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**Lincoln City - Lancaster County**

**PLANNING COMMISSION**

**AGENDA**

**PLANNING COMMISSION**

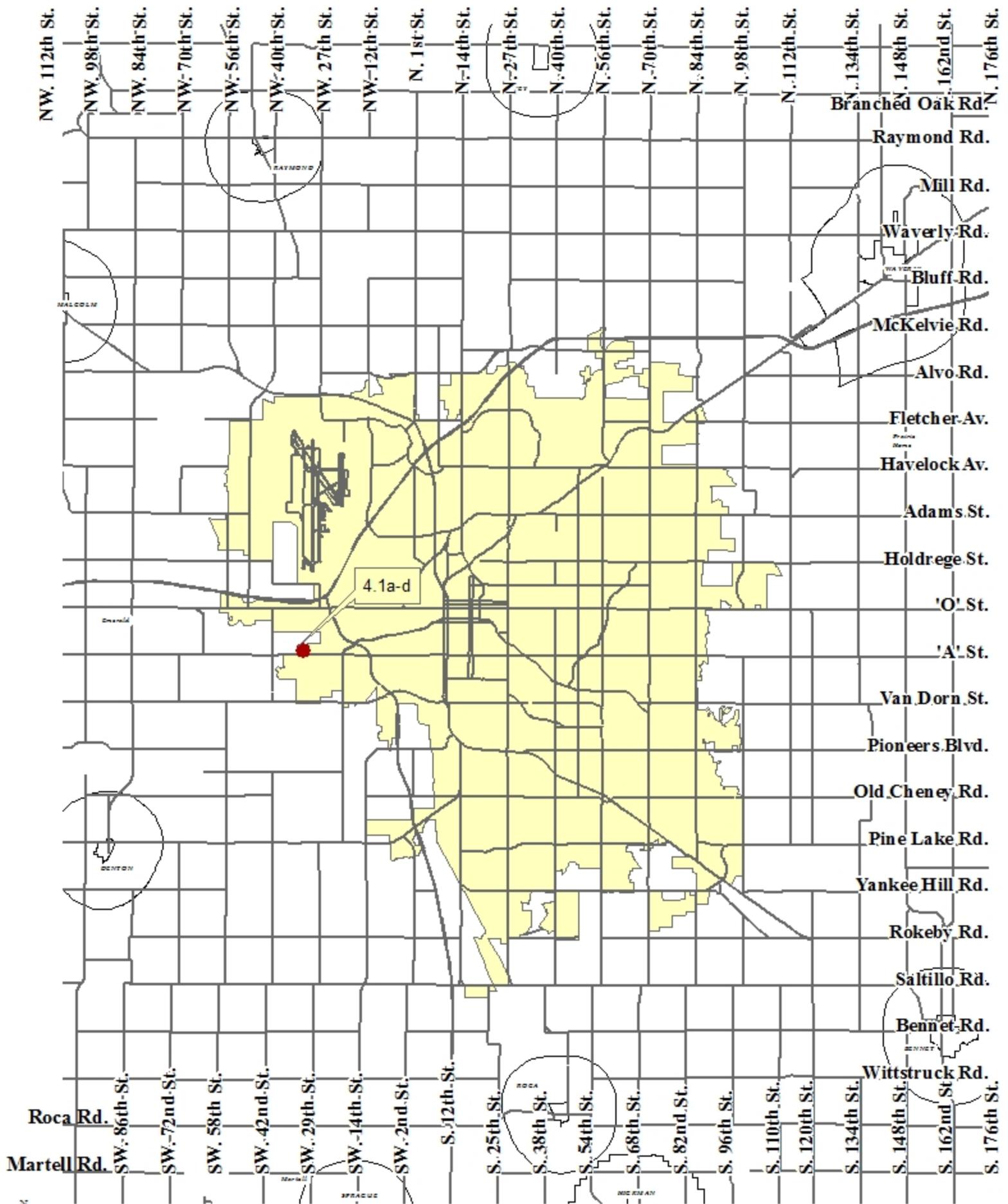
Chris Hove: Chair  
Dennis Scheer: Vice-Chair  
Cathy Beecham  
Michael Cornelius  
Tracy Corr  
Maja V. Harris  
Jeanelle R. Lust  
Lynn Sunderman  
Ken Weber

**PLANNING STAFF**

David R. Cary: Director  
Geri Rorabaugh: Administrative Officer  
Amy Huffman: Office Specialist

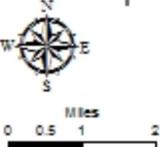
**February 17, 2016**

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Planning Commission Agenda Item Map

February 17, 2016



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, February 17, 2016, at 1:00 p.m., in Hearing Room 112 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.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, February 17, 2016 from 11:30 a.m. through 1:00 p.m. to discuss the LRTP/Comprehensive Plan Updates, in Studio Room 113 of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**\*\*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, February 17, 2016**

Approval of minutes of the regular meeting held February 3, 2016.

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

**TEXT AMENDMENTS:**

- Page 01
- 1.1 Text Amendment No. 16001, amending Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations to extend the approach zone from 3 miles to a new limit of 10 miles, establish the area included within the airport hazard area, revise existing definitions and add new definitions, and other changes to be in accordance with the passage of Nebraska Legislative Bill (LB) 140, and repealing Sections 27.59.010 through 27.59.040, 27.59.060 through 27.59.090, 27.59.110, 27.59.120, 27.59.140 and 27.59.150 of the Lincoln Municipal Code as hitherto existing.  
**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 21 1.2 County Text Amendment No. 16002, amending Article 18 of the Lancaster County Zoning Regulations relating to Special Height and Use Near Airports to extend the approach zone from 3 miles to a new limit of 10 miles, establish the area included within the airport hazard area, revise existing definitions and add new definitions, and other changes to be in accordance with the passage of Nebraska Legislative Bill (LB) 140, and repealing and adding various sections within Article 18 of the Lancaster County Zoning Regulations as hitherto existing.  
**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**2. REQUESTS FOR DEFERRAL:**

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

3.1 \_\_\_\_\_

3.2 \_\_\_\_\_

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**RELATED COMPREHENSIVE PLAN AMENDMENT, ANNEXATION, CHANGE OF ZONE AND SPECIAL PERMIT:**

Page 33 4.1a Comprehensive Plan Amendment No. 15004, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, by changing the Future Land Use Plan designation from Commercial, Green Space, and Environmental Resources to Residential-Urban Density, Green Space, and Environmental Resources, on property generally located at SW 30th Street and West A Street.  
**Staff recommendation: Approval**  
**Staff Planner: Brandon Garrett, 402-441-6373, [bgarrett@lincoln.ne.gov](mailto:bgarrett@lincoln.ne.gov)**

Page 41 4.1b Annexation No. 15014, to annex approximately 41.84 acres, more or less, on property generally located at SW 30th Street and West A Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 41 4.1c Change of Zone No. 15036, requesting a change of zone from AGR Agricultural Residential District and AG Agriculture District to R-4 Residential District, on property generally located at SW 30th Street and West A Street.  
**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 59 4.1d Special Permit No. 15072, for a Community Unit Plan consisting of 3 lots with up to 582 multi-family units, with waivers to increase the building height from 35 feet to 40 feet and reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet, on property generally located at SW 30th Street and West A Street. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

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

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**Adjournment**

**PENDING LIST:** *Special Permit No. 15064, to allow Avalon Event Paradise to be used for special events on property generally located at 12788 W. Roca Road. [01/06/15: Planning Commission voted 7-0 (Beecham and Lust absent) to place this item on Pending until such time that the applicant is ready to move forward.]*

**Planning Dept. staff contacts:**

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Paul Barnes, <i>Planner</i> . . . . .	402-441-6372 . . . . .	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
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Kellee Van Bruggen, <i>Transportation Planner</i> . . . . .	402-441-6363 . . . . .	<a href="mailto:kvanbruggen@lincoln.ne.gov">kvanbruggen@lincoln.ne.gov</a>
Ed Zimmer, <i>Historic Preservation Planner</i> . . . . .	402-441-6360 . . . . .	<a href="mailto:ezimmer@lincoln.ne.gov">ezimmer@lincoln.ne.gov</a>

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at <http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

**ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for February 17, 2016 PLANNING COMMISSION MEETING**

**PROJECT #:** Text Amendment No. 16001

**PROPOSAL:** Amend Chapter 27.59 of the Lincoln Municipal Code relating to airport zoning regulations to be in accordance with the passage of Nebraska Legislative Bill (LB) 140 passed in 2013. LB140 authorizes and directs local zoning authorities to extend airport height restriction zoning from a current limit of 3 miles to a new limit of 10 miles for approach zones.

**CONCLUSION:** The proposed changes are in conformance with LB140, the City and County Zoning Ordinances, and the 2040 Comprehensive Plan and should not have a significant negative impact on properties beneath the extended approach zoning.

<b><u>RECOMMENDATION:</u></b>	Approval
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**GENERAL INFORMATION:**

**ASSOCIATED APPLICATIONS:** Text Amendment No. 16002 to amend Article 18 of the County Zoning Regulations, Special Height and Use Near Airports.

**HISTORY:**

May 2013 LB140 to amend provisions of the Airport Zoning Act was passed by the Nebraska Legislature.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 10.19 - Existing Airports and Airfields

The Lincoln Airport is the major air facility servicing Lincoln, Lancaster County and the region. It provides an important transportation link to national and international markets. It is located in the northwestern part of Lincoln, with access provided by Interstate and State highways. The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. These regulations govern uses and structural characteristics compatible to the airport operations and minimize negative impacts on surrounding residents.

P. 10.46 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State. As a member of the Lincoln MPO Technical Committee, the Lincoln Airport Authority will continue to be part of the metropolitan area transportation planning process.

The Airport West Subarea Plan was approved in 2005 and was amended into the Comprehensive Plan. Elements of the Plan should be pursued for implementation over time.

P. 10.51 - Airports and Airfields

Lincoln Municipal Airport is governed by the Lincoln Airport Authority (LAA). The LAA is part of the MPO and participates in its activities; however, planning for airport facilities is done in a separate process.

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.

Airport West Subarea Plan - P. 26 - Transportation: Goods and Freight Transportation

The location of the Lincoln Airport provides future development the convenient opportunity of air-freight and rail shipment. Also, the airport provides essential passenger travel for region. With such an air facility comes the Airport Environs Noise District and Airport Zoning Regulations that protect surrounding land uses.

**ANALYSIS:**

1. This text amendment will change Chapter 27.59 of the City Zoning Ordinance, Airport Zoning Regulations. The Lincoln Airport Zoning Map will also be amended to reflect these changes and will be adopted by reference as part of this text amendment. The related Text Amendment #16002 is proceeding concurrently to similarly amend Article 18 of the County Zoning Regulations.
2. LB140 was passed in May 2013. LB140 amended the state Airport Zoning Act to redefine the term airport hazard area and extend airport approach zones from 3 miles to 10 miles in order to prevent the encroachment of new obstacles into instrument approach paths out to 10 miles from the operation zone. LB140 also revised outdated language and redefined terminology throughout the Act. These changes were implemented to bring the state airport zoning statutes into conformance with Federal Aviation Administration and Nebraska Department of Aeronautics standards.
3. The primary text changes to Chapter 27.59 include the following, as shown on the attached draft Ordinance:
  - A. 27.59.010 - Revising existing definitions and adding new definitions for a number of terms including the airport hazard area;
  - B. 27.59.020 - Revising the area included within the airport hazard area;
  - C. 27.50.030 - Establishing and revising descriptions for the approach, operation, transition, and turning zones;

- D. 27.59.040 - Revising language related to the height restrictions including the addition of a reference to the existing 275 Foot Maximum Height Zone located generally within Downtown Lincoln;
  - E. 27.59.060 - Amending the requirements for height permits within the airport hazard area and prohibiting the issuance of a height permit for structures or appurtenances that exceed the height restrictions as established by this chapter;
  - F. 27.59.070 - Amending language relating to airport hazards;
  - G. 27.59.080 - Amending language relating to nonconforming height;
  - H. 27.59.090 - Amending language relating to administration;
  - I. 27.59.110 - Increasing the number of votes required for action by the Board of Zoning Appeals on matters relating to airport zoning regulations to four;
  - J. 27.59.120 - Updating statutory references relating to the Airport Zoning Commission;
  - K. 27.59.150 - Deleting references to imprisonment and increasing the maximum fine to \$500.00 as related to penalties for violations of any provision of this chapter; and
  - L. Adopting the revised Lincoln Airport Zoning Map.
4. Any building or structure that does not conform to the changes at the time they are adopted will be considered a nonconforming use. The Planning Department is not aware of any buildings or structures that would be made nonconforming with these changes.
5. The airport hazard area is defined by the limits of the approach, turning, transition, and operation zones. The height restriction for the approach zones is determined by the height of the planes forming the approach zones, which generally increases as the distance of the aircraft from the airport increases. All of the runways at the Lincoln Airport are classified as instrument runways. Based on that classification, the height limit of the approach zone at a distance of 3 miles from the end of the operation zone is 150 feet above the runway end elevation for which it is the approach. At 10 miles (the end of the approach zone) the height limit is approximately 889 feet above the runway end. Notwithstanding the above limits, a maximum height of 275 feet is permitted in the 275 Foot Maximum Height Zone located generally within Downtown Lincoln, as shown on the revised Airport Zoning Map.

6. New impacts of these changes within the extended approach zones will primarily impact the tallest structures such as broadcast towers and wind turbines. Most water and cell towers and grain silos are below this height limit. The potential impact of these text changes will therefore be minimal on residential areas and most other development, because the height limit for areas beneath the extended approach zone height restriction from the 3 mile to 10 mile distance will far exceed the height of planned development in the majority of cases.
7. The proposed text amendment is in conformance with the 2040 Comprehensive Plan, the Airport West Subarea Plan, and the City and County Zoning Ordinances.
8. The Airport Board was briefed on these text changes on December 10. In conjunction with that Board meeting, the Lincoln Airport Authority advertised a Notice of Intent in the Lincoln Journal Star on December 11. Beginning on the same date, the City and County text changes were made available for public viewing on the Airport website and Lincoln Airport Authority Administrative Offices, and the public was notified of the acceptance of comments on the changes for 30 days. No comments were received by the Airport Authority on the text changes.
9. The proposed changes will increase the protections for aircraft on approach to the Airport through implementation of the extended approach zone height restrictions. These changes will also assist in bringing the City airport zoning regulations into conformance with state statutes.

Prepared by:

Rachel Jones, Planner  
441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**DATE:** February 4, 2016

**APPLICANT:** Lincoln Airport Authority  
P.O. Box 80407  
Lincoln, NE 68501

**OWNER:** N/A

**CONTACT:** Jon Large  
Lincoln Airport Authority  
P.O. Box 80407  
Lincoln, NE 68501

F:\DevReview\TX\16000\TX16001 Airport Zoning CITY Chapter 27.59.rkj.wpd

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 27.59 of the Lincoln Municipal Code  
2 relating to Airport Zoning Regulations by amending Section 27.59.010 to revise existing  
3 definitions and add new definitions; amending Section 27.59.020 relating to location and  
4 boundaries by establishing the area included within the airport hazard area; amending Section  
5 27.59.030 to establish and revise descriptions for the approach zones, the operation zones, the  
6 transition zones and the turning zones; amending Section 27.59.040 relating to the height  
7 restrictions to revise language and change references; amending 27.59.060 requiring height  
8 permits within the airport hazard area under certain circumstances, and prohibiting the issuance  
9 of a height permit for structures or appurtenances that exceed the height restrictions as  
10 established by Chapter 27.59; amending Section 27.59.070 relating to airport hazards; amending  
11 Section 27.59.080 relating to nonconforming height; amending Section 27.59.090 relating to  
12 administration; amending Section 27.59.110 relating to powers of the Board of Zoning Appeals  
13 by increasing the number of votes required for action to four (4); amending Section 27.59.120  
14 relating to the Airport Zoning Commission by updating statutory references; amending Section  
15 27.59.140 relating to appeals from the Board of Zoning Appeals by updating statutory  
16 references; amending Section 27.59.150 relating to penalties for violations by deleting references  
17 to imprisonment and increasing the maximum fine to \$500.00; adopting a revised Lincoln  
18 Airport Zoning Map; and repealing Sections 27.59.010, 27.59.020, 27.59.030, 27.59.040,  
19 27.59.060, 27.59.070, 27.59.080, 27.59.090, 27.59.110, 27.59.120, 27.59.140 and 27.59.150 as  
20 hitherto existing.

21 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

1           Section 1. That Section 27.59.010 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.59.010     Definitions.**

4           As used in this chapter unless the context otherwise requires:

5           **Airport** shall mean the Lincoln ~~municipal~~ airport, located ~~as provided in Section~~  
6 27.59.020, below in Sections 4, 5, 6, 7, 8, 9, 17 and 18, Township 10 North, and Sections 31 and  
7 32, Township 11 North, Range 6 East of the Sixth Principal Meridian, Lancaster County,  
8 Nebraska.

9           **Airport hazard** shall mean any structure or tree or use of land ~~which obstructs the~~  
10 ~~airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise~~  
11 ~~hazardous to such landing or taking off of aircraft~~ that penetrates any approach, operation,  
12 transition, or turning zone.

13           **Airport hazard area** shall mean any area of land or water upon which an airport hazard  
14 might be established if not prevented as provided in this chapter, but such area shall not extend in  
15 any direction a distance in excess of the limits provided for approach, operation, transition, and  
16 turning zones.

17           **Building Official** shall mean the Director of the Department of Building and Safety of  
18 the City of Lincoln, Nebraska, or his or her authorized representative.

19           **City** shall mean the City of Lincoln, Nebraska.

20           **Existing runway** means a runway that has been constructed or is under construction.

21           **Instrument runway** shall mean an existing runway with precision or nonprecision  
22 instrument approaches as developed and published by the Federal Aviation Administration or an

1 existing or proposed runway with future precision or nonprecision instrument approaches  
2 reflected on the airport layout plan.

3 **Lessee** shall mean any person, other than the owner, in possession of land.

4 **Nonconforming use** shall mean any structure or use of land which does not conform to a  
5 requirement of this chapter or an amendment thereto, as of the effective date of this chapter.

6 **Person** shall mean any individual, firm, association, corporation, or body politic and  
7 includes any receiver, assignee, or similar representative thereof.

8 **Proposed runway** means a runway that has not been constructed and is not under  
9 construction but that is depicted on the airport layout plan that has been conditionally or  
10 unconditionally approved by, or has been submitted for approval to, the Federal Aviation  
11 Administration.

12 **Runway** shall mean a ~~portion of the airport, having a surface especially developed and~~  
13 ~~maintained for the landing and take-off of aircraft~~ defined area at the Airport that is prepared for  
14 the landing and takeoff of aircraft along its length. For purposes of Chapter 27.59, only paved  
15 instrument runways as defined herein shall be included within the term “runway”.

16 **Structure** shall mean any object constructed or installed by man, including, but without  
17 limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

18 **Tree** shall mean any object of natural growth.

19 Section 2. That Section 27.59.020 of the Lincoln Municipal Code be amended to  
20 read as follows:

21 **27.59.020 ~~Location and~~ Airport Hazard Area; Boundaries.**

22 ~~The vicinity of the airport, located in Sections 4, 5, 6, 7, 8, 9, 17 and 18, Township 10~~  
23 ~~North, and Sections 31 and 32, Township 11 North, Range 6 East of the Sixth Principal~~

1 Meridian, Lancaster County, Nebraska, specifically being the area lying within the outer limits of  
2 a series of points forming a line which is a horizontal distance of three miles from the airport  
3 boundary or the corporate limits of the city, whichever is the lesser distance from the airport  
4 boundary line, is hereby declared an airport hazard area and is hereby zoned as follows:

5 The hazard area consists of approach zones, turning zones, and transition zones as  
6 defined in Section 27.59.030.

7 (a) The outer boundary of the hazard area is composed of a series of connected  
8 tangents and simple curves which also constitute the outer boundaries of the approach and  
9 turning zones.

10 (b) The inner boundary of the hazard area is a boundary line consisting of a series of  
11 intersecting tangents, 500 feet from and parallel to the centerlines of the runways and connecting  
12 the inner boundaries of adjacent approach zones at the ends of the runways. The boundaries of  
13 the airport hazard area, approach zones, turning zones and transition zones are delineated and  
14 shown on the Lincoln Airport Zoning Map.

15 All of the area encompassed within the approach zones, operation zones, turning zones  
16 and transition zones as defined in Section 27.59.030, to the extent that such area is located within  
17 the corporate limits of the City of Lincoln or within the extraterritorial zoning jurisdiction of the  
18 City of Lincoln, is hereby declared an airport hazard area. The boundaries of the airport hazard  
19 area, approach zones, operation zones, turning zones and transition zones are delineated and  
20 shown on the Lincoln Airport Zoning Map.

