store

SURROUNDING LAND USE AND ZONING:

North: B-2, Retail/Restaurant
South: B-2, Natural Gas Substation/Restaurant/Convenience Store
East: O-3, Office Building
West: B-2, Restaurant/Automobile Service

ASSOCIATED APPLICATIONS:

SAV14013 Request to vacate a portion of Russwood Parkway

HISTORY:

May 1979 This property was rezoned from G-1 Planned Commercial District to B-2 Planned Neighborhood Business District with the 1979 zoning update.

June 1991 The Board of Zoning Appeals approved a resolution which reduced the required number of parking stalls. The approval was conditioned upon the continued use of the property for automobile sales of new and used cars.

January 2014 The City Council approved Use Permit 13011 to develop 50,200 square feet of commercial space.

COMPREHENSIVE PLAN SPECIFICATIONS:

- P. 1.9 - The 2040 Future Land Use Map shows this property as Commercial.
- P. 4.8 - The Comprehensive Plan identifies 'O' Street as a Primary Entryway Corridor.
- P. 4.3 - Other important resources for providing community identity and orientation are entryway corridors, parks, trails and open spaces. Key entryways provide indelible "first impressions" of a community.
- P. 4.5 - The emphasis in LPlan 2040 on mixed-used redevelopment in established commercial centers and corridors necessitates adoption of clear design standards and a predictable process to protect existing and new investors.
- P. 4.7 - Study key entryways to Lincoln and adopt zoning tools and incentives to protect and enhance "first impressions" of the community.
- P. 4.7 - Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.
- P. 4.8 - Strengthen design standards for commercial and mixed-use development along major travel corridors, to reflect a positive visual image that engenders community pride and identity.

P. 5.5 - Commercial and Industrial Development Strategies. It is the policy that Commercial and Industrial Centers in Lancaster County be located:

In sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan.

In areas compatible with existing or planned residential uses.

In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).

So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

P. 5.14 - Strategies for Commercial Infill

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips.

Develop design standards for varying types of Commercial Centers and corridors, taking into consideration the context of the site and surroundings.

UTILITIES: This site is served by existing utilities.

TOPOGRAPHY: The site slopes from the high point at N. 84th & 'O' Street down to the intersection of Russwood Parkway and College Park Drive.

TRAFFIC ANALYSIS: N. 84th Street and 'O' Street are classified as Major Arterials.

AESTHETIC CONSIDERATIONS: The Comprehensive Plan designates this part of 'O' Street as a Primary Entryway Corridor.

ANALYSIS:

1. This is an application for a Use Permit amendment to add approximately 27,500 square feet of commercial space for a total of approximately 77,700 square feet. Use Permit 13011 previously approved 50,200 square feet of commercial space. The first phase of development included a 17,700 square foot grocery, and that has been completed.
2. The site plan proposes a 58,000 square foot office building and a 2,000 square foot drive-thru restaurant. The office building is shown to the west of the grocery store along O Street, and the restaurant is shown to the north of the grocery store along N. 84th Street. The additional commercial floor area square footage should be added to the site plan.
3. The plan proposes to purchase O Street right-of-way and reconfigure access onto O Street. The existing frontage road would be eliminated and turn lanes would be added into the development and onto Russwood Parkway.

O Street is part of the state highway system at this location, and the purchase of O Street needs to be coordinated with the Nebraska Department of Roads (NDOR). An agreement among the City, NDOR, Cornhusker Bank and the

property owner describes the proposed improvements within the O Street right-of-way. According to the applicant, the agreement should be finalized and approved soon. Construction in the O Street right-of-way cannot take place until the developer owns the right-of-way, and a note stating this should be added to the site plan.

4. The applicant is asking for a waiver of building height and an adjustment of parking requirements. The property is zoned B-2, Planned Neighborhood Business District, and the maximum building height is 40 feet. The applicant is proposing to construct a 4-story office building that would be approximately 65 feet in height. The Russwood Park Use Permit has frontage along a major arterial, is surrounded by commercial uses and is surrounded by rights-of-way on all sides. The nearest residential use is more than 300 feet from this property and is more than 500 feet from the proposed office building location. The separation from residential uses and its placement along a major arterial support the request to increase the building height.

