Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Dennis Scheer: Vice-Chair
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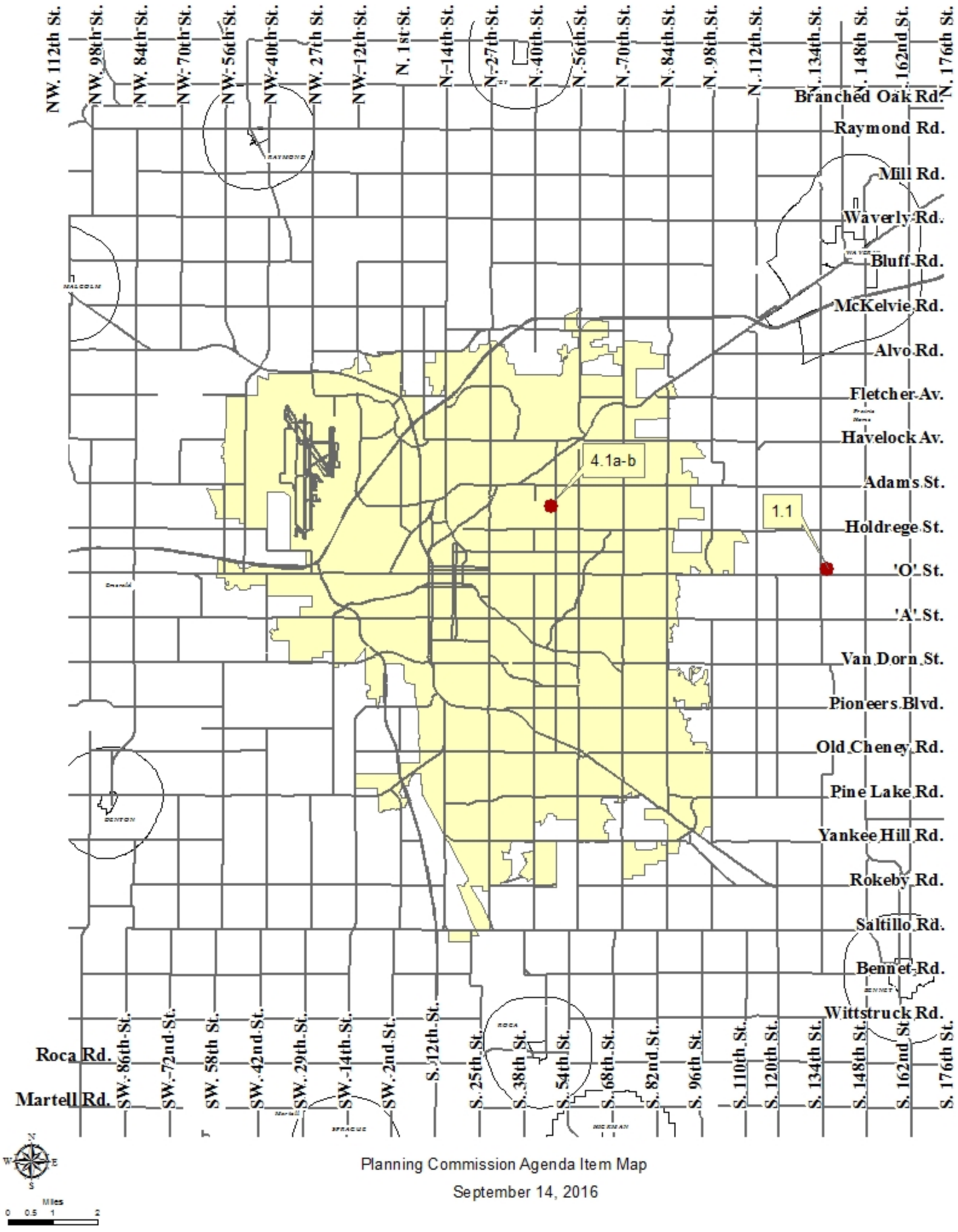
PLANNING STAFF

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

September 14, 2016



Planning Commission Agenda Item Map

September 14, 2016

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 14, 2016, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, September 14, 2016, immediately following the regular Planning Commission meeting, in Studio Room 113 of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska to discuss the LRTP/Comprehensive Plan Update.

****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, SEPTEMBER 14, 2016

Approval of minutes of the regular meeting held August 31, 2016.

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

SPECIAL PERMIT:

Page 01

1.1 Special Permit No. 16041, for the sale of alcohol for consumption both on and off the premises, on property generally located at 252 North 134th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

2.1 Comprehensive Plan Conformance No. 16005, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a request to declare a City-owned parking lot as surplus property for the zoo expansion, on property generally located at approximately 2847 A Street.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2.2 Comprehensive Plan Conformance No. 16007, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the acquisition of a permanent conservation easement by the Lower Platte South Natural Resources District, of approximately 20 acres, more or less, on property generally located at SW 98th Street and Kolbrook Road.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brandon Garrett, 402-441-6373, bgarrett@lincoln.ne.gov

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

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE & RELATED CHANGE OF ZONE:

Page 13

4.1a Comprehensive Plan Conformance No. 16006, to amend the "University Place Redevelopment Plan", as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The Redevelopment Plan area is approximately 10.56 acres, more or less, on property generally located between Huntington and Leighton Avenues, North 44th and 48th Streets.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

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4.1b Change of Zone No. 16024, for a mixed-use redevelopment project at an existing shopping center, with a development plan that proposes to modify standards of the underlying zoning district, subdivision ordinance, and Design Standards on property generally located at North 48th Street and Leighton Avenue.
Staff recommendation: Conditional Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

****

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

****

Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

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Stephen Henrichsen, *Development Review Manager* . . . 402-441-6374 . . . . . shenrichsen@lincoln.ne.gov
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Brian Will, *Planner* . . . . . 402-441-6362 . . . . . bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner* . . . . . 402-441-6363 . . . . . kvanbruggen@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* . . . . . 402-441-6360 . . . . . ezimmer@lincoln.ne.gov

* * * * *

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 CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2016 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #16041 - County Line Bar and Grill

PROPOSAL: To authorize the licenses premises for the sale of alcoholic beverages for consumption on and off the premises per Sections 27.63.680 and 27.63.685.

CONCLUSION: This request complies with all applicable criteria for the special permits for the sale of alcohol for consumption on and off the premises. This is an appropriate land use at this location.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 50, located in the SW 1/4 of Section 21-10-8, Lincoln, Lancaster County, Nebraska

LOCATION: 252 North 134th Street

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Industrial

SURROUNDING LAND USE AND ZONING:

North:	Vacant	I-1
South:	O Street	AG
East:	Vacant, Commercial	AG, I-1
West:	North 134th Street	AG

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area for industrial land uses.

BACKGROUND: This is a request to allow the sale of alcohol for consumption both on and off the premises at the former Parker Hannifin plant at 134th and O Streets. The sale of alcohol will be in conjunction with a bar and grill with an outdoor dining area. The owner intends to locate other uses inside the building in the future, include a retail gun shop, an indoor shooting range, and indoor storage. However, those uses have not yet been established, and the bar and grill will be the first use to occupy the now vacant building.

The provisions for special permits require that separate special permits be granted for each on and off-sale use, recognizing the requirements of each are slightly different. This report contains the reviews of the requirements for both special permits.

ANALYSIS:

1. **SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption **on** the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Parking must be provided at the rate specified in the Zoning Ordinance. In this case, the required parking in the I-1 zoning district is one space per 1,000 square feet of floor, except for a list of uses in the parking ordinance which have special conditions. The sale of alcohol for consumption on the premises and social hall are two of those uses, where the requirement instead is one space per 100 square feet of floor area. The parking rate is applied based upon the use of the total area of the building. In this case, only 7,500 square feet are to be authorized for on and off-sale alcohol and at the rate of 1:100. The remainder of the building, approximately 80,000 square feet and which is currently unoccupied, is at the rate of 1:1,000. In total, 155 parking spaces are required. The site plan shows 274 spaces, well in excess of the number required.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under LMC Section 27.63.685 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption off the premise has also been requested and is included in the second half of this report.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

the proposed licensed premises is located in a commercial/industrial enclave on east O Street which dates back many years. It is surrounded by agricultural and

commercial uses, and is not located in proximity to any of the restricted uses listed in this section. The nearest of these uses are dwellings. Those located in Crooked Creek to the southwest of the site are in excess of 1,160' away (1,030' to the property line). The other is a single-family dwelling which is accessed through the adjacent commercial area to the east. Located at the northeast corner of the adjacent commercial development, the dwelling is in excess of 1,800' away (550' to the property line) from the licensed premises.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is proposed as part of this request.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not a part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The main entrance to the facility faces North 134th Street. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is off North 134 Street. North 134th Street is a county mile-line section road, and is not considered a residential street at this location.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685: Alcoholic beverages may be sold for consumption **off** the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

For off-sale alcohol, the parking requirement is the same as that of the zoning district. In this case, the requirement for the I-3 zoning district it is one space per 1,000 square feet of floor area. Given the premises meets the much higher parking requirement of 1:100 for on-sale alcohol, the requirement for off-sale in the I-3 zoning district is easily achieved.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

The issuance of a separate special permit to allow the sale of alcohol for consumption on the premise has also been requested and is included in the first half of this report.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

As noted previously in this report, the proposed licensed premises is located in a commercial/industrial enclave on east O Street which dates back many years. It is surrounded by agricultural and commercial uses, and is not located in proximity to any of the restricted uses listed in this section. The nearest of these uses are dwellings. Those located in Crooked Creek to the southwest of the site are in excess of 1,160' away (1,030' to the property line). The other is a single-family dwelling which is accessed through the adjacent commercial area to the east. Located at the northeast corner of the adjacent commercial development, the dwelling is in excess of 1,800' away (550' to the property line) from the licensed premises.