21 Section 3. That Section 27.59.030 of the Lincoln Municipal Code be amended to  
22 read as follows:

23 **27.59.030 Zone Descriptions.**

1 (a) ~~An approach zone is located at each end of each existing or proposed runway for~~  
2 ~~the landing or taking off of airplanes. Such approach zones begin 200 feet beyond the ends of~~  
3 ~~the respective runways, and at such beginning are 1,000 feet in width, 500 feet on each side of~~  
4 ~~the respective centerline, and extend and expand uniformly centered along the extended~~  
5 ~~centerline of the respective runways to the outer boundary of the approach and turning zones at a~~  
6 ~~rate of 30 feet of width for each 100 feet of horizontal length for each runway. Approach zone~~  
7 ~~means a zone that extends from the end of each operation zone and is centered along the~~  
8 ~~extended runway centerline~~The dimensions of an approach zone for existing or proposed  
9 runways are as follows:

10 (i). An approach zone extends ten miles from the operation zone, measured  
11 along the extended runway centerline. The approach zone is one thousand feet  
12 wide at the end of the zone nearest the runway and expands uniformly to sixteen  
13 thousand eight hundred forty feet wide at the farthest end of the zone; and

14 (ii). The height limit of an approach zone begins at the elevation of the  
15 runway end for which it is the approach and rises one foot vertically for every  
16 fifty feet horizontally, except that the height limit shall not exceed one hundred  
17 fifty feet above the nearest existing or proposed runway end elevation within three  
18 miles of the end of the operation zone at that runway end. At three miles from  
19 such operation zone, the height limit resumes sloping one foot vertically for every  
20 fifty feet horizontally and continues to the ten-mile limit; and

21 (b) ~~The transition zones are the areas bounded by the inner boundary of the hazard~~  
22 ~~area, the sides of contiguous inner areas of approach zones and the outer limits of the transition~~  
23 ~~zones; said outer limits of the transition zones being the intersections, at elevations of 150 feet~~

1 above the highest elevation at the ends or edges of the closest runway, or proposed runway, of a  
2 series of contiguous planes originating from bases established by the inner boundary of the  
3 hazard area and the edges of adjacent inner areas of approach zones; the planes rising from their  
4 respective bases at the rate of one foot vertically to seven feet horizontally to the lines of  
5 intersection previously referred to. Operation zone means a zone that is longitudinally centered  
6 on each existing or proposed runway. The dimensions of an operation zone for existing and  
7 proposed runways are as follows:

8 (i) The operation zone extends two hundred feet beyond the ends of each  
9 runway. ;

10 (ii) The operation zone is one thousand feet wide, with five hundred feet on  
11 either side of the runway centerline. ; and

12 (iii) The height limit of the operation zone is the same as the height of the  
13 runway centerline elevation on an existing or proposed runway or the surface of the  
14 ground, whichever is higher;

15 (c) Transition zone means a zone that extends outward at a right angle to the runway  
16 centerline and the extended runway centerline and upward at a rate of one foot vertically for  
17 every seven feet horizontally. The height limit of a transition zone begins at the height limit of  
18 the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above  
19 the highest elevation on the existing or proposed runway.

20 (e)(d) The turning zones comprise all portions of the zoned area not contained in the  
21 approach zones, operation zones, and transition zones.—The outer limits of the turning zones are  
22 a series of points forming a line which is a horizontal distance of three statute miles from the  
23 airport boundary line or the corporate limits of the city, whichever is the lesser distance from the

1 ~~airport.~~ The turning zone's outer limit is the area located at a distance of three miles as a radius  
2 from the corners of the operation zone of each runway and connecting adjacent arcs with tangent  
3 lines, excluding any area within the approach zone, operation zone, or transition zone. The  
4 height limit of the turning zone is one hundred fifty feet above the highest elevation on the  
5 existing or proposed runway.

6 Section 4. That Section 27.59.040 of the Lincoln Municipal Code be amended to  
7 read as follows:

8 **27.59.040 Height Restrictions.**

9 Except as otherwise permitted by this Chapter 27.59, No building or structure,  
10 smokestack, chimney, tower, or other structure or appurtenance thereto of any kind or character  
11 shall hereafter be erected, constructed, repaired, or established and no tree shall be suffered or  
12 allowed except as otherwise provided in Section 27.59.090 within the Airport Hazard Area that  
13 exceeds the following height restrictions:

14 (a) In the approach zones, the height of the planes forming the approach zones;

15 (b) In the turning zones, to a height in excess of 150 feet above the elevation at the  
16 closest runway end, as shown on the Lincoln Airport Zoning Map.

17 (c) In the transition zones, the height of the planes forming the transition slopes;

18 (d) Within the ~~inner boundary of the hazard area~~ operation zone and in the existing or  
19 proposed runways, the height of the existing or proposed finished grade of said runways. All  
20 grades of said runways are hereby established by and referenced to the plans of said airport on  
21 file in the office of the City Clerk, which plans are made a part of this chapter by reference.

22 (e) Notwithstanding the above, a maximum height of 275 feet shall be permitted in  
23 the 275 Foot Maximum Height Zone as shown on the Lincoln Airport Zoning Map.

1 Section 5. That Section 27.59.060 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.59.060 Permit Required; Procedure.**

4 (a) Except as provided in subparagraph (b), it is hereafter shall be unlawful to erect,  
5 construct, reconstruct, repair, or establish any building, tower, smokestack, chimney, or other  
6 structure or appurtenance thereto of any kind or character within the boundary of the Airport  
7 Hazard Area of said the Airport without first obtaining a height permit from the Building  
8 Official. A height permit shall not be issued for any structure or appurtenance thereto that  
9 exceeds the height restrictions set forth in Section 27.59.040.

10 (b) In the outer approach zones and within the turning zones No height permit shall  
11 be required generally within the turning zones, or that part of the approach zones located more  
12 than seven thousand seven hundred feet from the end of the runway, for construction of any  
13 proposed structure that will be which is no higher than seventy-five feet above the elevation of  
14 the natural ground at the location point of the proposed construction, except for construction in  
15 those specifically "shaded" areas (elevation 1,248 ft. A.M.S.L. or higher) indicated on the airport  
16 zoning map Lincoln Airport Zoning Map that are within four miles from the end of a runway.  
17 Structures or buildings proposed to be constructed within ~~or in close proximity to~~ such "shaded"  
18 areas on said map shall require certification as to elevation. ~~if in the opinion of the building~~  
19 ~~official such structure or building may exceed the allowable height of that particular "shaded"~~  
20 ~~portion of the map, provided that~~ No certification as to elevation or a height permit shall be  
21 required for proposed accessory structures or accessory buildings to dwelling units when said  
22 proposed accessory structures or accessory buildings or any attachment thereto do not exceed the  
23 elevation of said dwelling unit.

1 (c) Application for a height permit as required under the provisions of this chapter  
2 shall be made upon a form which is available in the office of the building official. The  
3 application shall indicate the location, ground elevation with reference to the elevation at the  
4 closest point on a runway, and the height of the proposed structure. Said elevation shall be  
5 certified to by a land surveyor, registered by the State of Nebraska, which certificate must  
6 accompany said application.

7 (d) Upon completion of any structure or dwelling requiring a height permit, the  
8 building official shall require a registered professional surveyor to verify the actual height and  
9 location of such ~~any structure or building, requiring a height permit.~~ The certification shall be  
10 submitted to the building official at the point of final construction of the structure or building.  
11 ~~but~~ and prior to operation or occupying the structure or building. Such information shall be  
12 recorded and maintained by the building official.

13 Section 6. That Section 27.59.070 of the Lincoln Municipal Code be amended to  
14 read as follows:

15 **27.59.070 Airport Hazards**

16 (a) The Building Official shall examine or cause to be examined any ~~transmission~~  
17 ~~line, pole, tree, wires, or other structures or trees natural growth, not included in Section~~  
18 ~~27.59.060,~~ reported to him as an airport hazard within the airport hazard area, and if such is  
19 found to be an airport hazard as defined in Section 27.59.010, and is not otherwise approved or  
20 authorized by this Chapter, it shall be the duty of the Building Official to give the owner of the  
21 property where such airport hazard exists written notice thereof, and to take such measures as are  
22 necessary and authorized by law to eliminate or alleviate said airport hazard. For the purpose of  
23 aiding the Building Official to determine whether the existence of any such reported

1 ~~transmission line, pole, tree, wires, or other~~ structures or trees ~~natural growth~~ constitute an  
2 airport hazard, the Building Official may in each case request a written report from the State  
3 Department of Aeronautics under the provisions of *Neb. Rev. Stat.* §§ 3-108 and 3-113 (Reissue  
4 ~~1973~~2012) to advise whether or not an airport hazard, as defined in this chapter, exists.

5 (b) Notwithstanding any other provisions of this title, no use may be made of land  
6 within any zone established by this ordinance in such a manner as to create electrical interference  
7 with radio communication between the airport and aircraft, make it difficult for fliers to  
8 distinguish between airport lights and others, result in glare in the eyes of fliers using the airport,  
9 impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or  
10 maneuvering of aircraft.

11 Section 7. That Section 27.59.080 of the Lincoln Municipal Code be amended to  
12 read as follows:

13 **27.59.080 Nonconforming Height.**

14 (a) Within the airport hazard area as hereinbefore defined, the lawful height of a building,  
15 structure, tree, or premises existing at the time of the effective date of this chapter may be  
16 continued although such height does not conform to the provisions hereof and it shall be  
17 considered a nonconforming use. Within the airport hazard area no nonconforming building,  
18 structure, ~~smokestack, chimney~~ tree, premises, or appurtenance thereof of any kind or character  
19 shall, ~~without first receiving a permit from the Building Official authorizing such work~~ hereafter  
20 be replaced, replanted, substantially reconstructed, repaired, or altered without first receiving a  
21 permit from the Building Official authorizing such work. A permit shall be granted under this  
22 Section if the applicant shows that the replacement, repair, replanting, or alteration of the  
23 nonconforming building, structure, tree, premises, or appurtenance thereof would not result in an

1 increase in height for the nonconforming building, structure, tree, or premises as it existed before  
2 the effective date of this Section, as amended, to a height which constitutes or a greater hazard to  
3 air navigation than existed before the effective date of this chapter Section. For any  
4 nonconforming use, no permit shall be required under this subsection for repairs made necessary  
5 by fire, explosion, act of God, or the common enemy or for repairs for which the costs do not  
6 exceed sixty percent of the fair market value of the structure, so long as the height of the  
7 nonconforming structure is not increased over its preexisting height, nor above the heights  
8 permitted by this chapter if such structures are torn down, destroyed, burned, deteriorated, or  
9 decayed to an extent of sixty percent or more, or abandoned for a period of twelve months or  
10 more.

11 (b) Notwithstanding (a) above, an electric supplier owning or operating an electric  
12 facility made nonconforming by adoption of this Chapter may, without a permit or approval of  
13 the City, repair, reconstruct, or replace such electric facility if the height of such electric facility  
14 is not increased over its height as it existed as of the date this Chapter, as amended, was adopted.  
15 Any electric facility made nonconforming by adoption of this Chapter which, in the course of  
16 being repaired, reconstructed, or replaced will exceed its preexisting height shall require a permit  
17 from the City which shall be granted upon a showing that the excess height of the electric facility  
18 will not establish or create a greater hazard to air navigation than the electric facility that  
19 previously existed at said location. For purposes of this section, an “electric facility” means an  
20 overhead electric line, including poles or other supporting structures, owned or operated by an  
21 electric supplier as defined in Neb. Rev. Stat. §70-1001.01, for the transmission or distribution of  
22 electrical power to the electric supplier’s customers.

1                   Section 8. That Section 27.59.090 of the Lincoln Municipal Code be amended to  
2 read as follows:

3 **27.59.090     Administration.**

4                   It is the duty of the Building Official ~~who is the Director of Building and Safety of the~~  
5 ~~City of Lincoln,~~ to administer and enforce this chapter, and said officer is hereby appointed the  
6 “administrative agency” provided for in *Neb. Rev. Stat. § 3-319 (Reissue 1943, as amended 2014*  
7 *Cum. Supp.)*, and shall have all the powers and perform all the duties of the administrative  
8 agency as provided by the airport zoning act, until or unless otherwise ordered by the Mayor.  
9 Applications for permits and variances shall be made to the Building Official upon a form  
10 furnished by said official. Applications which are by this chapter to be decided by the Building  
11 Official shall be promptly considered and granted or denied. Applications for action by the  
12 Board of Zoning Appeals shall be forthwith transmitted by the Building Official to the Board for  
13 hearing and decision.

14                   Section 9. That Section 27.59.110 of the Lincoln Municipal Code be amended to  
15 read as follows:

16 **27.59.110     Powers of the Board of Zoning Appeals.**

17                   The Board of Zoning Appeals has the following powers:

18                   (a)    To hear and decide appeals from any order, requirement, or decision made by the  
19 Building Official in the enforcement of this chapter;

20                   (b)    To hear and decide any special exceptions to the terms of this chapter which such  
21 board may be required to pass upon under this chapter; and

22                   (c)    To hear and decide specific variances to the extent necessary, where there are  
23 peculiar, exceptions, and unusual circumstances in connection with a specific situation where the

1 relief granted would not be contrary to the public interest but would do substantial justice and be  
2 in accordance with the spirit of this chapter. Provided, that any variance may be allowed subject  
3 to any reasonable conditions that the Board of Zoning Appeals may deem necessary to effectuate  
4 the purpose of this chapter.

5 The concurring vote of four members of the Board shall be necessary to reverse any  
6 order, requirement, decision, or determination of the Building Official or to decide in favor of the  
7 applicant on any matter upon which the Board is required to pass under the airport zoning  
8 regulations or to effect any variation in such regulations.

9 Section 10. That Section 27.59.120 of the Lincoln Municipal Code be amended  
10 to read as follows:

11 **27.59.120 Airport Zoning Commission.**

12 The Lincoln City-Lancaster County Planning Commission is hereby appointed the  
13 “Airport Zoning Commission,” referred to in *Neb. Rev. Stat. § 3-308, (Reissue-19432014 Cum.*  
14 *Supp.)*, to have and exercise the powers conferred by *Neb. Rev. Stat. § 3-308, (Reissue-19432014*  
15 *Cum. Supp.)*, and such other powers and duties as are conferred and imposed by law.

16 Section 11. That Section 27.59.140 of the Lincoln Municipal Code be amended  
17 to read as follows:

18 **27.59.140 Appeal from Board of Zoning Appeals.**

19 Any person aggrieved or taxpayer affected by any decision of the Board of Zoning  
20 Appeals or governing body of a political subdivision which is of the opinion that a decision of  
21 the Board of Zoning Appeals is illegal, may appeal to the District Court of Lancaster County in  
22 the manner provided in *Neb. Rev. Stat. §§ 3-324 et seq. (Reissue-19732014 Cum. Supp.)*.

1           Section 12. That Section 27.59.150 of the Lincoln Municipal Code be amended  
2 to read as follows:

3 **27.59.150     Penalty for Violations.**

4           (a)     Each violation of any provision of this chapter shall constitute a misdemeanor and  
5 shall be punishable by a fine of not ~~less than \$50.00 nor more than \$300.00, or imprisonment for~~  
6 ~~not less than five nor more than thirty days, or both such fine and imprisonment to exceed~~  
7 \$500.00. Each day a violation continues to exist shall constitute a separate offense.

8           (b)     In any case where use of land is made in violation of this chapter or where any  
9 building or structure is erected, constructed, reconstructed, altered, repaired, or converted in  
10 violation of this chapter, the city attorney, in addition to other remedies, is hereby authorized to  
11 institute on behalf of the city, injunction, mandamus, or any other appropriate action or  
12 proceeding to prevent such unlawful use, erection, construction, reconstruction, alteration, or  
13 conversion, or to correct or abate such violation.

14           Section 13. That the Lincoln Airport Zoning Map dated February 25, 2002, as  
15 most recently amended by Section 7 of Ordinance No. 19714 be superseded and the Lincoln  
16 Airport Zoning Map dated \_\_\_\_\_, a copy of which is attached hereto, is hereby  
17 adopted by reference into Chapter 27 and shall constitute the Lincoln Airport Zoning Map  
18 referred to in Chapter 27 and in Section 27.050.020 of the Lincoln Municipal Code.

19           Section 14. That Sections 27.59.010, 27.59.020, 27.59.030, 27.59.040, 27.59.060,  
20 27.59.070, 27.59.080, 27.59.090, 27.59.110, 27.59.120, 27.59.140, and 27.59.150 of the Lincoln  
21 Municipal Code as hitherto existing be and the same are hereby repealed.

1                   Section 15. That this ordinance shall take effect and be in force from and after  
2 passage and publication in one issue of a daily or weekly newspaper of general circulation in the  
3 City, according to law.

16-

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Mayor



**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for February 17, 2016 PLANNING COMMISSION MEETING**

**PROJECT #:** Text Amendment No. 16002

**PROPOSAL:** Amend Article 18 of the Lancaster County Zoning Regulations relating to airport zoning to be in accordance with the passage of Nebraska Legislative Bill (LB) 140 passed in 2013. LB140 authorizes and directs local zoning authorities to extend airport height restriction zoning from a current limit of 3 miles to a new limit of 10 miles for approach zones.

**CONCLUSION:** The proposed changes are in conformance with LB140, the City and County Zoning Ordinances, and the 2040 Comprehensive Plan and should not have a significant negative impact on properties beneath the extended approach zoning.

<b><u>RECOMMENDATION:</u></b>	Approval
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**GENERAL INFORMATION:**

**ASSOCIATED APPLICATIONS:** Text Amendment No. 16001 to amend Chapter 27.59 of the City Zoning Ordinance, Airport Zoning Regulations.

**HISTORY:**

May 2013 LB140 to amend provisions of the Airport Zoning Act was passed by the Nebraska Legislature.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 10.19 - Existing Airports and Airfields

The Lincoln Airport is the major air facility servicing Lincoln, Lancaster County and the region. It provides an important transportation link to national and international markets. It is located in the northwestern part of Lincoln, with access provided by Interstate and State highways. The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. These regulations govern uses and structural characteristics compatible to the airport operations and minimize negative impacts on surrounding residents.

P. 10.46 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State. As a member of the Lincoln MPO Technical Committee, the Lincoln Airport Authority will continue to be part of the metropolitan area transportation planning process.

The Airport West Subarea Plan was approved in 2005 and was amended into the Comprehensive Plan. Elements of the Plan should be pursued for implementation over time.

P. 10.51 - Airports and Airfields

Lincoln Municipal Airport is governed by the Lincoln Airport Authority (LAA). The LAA is part of the MPO and participates in its activities; however, planning for airport facilities is done in a separate process.

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.

Airport West Subarea Plan - P. 26 - Transportation: Goods and Freight Transportation

The location of the Lincoln Airport provides future development the convenient opportunity of air-freight and rail shipment. Also, the airport provides essential passenger travel for region. With such an air facility comes the Airport Environs Noise District and Airport Zoning Regulations that protect surrounding land uses.