The applicant's second waiver request is to adjust the parking requirements for uses within this commercial center. The uses include an existing grocery store, proposed office building and a proposed restaurant. The total amount of parking required in the B-2 zoning district for these uses is 273 stalls and 256 stalls are shown. It is likely that employees and customers of the office building would utilize some of the adjacent grocery store parking, if needed. The applicant's requested 10% reduction establishes a ratio of 1 parking stall per 315 of floor area for all uses. This development is self-contained since it is surrounded on all sides by rights-of-way. Also, the applicant is proposing a cross-parking agreement for all uses within this center. Cross-parking is commonly found within use permits and can provide flexibility to the parking requirements. The parking adjustment is supported if cross-parking easements are dedicated on all lots in this development.

5. The previously approved use permit (UP#13011) adopted site and building design standards. The Comprehensive Plan designates 'O' Street as a Primary Entryway Corridor. Per the Comprehensive Plan, development along Primary Entryway Corridors should include strengthened design standards to reflect a positive visual image that engenders community pride and identity and should also be accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian). Building elevations for the office building and the restaurant have not been submitted with this application. The building design will be reviewed at the time of building permit for conformance with the previously approved building design standards.

The previous use permit also adopted a streetscape zone for all rights-of-way along the perimeter of this development. A 16 foot streetscape zone for street trees, sidewalks and planting areas should be developed along O Street, Russwood Parkway, College Park Drive and N. 84th Street. The streetscape zone further enhances 'O' Street as a Primary Entryway Corridor and should be noted with this amendment.

6. The applicant has also submitted a request to vacate a portion of Russwood Parkway near College Park Drive and proposes to dedicate right-of-way for Russwood Parkway near O Street. Russwood Parkway was not constructed in the center of the right-of-way, which shifts a portion of the sidewalk and streetscape zone onto private property. The proposed street vacation and dedication will shift the right-of-way line to reflect where the street was actually constructed. The sidewalk and streetscape zone will then be contained within the public right-of-way.
7. The previous use permit adjusted the front yard setback to 10 feet. A note should be added to the plan to reflect the reduced front yard setback.

CONDITIONS OF APPROVAL:

This approval permits approximately 77,700 square feet of commercial floor area with an adjustment to the parking requirements to 1 stall per 315 square feet of floor area for all uses and an increase in the permitted building height to a maximum of 65 feet.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Street vacation #14013
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions and documents as listed below upon approval before receiving building permits or before a final plat is approved:
 - 2.1 Add a note to the site plan that states, "Accessory buildings need not be shown on the site plan and may be located anywhere on the site outside of setbacks and sight triangles."
 - 2.2 Rename the private access easements as "Common Access Easements".
 - 2.3 Show and dimension the southern portion of the Common Access Easement along O Street.
 - 2.4 Revise the building envelope so that it is clearly visible around the commercial building on Lot 2 and add dimensions.
 - 2.5 Add a building envelope with dimensions for the building on Lot 3.
 - 2.6 Identify the heavy, dashed lines or remove them from the site plan.
 - 2.7 Add streetscape and setback notes #1, #2 and #3 from AA14059 to the site plan.

- 2.8 Add a note to the plan that states, "The agreement among the City of Lincoln, the Nebraska Department of Roads, Cornhusker Bank and the property owner must be approved prior to issuing a building permit for Lot 2 shown on the site plan."
 - 2.9 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
 - 2.10 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
 - 2.11 Add the additional commercial floor areas to the site plan.
 - 2.12 Revise the parking table to the satisfaction of the Planning Director.
 - 2.13 Add a note to the plan that states, "~~Cross-parking easements will be dedicated for all lots within this use permit.~~" "The building footprints and parking spaces shown on the site plan are conceptual and are subject to minor adjustments." (**Per Planning Commission, as recommended by staff: 1/07/15**)
3. Prior to the issuance of a building permit:
 - 3.1 The construction plans substantially comply with the approved plans.
 - 3.2 Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

to complete the installation of sidewalks along the south side of College Park Drive shown on the final plat within four (4) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the planting of the street trees along the east side of Russwood Parkway and the south side of College Park Drive as shown on the final plat within six (6) years following the approval of the final plat.