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(1) Revocation or cancellation of the liquor license for the specially permitted premises; or
(2) Repeated violations related to the operation of the permittee's business.
(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

3. This request for both the sale of alcohol for consumption on and off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location.

CONDITIONS:

This approval permits the sale of alcohol for consumption both on and off the premises consistent with the approved site plan.

Site Specific:

1. Provide three copies of the site plan to the Planning Department with the revisions as noted below.

   1.1 Revise the parking calculations to show the total floor area of the building, the total floor area dedicated to on-sale alcohol, the total dedicated to off-sale alcohol, and which does not count outdoor patio area for parking, and the number of spaces dedicated to each.

   1.2 Provide the legal description on the site plan.

Standard:

2. The following conditions are applicable to all requests:

2.1 Before the sale of alcohol for consumption on and off the premises, all development and construction is to substantially comply with the approved plans.

2.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

2.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. The sale of alcohol shall not commence until the letter of acceptance has been returned.

Prepared by:

_____
Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
August 30, 2016

OWNER:/
APPLICANT: Derek Broman
4931 Sinclair Street
Lincoln, NE 68516
402-45-3630

CONTACT: Larry Chilese
835 S Street
Lincoln, NE 68508
402-474-6885

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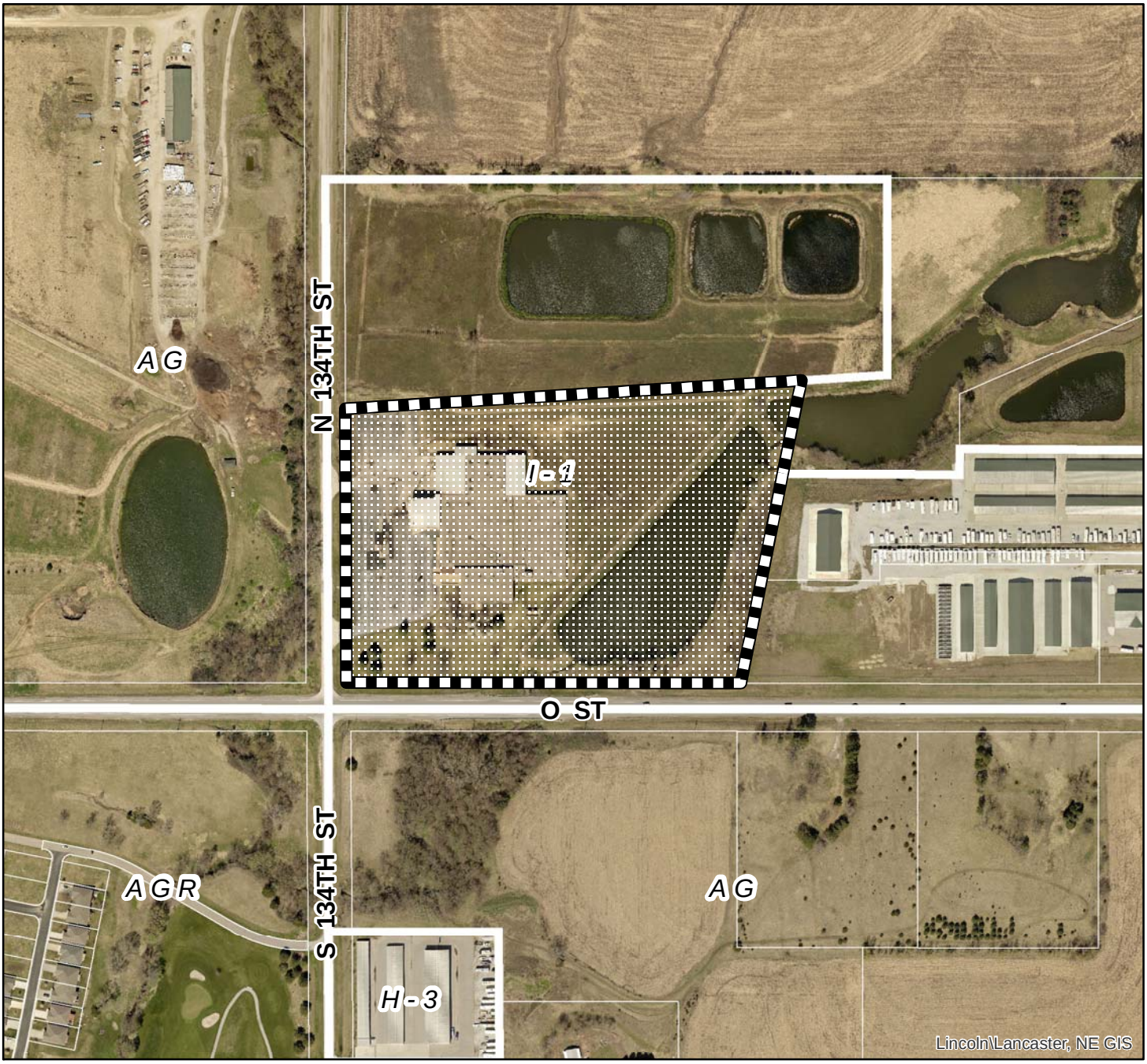


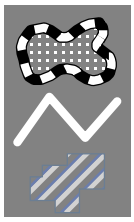
2016 aerial

Special Permit #: SP16041
County Line Bar & Grill
N 134th St & O 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

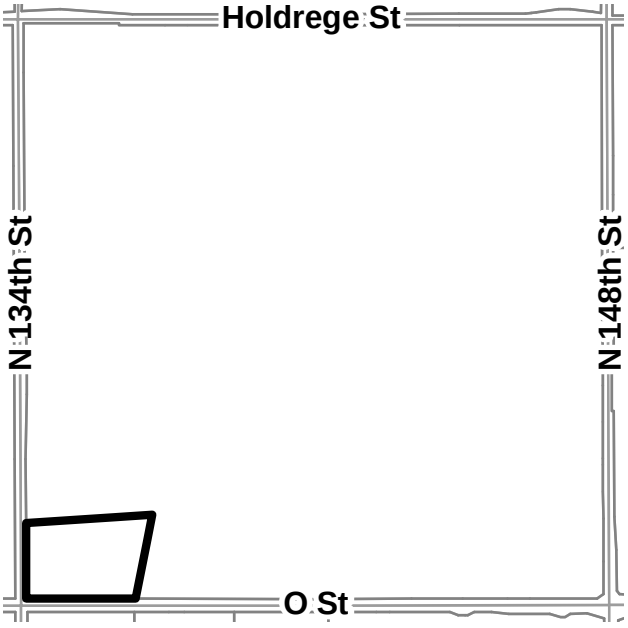
One Square Mile:
Sec.21 T10N R08E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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COUNTY LINE BAR AND GRILLE
DISCOUNT ENTERPRISES LINCOLN NE

134TH EAST "O" Street Lincoln Ne

LIQUOR LICENSE PARKING

PARKING 274 SPACES SHOWN

139 REQD FOR RETAIL BUSINESS

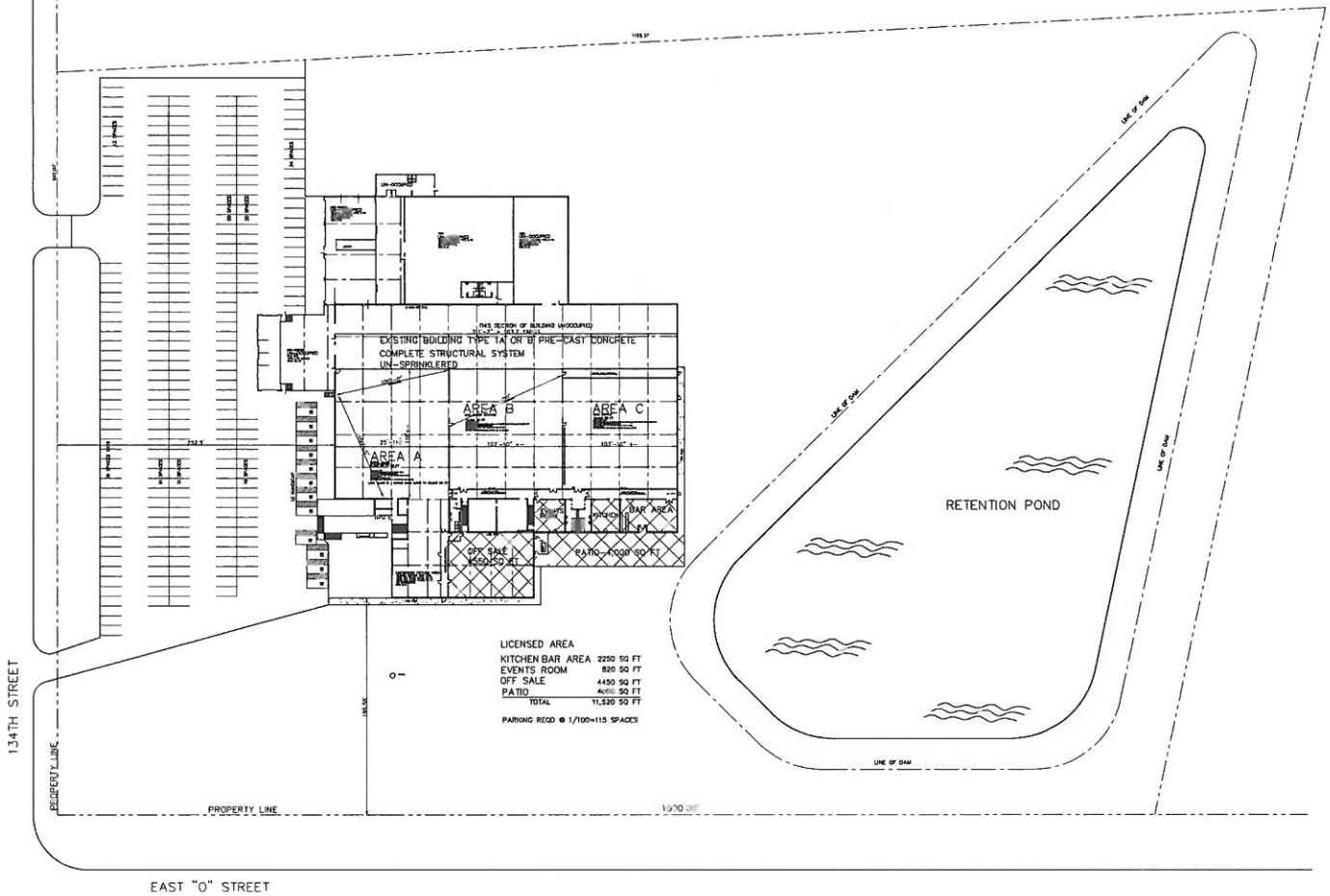
KITCHEN BAR AREA	2250 SQ FT
EVENTS ROOM	820 SQ FT
OFF SALE	4450 SQ FT
PATIO	4000 SQ FT
TOTAL	11,520 SQ FT