**ANALYSIS:**

1. This text amendment will change Article 18 of the County Zoning Ordinance, Special Height and Use Near Airports. The Lincoln Airport Zoning Map will also be amended to reflect these changes and will be adopted by reference as part of this text amendment. The related Text Amendment #16001 is proceeding concurrently to similarly amend Chapter 27.59 of the City Zoning Ordinance.
2. LB140 was passed in May 2013. LB140 amended the state Airport Zoning Act to redefine the term airport hazard area and extend airport approach zones from 3 miles to 10 miles in order to prevent the encroachment of new obstacles into instrument approach paths out to 10 miles from the operation zone. LB140 also revised outdated language and redefined terminology throughout the Act. These changes were implemented to bring the state airport zoning statutes into conformance with Federal Aviation Administration and Nebraska Department of Aeronautics standards.
3. The primary text changes to Article 18 include the following, as shown on the attached draft Article:
  - A. 18.002 - Adding a Definitions section to revise existing definitions and add new definitions for a number of terms including the airport hazard area;
  - B. 18.003 - Adding a Zone Descriptions section to establish and revise descriptions for the approach, operation, transition, and turning zones;
  - C. 18.004 - Adding a section to define the boundaries of the airport hazard area;

- D. 18.005 - Amending language related to the height restrictions;
  - E. 18.006 - Amending the requirements for height permits within the airport hazard area and prohibiting the issuance of a height permit for structures or appurtenances that exceed the height restrictions as established in this article;
  - F. 18.007 - Adding a section relating to airport hazards;
  - G. 18.008 - Amending language relating to non-conforming structures;
  - H. 18.009 - Amending language relating to the marking of non-conforming structures;
  - I. 18.011 - Establishing that four votes are required for action by the Zoning Board of Adjustment on matters relating to airport zoning regulations; and
  - J. Adopting the revised Lincoln Airport Zoning Map.
4. Any building or structure that does not conform to the changes at the time they are adopted will be considered a nonconforming use. The Planning Department is not aware of any buildings or structures that would be made nonconforming with these changes.
5. The airport hazard area is defined by the limits of the approach, turning, transition, and operation zones. The height restriction for the approach zones is determined by the height of the planes forming the approach zones, which generally increases as the distance of the aircraft from the airport increases. All of the runways at the Lincoln Airport are classified as instrument runways. Based on that classification, the height limit of the approach zone at a distance of 3 miles from the end of the operation zone is 150 feet above the runway end elevation for which it is the approach. At 10 miles (the end of the approach zone) the height limit is approximately 889 feet above the runway end. Notwithstanding the above limits, a maximum height of 275 feet is permitted in the 275 Foot Maximum Height Zone located generally within Downtown Lincoln, as shown on the revised Airport Zoning Map.
6. New impacts of these changes within the extended approach zones will primarily impact the tallest structures such as broadcast towers and wind turbines. Most water and cell towers and grain silos are below this height limit. The potential impact of these text changes will therefore be minimal on residential areas and most other development, because the height limit for areas beneath the extended approach zone height restriction from the 3 mile to 10 mile distance will far exceed the height of planned development in the majority of cases.

7. The proposed text amendment is in conformance with the 2040 Comprehensive Plan, the Airport West Subarea Plan, and the City and County Zoning Ordinances.
8. The Airport Board was briefed on these text changes on December 10. In conjunction with that Board meeting, the Lincoln Airport Authority advertised a Notice of Intent in the Lincoln Journal Star on December 11. Beginning on the same date, the City and County text changes were made available for public viewing on the Airport website and Lincoln Airport Authority Administrative Offices, and the public was notified of the acceptance of comments on the changes for 30 days. No comments were received by the Airport Authority on the text changes.
9. The proposed changes will increase the protections for aircraft on approach to the Airport through implementation of the extended approach zone height restrictions. These changes will also assist in bringing the County airport zoning regulations into conformance with state statutes.

Prepared by:

Rachel Jones, Planner  
441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**DATE:** February 4, 2016

**APPLICANT:** Lincoln Airport Authority  
P.O. Box 80407  
Lincoln, NE 68501

**OWNER:** N/A

**CONTACT:** Jon Large  
Lincoln Airport Authority  
P.O. Box 80407  
Lincoln, NE 68501

F:\DevReview\TX\16000\TX16002 Airport Zoning COUNTY Article 18.rkj.wpd

ARTICLE 18  
SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

18.001 Lincoln ~~Municipal~~ Airport areas. Areas

Control of the height of structures in the vicinity of the Lincoln ~~Municipal~~ Airport shall be controlled by ~~the City of Lincoln Codes, this Chapter 27.58 and Chapter 27.59 inasmuch as all of Article 18 to the area within extent that the three mile distance from Airport Hazard Area extends into the airport property line is within the City of Lincoln County of Lancaster zoning jurisdiction.~~ (Resolution No. 5367, August 26, 1996)

~~18.003 Height limitations. Publicly owned airports or publicly owned airfields that are developed or permitted to be developed in the County "AG" or "AGR" districts shall be controlled to limit and protect the development of the airport by use of the land and the control of the height of structures within the distance of three (3) miles from the airport property line. The conditions and criteria as noted below shall control the areas surrounding the proposed airport or airfield.~~

~~a) Airport location, boundaries, zones and height restrictions~~

~~The vicinity of a publicly owned airport or publicly owned airfield, from the boundaries of such airport or airfield to a distance of three (3) miles in all directions from the adjacent boundaries of such publicly owned airport/airfield, is hereby declared as an airport/airfield hazard area and shall be zoned as follows:~~

~~1) Hazard Area Description~~

~~The Hazard Area consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitutes the outer boundaries of the Approach and Turning Zones.~~

~~2) Zone Descriptions~~

~~a) The Operation Zones shall be located along each existing or proposed runway, landing area or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing area and 200 feet beyond the end of each runway and shall be 1,000 feet in width for each instrument runway or landing area and 500 feet in width for all other runways and landing areas.~~

~~b) The Approach Zones shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing area, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing area and 20 feet of width for each 100 feet of horizontal length for all other runways.~~

~~The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevation of the end of the respective runway or landing area.~~

~~The Clear zone shall be the inner portion of the approach zone, also known as the inner area of the approach zone. As a minimum, the standard clear zone has a width of 250 feet at its beginning near the threshold and 450 feet at a point 1,000 feet from its beginning and centered on the extended runway centerline. The clear zone has a slope of~~

~~20:1 upward from the threshold to a height of 50 feet above the end of the runway for airports and special permit airfields. The area beneath the clear zone may be controlled by the airfield owner by fee title or an easement over the land.~~

~~The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.~~

~~e) The Transition Zones shall be the areas bounded by the Operation Zones of the Hazard Area, the sides of the contiguous inner areas of approach zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of 150 feet above the highest elevation at the end or edges of the closest runway or landing area, or proposed runway or landing area, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Areas and the edges of adjacent inner areas of approach zones; said planes rising from the respective bases along lines perpendicular to the centerline of the runway or landing area at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.~~

~~d) The Turning Zones shall comprise all portions of the Hazard Area not contained in the operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three (3) statute miles from the nearest points along the airport property lines.~~

3)18.002 Definitions

As used in this Article unless the context otherwise requires:

Airport means the Lincoln Airport located in Sections 4, 5, 6, 7, 8, 9, 17 and 18, Township 10 North and Sections 31 and 32, Township 11 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska.

Airport hazard means any structure or tree or use of land that penetrates any approach, operation, transition, or turning zone.

Airport hazard area means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Article, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.

Building Official means the Director of the Department of Building and Safety of the City of Lincoln, Nebraska, or his or her authorized representative.

Existing runway means a runway that has been constructed or is under construction.

Instrument runway means an existing runway with precision or nonprecision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or nonprecision instrument approaches reflected on the airport layout plan.

Lessee means any person, other than the owner, in possession of land.

Nonconforming use means any structure or use of land which does not conform to a requirement of this Article or an amendment thereto, as of the effective date of this Article.

Person means any individual, firm, association, corporation, or body politic and includes any receiver, assignee, or similar representative thereof.

Proposed runway means a runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway means a defined area at the Airport that is prepared for the landing and takeoff of aircraft along its length. For purposes of this Article 18, only paved Instrument Runways as defined herein shall be included within the term "runway."

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Tree means any object of natural growth.

#### 18.003 Zone Descriptions

(a) Approach zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerline. For an existing or proposed runway, an approach zone's dimensions are as follows:

(i) An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty feet wide at the farthest end of the zone; and

(ii) The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally, except that the height limit shall not exceed one hundred fifty feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally and continues to the ten-mile limit.

(b) Operation zone means a zone that is longitudinally centered on each existing or proposed runway. For existing and proposed runways, an operation zone's dimensions are as follows:

(i) The operation zone:

- a. extends two hundred feet beyond the ends of each runway; and
- b. is one thousand feet wide, with five hundred feet on either side of the runway centerline; and

(ii) The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.

(c) Transition zone means a zone that extends outward at a right angle to the runway centerline and the extended runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway.

(d) The turning zones comprise all portions of the zoned area not contained in the approach zones, operation zones, and transition zones. The turning zone's outer limit is the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

#### 18.004 Airport Hazard Area; Boundaries

All of the area encompassed within the approach zones, operation zones, turning zones, and transition zones as defined in Section 18.003, to the extent that such area is located within the zoning jurisdiction of the County of Lancaster, is hereby declared an Airport Hazard Area. The boundaries of the Airport Hazard Area, approach zones, operation zones, turning zones and transition zones are delineated and shown on the Lincoln Airport Zoning Map.

#### 18.005 Height Restrictions

~~No building, transmission line, communication line, pole, tree, smoke stack, chimney, wires, tower or other~~ Except as otherwise specifically permitted in this Article 18, no structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired, or established nor shall any and no tree or other object of natural growth be shall be suffered or allowed to grow within the Airport Hazard Area that exceeds the following height restrictions:

a) In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing area in excess of 1/50, and all other runways or landing areas in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing area) to said structure or object;

(a) b) In the Outer Area of Approach Zones and in Turning Zones~~In the approach zones,~~ the height of the planes forming the approach zones;

(b) In the turning zones, to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing area closest runway end, as shown on the Lincoln Airport Zoning Map;

(c) e) In the Transitions Zones to a transition zones, the height above of the planes forming the transition transition slopes; and

(d) d) In the operation zone and in the existing or proposed Operation Zones to arunways, the height above of the existing or proposed finished grade of said runways. All grades of said runways or landing areas or surface of the ground are hereby established by and referenced to the plans of the Airport on file in the office of the County Clerk, which plans are made a part of this Article by reference.

#### b) Location sketch and zoning map

~~The boundaries, operation zones, approach zones, transition zones and turning zones of said airport/airfield will be indicated on the Lancaster County Zoning Map.~~

#### e) Permit required, exceptions, application forms and permit fees

#### 1) 18.006 Permit Required; Procedure

~~It~~(a) Except as provided in subparagraph (b), it shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, above ground transmission line, above ground communication line, pole, tower, smokestack, chimney, above ground wires or other structure or appurtenance structure or appurtenances thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said publicly owned airport/airfield Airport Hazard Area of the Airport without first obtaining a height permit from the Building Official. A height permit shall not be issued for any structure or appurtenances thereto that exceeds the height restrictions set forth in Section 18.005.

(b) No height permit from the Building Official shall be required within the turning zones, or that part of the approach zones located more than 7700 feet from the end of the runway, for construction of any proposed structure that will be no higher than 75 feet above the elevation of the natural ground at the location of the proposed construction except for construction in those specifically "shaded" areas (elevation 1,248 feet A.M.S.L. or higher) indicated on the Lincoln Airport Zoning Map that are within four miles from the end of a runway. Structures or building proposed to be construction within such "shaded" areas on said map shall require certification as to elevation. No certification as to elevation or a height permit shall be required for proposed accessory structures or accessory buildings to dwelling units when said proposed accessory structures or accessory buildings or any attachment thereto do not exceed the elevation of said dwelling unit.

2) Exceptions.

In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the natural ground at the point of construction. Nothing herein shall require a public utility to obtain a permit for making repairs to reestablish service, provided such repairs do not change the height of the original facility.

3(c) Application Forms.

Application for a height permit as required under these regulations the provisions of this Article shall be made upon a form to be which is available in the office of the Building Official, Lincoln, Nebraska and Building Official. The application shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing area and height of the proposed structure or planting measured in North American Vertical Datum (NAVD 88). Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NAVD 1988 or in elevations measured in relation to mean sea level. (Resolution No. R 00 18, February 22, 2000) closest point on a runway, and the height of the proposed structure. Said elevation shall be certified by a land surveyor, registered by the State of Nebraska, which certificate must accompany said application.

4) Permit Fees.

The fee for each (d) Upon completion of any structure or building requiring a height permit, the Building Official shall require a registered professional surveyor to verify the actual height and location of any structure or building. The certification shall be submitted to the Building Official at the point of final construction of the structure or building, but prior to operation and occupying the structure or building. Such information shall be recorded and maintained by the Building Official.

(e) A permit issued fee shall be required in accordance with Article 23 of these regulations, and all fees received shall be paid to the County Treasurer for deposit in the County funds-general fund. No fee shall be charged for a permit for any construction or repair whose estimated cost is less than \$100.00.

18.007 Airport Hazards

(a) The Building Official shall examine or cause to be examined any structures or trees, reported to him as an airport hazard within the airport hazard area, and if such is found to be an airport hazard as defined in Section 18-002, and is not otherwise approved or authorized by this Article, it shall be the duty of the Building Official to give the owner of the property where such airport hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said airport hazard. For the purpose of aiding the Building Official to determine whether the existence of any such reported structures or trees constitute an airport hazard, the Building Official may

in each case request a written report from the State Department of Aeronautics under the provisions of Neb. Rev. Stat. §§ 3-108 and 3-113 to advise whether or not an airport hazard, as defined in this Article, exists.

(b) Notwithstanding any other provisions of this Title, no use may be made of land within any zone established by this Article in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or maneuvering of aircraft.

#### 18.008 Non-conforming ~~structures~~ Structures

(a) Within the ~~zoned~~ Airport hazard area as hereinbefore defined, and except as provided in subsection (b) with respect to electric facilities, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, above ground wires, tower or other structure or appurtenance thereto of any kind or character ~~of object of natural growth~~ shall hereafter be replaced, substantially reconstructed, altered, replanted or allowed to grow, as the case may be, ~~to a height which constitutes a greater hazard to air navigation above the heights permitted by these regulations; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent (80%) or more of the original condition, or abandoned for a period of twelve (12) months or more without first receiving a permit authorizing such replacement, reconstruction, alteration, growth, or replanting. No permit shall be issued if such replacement, reconstruction, alteration, growth, or replanting will result in an increase in height or a greater hazard to air navigation than the condition that existed when these regulations were adopted. For nonconforming structures other than electric facilities as defined in subsection (b), no permit shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy, or for repairs that do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.~~ Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the ~~zoned~~zone regulated.

e)(b) An electric supplier owning or operating a nonconforming electric facility may repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of such electric facility that exceeds its preexisting height shall require a permit that shall be granted only upon a showing that the excess height will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed. For purposes of this section, an "electric facility" means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Neb. Rev. Stat. § 70-1001.01 (2014 Cum. Supp.) for the transmission or distribution of electrical power to the electric supplier's customers.

#### 18.009 Marking of ~~non~~Non-conforming ~~structures~~ Structures

Whenever the Building and Safety Department shall determine that a specific ~~nonconforming~~ non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport or airfield,

the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said official, and shall within a reasonable time permit the marking thereof by suitable ~~lights~~lighting or other signals designated by the said agency and based on the recommendations of lighting officials or the Nebraska Department of Aeronautics.

~~f)~~18.010 Administrative agencyAgency

The Building and Safety Department of the City of Lincoln, shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319, R.R.S. 1943, Neb. Rev. Stat. § 3-319 (2014 Cum. Supp.), and shall have all the powers and perform all the duties of the administrative agency provided for by the Airport Zoning Act, until otherwise ordered by the Lancaster County Board.

~~g)~~18.011 Zoning Board of adjustmentAdjustment

The County Board of Zoning Appeals as contained in Article 19 of these regulations, shall be the Board of Adjustments with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, Neb. Rev. Stat. § 3-320 (2014 Cum. Supp.), and such other powers and duties as are conferred and imposed by law.

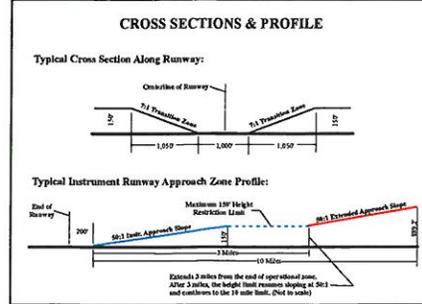
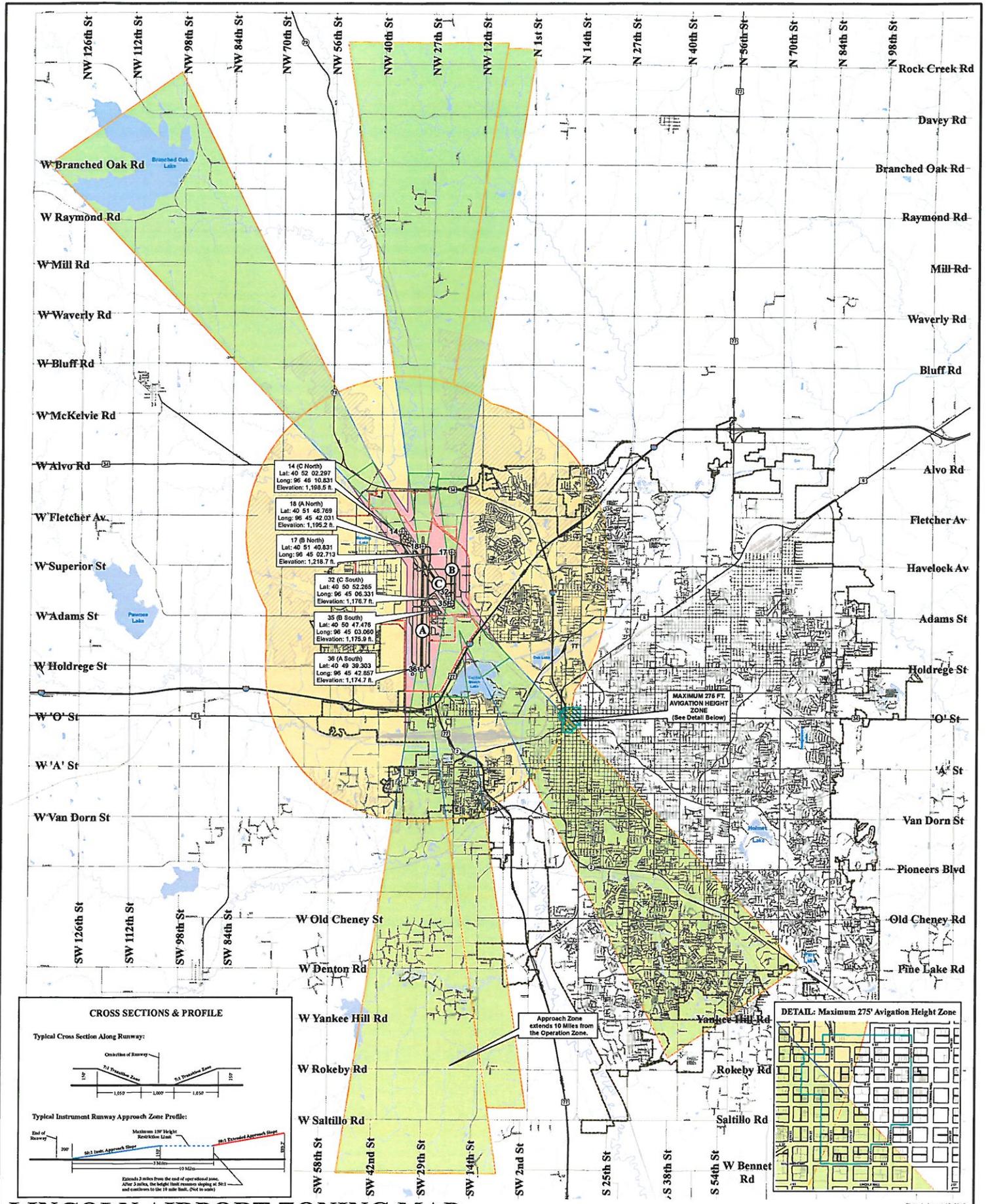
~~h)~~The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Article or to effect any variation in these regulations.

18.012 Notice

Public notice shall be provided in the affected area when it is to be established. (Resolution No. 5367, August 26, 1996)

~~18.005013~~ 18.013 Use Limitations-

Publicly owned airports or publicly owned airfields that are developed or permitted to be developed in the "AG" and "AGR" Districts shall require the aircraft or vehicles utilizing such airport or airfield to clear the property line between the airport or airfield and the immediately adjacent property by a height of fifty (50) vertical feet during take off and landing operations. The City-County Planning Commission and the City Building and Safety Department shall recognize this clearance requirement and respect same in any land use and/or proposed changes in use or zoning of adjacent or nearby property.



# LINCOLN AIRPORT ZONING MAP

- OPERATION ZONE
- APPROACH ZONE (150' Max Ht. for 3 miles)
- TRANSITION ZONE
- TURNING ZONE
- ELEV. 1,248' OR GREATER
- OUTER HAZARD AREA BOUNDARY
- AVIGATION ZONE BOUNDARY (275' Max Ht.)
- AIRPORT BOUNDARY
- RUNWAY CENTERLINE
- LINCOLN CITY LIMITS

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2000, all project submittals are required to utilize NAVD 1988 vertical datum.

PLANNED August 12, 2015

LINCOLN-LANCASTER COUNTY PLANNING DEPARTMENT

**ITS**

**LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT**  
**for February 17, 2016 Planning Commission Meeting**

**Project #:** Comprehensive Plan Amendment #15004

**PROPOSAL:** Amend the 2040 Future Land Use Plan to change land north of SW 30<sup>th</sup> Street and A Street from “Green Space”, “Commercial”, and “Environmental Resources” to “Urban Density Residential” and “Green Space” and to amend the 2040 Priority Growth Areas map from Tier I, Priority C to Tier I, Priority A.