to complete the installation of street trees along the north side of O Street and the west side of N. 84th Street as shown on the final plat within two (2) years following the approval of this final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on Use Permit #13011A.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
- 4.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Paul Barnes, Planner

402-441-6372

pbarnes@lincoln.ne.gov

DATE: December 23, 2014

APPLICANT: Cornhusker Bank
1101 Cornhusker Highway
Lincoln, NE 68521

OWNER: Brehm Enterprises, Inc.
213 N. 13th Street
Lincoln, NE 68508

CONTACT: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

**USE PERMIT NO. 13011A
and
STREET & ALLEY VACATION NO. 14013**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 7, 2015

Members present: Weber, Sunderman, Corr, Cornelius, Beecham, Harris, Scheer, Hove and Lust.

Staff recommendation: Conditional approval of the use permit amendment, as revised, and a finding of conformance with the Comprehensive Plan on the street vacation request.

These applications were removed from the Consent Agenda for further discussion.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** explained that the use permit amendment is to increase the allowable floor area located at North 84th and O Streets. Earlier this year, a use permit was approved for a pad site of 17,700 sq. ft. at the intersection for the Aldi's grocery store and that building has been constructed and is completed. Today's request is to allow additional floor area for commercial uses, i.e., a bank and office building, and another pad site north of Aldi's for potentially a restaurant or other commercial use.

Barnes also pointed out that the application includes a waiver or modification to allow an increase in the allowable height for the office building located towards O Street to increase the building height up to 65 feet. This center is surrounded by rights-of-way and does not impact residential neighborhoods, and with frontage on a major arterial, the staff supports the increase in height.

The applicant is also requesting a waiver of the parking requirements, which is why this item was removed from the consent agenda. The applicant requested that all uses within the center have a parking requirement of 1 parking space per 315 sq. ft. During that discussion, the entire use permit center was to have a joint parking agreement. We now have new information that Aldi's on Lot 1 is currently not part of that joint parking agreement. Therefore, the revisions to the staff recommendation recognize that fact; however, staff is still supportive of the parking reduction as long as there is a joint parking agreement on the other two lots. They can still meet the parking requirements at 1 per 315 sq. ft.

Barnes then discussed the street vacation for a portion of Russwood Parkway. The vacation is being requested in the northwest portion of the center, and the applicant will dedicate additional right-of-way towards the south and west portion of the center. The reason for vacating and dedicating is that Russwood Parkway was not built in the

center of the right-of-way. Thus, it shifted the sidewalks and other elements onto and off of private property. The vacating and dedicating will clean up the line of where Russwood Parkway was constructed and put all of the streetscape elements in the public right-of-way.

Proponents

1. Barry Lockard, President of Cornhusker Bank, expressed appreciation for this opportunity. He provided a history of Cornhusker Bank, which came to Lincoln in 1960 from Davey, Nebraska. From that time until now, the bank has continued to grow and has been able to double the size of its growth and continue to invest and help businesses and residents in Lincoln. This opportunity at 84th and O Streets will allow Cornhusker Bank to continue to be viable in a significant way. This is not just about brick and mortar – it's really about investing in our community and establishing opportunities to continue to grow. That is why we are calling it a "center". This building will allow us to create efficiencies and relationships. It sets up Cornhusker Bank to be successful for 30-35 years, while providing an opportunity to share the building with the community.

Lockard also acknowledged that this is a significant entryway into the City. There will be a community room on the back end of the building to share with customers and nonprofits and provide educational opportunities. As a community bank, Cornhusker Bank wants to be able to share this building with the community.

2. Kent Seacrest also appeared on behalf of the applicant. He stated that a neighborhood meeting was held on December 11th. They invited 12 neighbors, and presented to one person, and there was no controversy. The applicant has subsequently received communication from Kohl's asking several good questions and the applicant was able to give them several good answers and Kohl's is in support.

Seacrest expressed appreciation to Planning staff, especially Paul Barnes and Steve Henrichsen, who worked hard to get the conditions put together, as well as Bob Simmering of Public Works and Terry Kathe of Building & Safety. The applicant is in agreement with the new condition #2.13 and is ready to proceed.