PARKING REQD @ 1/100=115 SPACES

139 REQD FOR RETAIL BUSINESS
115 REQD LIQUOR LICENSE

254 TOTAL

274 SHOWN



DISCOUNT ENTERPRISES
13400 EAST "O" STREET
ADDRESS 252 NORTH 134TH ST
LARRY CHILESE ARCHITECTS
835 "S" STREET LINCOLN NE 68508

ZONING I-1 ZONING DISTRICT 3 MILE JURISDICTION
CHAPTER 27.06

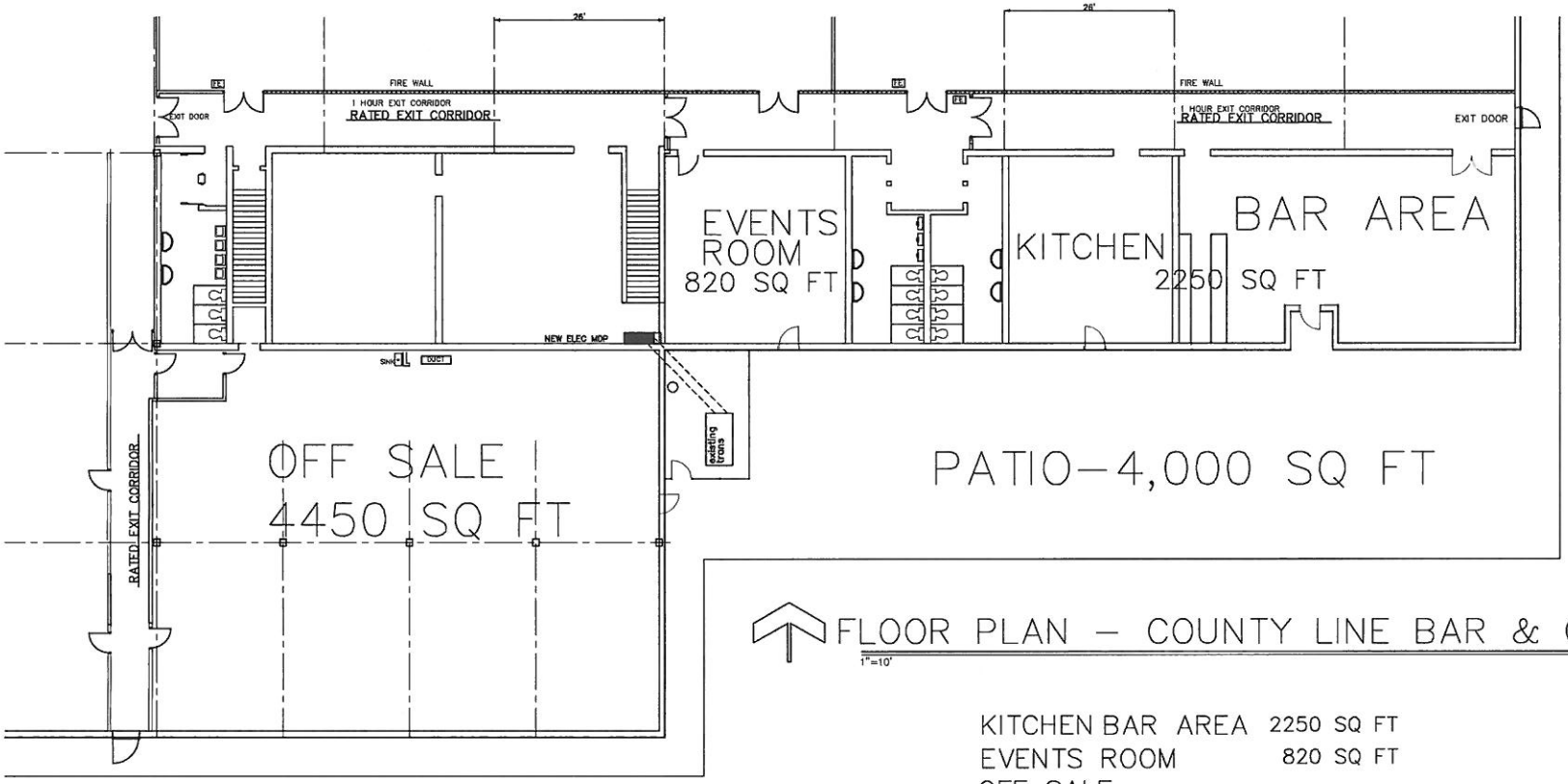
ZONING 1-1
PARKING 1-1000 139 REQD
328 SHOWN

REVISED 8/15/2016
LICENSED AREA REDUCED

DE GUNS LINCOLN NEBRASKA

LARRY A. CHILESE ARCHITECTS INC.
835 "S" STREET LINCOLN, NE. 68508 402-474-6885

DATE 8/13/2016
SHEET NUMBER A-1



FLOOR PLAN – COUNTY LINE BAR & GRILL

1"=10'

KITCHEN BAR AREA	2250 SQ FT
EVENTS ROOM	820 SQ FT
OFF SALE	4450 SQ FT
PATIO	4000 SQ FT
TOTAL	11,520 SQ FT

PARKING REQD @ 1/100=115 SPACES

COUNTY LINE BAR AND GRILLE

LARRY A. CHILESE ARCHITECTS INC.
835 "S" STREET LINCOLN, NE. 68508 402-474-6885

Date
6/15/2016

SHEET NUMBER
A-1

County Line Bar & Grill LLC Business Plan

The County Line Bar & Grill will occupy Suite 500 located at 252 N134th ST Lincoln, NE 68527. This Suite 500 Consists of 3 areas shown on the site plan.

The remaining parts of the building are currently used for retail and storage. The retail will bring lots of customers traveling from all over the state. A restaurant would be a perfect addition for the complex. The County Line Bar & Grill would offer a unique dining experience offering an out door view of the county. With the operating hours from 6 AM-1 AM Monday-Sunday the employees of the near by retail will have a place to eat anytime wile working. The off sale hours will be 9am – 9pm Monday-Sunday.

The County Line Bar & Grill will serve breakfast lunch and dinner 7 days a week and will offer the ultimate dining experience from simple quick menu choices to chef inspired cuisines. We want to offer something for everyone and adapt to what customers are asking for. In all of the dining areas we would like to offer hand crafted cocktails, wine to pair with dishes and beer. Not only would this establishment be an excellent addition to the complex it would be a great addition to the area!

Weather permitting out door dining would be available along with event gatherings for special occasions including weddings family reunions, graduations or any special occasion. The outdoor area would be on the southeast corner of the building.

The operation will start and open for business on the first floor and outdoors. Next the event room would be remodeled for use. The event room area would serve as a restaurant over flow and offer additional space or would be booked for special events. There is a very large demand for business meeting space and special event planning areas.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2016 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 16006

PROPOSAL: To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the proposed amendment to the *University Place Redevelopment Plan*. The area of amendment is located between N 44th and N 48th Streets, Huntington and Leighton Avenues.

LOCATION: N 48th Street and Leighton Avenue

LAND AREA: 10.56 acres, more or less

CONCLUSION: The redevelopment plan amendment is in conformance with the Comprehensive Plan.

RECOMMENDATION: In conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-3, UPC First Addition, Lincoln, Lancaster County, Nebraska

EXISTING ZONING: B-3 Commercial, R-6 Residential

EXISTING LAND USE: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Residential, Commercial	B-3 Commercial, R-6 Residential
South:	University of Nebraska East Campus	P Public
East:	Commercial	B-3 Commercial
West:	Residential	R-6 Residential

HISTORY:

October 1998 Redevelopment area declared blighted and substandard.

December 1998 *University Place Redevelopment Plan* approved.