**CONCLUSION:** The proposal is consistent with the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Approval of the proposed amendment
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**GENERAL INFORMATION:**

**LOCATION:** SW 30<sup>th</sup> Street and A Street

**EXISTING LAND USE:** Agriculture (tree farm)

**RELATED APPLICATIONS:**

Special Permit #15072  
Change of Zone #15036  
Annexation #15014

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Environmental Resources, Green Space, and Commercial. (p. 1.9)

**Commercial.** Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district. (p. 12.4)

**Urban Residential.** Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (p. 12.4)

**Green Space.** Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as stormwater management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development. (p. 12.4)

**Environmental Resources.** Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. (p. 12.4)

**ANALYSIS:**

1. The area identified for a change to Urban Density Residential and Green Space land use is currently zoned AGR Agricultural Residential District in the south and AG Agriculture District in the north.
2. There is a small strip of “Commercial” and “Green Space” shown on the future land use map on the property adjacent to the west. This area is not part of the Change of Zone, Annexation, or Special Permit applications. This area is included in the proposed change to the future land use map (entirely to Urban Density Residential). The majority of the adjacent property to the west is already designated as Urban Density Residential. No change is proposed for priority growth areas on the adjacent property to the west. It will remain as Tier I, Priority C.
3. The Community Unit Plan proposes 432 multi-family units. That is consistent with Urban Density Residential land use as proposed.
4. Floodplain land will be graded in accordance with all applicable regulations and conditions. A conservation easement will overlay the revised floodplain within this development. This area is proposed to be shown as Green Space on the future land use map.

**SUMMARY:**

The land use designation and priority growth area changes are appropriate considering the site plan and terms of conditional approval of the related Community Unit Plan (Special Permit #15036).

**PROPOSED AMENDMENT:**

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect changes in land use, and all other maps, figures, and plans where the land use map is displayed including on pages 5.6 and 5.17.
2. Amend the 2040 Priority Growth Areas map on pages 1.10 and 12.6 to reflect changes in priority areas.

Prepared by:

Brandon M. Garrett, AICP  
Planner  
402-441-6373 or [bgarrett@lincoln.ne.gov](mailto:bgarrett@lincoln.ne.gov)

**DATE:** February 4, 2016

**APPLICANT/  
OWNER:** Anderson Homes, Inc.

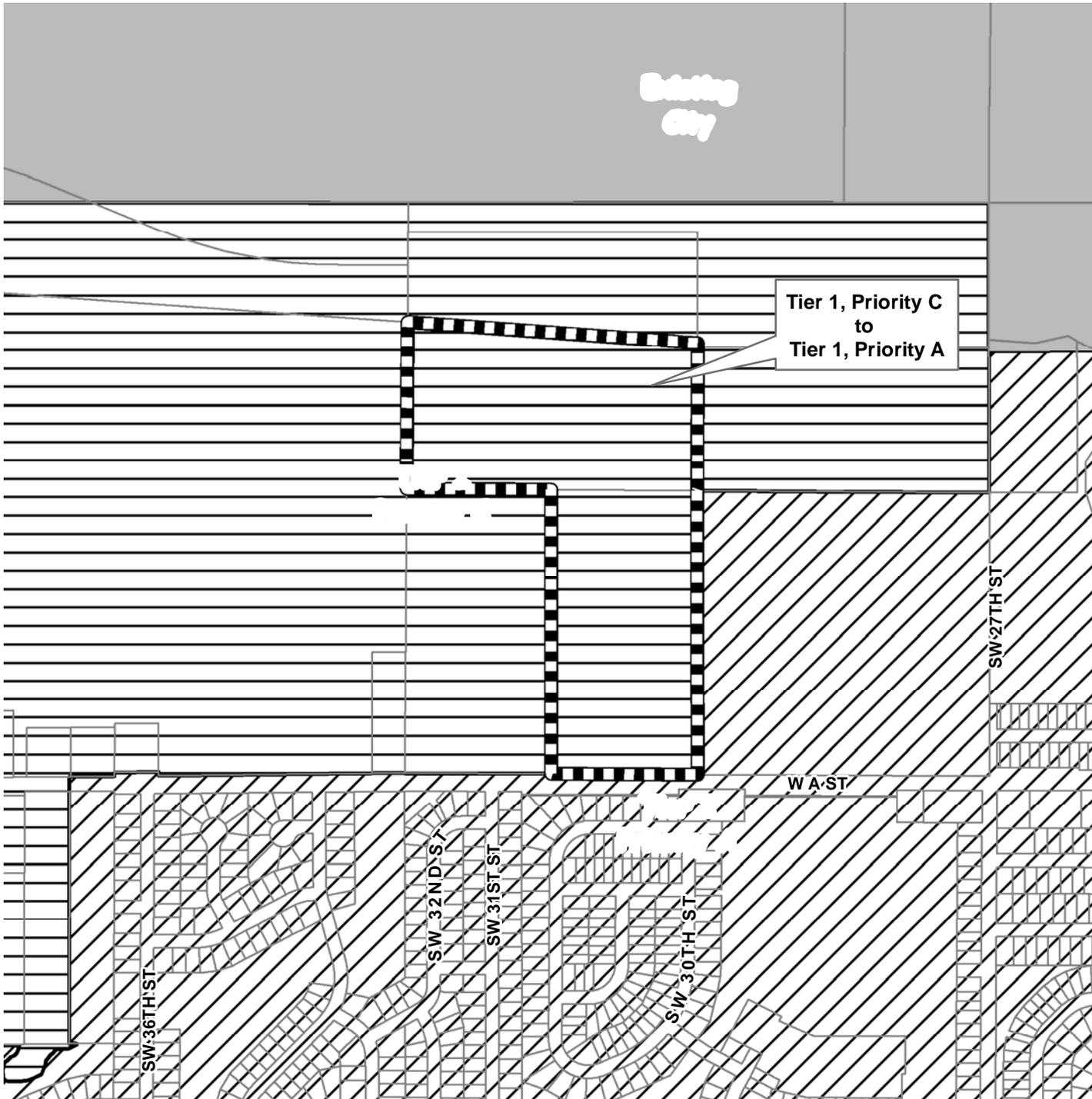
**CONTACT:** Marcia Kinning  
REGA Engineering Group, Inc.  
610 Old Cheney Rd., Ste. A  
Lincoln, NE 68512  
(402) 484-7342

F:\DevReview\CPA\15000\CPA15004 Scouts Treefield.bmg.wpd

Lincoln  
City

**CPA # 15004:  
Scouts Treefield Park  
SW 31st & W A St**

**Proposed Amendment Area  
Tier 1, Priority C  
to  
Tier 1, Priority A**



**Legend**

 Area of Amendment

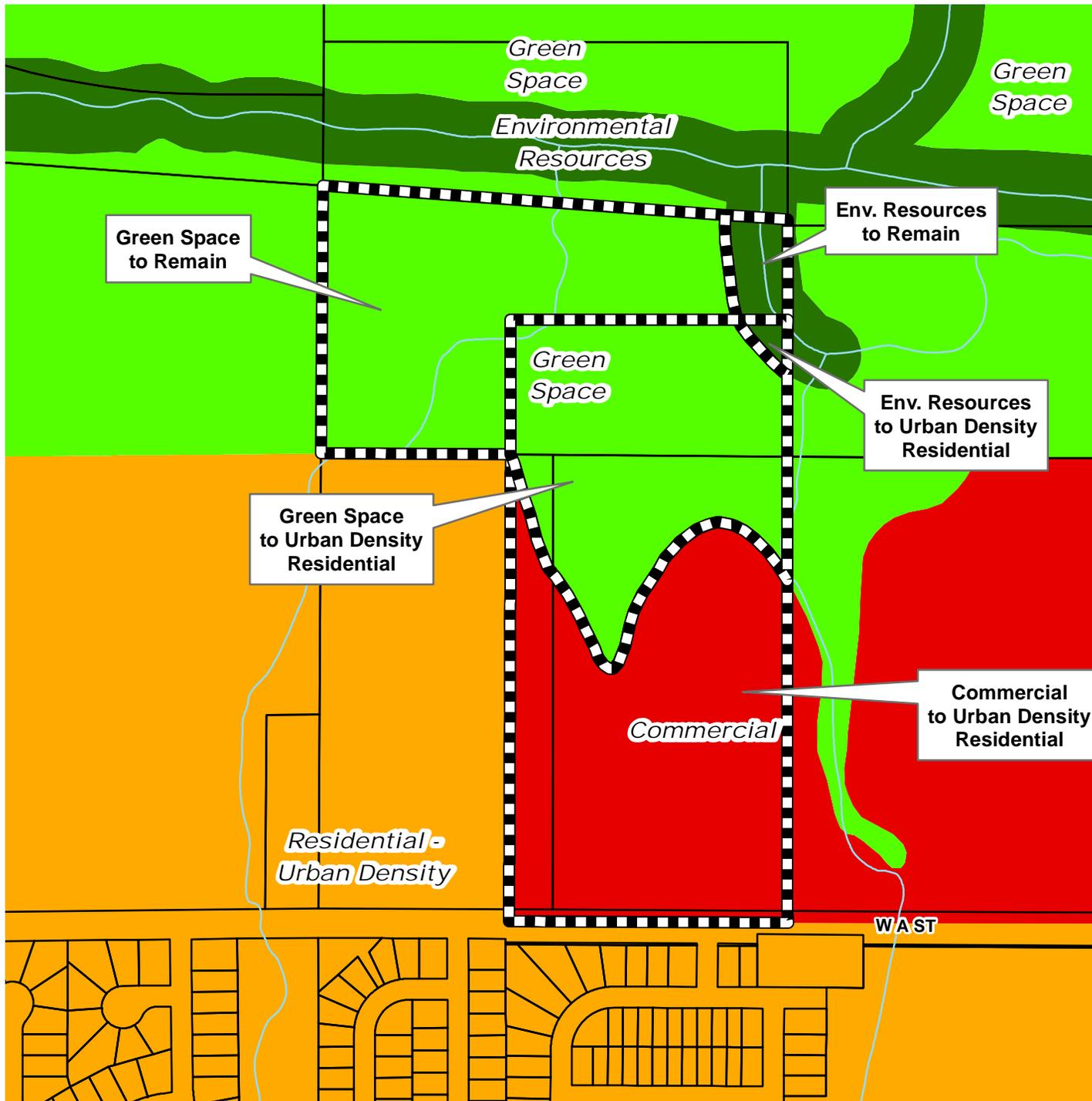
  
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LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT  
Information Technology Services  
**ITS**  
303 South 10th Street  
Lincoln, Nebraska 68508  
Ph: 402.441.7491 Fax: 402.441.0377

**CPA # 15004:  
Scouts Treefield Park  
SW 31st & W A St**

**Proposed Amendment Area  
Future Land Use Changes**



**Legend**

 Area of Amendment



LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT  
Information Technology Services  
305 South 10th Street  
Lincoln, Nebraska 68508  
Ph: 402.441.7491 Fax: 402.441.6577

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File No. 151111  
November 4, 2015

David Cary  
Acting Director of Planning  
Tom Cajka, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: SCOUTS TREEFIELD PARK  
COMMUNITY UNIT PLAN/ CHANGE OF ZONE/ ANNEXATION  
& COMPREHENSIVE PLAN AMENDMENT  
SW 30th Street & West 'A' Street

Dear David,

On behalf of Anderson Homes, Inc., we submit the above mentioned community unit plan application for your review. Concurrently, a zoning application has been submitted which is requesting a change of zone from 'AG' to 'R-4' and 'AGR' to 'R-4', annexation and a Comprehensive Plan amendment. A survey has recently been filed with the State Survey Repository which will revise the lot line between the two existing irregular tracts. A new irregular tract number will be given to the area of the development prior to the Planning Commission meeting.

Scouts Treefield Park contains 31.31 acres. The site currently has both 'AG' and 'AGR' zoning with a request for 'R-4' zoning. The community unit plan consists 3 lots with 432 multi-family units, a maintenance building which will house the developments water meter and backflow preventer, a club house and recreational facilities for the development.

This development is currently within Priority C, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

Part of the site is within the 100 year flood plain. The fill material needed to raise the buildings to 1 foot above the base flood elevation will be acquired from the area within the development and from the adjacent area owned by the developer northwest of the development. The development is within the New Growth Area and therefore no imported fill will be allowed within the flood plain portion of this project. Drainage is located to the east of the development. A minimum flood corridor easement has been shown which varies from the north to the south. The proposed garages, parking and driveways are located outside of the minimum flood corridor.

Page 2

A possible centerline of a street layout west of the development is shown. The temporary West 'A' Street access to the development west of SW 30<sup>th</sup> Street shall be removed at such time as a development to the west connects to SW 31<sup>st</sup> Street.

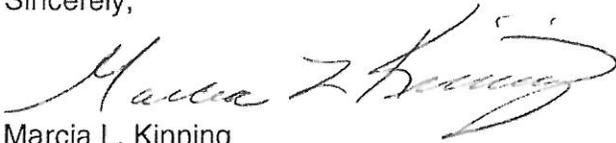
We are requesting the following waivers at this time which include Land Subdivision Regulations and Design Standards:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Through discussions with the Public Works Department, it has been determined that storm water detention would not be required in this area due to the close proximity to Middle Creek.
2. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*  
To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
3. *Access separation on arterial streets to be closer than one quarter mile apart. (Design Standards, Chapter 2.15, Section 2.2)*
4. *Height of structures from 35 feet to 40 feet. (Title 27 of Lincoln Municipal Code, 27.72.020(a))*

A neighborhood meeting took place on August 10, 2015 to discuss the proposed development. The major concern of the neighborhood is the need for improvements to West 'A' Street. We are in agreement with their concerns and have shown a right turn-lane into the development from West 'A' Street. The developer would support the City of Lincoln improving the pavement of West 'A' Street to a typical arterial street cross section.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Scott Anderson  
Enclosures: Application  
Application Fee of \$3,792.00



# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 17, 2016 PLANNING COMMISSION MEETING

**PROJECT #:** Annexation #15014  
Change of Zone #15036

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROPOSAL:** To annex approximately 41.84 acres and change the zoning from AG Agriculture and AGR Agricultural Residential to R-4 Residential.

**LOCATION:** S.W. 30<sup>th</sup> Street and West A Street

**LAND AREA:** AN15014: 41.84 acres, more or less  
CZ15036: 41.84 acres, more or less

**CONCLUSION:** This property is contiguous to the City limits on the south and east. A residential use in this location is appropriate based on the location of existing commercial uses to the east and the existing residential development adjacent to the site. Based on these factors, annexation and change of zone over this property are acceptable.

## RECOMMENDATION:

Annexation #15014	Conditional Approval
Change of Zone #15036	Approval

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #3

## GENERAL INFORMATION:

**LEGAL DESCRIPTION:** Lot 45 I.T. and Lot 102 I.T., located in the SE 1/4 of Section 29 T10N R06E, Lancaster County, Nebraska.

**EXISTING ZONING:** AG Agriculture and AGR Agricultural Residential

**SURROUNDING LAND USE AND ZONING:**

North: Floodplain and Floodway Storage, Cropland, Railroad Tracks; I-1  
South: Single Family Detached Residential; R-3  
East: Agricultural Production; AG and H-4  
West: Agricultural Production; AG and AGR

**EXISTING LAND USE:** Agricultural Production

**COMPREHENSIVE PLAN SPECIFICATIONS:**

This area is shown as Commercial, Green Space, and Environmental Resources in the Future Land Use Plan of the 2040 Comprehensive Plan (p. 12.3)

Neighborhoods & Housing - Guiding Principles (p. 7.2)

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.

Developing Neighborhoods (p. 7.5) - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure (p.11.2)

Future Growth Tier Map - Priority C of Tier I

The next areas for development, after 2025, 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.

Future Growth Tier Map - Guidelines for Amending Priority Areas: (p. 12.7-12.8)

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, roads may not be built to 12.8 Lincoln/Lancaster County Comprehensive Plan the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant.
- Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## **HISTORY:**

October 1990      Special Permit #1380 was approved by the Planning Commission for a limited landfill operation for construction debris on Lot 102 (the north lot) for a period of thirty days.

**ASSOCIATED REQUESTS:** Special Permit #15072 to construct up to 582 multi-family units within a Community Unit Plan and Comprehensive Plan Amendment #15004.

**SPECIFIC INFORMATION:**

**UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** Lots 1 and 2 of the proposed Community Unit Plan can connect to the existing sanitary sewer main in West A Street. The West A Street sewer main has sufficient capacity to serve these additional lots. However, Lot 3 cannot connect to the gravity-fed sewer in West A Street. If Lot 3 were to be served by city sewer, the lot could not be developed until the future sanitary sewer trunk line along Middle Creek was constructed. The Middle Creek trunk line is not planned for construction at a minimum through the year 2020 and likely much longer. There is existing sanitary sewer provided adjacent to this site within the single family residential development south of West A Street.

As allowed by the design standards, Lot 3 will be served via a privately owned and maintained individual ejector pump. The ejector pump serves a single owner and single lot. It is not a pump station for multiple lots and transferring waste from one watershed basin to another. It is a single pump for a single user as allowed by City standards. The applicant will be required to permanently maintain the ejector pump until such time as Lot 3 can connect via gravity to the future Middle Creek trunk line.

- B. **Water:** Water is available in West A Street. The internal water mains to serve the lots within development will be installed by the developer at the time of final plat.
- C. **Roads:** West A Street is a two-lane, asphalt road, and it is classified as a Minor Arterial in the 2040 Comprehensive Plan. Improvements to West A Street are listed in the Capital Improvement Program for construction of two permanent through lanes and left and right turn lanes as appropriate. These improvements are scheduled for completion in Fiscal Year 2018/2019. One new permanent connection and one temporary connection to West A Street are proposed with this development. All internal streets proposed as part of the development are local streets and will be constructed as the development is final platted.
- D. **Parks and Trails:** There are no existing or planned parks nearby. A future trail is planned for the south side of West A Street between S.W. 27<sup>th</sup> Street to S.W. 40<sup>th</sup> Street.

- E. **Fire Protection:** This site is in the Southwest Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The closest City of Lincoln fire station is located on South Coddington Avenue south of West A Street.

**TOPOGRAPHY:** The site generally slopes up from north to south.

**AESTHETIC CONSIDERATIONS:** There are no residential or commercial design standards for this area.

**ALTERNATIVE USES:** The Comprehensive Plan shows this area as Commercial, Green Space, and Environmental Resources on the Future Land Use Map. This is a requested change of zone from AG and AGR to R-4 with the intention of constructing a multi-family apartment complex. Residential development on this site is acceptable and appropriate given the other residential development nearby and the low demand for additional commercial uses in the vicinity.

**ENVIRONMENTAL CONCERNS:** This property is adjacent to Middle Creek. The north portion of the future Lot 3 is located within the FEMA 100-year floodplain. A non-buildable conservation easement over all of Outlot B for permanent open space and storm water detention and drainage will be required on the north end of the site that includes an area for compensatory storage to compensate for fill added to raise portions of the property out of the floodplain. Portions of Outlot B are currently outside the floodplain, which will aid it mitigating the fill. There is also floodplain present to the east that will provide a significant amount of open space between the apartments and future development to the east. There is a 200 foot wide minimum flood corridor along portions of the eastern edge of the property.

**ANALYSIS:**

1. This request is to annex approximately 41.84 acres and a change of zone from AG and AGR to R-4 over the same area. The land is contiguous to the City limits on the south and east. This annexation will be covered by an annexation agreement.
2. The purpose of the change of zone and annexation is to allow the property owner to construct up to 582 multi-family units through a Community Unit Plan.
3. The Future Land Use Map identifies this area as Commercial, Green Space, and Environmental Resources. The Middle Creek floodway is shown as Environmental Resources and the floodplain is shown as Green Space. The site

is also classified as Growth Tier I, Priority C. An amendment to the Comprehensive Plan accompanies these applications to change the designated future Commercial land use area to Urban Density Residential and change the Growth Tier designation to Tier I, Priority A.