There was no testimony in opposition.

USE PERMIT NO. 13011A

ACTION BY PLANNING COMMISSION:

January 7, 2015

Hove moved to approve the staff recommendation of conditional approval, as revised, seconded by Cornelius.

Corr stated that she will support this project. Part of her consideration was another office building that is across the street and down another block, so the height was not that big of an issue to her. She believes that will complement both sides of the street.

This is an exciting area for improvement. She appreciates that the applicant had a neighborhood meeting.

Motion for conditional approval, as revised, carried 9-0: Weber, Sunderman, Corr, Cornelius, Beecham, Harris, Scheer, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 14013

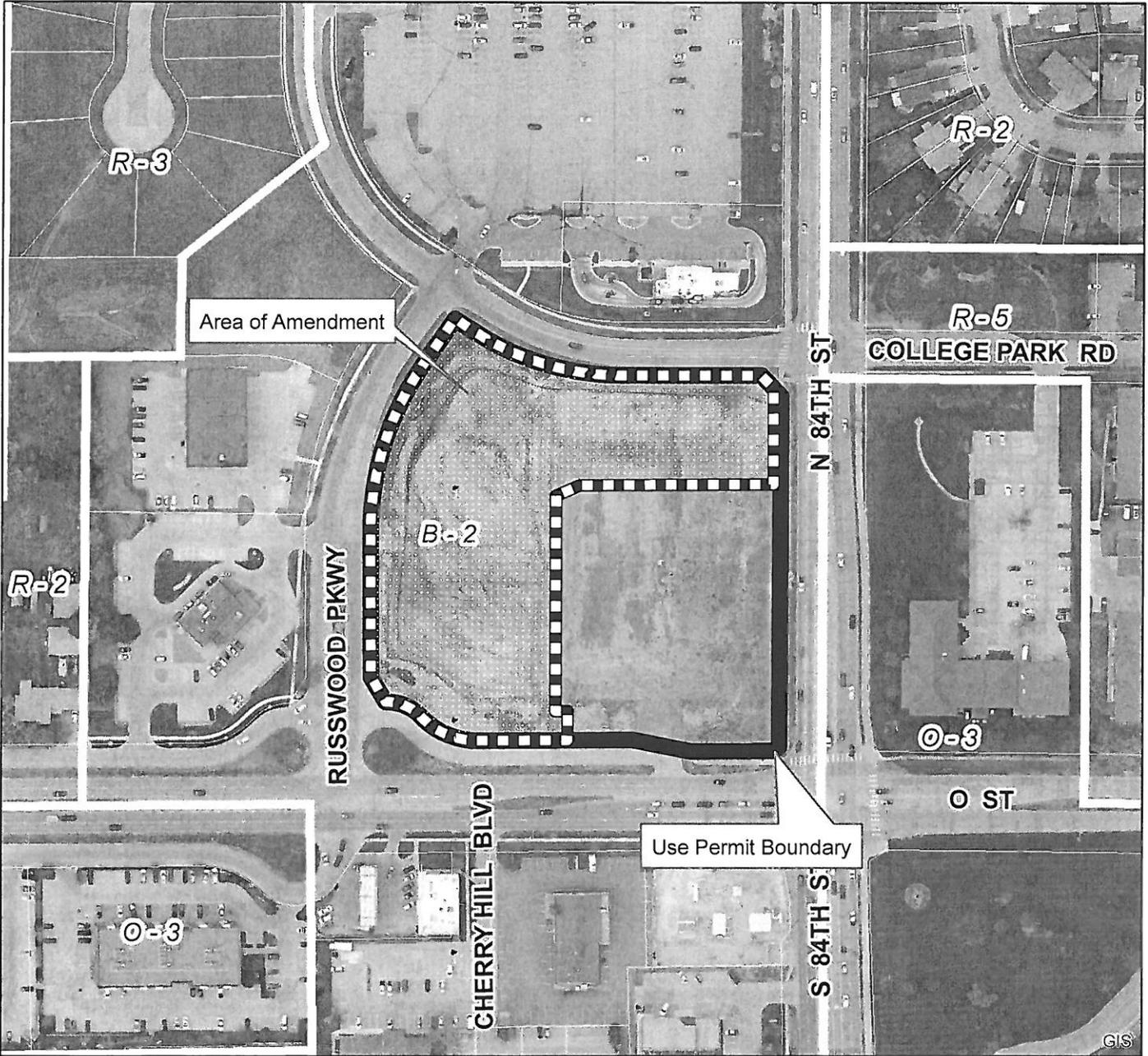
ACTION BY PLANNING COMMISSION:

January 7, 2015

Beecham moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius.