January 2015 Hy-Vee Mainstreet grocery store closes.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The area is shown as commercial on the Future Land Use map.

p. 5.2 Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Encourage and provide incentives for mixed uses in future developments.

p. 5.16 Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.

p. 6.2 Mixed Use Redevelopment should:

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

Occur on sites supported by adequate road and utility capacity.

Be located and designed in a manner compatible with existing or planned land uses.

Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

p. 6.5 Intersection of N 48th Street and Leighton Avenue identified as primary node for mixed use redevelopment.

P. 6.6 Strategies for mixed use redevelopment nodes and corridors:

Should locate in areas where there is a predominance of commercial zoning and/or development, in proximity to planned or existing neighborhoods and community services, on at least one arterial street, with good access to transit, and in areas that minimize floodplain impact.

Strive for commercial floor area ratios of at least 0.5.

Strive for residential densities of at least seven dwelling units per gross acre (p. 6.7).

p. 6.10 Strategies for facilitating infill development:

Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs and public/private roles.

Work with state and local government to extend financial incentives to designated locations within the built environment.

Develop incentives to reduce the cost and risk of infill and redevelopment.

Support and enhance existing infrastructure and amenities (p. 6.11).

p. 7.9 Strategies for redevelopment in existing neighborhoods:

Encourage increased density of existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.

Encourage additional density of apartment complexes and special needs housing on open adjacent land uses.

ANALYSIS:

1. This is a request to amend the *University Place Redevelopment Plan* to add the 48th and Leighton Mixed Use Redevelopment Project. The purpose of this review is to determine conformity of the amendment with the Lincoln and Lancaster County 2040 Comprehensive Plan.

2. An application for the Leighton Mixed Use Planned Unit Development (PUD) (CZ #16024) is associated with this application. The PUD is consistent with the redevelopment activities outlined in the proposed *University Place Redevelopment Plan*. Analysis of the proposed PUD is within associated staff report.

3. The amended redevelopment area includes three underused parcels with existing surface parking lots and deteriorating structures. The area was declared blighted and substandard in October 1998.

4. The redevelopment project includes at least two phases. Phase One includes the construction of a new five-story building and new four-story building, and partial demolition of an existing building. The new buildings will include approximately 184 dwelling units and 28,000 square feet of commercial area. Phase Two details have not yet been determined.

5. Tax Increment Financing (TIF) will be utilized to fund some public improvements associated with this project. Approximately $4.35 million of TIF funding will leverage $30.65 million in private sector financing for Phase One of this project.

6. The Comprehensive Plan identifies this site as a primary node for mixed use redevelopment. This project meets several guiding principles of mixed use redevelopment identified in the Comprehensive Plan, including:

   Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure. The site is an existing shopping center that has been declared blighted and substandard.

   Occur on sites supported by adequate road and utility capacity. Utilities currently exist on site and the project is located at the intersection of two arterials.

   Be located and designed in a manner compatible with existing or planned land uses. The site has been a commercial use for several decades. The new buildings have been located to have a minimal impact on surrounding residential properties.

Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population. This project will provide multi-family dwellings in a mixed use setting that is unique to the neighborhood.

In addition, this project utilizes several strategies for mixed use redevelopment nodes identified in the Comprehensive Plan, including:

Be located in areas where there is a predominance of commercial zoning or development, and in proximity to planned or existing neighborhoods and community services. The site is primarily within an existing commercial district. It is adjacent to existing residential development, and the primary University Place commercial center is within short walking distrance.

Be located in areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment. The site is currently comprised of buildings and parking lots and is nearly completely impervious. This project will increase pervious pavement on the site and include storm water quality best practices to improve the quality of runoff from the site.

Strive for residential densities of at least seven dwelling units per gross acre within the buildable areas. With a proposed 184 dwelling units over 10.56 acres this project will have a residential density of approximately 17 units per acre.

7. The Comprehensive Plan notes that redevelopment nodes should provide services and retail goods oriented to the residents in and adjacent to the development, with significant pedestrian orientation and access. The site is located within an extensive sidewalk network. Pedestrian access is available from all directions and additional sidewalks adjacent to the site are being provided to enhance access. Several major destinations are within walking distance. The East Campus of University of Nebraska and Nebraska Wesleyan University are both located nearby, and the primary University Place commercial area is directly to the north along N 48th Street.

8. This redevelopment plan is in conformance with the Comprehensive Plan. It meets several goals/strategies of the Comprehensive Plan including utilizing investments in existing infrastructure, removing blighted conditions, and developing mixed use in a way that is compatible with the existing neighborhood. The Comprehensive Plan identifies the site as a commercial area appropriate for dwelling units/mixed use.

Prepared by:

Andrew Thierolf, Planner
441-6371, athierolf@lincoln.ne.gov

September 6, 2016

APPLICANT/ CONTACT: Wynn Hjermstad**,** 402-441-8211**,** whjermstad@lincoln.ne.gov
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508

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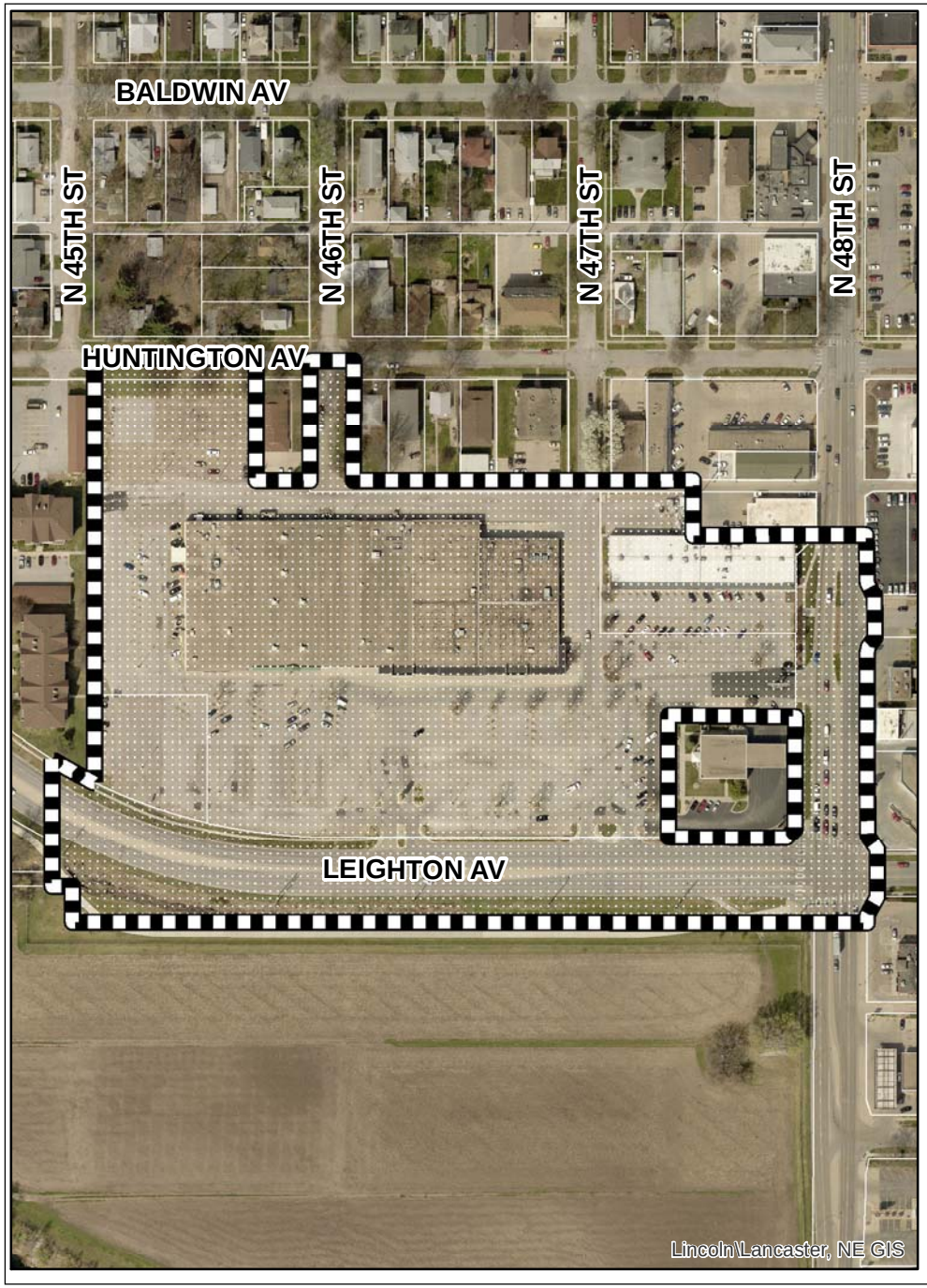