4. This area was originally envisioned as future commercial due to its location along the extended centerline of Runway 18/36. However, with the proximity of commercial development at Coddington Avenue and West A Street a short distance to the east, commercial uses have not developed in the area as anticipated. This area is located between the 60DNL and 65DNL noise contours as described in the Airport Environs Noise District regulations. Residential development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. Residential uses have developed adjacent to this site on the south side of West A Street. Therefore, a residential use in this location is appropriate.
5. Growth Tier I reflects the “Future Service Limit” where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority B is comprised of areas designated for development in the first half of the planning period (to 2025) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. In contrast, areas within Priority C are actively planned for in the longer term but lack most infrastructure to support development.
6. As mentioned previously, Lots 1 and 2 on the southern end of the site can connect via gravity to the existing sanitary sewer line. Lot 3 cannot connect via gravity and will require a private individual ejector pump. The property owner will need to extend a sanitary sewer line to the property. The water main will not be extended until further development occurs on the site. Currently the nearest City water main and sanitary sewer line are in West A Street. All other utilities are available.
7. A traffic study submitted for this development was approved by Public Works and Utilities. Access is provided to West A Street via S.W. 30<sup>th</sup> Street, a private roadway, and a temporary access that will be removed at the time this development can connect to West A Street via Rabbit Run Road through future development to the west.
8. A conditional annexation agreement will be required to prohibit any future development on Outlot B as the designated permanent conservation easement,

to agree that the Middle Creek sewer line will not be constructed for the foreseeable future, to stipulate that Lot 3 can only be developed as apartments and as a single owner single lot due to the constraints of the sewer ejector pump, and to require construction and permanent maintenance of the ejector pump until such time as Lot 3 can connect to City sewer.

**CONDITIONS OF APPROVAL OF THE ANNEXATION:**

The applicant signs a Conditional Annexation and Zoning Agreement.

**CONDITIONS OF APPROVAL OF THE CHANGE OF ZONE:**

**Site Specific Conditions:**

1. The Developer signs an annexation agreement before the City Council approves the change of zone.
2. The City Council approves associated requests:
  - 2.1 Special Permit #15072 for a Community Unit Plan
  - 2.2 Comprehensive Plan Amendment #15004

Prepared by:

Rachel Jones, Planner  
441-7603 or rjones@lincoln.ne.gov

**DATE:** February 4, 2016

**APPLICANT:** REGA  
601 Old Cheney Road, Suite 'A'  
Lincoln, NE 68512  
(402) 484-7342

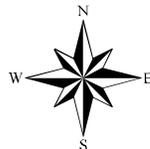
**CONTACT:** Marcia Kinning  
601 Old Cheney Road, Suite 'A'  
Lincoln, NE 68512

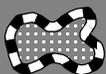


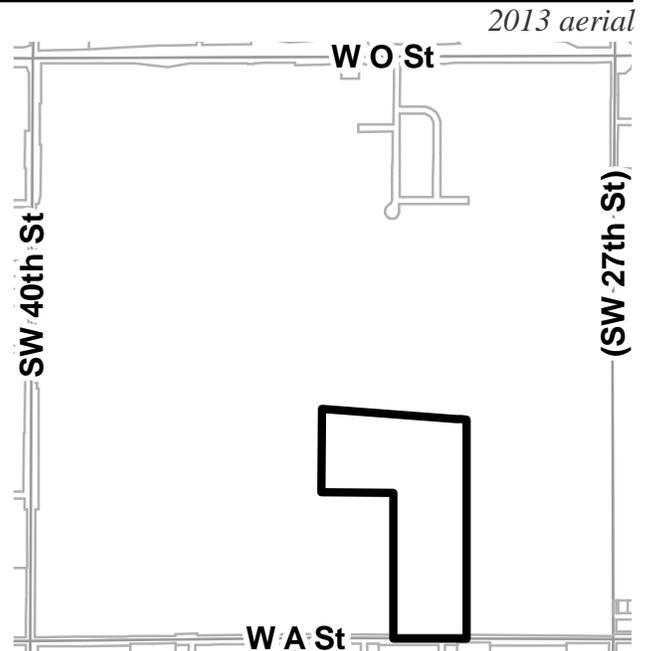
**Annexation #: AN15014 &  
Special Permit #: SP15072  
Scouts Treefield Park CUP  
SW 31st & W A St  
Zoning:**

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

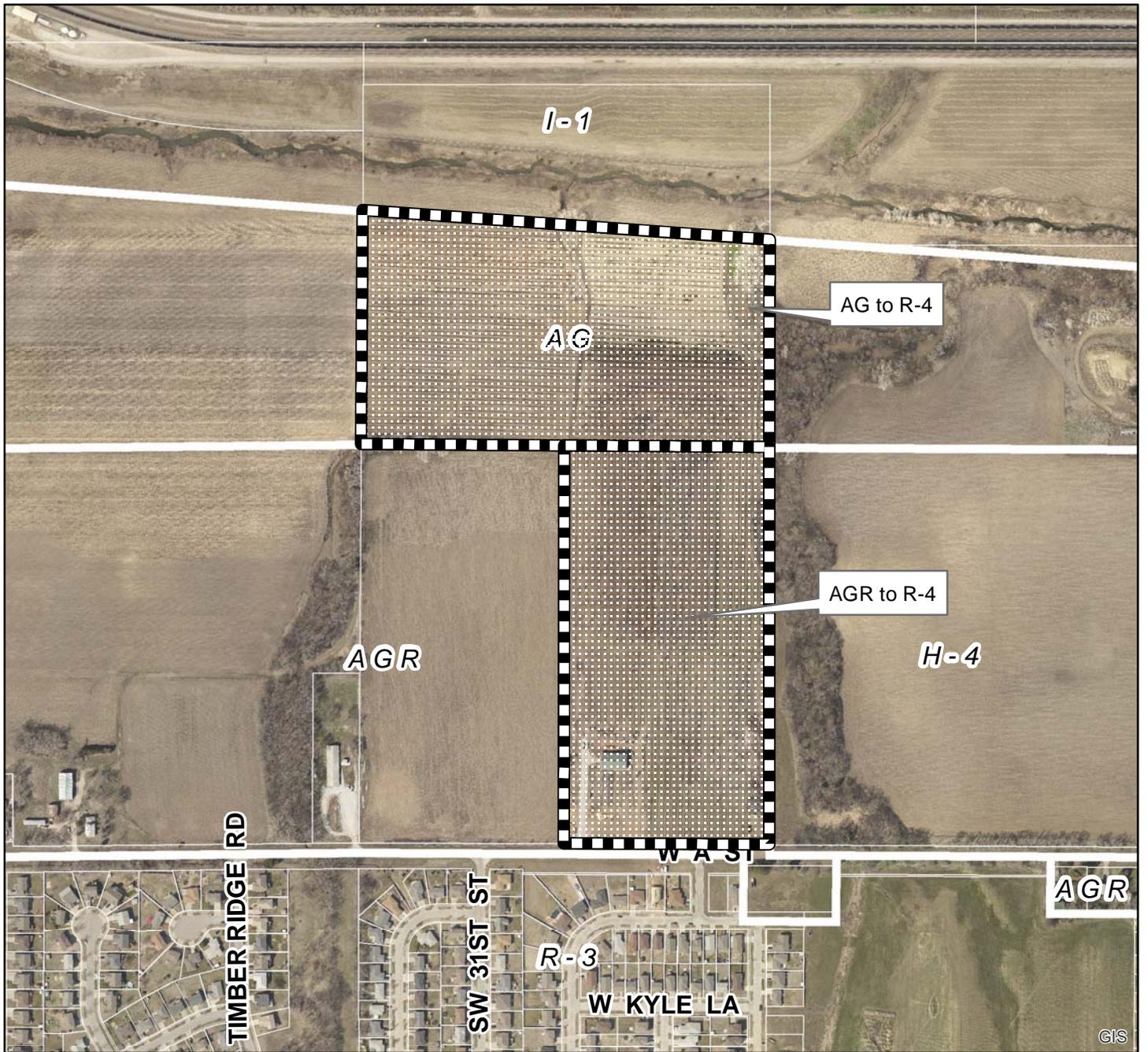
One Square Mile:  
Sec.29 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



2013 aerial

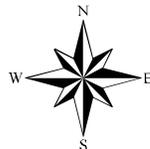


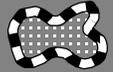
**Change of Zone #: CZ15036**  
**Scouts Treefield Park**  
**SW 31st & W A St**

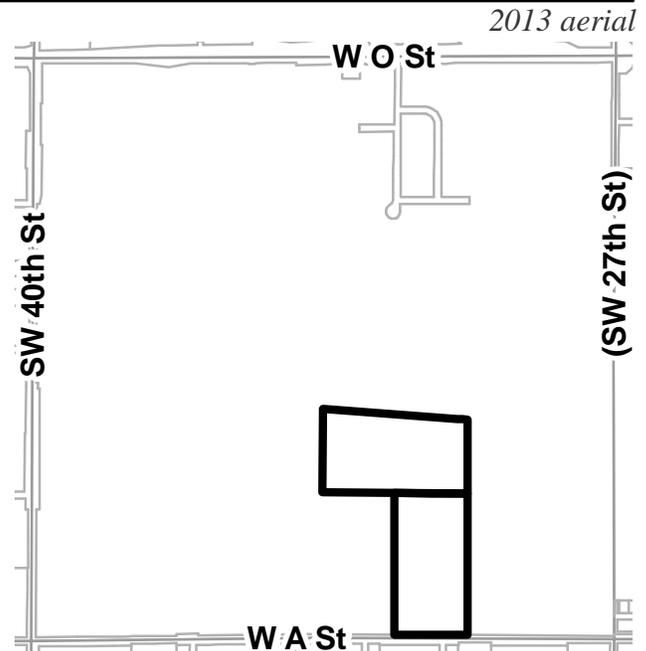
**Zoning:**

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

One Square Mile:  
 Sec.29 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



2013 aerial

PROPOSED ANNEXATION  
#15014 - Scouts Treefield Park

EXISTING CITY LIMITS

LOT 102:  
22.13 ± Ac.

**Legend**

- GIS.NCS.Streets\_Arc
- LincolnCityLimits
- AN #15014



EXISTING CITY LIMITS

LOT 44:  
19.91 ± Ac.

LOT 45:  
19.94 ± Ac.

LOT 59:  
2.00 ± Ac.



File No. 151111  
November 4, 2015  
(Revised January 6, 2016)  
(Revised January 20, 2016)

David Cary  
Acting Director of Planning  
Rachel Jones, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: SCOUTS TREEFIELD PARK  
COMMUNITY UNIT PLAN/ CHANGE OF ZONE/ ANNEXATION  
& COMPREHENSIVE PLAN AMENDMENT  
SW 30th Street & West 'A' Street

Dear David,

On behalf of Anderson Homes, Inc., we submit the above mentioned community unit plan application for your review. Concurrently, a zoning application has been submitted which is requesting a change of zone from 'AG' to 'R-4' and 'AGR' to 'R-4', annexation, Comprehensive Plan amendment and a few deviation requests.

Scouts Treefield Park contains 41.34 acres. The site currently has both 'AG' and 'AGR' zoning with a request for 'R-4' zoning. The community unit plan consists of 3 lots with 432 multi-family units, a maintenance building which will house the developments' water meter and backflow preventer, a club house and recreational facilities for the development. There are also 2 outlots, one for the private roadways and one to be designated as a conservation easement including bio retention area, compensatory storage and flood corridor.

This development is currently within Priority C, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

Part of the site is within the 100 year flood plain. The fill material needed to raise the site to the base flood elevation will be acquired from the area within Outlot B of the development. The development is within the New Growth Area and therefore no imported fill will be allowed within the flood plain portion of this project. Drainage is located to the east of the development. A minimum flood corridor easement has been shown which varies from the north to the south on the east side of the property, as well as a 60 foot wide minimum flood corridor easement in the northwest portion of the development. The proposed garages, parking and driveways are located outside of the minimum flood corridor.

Page 2

An executive summary of the Flood Plain Management and Post construction Stormwater Management has been enclosed. Upon request, a hard copy of the HEC-RAS model can be submitted as well. An electronic file of the HEC-RAS model will be submitted to Watershed Management. Revisions to the original design have been made as per discussions with Ben Higgins.

A possible centerline of a street layout west of the development is shown. The temporary West 'A' Street access to the development west of SW 30<sup>th</sup> Street shall be removed at such time as a development to the west connects to SW 31<sup>st</sup> Street. A deviation request has been submitted to Thomas Shafer in the Public Works Department which covers those items which do not follow the Access Management Policy.

We are requesting the following waivers at this time which include Land Subdivision Regulations and Design Standards:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Through discussions with the Public Works Department, it has been determined that storm water detention would not be required in this area due to the close proximity to Middle Creek.
2. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*  
To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
3. *Access separation on arterial streets to be closer than one quarter mile apart. (Design Standards, Chapter 2.15, Section 2.2)*  
Due to the number of dwelling units as well as the overall circulation of the development a deviation request has been request and sent to Public Works for approval on this as well as other variations from the Access Management Policy.
4. *Height of structures from 35 feet to 40 feet. (Title 27 of Lincoln Municipal Code, 27.72.020(a))*  
It is unknown at this time what the design of the apartment buildings will actually be. With experience with non-related apartment buildings in Lincoln, a 3 story building may need to be taller than the 35 feet height allowed. To ensure that a waiver request in the future will not be needed, this is being requested.
5. *Front yard setbacks adjacent to private roadways from 25 feet to 15 feet. (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*  
Instead of placing the lot lines at the center line of the private roadways, the lot lines have been place on the outside of the sidewalk along the private roadways. Due to the area available, the requested 15 feet will allow adequate space around all 4 sides of the apartment buildings.

Page 3

# REGA

ENGINEERING  
GROUP, INC.

A neighborhood meeting took place on August 10, 2015 to discuss the proposed development. The major concern of the neighborhood is the need for improvements to West 'A' Street. We are in agreement with their concerns and have shown a right turn-lane into the development from West 'A' Street. The developer would support the City of Lincoln improving the pavement of West 'A' Street to a typical arterial street cross section.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Scott Anderson

Enclosures: Application

Special Permit Fee of \$3,792.00

COZ Fee of \$792.00

Comp Plan Amendment Fee of \$330.00

(All application amounts had been submitted with the original application submittal)

## Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	2	In Review	<p>27.58-This area is within the Airport Environs District. An Avigation Easement will be required. This area is also located between the 60DNL and 65DNL noise contours. Residential development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. See Figure 27.58.050.</p> <p>27.59-Follow the requirements of the chapter. This development is very close to the extended centerline of Runway 18/36 and will be regularly overflown by aircraft on approach to, or departure from, the runway. These flights, and their associated noise, should be expected.</p>	Individual
Building & Safety	christy eichorn	2	Corrections Required	<p>I do not believe that a 5 foot side yard setback is adequate space to meet the provisions of Chapter 3.5 Section 7.3 (c). In zoning this will be considered a residential lot and the provisions of Chapter 3.5 Section 7.4 will be required.</p>	Individual
County Engineer	ken schroeder	1	Corrections Required	<p>Upon review, this office has no direct objections to this submittal but would offer the following comments for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street.</p> <ol style="list-style-type: none"> <li>1. The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M.</li> <li>2. The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street.</li> <li>3. It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable.</li> <li>4. Development improvements to follow area annexation. November 17, 2015 (kds)</li> </ol>	Individual
		2	Corrections Required	<p>Upon review, this office has no direct objections to this submittal but would resubmit the following comments from</p>	Individual

## Current Project - Agency Review Report

				<p>our November 17, 2015 review for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street.</p> <ol style="list-style-type: none"> <li>The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M.</li> <li>The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street.</li> <li>It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable.</li> <li>Development improvements to follow area annexation.</li> </ol> <p>NOTE: No deeds have yet been filed regarding irregular tract numbering. January 19, 2016 (kds)</p>	
County Health	chris schroeder	1	Recommend Approval	The LLCHD does not object to the proposed annexation.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
		2	Corrections Required		Individual
Emergency Communications	Kelly Davila	2	In Review		Individual
Fire Department	patrick borer	2	Recommend Approval	<p>Lincoln Fire and Rescue recommends approval of this application.</p> <p>With regards to the street names 'Rabbit Run' and 'Flyway Lane', my only objection to these would be if these are duplicates of street names someplace else in the city.</p>	Individual
Law Department	Law Department	2	In Review		First In Group
LES	les reviews	1	Recommend Approval	11/16/15, LES is requesting a Blanket Utility Easement excluding Building Envelopes - all 3 lots (see uploaded redlined drawing). LES will request as part of final plat.	First In Group
		2	Corrections Required	1/12/16- Uploaded red line drawing into the miscellaneous documents folder. Comments were: 1) See easements on drawing (Darin Gourka) 2) Add blankets as marked (Shana	Individual

## Current Project - Agency Review Report

				Sprackling). 3) Add above request as noted to special permit drawings. These will be requested as part of final plat (Steve Hanks). -Sarah Ryan	
Planning Dept	brandon garrett	1	Recommend Approval	City Council District 3.	Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	11-19. Per Access Management Policy Left and Right turns lanes are required on Minor Arterials. This would apply to both access points. Right Turn Lane as shown does not appear correct-possibly not including required storage length (see tables in section VII-H in AMP). Need traffic study to determine storage lengths.	First In Group
		2	Recommend Approval	<ol style="list-style-type: none"> <li>1. Residential driveway access to minor arterial Since this is a temporary situation, this is approved.</li> <li>2. Distance between accesses less than 660' SW 30th Street aligns with existing street. Driveway is temporary, approved.</li> <li>3. Driveway width 27' with 20' radii Temporary situation, approved.</li> <li>4. Right turn lane to be reduced by half on storage length The right turn storage length was misapplied in the traffic impact study. The length of the needed deceleration length was shortened through the assumption that traffic would slow 10 MPH prior to entering the lane. The study assumed a 10 MPH reduction plus the additional 10 MPH already factored in. The 45 MPH speed limit on West A Street would require a 250' right turn lane plus the storage length plus the taper. I would concur with eliminating the storage length and just providing the 250' deceleration length and the taper.</li> <li>5. No right turn lane for the temporary driveway Temporary situation, approved.</li> </ol> <p>The lack of a left turn lane in West A Street was not addressed as a deviation, though it was addressed in the traffic study. This is where I have the most concern with</p>	Individual

## Current Project - Agency Review Report

				<p>this request. While the consultant cites that the NCHRP 457 guidelines for installing a left turn lane are not met, we have been consistent in requiring left turn lanes at any access with an appreciable number of turning vehicles. The Access Management Policy states that a left turn lane is required for a minor arterial where left turns are allowed.</p> <p>The traffic study shows the higher number of left turns will be made at the temporary driveway. Depending on the ease of travel between the proposed project site and the future permanent connection at SW 31st Street, there is a high possibility that all left turns generated by this development might use SW 30st Street in the future.</p> <p>Based on the above a final question came back requesting that city would also waive left turn lanes-I will advise on that as soon as traffic engineer weighs in.</p>	
Public Works - Survey Check	julio talero	1	In Review	Approved-PWU	First In Group
		2	Recommend Approval	Approved-PWU	Individual
Public Works - Watershed Management	ben higgins	1	Did Not Complete	Sent email with initial concerns 11/10/15	Individual
		2	Corrections Required	<p>revised second review 1/27/16 (initial second review 1/12/16)</p> <p>Water Quality Comments</p> <ul style="list-style-type: none"> <li>- Include detention time calculations for both facilities in the Post Construction Stormwater Management Report. Should range between 24 to 40 hours per the Drainage Criteria Manual. Double check the compensatory storage drain time (needs to be 72 hours) for the combined post construction Stormwater facility /compensatory storage area.</li> <li>- Sheet 4, outlet box detail, bioretention B. A couple of leader lines are missing on the elevations. Include them.</li> <li>- Sheet 1: Add additional note or add to note 5 that will need a maintenance agreement prior to any building permits being issued.</li> <li>- Sheet 4: Revise the alignment for the perforated pipe on bioretention cell B. Run diagonally up through the middle of the cell.</li> </ul> <p>New Growth Area Standards/Floodplain Comments</p>	Individual

## Current Project - Agency Review Report

				<ul style="list-style-type: none"> <li>- Provide specifics for each building on lowest floor openings. Current lowest floor elevations provided on sheets 1 and 3 provide a range.</li> <li>- The combined post construction Stormwater facility/compensatory storage area (B) has a relative high potential high water table. However it's relatively close to the creek which may keep the water table down during typical low flow events. Needs to be checked with some shallow soil borings to ensure that digging down a few feet won't intercept the typical water table.</li> <li>- Include a note on Sheet 1 about formalizing the conservation easement either through language in the final plat or as a separate document prior to initial building permit approval (city will provide draft language for either).</li> </ul>	
Public Works & Utilities - Wastewater	Brian Kramer	1	Did Not Complete		Individual
		2	Recommend Approval	The sanitary system proposed would be private. It would be in the best interest to move the lift station as far north as possible, so that one day the sewer can be connected by gravity when a new trunk line is built. Need easements for future trunk line in outlot area.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval		First In Group
		2	Pending		Individual

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for February 17, 2016 PLANNING COMMISSION MEETING**

- PROJECT #:** Special Permit #15072
- PROPOSAL:** A request per Section 27.63.320 for a Community Unit Plan to develop up to 582 dwelling units
- LOCATION:** S.W. 30<sup>th</sup> Street and West A Street
- LAND AREA:** 41.84 acres, more or less
- EXISTING ZONING:** AG Agriculture and AGR Agricultural Residential
- CONCLUSION:** Multi-family residential is an appropriate land use for this site. The increased building height and reduced front yard setbacks are supported and should have minimal impact on surrounding properties. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
Waivers:	
1. Increase the maximum building height from 35 feet to 40 feet.	Approval
2. Reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet.	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 45 I.T. and Lot 102 I.T., located in the SE 1/4 of Section 29 T10N R06E, Lancaster County, Nebraska.