Lust commented that this part of the application obviously makes a lot of sense given the way the roadway was built.

Motion carried 9-0: Weber, Sunderman, Corr, Cornelius, Beecham, Harris, Scheer, Hove and Lust voting 'yes'. This is a recommendation to the City Council.



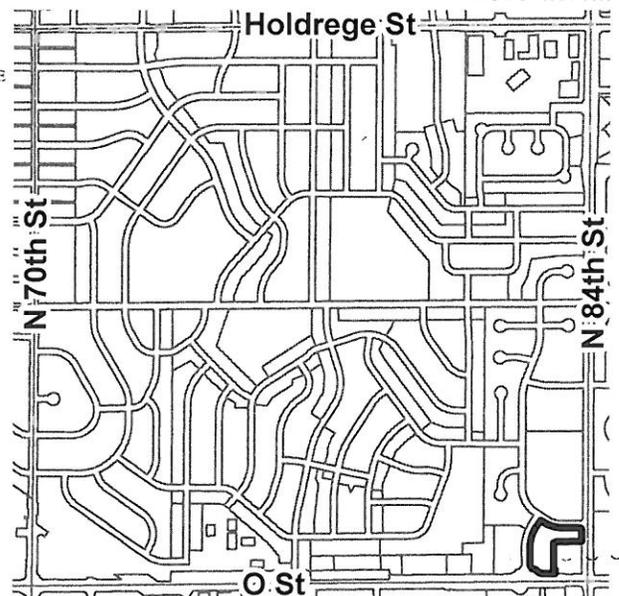
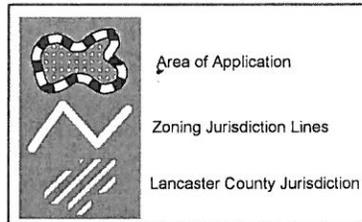
Use Permit #: UP13011A
Russwood Park
N 84th & O St

2013 aerial

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.22 T10N R07E



SEACREST & KALKOWSKI, PC, LLO

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KENT SEACREST
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DANAY KALKOWSKI
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November 26, 2014

David Cary
Interim Planning Director
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Use Permit No. 13011

Dear David:

Our office represents Cornhusker Bank, who has a contract to lease Outlot A, Russwood Park Fourth Addition, Lincoln, Lancaster County, Nebraska (the "Property"). The Property consists of approximately three acres that is zoned B-2 and is part of Use Permit No. 13011 (the "Use Permit"). Cornhusker Bank is requesting a formal amendment to increase the square footage permitted under the Use Permit by 27,500 square feet. The additional square footage will allow the Property to be utilized for a 58,000 square foot corporate headquarters for the Bank that will contain retail as well as office uses and a 2,000 square foot restaurant along N. 84th Street. The existing Use Permit also permits a 17,700 square foot grocery store on Lot 1, Russwood Park 4th Addition.

The Bank is requesting a waiver to allow a height increase from 40 feet to 65 for the Bank headquarters building along O Street. The Property is located at least 300 feet from the closest residential lot and the building will be setback even further. The additional height should cause minimal impact to the nearest residential use while the taller building will provide a higher floor to area ratio making more efficient use of the existing infrastructure. The Lincoln City/Lancaster County Comprehensive Plan identifies O Street as a Primary Entryway Corridor. The addition of a corporate headquarters building along O Street will make a positive statement for the entryway.