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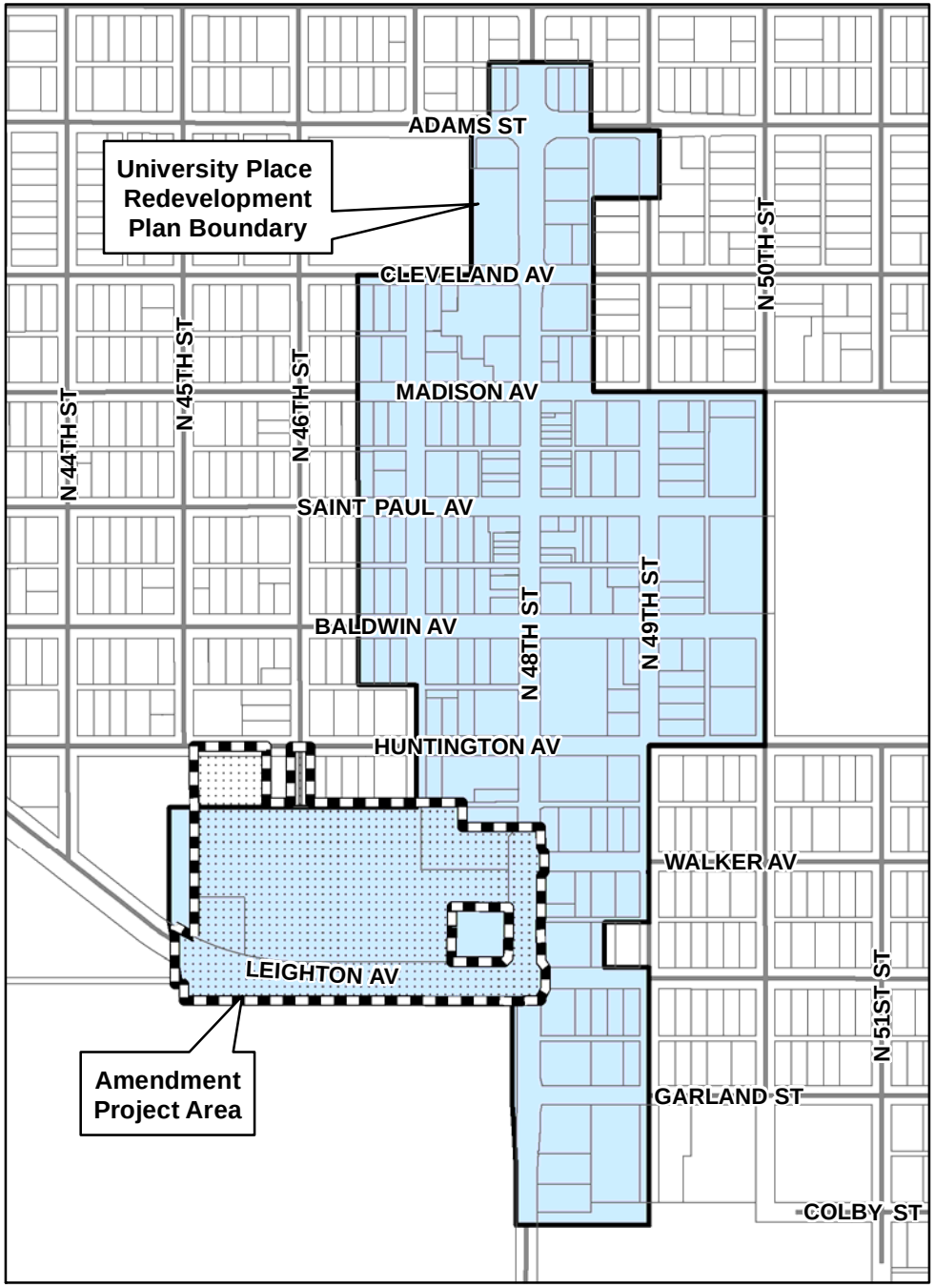

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Comprehensive Plan Conformance #16006

University Place Redevelopment Plan
S 48th & Leighton Mixed Use Project

- University Place Block68, Lot 6, commonly known as 4701 Madison Ave.
- Beecher's Sub Lots 1-6, commonly known as 2747 N. 48th Street
- University Place Block 68, Lot 3, commonly known as 4725 Madison Ave.
- Halls Addition to University Place, Lot 2
- University Place Block 95, the west ½ of Lot 4, and all of Lots 5 and 6

B. PRIVATE IMPROVEMENTS

The primary burden for revitalization of the Community Redevelopment area must be on the private sector. The City must provide public services,, perform public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do the job alone. Financing of proposed improvements will require participation by both the private and public sectors. To the extent that other funding sources can be identified, the plan attempts to reduce the private sector's costs for public improvements. Where appropriate, in designated areas, the City may participate through authorized legal mechanisms by providing financial assistance for the rehabilitation of structures. The development of new complexes and the reuse of existing structures will be the responsibility of private entrepreneurs.

C. COMMERCIAL DEVELOPMENT

Several locations have been identified as essential to redevelopment of N. 48th Street. These are areas where redevelopment activities will be highly visible and likely to stimulate additional redevelopment in the redevelopment area. Key locations for commercial redevelopment include:

2436 N. 48th St. (Northeast Printers Building)

Deteriorated commercial building to be demolished and replaced with mixed-use development. Project elements may include:

- Acquisition of 2436 N. 48th St: University Place Block 95, W ½ Lot 4 & all of Lots 5 and 6,
- Demolition of existing structure,
- Secure easements as needed,
- Relocate / upgrade utilities as needed,
- Pave and landscape driveways, approaches, and sidewalks outside property line and any off- street parking, and
- Re-plat and re-zone if required.

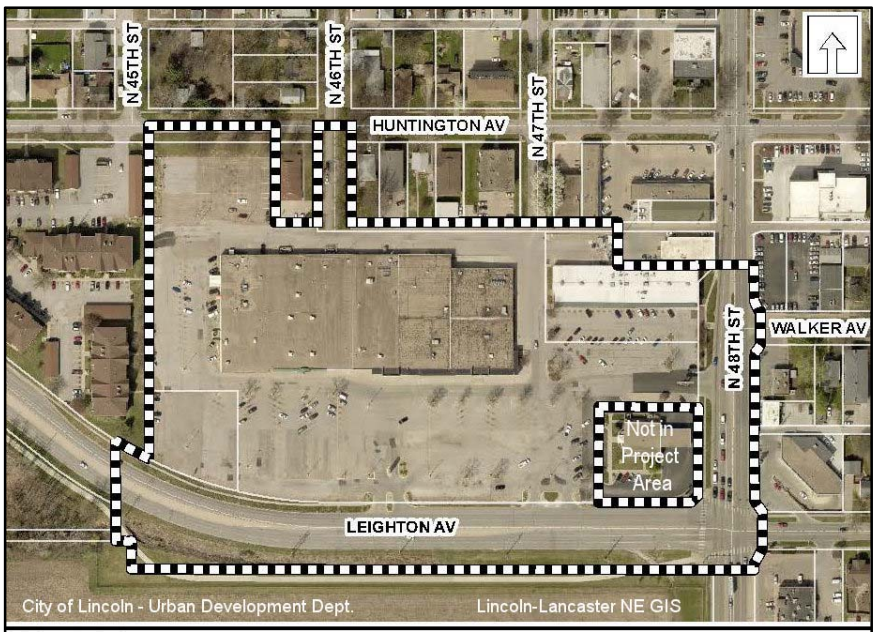
48th & Leighton Mixed-Use Redevelopment Project

1. *Project Description*

The 48th & Leighton Mixed-Use Redevelopment Project (the "Project") includes the redevelopment and rehabilitation of three underutilized parcels with existing surface parking lots and deteriorating structures into a mixed-use development including market-rate residential units and first floor commercial space. The project area is generally located between Huntington Avenue on the north, Leighton Avenue on the south, N. 44th Street on the west and N. 48th Street on the east.

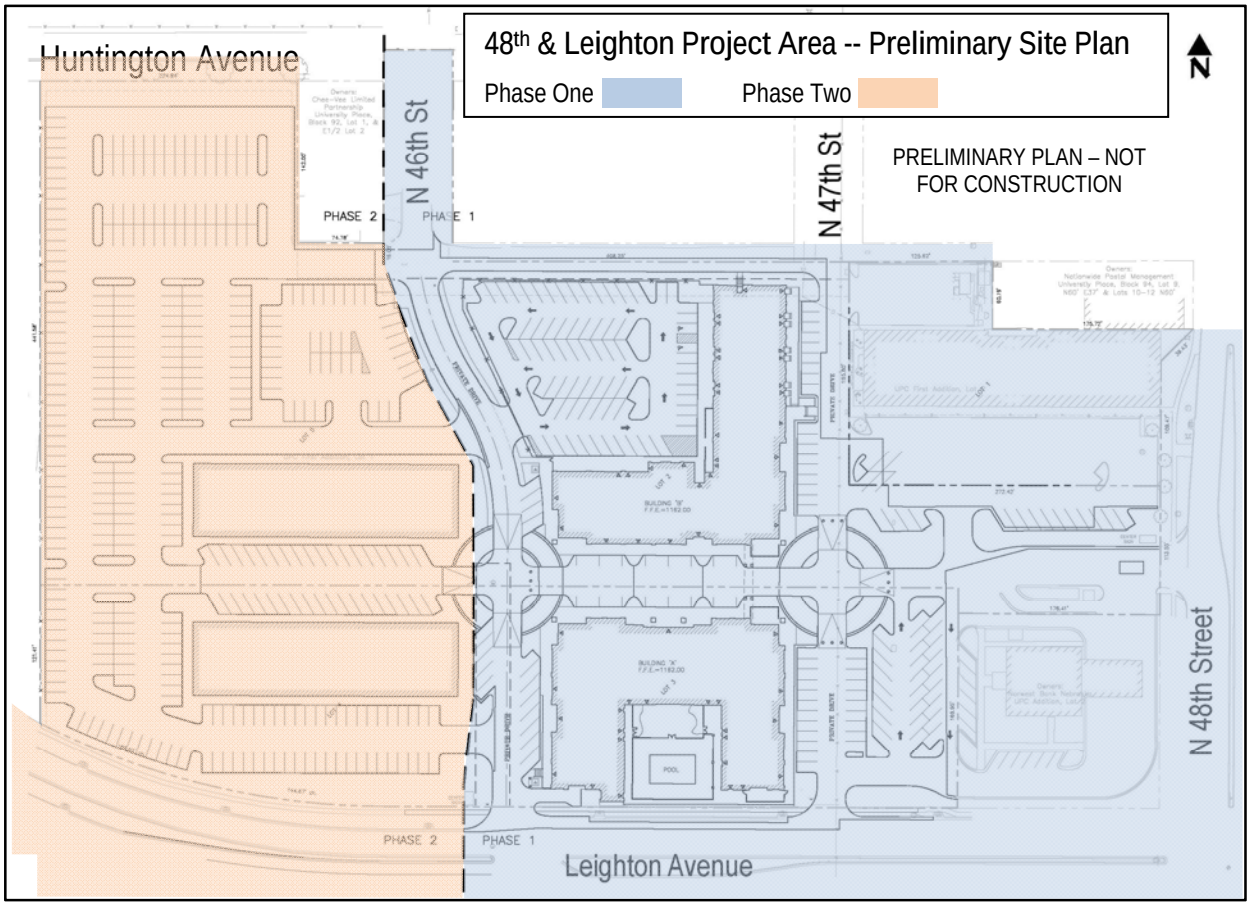
More specifically, the project area includes Lots 1, 2, and 3, UPC First Addition, Lincoln, Lancaster County, Nebraska. The Project area covers approximately 10.56 acres.