**EXISTING LAND USE:** Agricultural Production

**SURROUNDING LAND USE AND ZONING:**

- North: Floodplain and Floodway Storage, Cropland, Railroad Tracks; I-1  
South: Single Family Detached Residential; R-3  
East: Agricultural Production; AG and H-4  
West: Agricultural Production; AG and AGR

**ASSOCIATED APPLICATIONS:** Annexation #15014, Change of Zone #15036 from AG Agriculture and AGR Agricultural Residential to R-4 Residential, and Comprehensive Plan Amendment #15004.

**HISTORY:**

October 1990           Special Permit #1380 was approved by the Planning Commission for a limited landfill operation for construction debris on Lot 102 (the north lot) for a period of thirty days.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

This area is shown as Commercial, Green Space, and Environmental Resources in the Future Land Use Plan of the 2040 Comprehensive Plan (p. 12.3)

Neighborhoods & Housing - Guiding Principles (p. 7.2)

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.

Developing Neighborhoods (p. 7.5) - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure (p.11.2)

**UTILITIES:** Lots 1 and 2 of the proposed Community Unit Plan can connect to the existing sanitary sewer main in West A Street. The West A Street sewer main has sufficient capacity to serve these additional lots. However, Lot 3 cannot connect to the gravity-fed sewer in West A Street. If Lot 3 were to be served by city sewer, the lot could not be developed until the future sanitary sewer trunk line along Middle Creek was constructed. The Middle Creek trunk line is not planned for construction at a minimum through the year 2020 and likely much longer. There is existing sanitary sewer provided adjacent to this site within the single family residential development south of West A Street.

As allowed by the design standards, Lot 3 will be served via a privately owned and maintained individual ejector pump. The ejector pump serves a single owner and single lot. It is not a pump station for multiple lots and transferring waste from one watershed basin to another. It is a single pump for a single user as allowed by City standards. The applicant will be required to permanently maintain the ejector pump until such time as Lot 3 can connect via gravity to the future Middle Creek trunk line.

**TOPOGRAPHY:** The site generally slopes up from north to south.

**TRAFFIC ANALYSIS:** West A Street is is a two-lane, asphalt road, and it is classified as

a Minor Arterial in the 2040 Comprehensive Plan. Improvements to West A Street are listed in the Capital Improvement Program for construction of two permanent through lanes and left and right turn lanes as appropriate. These improvements are scheduled for completion in Fiscal Year 2018/2019. One new permanent connection and one temporary connection to West A Street are proposed with this development.

A traffic study submitted for this development was approved by Public Works and Utilities. Access is provided to West A Street via S.W. 30<sup>th</sup> Street, a private roadway, and a temporary access that will be removed at the time this development can connect to West A Street via Rabbit Run Road through future development to the west. A right turn lane will be installed at the S.W. 30<sup>th</sup> Street connection. The applicant has requested a waiver of the requirement in the Access Management Plan to provide a left turn lane at the same intersection; Public Works and Utilities has not yet made a decision regarding this request.

**PUBLIC SERVICE:** This site is in the Southwest Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). The closest City of Lincoln fire station is located on South Coddington Avenue south of West A Street.

**ENVIRONMENTAL CONCERNS:** This property is adjacent to Middle Creek. The north portion of the future Lot 3 is located within the FEMA 100-year floodplain. A non-buildable conservation easement over all of Outlot B for permanent open space and drainage will be required on the north end of the site that includes an area for compensatory storage to compensate for fill added to raise portions of the property out of the floodplain. Portions of Outlot B are currently outside the floodplain, which will aid it mitigating the fill. There is also floodplain present to the east that will provide a significant amount of open space between the apartments and future development to the east. There is a 200 foot wide minimum flood corridor along portions of the eastern edge of the property.

**AESTHETIC CONSIDERATIONS:** There are no residential or commercial design standards for this area.

**ALTERNATIVE USES:** The Comprehensive Plan shows this area as Commercial, Open Space, and Environmental Resources on the Future Land Use Map. This is a requested change of zone from AG and AGR to R-4 with the intention of constructing a multi-family apartment complex. The related application for an amendment to the Comprehensive Plan would change the future commercial land use area to future urban density residential. Residential development on this site is acceptable and appropriate given the other residential development nearby and the low demand for additional commercial uses in the vicinity.

**ANALYSIS:**

1. This is a request for a Community Unit Plan (CUP) to develop up to 582 dwelling

units on property located north of S.W. 30<sup>th</sup> Street and West A Street. The site would be developed in at least 2 phases. The proposed development provides for approximately 14 dwelling units per acre, which is an appropriate urban density. This density is achieved under the proposed R-4 zoning district.

2. Access to this development will be provided off West A Street via S.W. 30<sup>th</sup> Street. A second temporary access point will also be provided. The Public Works and Utilities Department recommends approval of these access points with the conditions as described below. Several deviations from the Access Management Policy were requested:
  - A. A deviation to reduce the storage length for the right turn lane for the permanent access point (S.W. 30<sup>th</sup> Street) was approved by Public Works and Utilities with the conditions that a 250-foot deceleration length and taper are provided.
  - B. A deviation to waive the requirement to provide a left turn lane at the permanent access point. Public Works and Utilities has not yet made a decision concerning this request.
  - C. For the temporary driveway, the following deviations were approved by Public Works and Utilities because this would be a temporary situation:
    - i. Allow residential driveway access to a Minor Arterial street;
    - ii. Allow a distance between accesses of less than 660 feet;
    - iii. Allow a driveway width of 27 feet with a 20-foot radius instead of a 25-foot width with a 15 foot radius; and
    - iv. Waive the requirement for a right turn land for the temporary driveway.

Internal streets proposed as part of the development are local streets and will be constructed as the development is final platted.

3. The applicant is requesting a reduction in the front yard setback adjacent to private roadways from 25 feet to 15 feet, due to placing the lot lines on the outside of the sidewalk along the private roadways rather than at the center line of the private roadways.

The applicant is also requesting an increase in building height from 35 feet to 40 feet. Although the proposed design of the apartment building is not known, the 3-story building that is planned may need to be taller than the 35 feet allowed. The increase in height should have minimal impact on neighboring properties. Although

the garages will be mainly situated near the property lines, the apartment buildings will be sited a minimum of approximately 40 feet away from adjacent streets and properties.

4. Two waivers to design standards are requested: a waiver of the requirement to provide storm water detention, and a waiver to allow sanitary sewer to run opposite street grades. The waiver to storm water detention is acceptable because of the close proximity to Middle Creek. The waiver to allow sewer to run opposite street grades is a commonly-approved waiver based on the topography requirements of the site.
5. The parking requirement is 2 stalls per dwelling unit per the R-4 zoning district. The site plan shows a surplus of approximately 47 stalls based on the 382 dwelling units shown.
6. A landscape plan will need to be submitted and approved prior to obtaining a building permit to show planned screening for the parking lot areas and drive aisles as well as required screening for multiple family dwellings approved by Special Permit as described in the Design Standards for Screening and Landscaping.
7. This sewer ejector pump is considered acceptable by the City because it would be owned and maintained privately on a permanent basis by the owner of Lot 3. Common access easements are shown to ensure access for maintenance from West A Street through Lots 1 and 2. The pump will be located as far north as possible in order to facilitate its connection years down the road to the Middle Creek trunk line.
8. The Airport Authority notes that this development is very close to the extended centerline of Runway 18/36 and will be regularly overflowed by aircraft on approach to, or departure from, the runway. This area is within the Airport Environs District, and is located between the 60 DNL and 65 DNL noise contours. Residential development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. An aviation easement will also be required at the time of final plat. In addition, the site is subject to the height restrictions in Chapter 27.59, Airport Zoning Regulations because it is in the outer approach zone. However, the requested 40' maximum height of structures within this CUP will be well below the airport zoning height restriction.
9. A conditional annexation agreement is required to prohibit any future development on Outlot B as the designated permanent conservation easement, to agree that the Middle Creek sewer line will not be constructed for the foreseeable future, to stipulate that Lot 3 can only be developed as apartments and as a single owner single lot due to the constraints of the sewer ejector pump, and to require construction and permanent maintenance of the ejector pump until such time as Lot

3 can connect to City sewer via gravity.

11. A neighborhood meeting took place on December 10, 2015 to discuss the proposed development. The major concerns voiced by the neighborhood at the meeting related to increased traffic on West A Street due to this development and the need for improvements to West A Street.

**CONDITIONS OF APPROVAL:**

Per Section 27.63.320 this approval permits up to 582 dwelling units with waivers to increase the building height from 35 to 40 feet and reduce the front yard setbacks adjacent to private roadways from 25 feet to 15 feet.

**Site Specific Conditions:**

1. The City Council approves associated requests:
  - 1.1 Annexation #15014
  - 1.2 Change of Zone #15036
  - 1.3 Amendment of Comp. Plan #15004
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Update the site plan to show an increased setback of 10 feet on the west side of the development to provide adequate space for landscaping west of the garages that will act as a buffer to future residential uses.
  - 2.2 Revise the site plan note regarding the temporary access point to state, "Temporary Access to be removed at time of connection of Rabbit Run Road to a street(s) which connect to West A Street."
  - 2.3 Delete General Notes 7 and 17 on the site plan.
  - 2.4 Delete General Note 16 on the site plan. Due to constraints on the site from floodplain, minimum flood corridor and sanitary sewer service, administrative amendments will be required to revise the site plan.
  - 2.5 Add to the General Notes, "Multi-family dwellings higher than 35 feet must be set back at least 40 feet from the west property line."

- 2.6 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".
  - 2.7 On the site plan, the right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road easement along West A Street.
  - 2.8 On the grading plan, delete Roads A through I, as these are all private driveways and do not need to be named.
  - 2.9 Update the Street Profile sheets to show only profiles for Rabbit Run Road and S.W. 30<sup>th</sup> Street.
  - 2.10 Make any other necessary revisions to the plans to the satisfaction of the Watershed Management division of Public Works and Utilities.
3. Prior to building permit approval:
    - 3.1 A floodplain permit is required prior to any building permit or any grading within the floodplain area.
    - 3.2 Prior to approval of the floodplain permit, obtain an approved Conditional Letter of Map Revision with Fill (CLOMR-F) through FEMA for removal of the development area in the floodplain. A Letter of Map Revision with Fill (LOMR-F) is required prior to obtaining a building permit for any buildings in Lot 3 (lot with floodplain).
    - 3.3 Prior to approval of the floodplain permit, three soil borings that are representative of the compensatory storage must be taken. They should be at least six feet deep (hand augured borings are acceptable). Soil logs and depth to ground water need to be recorded and submitted with the floodplain permit.
  4. Before a final plat is approved provide the following documents to the Planning Department:
    - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
    - 4.2 Verification that ornamental street lights for private roadways are approved by L.E.S.
    - 4.3 Verification that an aviation and noise easement to the Lincoln Airport

Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

- 4.4 A surety of in the amount of \$10,000.00 will be required to be posted at the time of final platting for grading associated with the compensatory storage.
- 4.5 Include the necessary conservation easement within the final plat or through a separate conservation easement prior to approval of the final plat.
- 4.6 Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan 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. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the street paving of public streets shown on the final plat within two (2) years following the approval of this final plat.

to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of S.W. 30<sup>th</sup> Street and Rabbit Run Road as shown on the final plat within four (4) years following the

approval of the final plat.

Pay a sum in an amount to be determined by Public Works and Utilities to the City of Lincoln for the construction of the sidewalk along the north side of West A Street.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) 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 installation of public street lights along West A Street within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along S.W. 30<sup>th</sup> Street and Rabbit Run Road within this plat within two (2) years following the approval of the final plat.

to pay an amount to be determined by Parks and Recreation for the installation of street trees along West A Street within this plat to be installed at the time the street is improved to urban cross section.

complete the planting of the street trees along S.W. 30<sup>th</sup> Street and Rabbit Run Road within this plat within six (6) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the 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 Special Permit #15072 for a Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to maintain the street trees along the private roadways, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and

restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to relinquish the right of direct vehicular access from Lot 3 to West A Street.

to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 5.3 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.
  - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.5 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, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

- 5.6 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.

Prepared by

Rachel Jones, Planner  
rjones@lincoln.ne.gov or 441-7603

**DATE:** February 4, 2016

**APPLICANT:** REGA  
601 Old Cheney Road, Suite 'A'  
Lincoln, NE 68512  
(402) 484-7342

**OWNER:** Anderson Homes, Inc.  
3000 West 'A' Street  
Lincoln, NE 68522

**CONTACT:** Marcia Kinning  
601 Old Cheney Road, Suite 'A'  
Lincoln, NE 68512

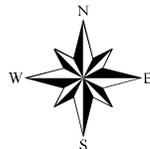
F:\DevReview\SP\15000\SP15072 Scouts Treefield CUP.rkj.wpd

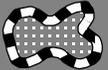


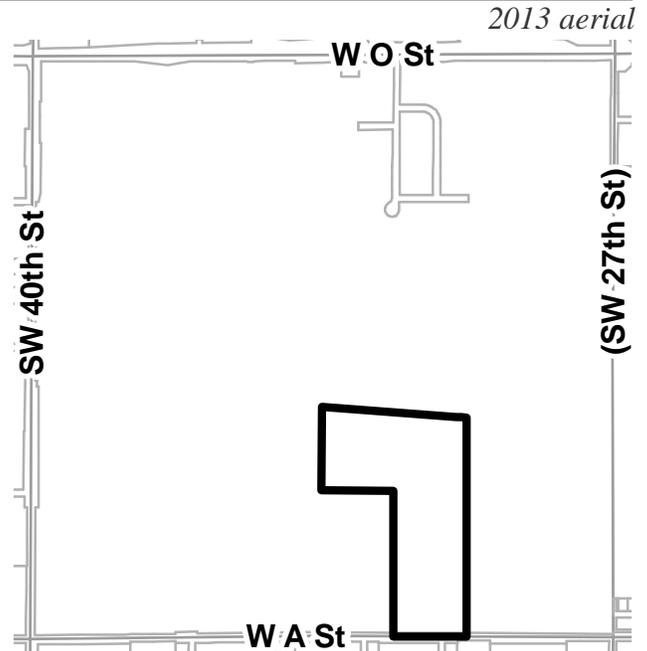
**Annexation #: AN15014 &  
Special Permit #: SP15072  
Scouts Treefield Park CUP  
SW 31st & W A St  
Zoning:**

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

One Square Mile:  
Sec.29 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# SCOUTS TREEFIELD PARK



NORTH  
SCALE 1" = 100'



### LEGAL DESCRIPTION:

Lot 45 and Lot 102 of Irregular Tracts located in the Southern Quarter of Section 29, Township 10 North, Range 4 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:  
Commencing at the SW Corner of said Southeast Quarter and extending thence S89°41'34"E along the South line of said Southeast Quarter, a distance of 663.12 feet to the POINT OF BEGINNING;  
Thence N01°13'22"E, 1311.21 feet;  
Thence N89°45'16"W, 660.73 feet;  
Thence S89°41'34"E, 766.63 feet;  
Thence S89°54'31"E, 1322.02 feet;  
Thence S10°05'37"E, 1989.86 feet;  
Thence N89°41'04"W, 663.75 feet to the POINT OF BEGINNING, containing a calculated area of 1,822,541.83 square feet or 41.84 acres.

### OWNER/DEVELOPER:

ANDERSON HOUSING INC.  
SCOTT ANDERSON  
3610 WEST 'A' STREET  
LINCOLN, NE 68522 (402)432-0415  
**SURVEYOR/ENGINEER:**  
LYLE L. LOTH  
REGA ENGINEERING GROUP, INC.  
601 OLD CHENEY ROAD, SUITE 'A'  
LINCOLN, NE 68512 (402)484-7342

### DENSITY CALCULATIONS:

R-4 ZONING  
41.84 AC x 11.93 = 500.93  
UNITS ALLOWED = 502 UNITS  
TOTAL APPROVED = 582 UNITS

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE: \_\_\_\_\_  
LYLE L. LOTH, L.S. #314

### LEGEND

- BOUNDARY OF PRELIMINARY PLAT
- PROPOSED LOT LINE
- SETBACK/BUILDING ENVELOPE
- EASEMENT
- CENTERLINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- EXISTING BUILDING
- EXISTING PAVEMENT
- EXISTING TREE MARKS

### LOT AREA TABLE

LOT	AREA (S.F.)	AREA (ACRES)
1	74,760.42	1.72
2	168,335.70	3.86
3	794,270.65	18.23
OUTLOT 'A'	75,011.81	1.72
OUTLOT 'B'	667,810.44	15.33

### SHEET INDEX

SITE PLAN	1
UTILITY PLAN	2
GRADING PLAN	3
ENLARGED LOADING PLAN	4
STREET PROFILES	5
STREET PROFILES	6

### GENERAL NOTES COMMUNITY UNIT PLAN

- THIS COMMUNITY UNIT PLAN (SPECIAL PERMIT) CONTAINS 3 LOTS WITH 432 MULTI-FAMILY UNITS SHOWN AND 150 UNASSIGNED UNITS, 1 OUTLOT FOR PRIVATE ROADS AND 1 OUTLOT FOR COOPERATION EASTMENT.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES AS PER THE LMC OR AS SHOWN ON THIS PLAN.
- PHASING OF THE DEVELOPMENT SHALL BE LOT 1 AS THE FIRST PHASE, LOT 2 AS THE SECOND PHASE AND LOT 3 AS THE THIRD PHASE.
- BEFORE ANY GRADING WITHIN THE 100' FLOODPLAIN CAN BEGIN, A CONDITIONAL LETTER OF MAP REVISION NEEDS TO BE ACQUIRED FROM FEMA.
- BEFORE BUILDING PERMITS CAN BE ISSUED WITHIN THE 100' FLOODPLAIN AREA, A LETTER OF MAP REVISION NEEDS TO BE ACQUIRED FROM FEMA.
- FLOODPLAIN PERMITS WILL BE REQUIRED FOR ALL CONSTRUCTION ACTIVITY WITHIN THE 100' FLOODPLAIN.
- PARKING LOTS ARE ALLOWED IN THE 'R-4' ZONING DISTRICT WITH THIS SPECIAL PERMIT.
- SIGNAGE SHALL BE AS PERMITTED BY CHAPTER 27-69 OF THE LINCOLN MUNICIPAL CODE. THE LOCATION OF SIGNS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLAN.
- STREET TREE PLAN SHALL BE SUBMITTED AT TIME OF FINAL PLAT. THE REMAINING LANDSCAPING AND SCREENING SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
- DIRECT VEHICULAR ACCESS TO WEST 'A' STREET IS HEREBY RENOUNCED EXCEPT AS SHOWN.
- UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S.
- PRIVATE ROADS SHALL HAVE PAVEMENT RADI 20' AND PAVEMENT WIDTH 27' UNLESS NOTED OTHERWISE.
- ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
- TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
- APARTMENT LAYOUT IS CONCEPTUAL. VARIATIONS TO THE CONCEPTUAL LAYOUT WILL NOT REQUIRE AN ADMINISTRATIVE AMENDMENT.
- THE LIGHTEST FINISHED FLOOR ELEVATION MUST BE 1 FOOT ABOVE THE 100 YEAR WATER SURFACE ELEVATION FROM HEC-RAS MODEL.
- A SURETY FOR THE GRADING OF THE COMPENSATORY STORAGE AREA IS REQUIRED AT THE TIME OF FINAL PLAT.

### FLOOD ELEVATION (from HEC-RAS)

100 YEAR = 1160.50 - 1161.63 NAVG88

### LOWEST FLOOR ELEVATION

1161.50 = 1162.00 NAVG88

### FILL INFORMATION

AREA OF SITE BELOW BFE: 7.43 AC  
EARTH VOLUME REQUIRED TO FLEW/E SITE UP TO BFE (1160.50 - 1161.63) = 10,830 cubic yards loss of Flood Storage Volume  
Compensatory Storage (18,800 cubic yards) will be provided by excavation within Outlot 'B'.