The Bank is also requesting a 10% mixed use reduction in the parking requirements for the entire Use Permit. This will change the ratio of parking from one parking space per 300 square feet of commercial floor area and one parking stall per 100 square feet for restaurant uses to one space per 315 square feet for all uses. The Use Permit provides for a mixed use development including retail banking, office, restaurant and grocery uses with cross-parking between the lots. The mix of uses has the potential of allowing shared parking between the various land uses and thus reducing the overall number of parking stalls. We are working with Aldi on an agreement for cross parking. The City has recently approved two other mixed use/shared parking projects. One involved the LPS Headquarters and Whole Foods. That project allowed one parking stall per 400 square feet resulting in approximately a 25% reduction in parking. The second was the Holdrege/Idylwild PUD mixed use project that allowed one stall per 375 square feet for a 20%

reduction in parking. The requested reduction is less than those two successful mixed use developments.

The Bank is proposing with initial City staff support a swap of right-of-way with the City along Russwood Parkway that will allow the zoning setbacks to apply for all of the items. We have enclosed a Petition to Vacate that has been executed by the current property owner requesting the vacation of approximately 1,165 square feet of Russwood Parkway right-of-way. Within the next thirty days a final plat will be submitted for Russwood Park 5th Addition showing the dedication of approximately 2,383 square feet of additional right-of-way along Russwood Parkwood to the City. With these changes, the streetscape zone requirements and parking lot and driveway setbacks contained in notes on the Use Permit Site Plan and on Revised Exhibit 1 are no longer necessary. Consequently, they have been removed. We are also requesting the removal of the "Setback Exhibit" that is currently part of the Use Permit.

The Bank has had discussions with the State of Nebraska and City of Lincoln on access points and road improvements for the Use Permit. Olsson Associates has submitted a separate request to Public Works for variations to the Access Policy Manual. Enclosed herein is a draft agreement with the State and City that addresses the construction, funding and right-of-way adjustments for the required improvements along O Street and North 84th Street. We are also providing a copy of the draft agreement to James Knott at Nebraska Department of Roads by separate cover.

Enclosed please find the following:

1. City of Lincoln Application Form;
2. Application fee in the amount of \$792;
3. Use Permit Site Plan;
4. Petition to Vacate; and
5. O Street and North 84th Street Improvement Agreement.

Brad Marshall at Olsson Associates will be submitting the plans to project docs.

This is an exciting new development for the City. We appreciate your consideration of the above requests. If you have any questions or need any additional information, please do not hesitate to contact me or Brad Marshall.

Very truly yours,



KENT SEACREST

For the Firm

Enclosures

cc (via email): Barry Lockard, Cornhusker Bank
Alan Slattery
Boyd Batterman
David Livingston

Mike Morrow
Mike Eckert
Evan Weidenhamer
Ryan Stemmons
Gary Norton
Doug Emery

MEMORANDUM

TO: Planning Commission

FROM: Paul Barnes, Planner

SUBJECT: Russwood Park, Use Permit #13011A

DATE: January 7, 2015

CC: Kent Seacrest
DaNay Kalkowski
Brad Marshall

The purpose of this memo is to amend the staff recommendation for the Russwood Park Use Permit. This application is on the January 7, 2015 Planning Commission agenda. Staff has met with the applicant and worked out the following amendments.

The original request from the applicant was to reduce parking requirements by 10% for all lots within the center and to also provide cross-parking agreements. At this time, the applicant is continuing to work with Aldi's Grocery Store on the cross-parking agreement. Since Aldi's Grocery Store has not signed the cross-parking agreement at this time, the cross-parking agreement will apply to Lot 2 and Lot 3 only. The applicant will continue to work with Aldi's Grocery Store on the cross-parking agreement.

The applicant is proposing the office building be constructed at 58,000 square feet with 8,500 square feet of the building used for storage, mechanical spaces and other uses that do not count towards parking requirements. If any portion of the 8,500 square feet is converted to office uses in the future, the office use will need to provide additional parking stalls on the site or within 300 feet of the premises. The applicant has demonstrated that the parking requirements for 49,500 square feet of office and a 2,000 commercial use can be met on Lots 2 and 3 at a ratio of 1 stall per 315 square feet of floor area.

The staff recommendation is hereby amended as follows:

1. 2.13 Add a note to the plan that states, "~~Cross-parking easements will be dedicated for all lots within this use permit.~~" "The building footprints and parking spaces shown on the site plan are conceptual and are subject to minor adjustments."