The Project consists of at least two phases. Phase One will consist of one (1) new five-story building and one (1) new four-story building, which will collectively contain approximately 184 market-rate residential units. The buildings will contain approximately 28,000 square feet of first floor commercial uses which may be retail and/or office. Phase One may also include the exterior renovation of an existing commercial building. Phase Two will likely consist of additional mixed-use buildings containing first floor commercial uses and market rate residential dwelling units. Depending on parking requirements, Phase Two may also contain a parking structure.

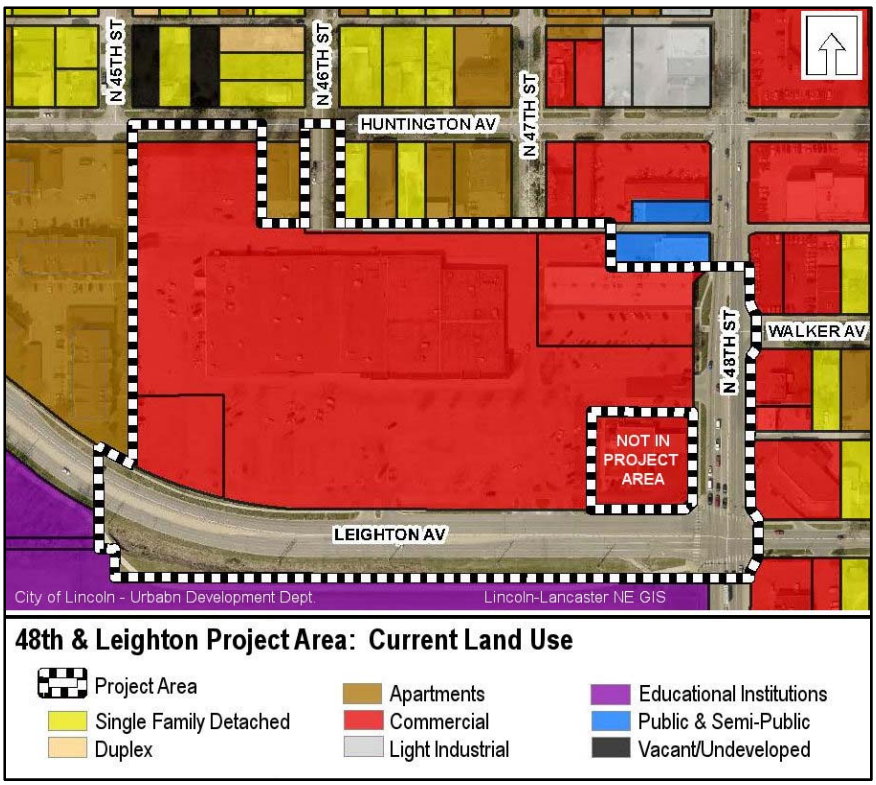


48th & Leighton Project Area - Boundaries

Project Area Boundaries

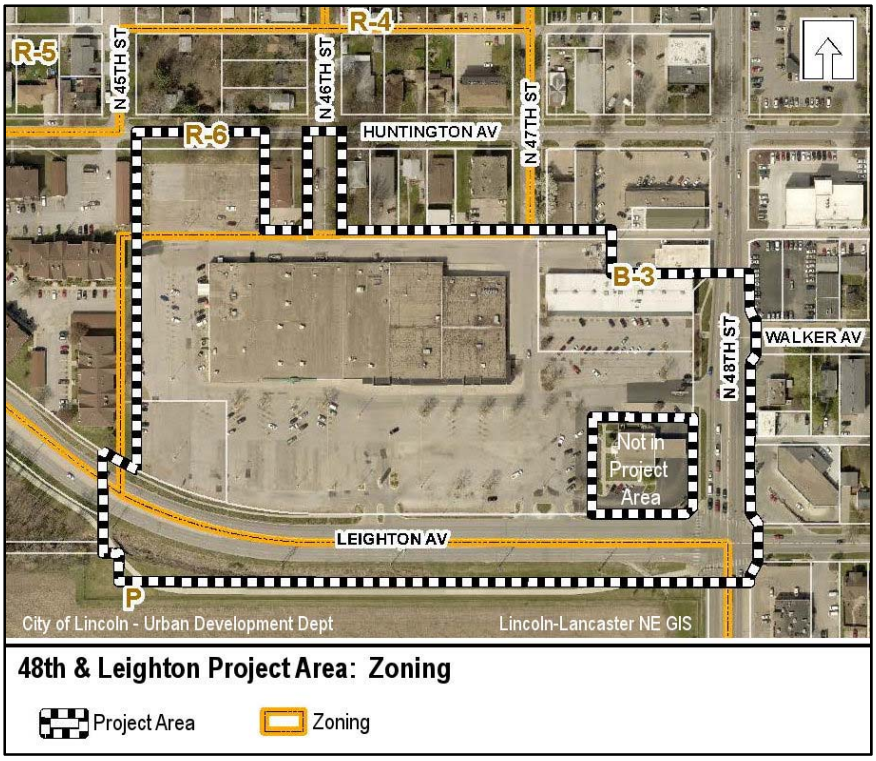


The goal of this Project is to strengthen the Lincoln community by providing in-fill residential dwelling units and commercial spaces through the redevelopment of existing underutilized and deteriorating property in northeast Lincoln. The Project will remove blighted and substandard conditions from an old shopping center and will make positive contributions to the continued revitalization of Lincoln's University Place neighborhood. The Project will increase the security and safety in the Redevelopment Area through the removal and redevelopment of blighted and substandard conditions.

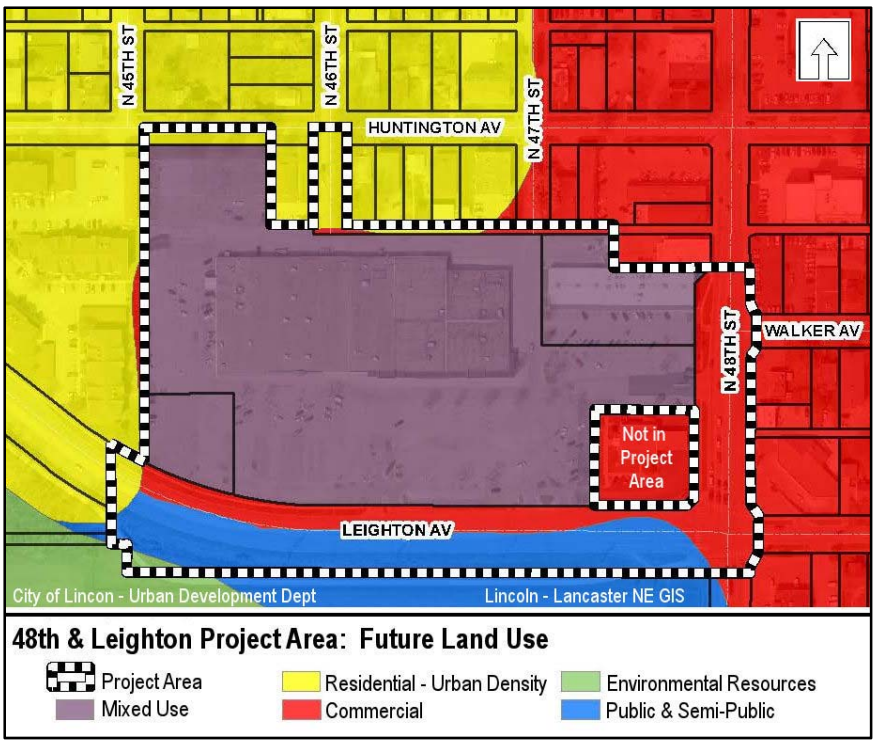


Existing land uses are commercial and vacant commercial. Surrounding land uses include residential, primarily multi-family west and north, and commercial to the east. The University of Nebraska East Campus is located to the south with their farm fields adjacent to Leighton Avenue. Nebraska Wesleyan University is located approximately three blocks northeast.