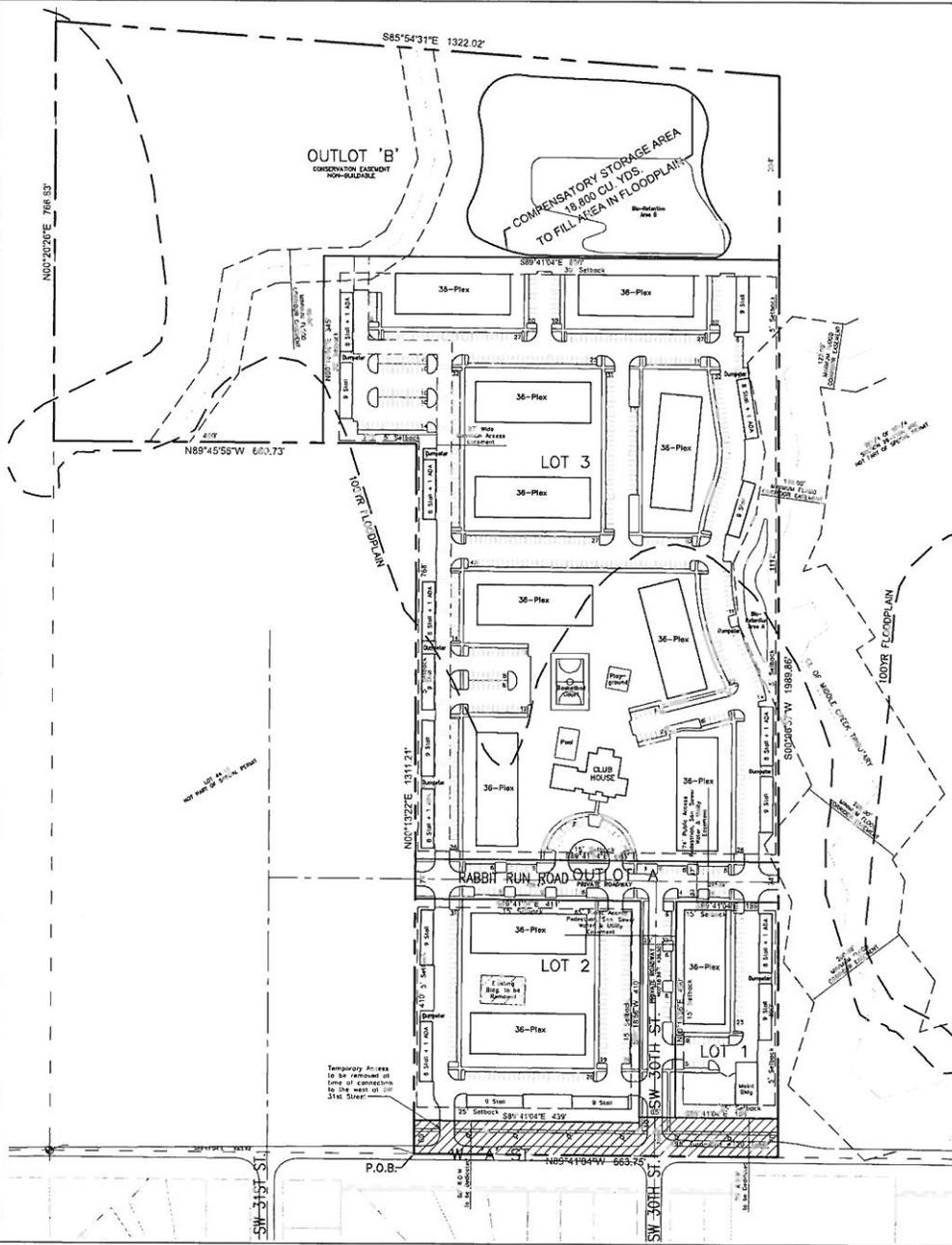
### WAIVERS:

- STORM WATER DETENTION FACILITIES. (DESIGN STANDARDS, CHAPTER 2-66, SECTION 3.3)
- THE SANITARY SEWER RUNNING OPPOSITE THE STREET CURVE. (DESIGN STANDARDS, CHAPTER 2-66, SECTION 3.3)
- ACCESS SEPARATION ON ARTERIAL STREETS TO BE CLOSER THAN ONE QUARTER MILE APART. (DESIGN STANDARDS, CHAPTER 2-15, SECTION 2.1)
- HEIGHT OF STRUCTURES FROM 35 FEET TO 40 FEET. (TITLE 27 OF THE LINCOLN MUNICIPAL CODE, 27-72.05(1)(a))
- FRONT YARD SETBACKS ADJACENT TO PRIVATE ROADWAYS FROM 25 FEET TO 15 FEET. (TITLE 27 OF THE LINCOLN MUNICIPAL CODE, 27-73.03(1))

### APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN HAS APPROVED BY THE LINCOLN CITY - LINCOLN CITY PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

ATTEST: \_\_\_\_\_



PROJECT  
151111

NO.	REVISIONS	DATE	BY

## REGA

ENGINEERING GROUP, INC.  
601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402)484-7342  
• ENGINEERING  
• PLANNING  
• LAND SURVEYING

SCOUTS TREEFIELD PARK  
C.U.P./SPECIAL PERMIT #15072  
ANNEXATION #15014  
WEST 'A' STREET & S.W. 30TH STREET

DATE: 1/20/15  
DESIGNED BY: MLK  
DRAWN BY: MLK  
CHECKED BY: LLL

THIS DOCUMENT WAS  
ORIGINALLY ISSUED  
AND SEALED BY LYLE  
L. LOTH, PE-3117 ON  
1-20-16. THIS MEDIA  
SHOULD NOT BE  
CONSIDERED A  
CERTIFIED DOCUMENT.

SHEET NO.  
1 of 6



**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

**DENSITY CALCULATIONS:**

R-4 ZONING  
 41.84 AC x 13.93 = 582.83  
 UNITS ALLOWED = 582 UNITS  
 TOTAL APPROVED = 582 UNITS

DATE \_\_\_\_\_ LYLE L. LOTH L.S. #314

**LEGEND**

-  BOUNDARY OF PRELIMINARY PLAT
-  PROPOSED LOT LINE
-  SETBACK/BUILDING ENVELOPE
-  EASEMENT
-  CENTERLINE
-  SECTION LINE
-  ADJACENT PROPERTY LINE
-  EXISTING PAVEMENT
-  PROPOSED PAVEMENT

-  EXISTING BUILDING
-  EXISTING TREE MASS

**GENERAL NOTES  
 COMMUNITY UNIT PLAN**

1. THIS COMMUNITY UNIT PLAN/SPECIAL PERMIT CONTAINS 3 LOTS WITH 432 MULTI-FAMILY UNITS SHOWN AND 150 UNASSIGNED UNITS, 1 OUTLOT FOR PRIVATE ROADWAYS AND 1 OUTLOT FOR CONSERVATION EASEMENT.
2. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES AS PER THE LMC OR AS SHOWN ON THIS PLAN.
3. PHASING OF THE DEVELOPMENT SHALL BE LOT 1 AS THE FIRST PHASE, LOT 2 AS THE SECOND PHASE AND LOT 3 AS THE THIRD PHASE.
4. BEFORE ANY GRADING WITHIN THE 100YR FLOODPLAIN CAN BEGIN, A CONDITIONAL LETTER OF MAP REVISION NEEDS TO BE ACQUIRED FROM FEVA.
5. BEFORE BUILDING PERMITS CAN BE ISSUED WITHIN THE 100YR FLOODPLAIN AREA, A LETTER OF MAP REVISION NEEDS TO BE ACQUIRED FROM FEVA.
6. FLOODPLAIN PERMITS WILL BE REQUIRED FOR ALL CONSTRUCTION ACTIVITY WITHIN THE 100YR FLOODPLAIN.
7. PARKING LOTS ARE ALLOWED IN THE 'R-4' ZONING DISTRICT WITH THIS SPECIAL PERMIT.
8. SIGNAGE SHALL BE AS PERMITTED BY CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE. THE LOCATION OF SIGNS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLAN.
9. STREET TREE PLAN SHALL BE SUBMITTED AT TIME OF FINAL PLAT. THE REMAINING LANDSCAPING AND SCREENING SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
10. DIRECT VEHICULAR ACCESS TO WEST 'A' STREET IS HEREBY RELINQUISHED EXCEPT AS SHOWN.
11. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S.
12. PRIVATE ROADWAYS SHALL HAVE PAVEMENT RADII 20' AND PAVEMENT WIDTH 22' UNLESS NOTED OTHERWISE.
13. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
14. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
15. ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT DIMENSIONS.
16. APARTMENT LAYOUT IS CONCEPTUAL. VARIATIONS TO THE CONCEPTUAL LAYOUT WILL NOT REQUIRE AN ADMINISTRATIVE AMENDMENT.
17. THE LOWEST FINISHED FLOOR ELEVATION MUST BE 1 FOOT ABOVE THE 100 YEAR WATER SURFACE ELEVATION FROM HEC-RAS MODEL.
18. A SURETY FOR THE GRADING OF THE COMPENSATORY STORAGE AREA IS REQUIRED AT THE TIME OF FINAL PLAT.

**LOT AREA TABLE**

LOT	AREA (S.F.)	AREA (ACRES)
1	74,760.42	1.72
2	168,338.20	3.86
3	794,270.55	18.23
OUTLOT 'A'	75,011.81	1.72
OUTLOT 'B'	967,810.44	22.13

**SHEET INDEX**

SITE PLAN	1
UTILITY PLAN	2
GRADING PLAN	3
ENLARGED GRADING PLAN	4
STREET PROFILES	5
STREET PROFILES	6

FLOOD ELEVATION (from HEC-RAS)

100 YEAR = 1160.50 - 1161.00 NAVD88

LOWEST FLOOR ELEVATION

1161.50 - 1162.00 NAVD88

FILL INFORMATION

AREA OF SITE BELOW BFE: 7.43 AC.

EARTH VOLUME REQUIRED TO ELEVATE SITE UP TO  
BFE (1160.50 - 1161.00) = 18,800 cubic yards loss of Flood  
Storage Volume

Compensatory Storage (18,800 cubic yards) will be provided by  
excavation within Outlet 'B'.

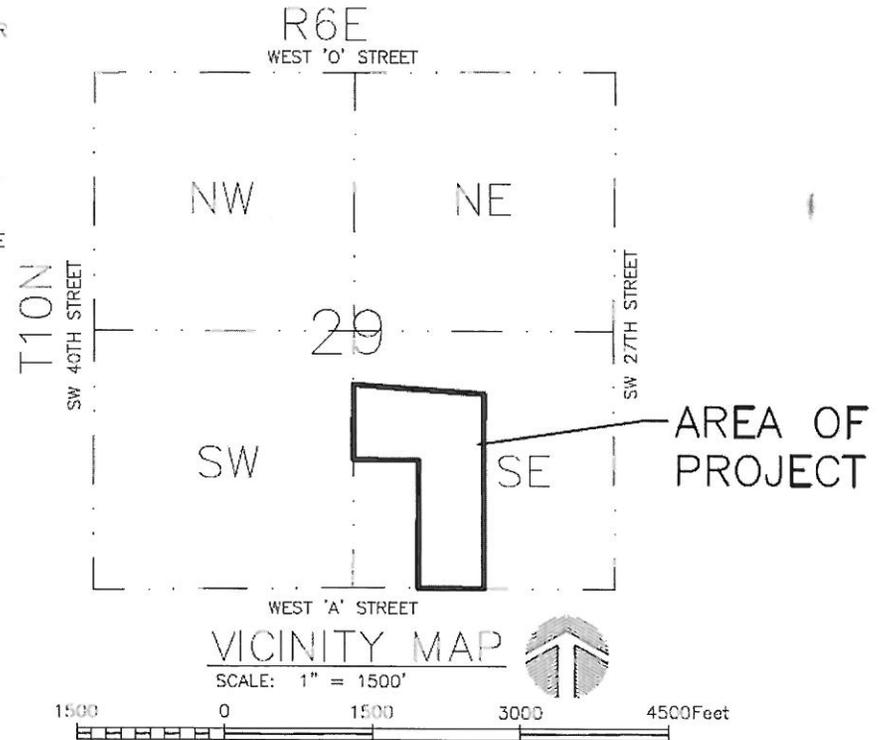
WAIVERS:

1. STORM WATER DETENTION FACILITIES. (DESIGN STANDARDS, CHAPTER 2.05, SECTION 3.3)
2. THE SANITARY SEWER RUNNING OPPOSITE THE STREET GRADE. (DESIGN STANDARDS, CHAPTER 2.00, SECTION 3.5)
3. ACCESS SEPARATION ON ARTERIAL STREETS TO BE CLOSER THAN ONE QUARTER MILE APART. (DESIGN STANDARDS, CHAPTER 2.15, SECTION 2.2)
4. HEIGHT OF STRUCTURES FROM 35 FEET TO 40 FEET. (TITLE 27 OF THE LINCOLN MUNICIPAL CODE, 27.72.020(a))
5. FRONT YARD SETBACKS ADJACENT TO PRIVATE ROADWAYS FROM 25 FEET TO 15 FEET. (TITLE 27 OF THE LINCOLN MUNICIPAL CODE, 27.72.020(a))

APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE LINCOLN  
CITY - LANCASTER COUNTY PLANNING COMMISSION ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

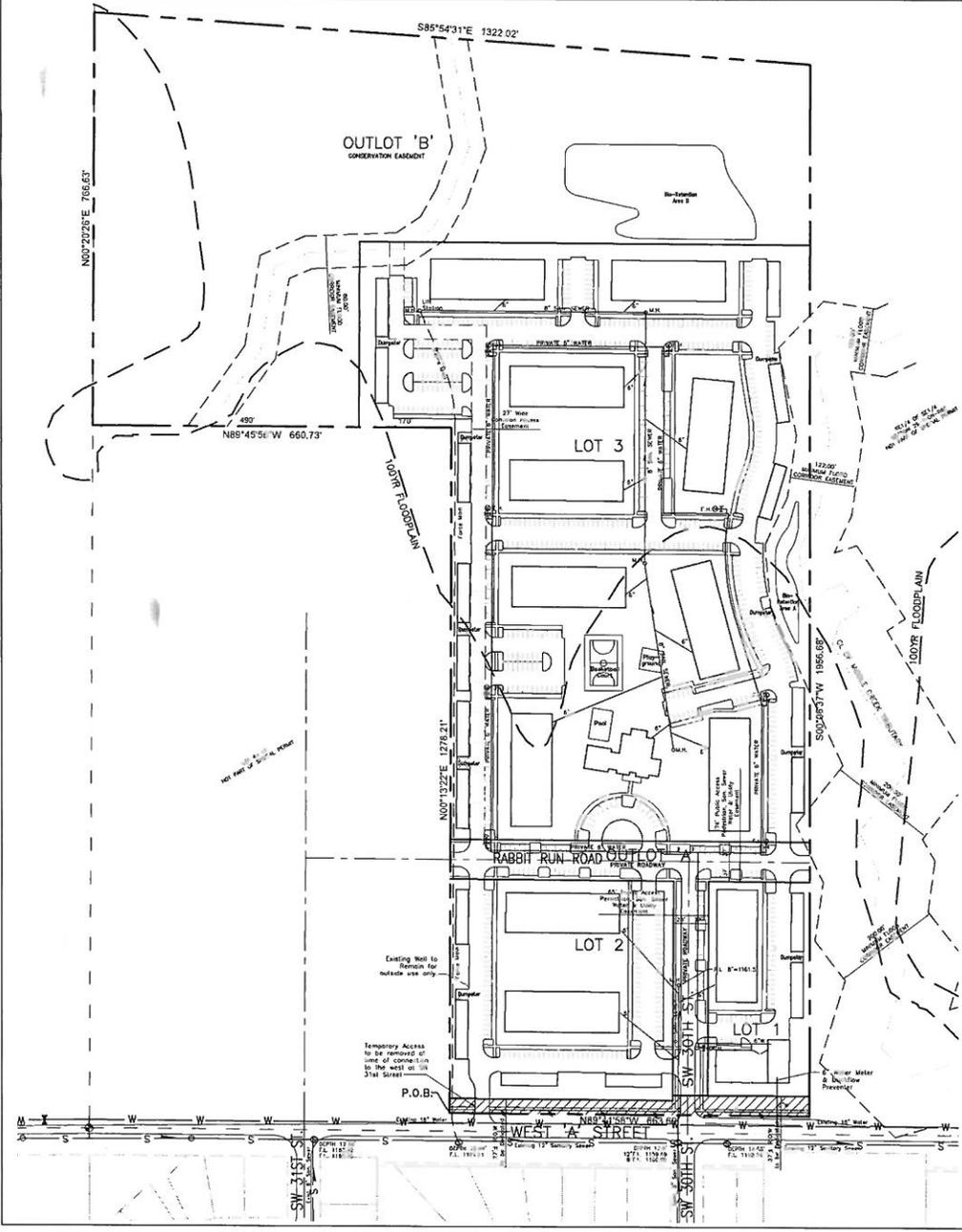
ATTEST: \_\_\_\_\_



# SCOUTS TREEFIELD PARK



NORTH  
SCALE 1" = 100'



PROJECT	
151111	
NO.	BY
REVISIONS	DATE
DESCRIPTION	

**REGA**  
ENGINEERING GROUP, INC.

601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
402.484.7342  
• ENGINEERING  
• PLANNING  
• LAND SURVEYING

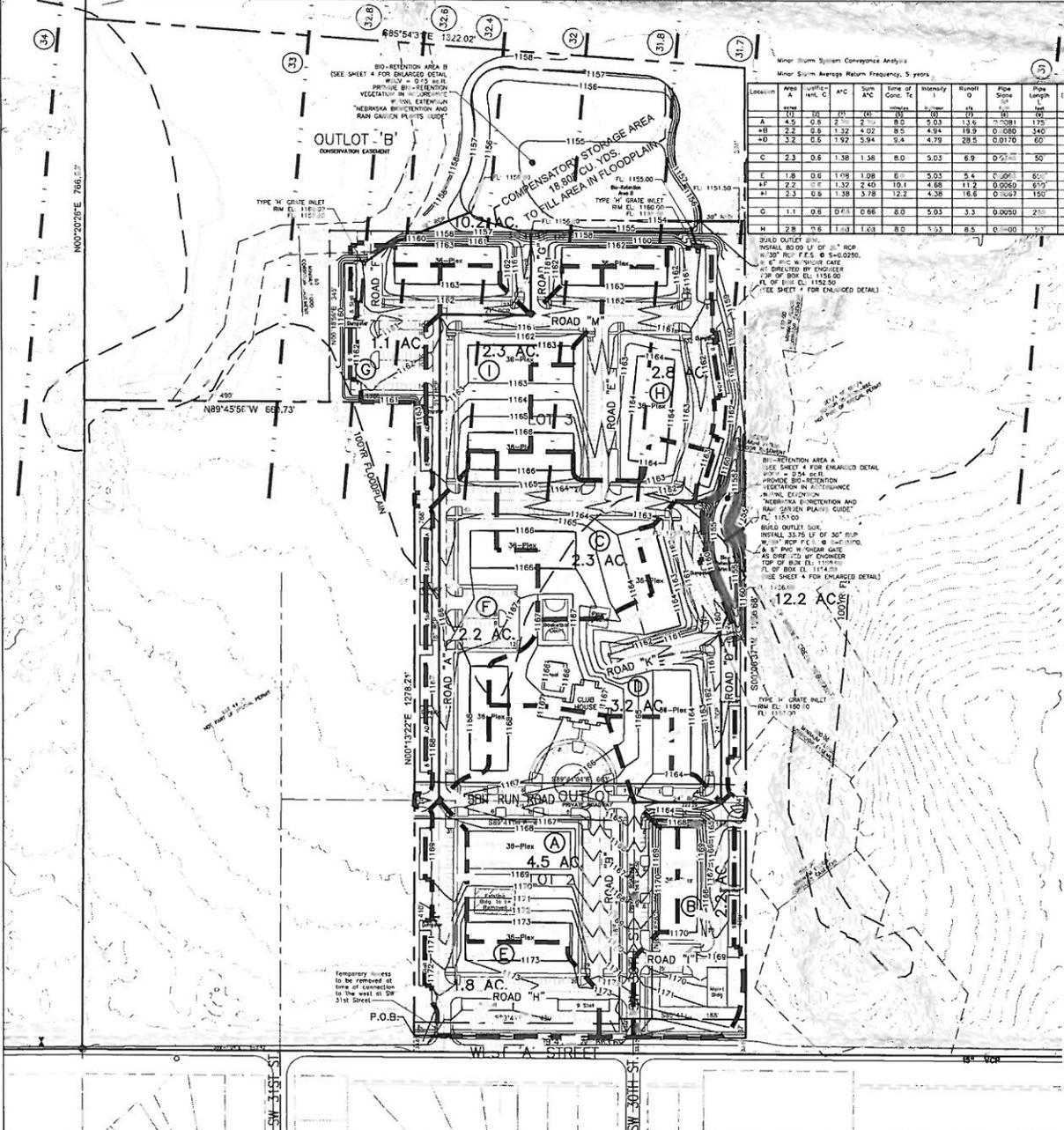
SCOUTS TREEFIELD PARK  
C.U.P./SPECIAL PERMIT #15072  
ANNEXATION #15014  
WEST 'A' STREET & S.W. 30TH STREET

DATE: 1/20/15  
DESIGNED BY: MLK  
DRAWN BY: MLK  
CHECKED BY: LLL

THIS DOCUMENT MUST  
ORIGINALLY BE  
AND SEALED BY LICENSE  
L. LOTH, PE-3137 ON  
1-70-18. THIS MEDIA  
SHOULD NOT BE  
CONSIDERED A  
CERTIFIED DOCUMENT.