The entire project site is currently zoned B-3 Commercial District. This district provides for local commercial uses in a redeveloping neighborhood generally located in established retail centers of those neighborhoods. Surrounding the Project site is R-6 Residential District to the west and north which is intended to



provide moderately high residential density between 11 and 14 dwelling units per acre. Zoning to the east and northeast is B-3, and the University of Lincoln East Campus is zoned Public.



The Project is consistent with the goals of the *University Place Redevelopment Plan* and is intended to support private sector residential and commercial development in this redevelopment area. The Project is also consistent with *LPlan 2040*, the *Lincoln-Lancaster County 2040 Comprehensive Plan*. Guiding principles in Chapter 6, Mixed Use Redevelopment, include targeting existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure; and encouraging residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes. *LPlan 2040* identifies the Project area as a node. Further, the Project will increase residential density, an additional goal of *LPlan 2040*.

The Project represents significant private investment in the University Place Redevelopment Area. Publicly funded redevelopment activities may include site acquisition, site preparation, streetscape and other public area enhancements, energy efficiency improvements, façade enhancements, and other public improvements in the project area.

Birdseye view of Phase One of the 48th & Leighton redevelopment project, from the southeast

2. *Statutory Elements*

- *Property Acquisition, Demolition, and Disposal:* The proposed redeveloper currently controls the entire project area. Demolition will include clearing structures on the property, including any required environmental remediation and any necessary capping, removal or replacement of utilities and site preparation. The Site will involve significant preparation costs to comply with existing floodplain management issues.
- *Population Density:* The Project will have an impact on and will increase the project area's population density, as Phase One alone will likely replace the existing commercial uses with approximately 184 market rate residential dwelling units and 28,000 square feet of commercial/office uses.
- *Land Coverage:* Land coverage and building density will be altered with construction of the Project. Phase One will construct two (2) buildings holding approximately 28,000 square feet of commercial and/or office uses and approximately 184 market rate residential dwelling units. Additionally, Phase Two will likely construct additional mixed-use buildings. However, the Project's overall land coverage will decrease from approximately 96% impervious to 87% impervious surface. The project site will be re-platted based on the design and phasing of the Project.
- *Traffic Flow, Street Layouts, and Street Grades:* The Project is not likely to result in a significant increase in traffic and does not include vacating any streets or alleys. However, the Project does include the construction of a private drive running north from Leighton Avenue to the existing N. 46th Street.
- *Parking:* The Project will meet the requirements for parking as each phase is developed.
- *Zoning, Building Code, and Ordinances:* As a part of the Project, the project area will be rezoned to a B-3 Commercial District with a Planned Unit Development overlay, which will allow for the proposed residential, first-floor commercial, and office uses. The Project will require that the project area be re-platted. All applicable building codes will be met.

3. *Financing and Cost Benefit Analysis*

The estimated total cost to implement Phase One of the Project is approximately $35,000,000.00, which includes approximately $4,350,000.00 in public financing. The project cost will be finalized as construction costs are firmed up. The source of the public funds for these improvements will be Community Improvement Financing (more commonly known as Tax Increment Financing) generated from the private developments within the project area.

Funding sources and uses will be negotiated as part of the redevelopment agreement, subject to approval by the Mayor and City Council.

As required by Nebraska Community Development Law (Neb. Rev. Stat. §18-2113), the City has analyzed the costs and benefits of the proposed Project including:

- *Public Tax Revenues*

Tax Increment Financing Analysis

48th & Leighton Mixed Use Redevelopment Project—Phase One		Amount
Base Value		$3,550,000
Estimated New Assessed Value		$24,365,000
Increment Value	= *New Assessed Value - Base Assessed Value*	$20,815,000
Annual TIF Generated (Estimated)	= *Increment x 0.02027922 (2015 Tax Rate)*	$422,112
Funds Available	= *Annual TIF Generated x 14 years @ 4.5%*	**$4,350,000**

Upon completion of the Project's Phase One, the assessed value of the property within the Project Area will increase by an estimated $20,815,000 as a result of the private investment. This will result in an estimated annual property tax collections increase during the fourteen (14) year TIF period of approximately $422,112 that will be available for the construction of public improvements related to the Project. The public investment of a currently projected $4,350,000 in TIF funds will leverage approximately $30,650,000 in private sector financing for Phase One, resulting in a private investment of approximately $7.05 for every TIF dollar spent.

The Urban Development Department believes that the public improvements and enhancements proposed in this plan amendment would not occur "but for" the Tax Increment Financing generated by private redevelopment within the project area. Project improvements would not be achievable to the extent shown without TIF, as the site conditions constitute barriers which could not be remedied without the use of tax increment financing.

Public investment may assist in site acquisition, demolition, and site preparation; design and construction of utility improvements; design and construction of streetscape and right-of-way improvements; façade enhancements; energy enhancements; and other public improvements and enhancements allowed under the Community Development Law.

- *Public Infrastructure and Community Public Service Needs Impacts:* It is not anticipated that the Project will have an adverse impact on existing public infrastructure. The Project entails the capture of the incremental tax revenues for eligible public purposes including, but not limited to site acquisition, site preparation, façade enhancements, streetscape and public area enhancements, and other eligible improvements. The Project will also encourage private investment in the University Place Redevelopment Area and will increase security and safety in the area by the removal of certain blighted and substandard areas that are conducive to such problems.

  It is not anticipated that the Project will have any adverse impact on City services, but will generate additional revenue providing support for those services.

- *Employment within the Project Area:* It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will add mixed uses to a site that previously held existing and vacated commercial uses. Additionally, the proposed commercial spaces are a positive benefit for firms locating or expanding in the area. Further, additional housing opportunities should positively affect employers and employees in the area.

- *Employment in the City outside the Project Area:* Approximately 142,161 persons living in the City of Lincoln are employed, according to the 2010-2014 American Community Survey. The median household income for the City between 2010 and 2014 was $49,794. While the impact of this project on city-wide employment would be minimal, a strong residential presence and available commercial spaces are essential to the attraction, retention, and expansion of retail and commercial services and employment. The Project should increase the need for services and products from existing businesses in and around the Redevelopment Area.

CITY OF LINCOLN NEBRASKA

Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

August 17, 2016

David Cary, Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th
Lincoln, NE 68508

Dear David:

Enclosed is an amendment to the *University Place Redevelopment Plan* that identifies the 48th & Leighton Mixed-Use Redevelopment Project. This two-phased project is located between Huntington and Leighton Avenues, N. 44th and N. 48th Streets. The site is approximately 10.56 acres. The first phase of the project includes construction of two new buildings with approximately 28,000 square feet of ground floor commercial and 184 market-rate residential units. Phase Two will likely consist of additional mixed-uses.

Please forward the Plan to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Plan should be on the September 14, 2016 agenda.

If you have questions or need additional information, please contact me at 402-441-8211 or whjermstad@lincoln.ne.gov. Thank you.

Sincerely,

Wynn S. Hjermstad

Wynn S. Hjermstad, AICP
Community Development Manager

Cc: David Landis, Director, Urban Development Department

enc.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 14, 2016 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 16024 - Planned Unit Development (PUD)

PROPOSAL: From B-3 Commercial and R-6 Residential to B-3 PUD

LOCATION: Northwest of intersection of N 48th Street and Leighton Avenue, generally bounded by N 44th and N 48th Streets, Leighton and Huntington Avenues

LAND AREA: 10.56, more or less

EXISTING ZONING: B-3 Commercial, R-6 Residential

CONCLUSION: This redevelopment project would convert an underutilized and deteriorating shopping center into a mixed use node containing urban density residential and commercial uses. The project will revitalize a significant commercial area within the University Place neighborhood and is in conformance with the Comprehensive Plan's guidance for redevelopment nodes.

RECOMMENDATION:	Conditional Approval
Waivers:	
26.11.040	
Storm Water Detention	Approval
27.62.040(a)	
Allow residential uses on the first floor in the B-3 district	Approval
27.72	
Establish new building setbacks	Conditional Approval
27.72.030(a)	
Increase maximum building height from 45 feet to 75 feet	Conditional Approval
27.67.040	
Parking for all commercial uses one stall per 600 square feet	Approval
Design Standards, Section 7.3, Chapter 3.50	
Screening for multiple family dwellings in Phase One	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE: Commercial, Vacant

SURROUNDING LAND USE AND ZONING:

North:	Residential, Commercial	B-3 Commercial, R-6 Residential
South:	University of Nebraska East Campus	P Public
East:	Commercial	B-3 Commercial
West:	Residential	R-6 Residential

ASSOCIATED APPLICATIONS:

Comprehensive Plan Conformance No. 16006 for amendment to the *University Place Redevelopment Plan*.

HISTORY:

September 1962	Ordinance 7882 approved to vacate portions of N 46th Street and N 47th Street located within site.
May 1964	Building permit issued for primary shopping center structure that currently exists on site.
	Special Permit No. 280 approved for parking lot in northwest corner of site.
March 1982	Street and Alley Vacation No. 82012 approved to vacate N 45th Street along the western border of the site.
November 1986	Change of Zone No. 2290 from B-3 Commercial to R-6 Residential for two blocks along Huntington Avenue between N 45th and N 47th Streets. This change of zone created the existing R-6 district in the northwest area of the proposed PUD.
January 1990	Administrative Final Plat No. 89212 for UPC 1st Addition approved to create lot layout currently found on site.
January 1998	Special Permit No. 1710 approved for on-sale alcoholic beverages at restaurant in northeast corner of site.
October 1998	Site declared blighted and substandard.