SHEET NO.  
2 of 6

# SCOUTS TREEFIELD PARK



Minor Storm System Conveyance Analysis  
Minor Storm Average Return Frequency, 5 years

Location	Area A <sup>1</sup>	Area C	Area G	Sum A/C	Time of Conc. Tr.	Inlet 1	Inlet 2	Pipe Size	Pipe Length	Pipe Diameter	Pipe Capacity	Pipe Velocity	Line in Section	Inlet 1	Flow @ Inlet	Outlet	Flow @ Outlet	Outlet Slope	Outlet Invert	Outlet Slope	Outlet Invert	Outlet Capacity	Comments	
A	4.5	0.0	2.2	6.7	8.0	5.03	1.36	18"	175'	21"	14.3	5.9	0	11.23	0	0	0	55.8	0	0	0	0	70	Pipe adequate
B	2.3	0.0	1.32	4.03	8.1	4.94	18.9	0.0050	340'	24"	20.2	6.4	0	11.23	0	0	0	55	0	0	0	0	75	Pipe adequate
C	2.3	0.0	1.92	5.94	9.4	4.79	28.5	0.0170	60'	24"	29.5	9.4	0	11.23	64	0.022	0	50	102	132	0	0	102	Pipe adequate
E	1.8	0.0	1.19	3.08	8.1	5.03	5.4	0.007	85'	18"	8.1	4.8	2.1	11.25	12.2	0.0050	27	48	0	0	0	0	56.1	Pipe adequate
F	2.2	0.0	1.32	3.78	12.2	4.38	16.6	0.0047	150'	24"	18.5	5.9	0.4	9.80	37	0.0060	27	48	0	0	0	0	60	Pipe adequate
G	1.1	0.0	0.66	1.66	8.0	5.03	3.3	0.0050	27'	18"	7.4	4.2	1.0	11.23	7.4	0	0	0	0	0	0	0	0	Pipe adequate
M	2.8	0.0	1.03	3.83	8.0	3.5	6.9	0.0040	57'	18"	21.0	11.9	0.1	11.23	18.9	0	0	0	0	0	0	0	0	Pipe adequate



**FLOOD ELEVATION (FROM HEC-RAS)**  
100 YEAR = 1160.50 - 1161.00 NAVD83

**LOWEST FLOOR ELEVATION**  
1187.50 - 1162.00 NAVD83

**FILL INFORMATION**  
AREA OF SITE BELOW BFE: 7.43 AC.  
EARTH VOLUME REQUIRED TO ELEVATE SITE UP TO BFE (1160.50) = 18,300 cu yd. LOSS OF FLOOD STORAGE VOLUME COMPENSATORY STORAGE (16,800 cu yd) WILL BE PROVIDED BY EXISTING FROM THE ANDERSON HIGHS PROPERTY NORTH OF AND WITHIN PROJECT SITE.

**BIO-RETENTION AREA A**  
CONTRIBUTING DRAINAGE AREA: A, B, C, D = 12.2 ac.  
REQUIRED WOOD = 0.83 x 12.2 x 0.75 x 60' x 4 x 1/12 = 0.83 x 0.633 x 12.2 x 1/12 = 0.50 cu yd.  
SOIL TYPE = KENNESAW; PERMEABILITY = 0.6 in/hr. TO 2.0 in/hr.  
AREA REQUIRED FOR 3" MAX. DEPTH = 0.16 ac. OR 7,230 sq ft.

**BIO-RETENTION AREA B**  
CONTRIBUTING DRAINAGE AREAS: E, F, G, H, I = 10.2 ac.  
REQUIRED WOOD = 0.83 x 10.2 x 0.75 x 60' x 4 x 1/12 = 0.83 x 0.633 x 10.2 x 1/12 = 0.45 cu yd.  
SOIL TYPE = ZOOK; PERMEABILITY = 0.8 in/hr. TO 2.0 in/hr.  
AREA REQUIRED FOR 1.5" MAX. DEPTH = 0.28 ac. OR 12,000 sq ft.

PROJECT 151111

NO.	REVISIONS	DATE	BY

DESCRIPTION

**REGA**  
ENGINEERING GROUP, INC.  
801 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402) 484.7342

- ENGINEERING
- PLANNING
- LAND SURVEYING

SCOUTS TREEFIELD PARK  
C.U.P./SPECIAL PERMIT #15072

WEST 'A' STREET & S.W. 30TH STREET

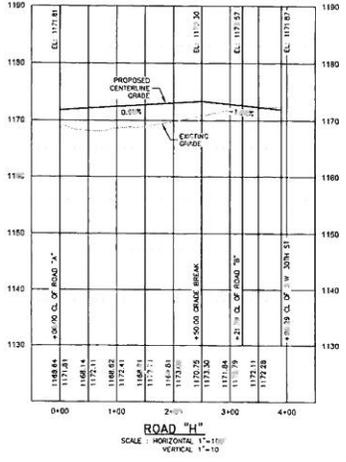
DATE: 1/20/16  
DESIGNED BY: LLL  
DRAWN BY: TDH  
CHECKED BY: LLL

THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY LYLE L. LOTH, PE-3177 ON 1-20-16. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.

SHEET NO.  
3 of 6







File No. 151111  
November 4, 2015  
(Revised January 6, 2016)  
(Revised January 20, 2016)

David Cary  
Acting Director of Planning  
Rachel Jones, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: SCOUTS TREEFIELD PARK  
COMMUNITY UNIT PLAN/ CHANGE OF ZONE/ ANNEXATION  
& COMPREHENSIVE PLAN AMENDMENT  
SW 30th Street & West 'A' Street

Dear David,

On behalf of Anderson Homes, Inc., we submit the above mentioned community unit plan application for your review. Concurrently, a zoning application has been submitted which is requesting a change of zone from 'AG' to 'R-4' and 'AGR' to 'R-4', annexation, Comprehensive Plan amendment and a few deviation requests.

Scouts Treefield Park contains 41.34 acres. The site currently has both 'AG' and 'AGR' zoning with a request for 'R-4' zoning. The community unit plan consists of 3 lots with 432 multi-family units, a maintenance building which will house the developments' water meter and backflow preventer, a club house and recreational facilities for the development. There are also 2 outlots, one for the private roadways and one to be designated as a conservation easement including bio retention area, compensatory storage and flood corridor.

This development is currently within Priority C, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

Part of the site is within the 100 year flood plain. The fill material needed to raise the site to the base flood elevation will be acquired from the area within Outlot B of the development. The development is within the New Growth Area and therefore no imported fill will be allowed within the flood plain portion of this project. Drainage is located to the east of the development. A minimum flood corridor easement has been shown which varies from the north to the south on the east side of the property, as well as a 60 foot wide minimum flood corridor easement in the northwest portion of the development. The proposed garages, parking and driveways are located outside of the minimum flood corridor.

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An executive summary of the Flood Plain Management and Post construction Stormwater Management has been enclosed. Upon request, a hard copy of the HEC-RAS model can be submitted as well. An electronic file of the HEC-RAS model will be submitted to Watershed Management. Revisions to the original design have been made as per discussions with Ben Higgins.

A possible centerline of a street layout west of the development is shown. The temporary West 'A' Street access to the development west of SW 30<sup>th</sup> Street shall be removed at such time as a development to the west connects to SW 31<sup>st</sup> Street. A deviation request has been submitted to Thomas Shafer in the Public Works Department which covers those items which do not follow the Access Management Policy.

We are requesting the following waivers at this time which include Land Subdivision Regulations and Design Standards:

1. *Storm water detention facilities. (Design Standards, Chapter 2.05, Section 3.3)*  
Through discussions with the Public Works Department, it has been determined that storm water detention would not be required in this area due to the close proximity to Middle Creek.
2. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*  
To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
3. *Access separation on arterial streets to be closer than one quarter mile apart. (Design Standards, Chapter 2.15, Section 2.2)*  
Due to the number of dwelling units as well as the overall circulation of the development a deviation request has been request and sent to Public Works for approval on this as well as other variations from the Access Management Policy.
4. *Height of structures from 35 feet to 40 feet. (Title 27 of Lincoln Municipal Code, 27.72.020(a))*  
It is unknown at this time what the design of the apartment buildings will actually be. With experience with non-related apartment buildings in Lincoln, a 3 story building may need to be taller than the 35 feet height allowed. To ensure that a waiver request in the future will not be needed, this is being requested.
5. *Front yard setbacks adjacent to private roadways from 25 feet to 15 feet. (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*  
Instead of placing the lot lines at the center line of the private roadways, the lot lines have been place on the outside of the sidewalk along the private roadways. Due to the area available, the requested 15 feet will allow adequate space around all 4 sides of the apartment buildings.

Page 3

# REGA

ENGINEERING  
GROUP, INC.

A neighborhood meeting took place on August 10, 2015 to discuss the proposed development. The major concern of the neighborhood is the need for improvements to West 'A' Street. We are in agreement with their concerns and have shown a right turn-lane into the development from West 'A' Street. The developer would support the City of Lincoln improving the pavement of West 'A' Street to a typical arterial street cross section.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any additional questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Scott Anderson

Enclosures: Application

Special Permit Fee of \$3,792.00

COZ Fee of \$792.00

Comp Plan Amendment Fee of \$330.00

(All application amounts had been submitted with the original application submittal)

File No. 151111

January 20, 2016

Mr. Thomas S. Shafer  
Interim Director of Public Works  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: DEVIATION REQUEST - Revised  
SCOUTS TREEFIELD PARK – SPECIAL PERMIT #15072  
SW 30<sup>th</sup> Street & West 'A' Street

Dear Thomas,

On behalf of Anderson Homes Inc., we are submitting a request to deviate from the Access Management Policy in relation to the Minor Arterial of West 'A' Street. An application for a Community Unit Plan/Special Permit #15072 of Scouts Treefield Park has recently been submitted to the Planning Department. The proposed development is requesting 432 multi-family units. With the number of dwelling units, a need for two access points to the development is beneficial at the peak hours of the day.

Currently an existing driveway (referred to as Anderson's Tree Farm Drive in the traffic analysis) is located where the proposed temporary driveway is being shown. The temporary driveway will be removed at the time the property to the west of this development would be developed and a connection at SW 31<sup>st</sup> Street would be installed.

The following deviations are being requested to allow the proposed development circulation and beneficial access for the development as well as the community.

1. Residential driveway access to a Minor Arterial which is not a public or private roadway.  
*As stated previously above, this driveway is only temporary. Once the development to the west is constructed, this access would be removed. Currently a commercial driveway exists in the same location that the new residential driveway would be located.*
2. The distance between accesses to be less than 660 feet.  
*As stated previously above, this driveway is only temporary. Once the development to the west is constructed, this access would be removed. The distance between the proposed private roadway (located at SW 30<sup>th</sup> Street) and the future connection of the possible development to the west (location would need to be at SW 31<sup>st</sup> Street) would meet the required distance of 660'.*
3. Driveway width to be 27' wide with 20' radii instead of 25' wide with 15' radii.  
*As stated previously above, this access is only temporary. However, the access will be used, even though temporarily, for the multi-family uses.*

Page 2

4. Right turn lane for the private roadway to be reduced by half on the storage length.  
*The Traffic Impact Analysis that Felburg Holt & Ullevig completed is submitted with this request. The information provided in the analysis justifies this request.*
5. No right turn lane for the temporary driveway.  
*The Traffic Impact Analysis that Felburg Holt & Ullevig completed is submitted with this request. The information provided in the analysis justifies this request.*

Please contact me if you have any questions or comments.

Sincerely,



Marcia L. Kinning

Cc: Bob Simmering  
Randy Hoskins  
Michele Abendroth  
Scott Anderson

Enclosures: Request for Deviation Form  
Deviation Request Exhibit  
Traffic Study

## Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	2	In Review	<p>27.58-This area is within the Airport Environs District. An Avigation Easement will be required.</p> <p>This area is also located between the 60DNL and 65DNL noise contours. Residential development between these contours is acceptable but will require acoustical features as a condition of building permit issuance. See Figure 27.58.050.</p> <p>27.59-Follow the requirements of the chapter.</p> <p>This development is very close to the extended centerline of Runway 18/36 and will be regularly overflowed by aircraft on approach to, or departure from, the runway. These flights, and their associated noise, should be expected.</p>	Individual
Building & Safety	christy eichorn	2	Corrections Required	<p>I do not believe that a 5 foot side yard setback is adequate space to meet the provisions of Chapter 3.5 Section 7.3 (c).</p> <p>In zoning this will be considered a residential lot and the provisions of Chapter 3.5 Section 7.4 will be required.</p>	Individual
County Engineer	ken schroeder	1	Corrections Required	<p>Upon review, this office has no direct objections to this submittal but would offer the following comments for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street.</p> <ol style="list-style-type: none"> <li>1. The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M.</li> <li>2. The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street.</li> <li>3. It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable.</li> <li>4. Development improvements to follow area annexation. November 17, 2015 (kds)</li> </ol>	Individual
		2	Corrections Required	<p>Upon review, this office has no direct objections to this submittal but would resubmit the following comments from</p>	Individual

## Current Project - Agency Review Report

				<p>our November 17, 2015 review for "Scouts Treefield Park" CUP, change of zone/annexation "AN15014" located in the SE ¼ of Section 29, T10N, R6E, near SW 30th Street and West "A" Street.</p> <p>1. The legal descriptions which reference Lot 45 irregular tracts should be revised to include the 33' of existing road right-of-way and described to the south line of the SE ¼ of Section 29. Lot 45 I.T is recorded to be the E ½ of the SW ¼, SE ¼ of Section 29, T10N, R6E of the 6th P.M.</p> <p>2. The right-of-way dedication should be shown to also include the dedication of the existing 33' of statutory road right-of-way easement along West A Street.</p> <p>3. It should be noted that the remaining portion of Lot 102 irregular tracts may be non-buildable.</p> <p>4. Development improvements to follow area annexation.</p> <p>NOTE: No deeds have yet been filed regarding irregular tract numbering.</p> <p>January 19, 2016 (kds)</p>	
County Health	chris schroeder	1	Recommend Approval	The LLCHD does not object to the proposed annexation.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
		2	Corrections Required		Individual
Emergency Communications	Kelly Davila	2	In Review		Individual
Fire Department	patrick borer	2	Recommend Approval	<p>Lincoln Fire and Rescue recommends approval of this application.</p> <p>With regards to the street names 'Rabbit Run' and 'Flyway Lane', my only objection to these would be if these are duplicates of street names someplace else in the city.</p>	Individual
Law Department	Law Department	2	In Review		First In Group
LES	les reviews	1	Recommend Approval	11/16/15, LES is requesting a Blanket Utility Easement excluding Building Envelopes - all 3 lots (see uploaded redlined drawing). LES will request as part of final plat.	First In Group
		2	Corrections Required	1/12/16- Uploaded red line drawing into the miscellaneous documents folder. Comments were: 1) See easements on drawing (Darin Gourka) 2) Add blankets as marked (Shana	Individual

# Current Project - Agency Review Report

				Sprackling). 3) Add above request as noted to special permit drawings. These will be requested as part of final plat (Steve Hanks). -Sarah Ryan	
Planning Dept	brandon garrett	1	Recommend Approval	City Council District 3.	Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	11-19. Per Access Management Policy Left and Right turns lanes are required on Minor Arterials. This would apply to both access points. Right Turn Lane as shown does not appear correct-possibly not including required storage length (see tables in section VII-H in AMP). Need traffic study to determine storage lengths.	First In Group
		2	Recommend Approval	<ol style="list-style-type: none"> <li>1. Residential driveway access to minor arterial Since this is a temporary situation, this is approved.</li> <li>2. Distance between accesses less than 660' SW 30th Street aligns with existing street. Driveway is temporary, approved.</li> <li>3. Driveway width 27' with 20' radii Temporary situation, approved.</li> <li>4. Right turn lane to be reduced by half on storage length The right turn storage length was misapplied in the traffic impact study. The length of the needed deceleration length was shortened through the assumption that traffic would slow 10 MPH prior to entering the lane. The study assumed a 10 MPH reduction plus the additional 10 MPH already factored in. The 45 MPH speed limit on West A Street would require a 250' right turn lane plus the storage length plus the taper. I would concur with eliminating the storage length and just providing the 250' deceleration length and the taper.</li> <li>5. No right turn lane for the temporary driveway Temporary situation, approved.</li> </ol> <p>The lack of a left turn lane in West A Street was not addressed as a deviation, though it was addressed in the traffic study. This is where I have the most concern with</p>	Individual

# Current Project - Agency Review Report

				<p>this request. While the consultant cites that the NCHRP 457 guidelines for installing a left turn lane are not met, we have been consistent in requiring left turn lanes at any access with an appreciable number of turning vehicles. The Access Management Policy states that a left turn lane is required for a minor arterial where left turns are allowed.</p> <p>The traffic study shows the higher number of left turns will be made at the temporary driveway. Depending on the ease of travel between the proposed project site and the future permanent connection at SW 31st Street, there is a high possibility that all left turns generated by this development might use SW 30st Street in the future.</p> <p>Based on the above a final question came back requesting that city would also waive left turn lanes-I will advise on that as soon as traffic engineer weighs in.</p>	
Public Works - Survey Check	julio talero	1	In Review	Approved-PWU	First In Group
		2	Recommend Approval	Approved-PWU	Individual
Public Works - Watershed Management	ben higgins	1	Did Not Complete	Sent email with initial concerns 11/10/15	Individual
		2	Corrections Required	<p>revised second review 1/27/16 (initial second review 1/12/16)</p> <p>Water Quality Comments</p> <ul style="list-style-type: none"> <li>- Include detention time calculations for both facilities in the Post Construction Stormwater Management Report. Should range between 24 to 40 hours per the Drainage Criteria Manual. Double check the compensatory storage drain time (needs to be 72 hours) for the combined post construction Stormwater facility /compensatory storage area.</li> <li>- Sheet 4, outlet box detail, bioretention B. A couple of leader lines are missing on the elevations. Include them.</li> <li>- Sheet 1: Add additional note or add to note 5 that will need a maintenance agreement prior to any building permits being issued.</li> <li>- Sheet 4: Revise the alignment for the perforated pipe on bioretention cell B. Run diagonally up through the middle of the cell.</li> </ul> <p>New Growth Area Standards/Floodplain Comments</p>	Individual

## Current Project - Agency Review Report

				<ul style="list-style-type: none"> <li>- Provide specifics for each building on lowest floor openings. Current lowest floor elevations provided on sheets 1 and 3 provide a range.</li> <li>- The combined post construction Stormwater facility/compensatory storage area (B) has a relative high potential high water table. However it's relatively close to the creek which may keep the water table down during typical low flow events. Needs to be checked with some shallow soil borings to ensure that digging down a few feet won't intercept the typical water table.</li> <li>- Include a note on Sheet 1 about formalizing the conservation easement either through language in the final plat or as a separate document prior to initial building permit approval (city will provide draft language for either).</li> </ul>	
Public Works & Utilities - Wastewater	Brian Kramer	1	Did Not Complete		Individual
		2	Recommend Approval	The sanitary system proposed would be private. It would be in the best interest to move the lift station as far north as possible, so that one day the sewer can be connected by gravity when a new trunk line is built. Need easements for future trunk line in outlot area.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval		First In Group
		2	Pending		Individual