October 2000	Special Permit No. 1866 approved for an 85-foot wireless service tower on the northeast corner of the site. The special permit was subsequently amended in 2005 to increase the height to 98 feet and in 2006 to revise the fall zone to the north property line.
February 2005	Special Permit No. 04065 approved for on-sale alcoholic beverages at outdoor patio located on western end of the existing shopping center.
January 2015	Hy-Vee Mainstreet grocery store closes.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The area is shown as commercial on the Future Land Use map.

p. 5.2 Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Encourage and provide incentives for mixed uses in future developments.

p. 5.16 Encourage efforts to find new uses for abandoned, under-utilized or “brownfield” sites that are contaminated, through redevelopment and environmental mitigation.

p. 6.2 Mixed Use Redevelopment should:

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

Occur on sites supported by adequate road and utility capacity.

Be located and designed in a manner compatible with existing or planned land uses.

Provide a diversity of housing types and choices throughout each neighborhood for an increasingly diverse population.

p. 6.5 Intersection of N 48th Street and Leighton Avenue identified as primary node for mixed use redevelopment..

P. 6.6 Strategies for mixed use redevelopment nodes and corridors:

Should locate in areas where there is a predominance of commercial zoning and/or development, in proximity to planned or existing neighborhoods and community services, on at least one arterial street, with good access to transit, and in areas that minimize floodplain impact.

Strive for commercial floor area ratios of at least 0.5.

Strive for residential densities of at least seven dwelling units per gross acre (p. 6.7)

p. 6.10 Strategies for facilitating infill development:

Develop subarea plans for specific areas that set a framework for development, including advance blight studies, redevelopment plans, identification of infrastructure needs and public/private roles.

Work with state and local government to extend financial incentives to designated locations within the built environment.

Develop incentives to reduce the cost and risk of infill and redevelopment.

Support and enhance existing infrastructure and amenities (p. 6.11).

p. 7.9 Strategies for redevelopment in existing neighborhoods:

Encourage increased density of existing apartment complexes and special needs housing where there is land available for additional buildings or expansions.

Encourage additional density of apartment complexes and special needs housing on open adjacent land uses.

UTILITIES: All utilities are currently available on site.

TRAFFIC ANALYSIS: The site is located at the intersection of two arterials, N 48th Street and Leighton Avenue.

PUBLIC SERVICE: The site is adjacent to the N 48th Street bus route shown in the Transit Development Plan approved April 2016.

AESTHETIC CONSIDERATIONS:

The project is scheduled to be reviewed at Urban Design Committee on September 13. Conditions related to building design will be included as part of the redevelopment agreement.

ANALYSIS:

1. This proposal is to redevelop an existing shopping center into a mixed use node with residential and commercial components. The project includes at least two phases. Phase One includes the construction of two new buildings and partial demolition of an existing building. Phase Two details have not yet been determined.

2. A portion of the existing structure that formerly contained a Hy-Vee Mainstreet grocery store along with an adjacent commercial bay is proposed to be demolished. The portion of the building containing Salvation Army, Family Dollar, and Risky's Sports Bar and Grill is proposed to remain in Phase One and may be demolished in a future phase. The strip commercial center on the east end of the site is proposed to remain and may receive a facade rehabilitation in a future phase. The bank on the southeast corner of the site is not included in the project area.

3. This proposal includes two new buildings to be constructed on the site of the former grocery store and adjacent parking lot. The proposed building to the south is 5 stories and approximately 71 feet tall, and the building to the north is four stories and approximately 59 feet tall. The buildings will include approximately 184 dwelling units and 28,000 square feet of ground floor commercial. A potential office user is also considering the site, which could mean a reduction in the number of dwelling units to accommodate approximately 30,000 square feet of office space.

   In addition to the new structures in Phase One, the project will include internal drives, sidewalks, parking, and public gathering space. The gathering space is intended for neighborhood events such as the University Place Farmers Market, which is currently held on site in the former grocery store parking lot.

4. The proposed development is in conformance with several strategies outlined in the Comprehensive Plan for mixed use redevelopment nodes. These strategies include orienting buildings to the street, having a vertical mix of residential and commercial use types, and establishing an internal street network with substantial connectivity to surrounding neighborhoods. Figure 6.3 from the Comprehensive Plan (attached) shows that the proposed development meets the criteria for the "Preferred" infill option.

5. Residential uses are located adjacent to the site on the north and west. Six residential structures are located directly to the north: four multi-family structures and two single family structures. The area is in the R-6 zoning district, meaning the single family structures could someday be converted to multi-family. Five of the structures are separated from the proposed PUD by an alley. All of the existing residential structures are oriented to the north, away from the PUD; the nearest single family structure is 90 feet from the proposed PUD boundary and the nearest multi-family structure is 60 feet from the PUD boundary. The rear yards of the five multi-family structures adjacent to the PUD are all utilized as parking.

The alley located north of the site is utilized to access several of the adjacent residential properties. The proposed parking lot within the PUD will not take access directly from the alley, and given the proposed circulation system within the site it is unlikely that traffic along the alley will substantially increase.

An apartment complex is adjacent west of the site. The nearest structures are approximately 30 feet from the PUD boundary. Redevelopment of the PUD site adjacent to the apartment complex is not included in Phase One.

6. Requested waivers:

26.11.040 - Storm Water Detention. The existing site is almost completely impervious with commercial structures and parking lot. This project will increase the amount of pervious area and decrease the amount of storm water runoff from the site. Watershed Management has reviewed the waiver request and recommends approval.

27.62.040(a) - Allow residential uses on the first floor in the B-3 district. The north building has 13 proposed two story lofts with exterior entrances on the ground floor. This loft concept will add to the diverse housing options in the University Place neighborhood. A majority of first floor uses in the PUD will remain commercial.

27.72 - Establish new building setbacks. The existing site has a unique configuration with three front yards, and the future final plat required for approval of this application will further alter lot lines. Due to these circumstances it is difficult to conclusively state the building setbacks per the B-3 district. This proposed PUD will establish new setbacks for the site through building envelopes.

Building envelopes shall approximate the location of buildings in Phase One. The north building envelope shall be no closer than 19 feet from the north property line, which would place the building no closer than 35 feet from the existing residential parcel to the north and 79 feet from the nearest structure. The south building envelope may be zero feet from the south property line. This is the standard front yard in the B-3 district, is along an arterial street, and is consistent with the desired urban character of mixed use redevelopment nodes.

It is difficult to establish building envelopes for future phases since building location has not been determined. Building envelopes in future phases will be established by Administrative Amendment and at a minimum will meet the requirements of the B-3 district.

Redeveloped parking stalls on the site plan shall have a minimum 8-foot setback from all exterior property lines to allow for car overhang and landscaping, except for the parking area along Huntington Avenue, which is required to have a minimum 20-foot setback along its north side to maintain the existing buffer from nearby residential uses.

27.72.030(a) - Increase maximum building height from 45 feet to 75 feet. Proposed height is 71 feet for the south building and 59 feet for the north building. The Comprehensive Plan identifies this site as a primary redevelopment node with 200 to 500 dwelling units. The increased height will help the site eventually achieve the desired density identified in the Comprehensive Plan.

The plan shall be revised to show a height of 60 feet for the north building envelope and 75 feet for the south building envelope. The applicant provided a shadow study of the proposed north building and its impact on adjacent residential properties to the north. During peak times shadows may intrude into the rear yard of some residential properties, but no residential structures are directly impacted by shadows.

With future phases the height shall not exceed 75 feet. Building envelopes and specific heights will be determined by Administrative Amendment.

27.67.040 - Parking for all commercial uses one stall per 600 square feet. Commercial parking for the B-3 district is one stall per 600 square feet; however, some uses such as restaurants have more restrictive requirements. This waiver allows flexibility in tenant occupancy for the potential commercial areas. The residential and commercial uses are likely to have some amount of non-concurrent parking demand, which helps reduce the overall demand for parking.

Design Standards, Section 7.3, Chapter 3.50 - Screening for multiple family dwellings in Phase One. The Design Standards for Screening and Landscaping require vertical screening for multi-family dwellings. That type of screening is not appropriate for mixed use buildings such as these because it would significantly impact visibility of the first floor commercial uses. The nearest adjacent uses are multi-family to the west and a mix of multi-family and single family to the north. Screening multi-family uses from each other provides little benefit. The adjacent single family structures are across an alley, over 100 feet from the nearest proposed building, and located in the R-6 district which would allow for future conversion to multi-family. Screening for future phases will be reviewed at time of building permit and may be waived administratively. Parking lot screening is still required and will be reviewed at time of building permit.

7. The PUD includes no maximum floor area for specific uses. Floor area and number of dwelling units will be determined by available parking. This will provide flexibility with tenant mix as the site develops. The existing B-3 commercial center has no floor area cap with limits determined by available parking.

8. Per 28.03.060(c) the Director can approve storm water quality best management practices to be utilized in lieu of storm water detention to meet water quality standards. The applicant is proposing to meet water quality standards by installing roof drain and area inlet filters. The filters would capture and remove sediment from the two proposed buildings and new pavement. Approximately 50 percent of storm water runoff from the site will be treated, while only 45 percent of the site is being disturbed. Watershed Management has reviewed the request and recommends approval subject to review of a plan showing locations of roof drain and area inlet filters, along with details for the filters. In addition, a maintenance agreement must be approved and filed with the final plat for this site.

9. The Comprehensive Plan notes that redevelopment nodes should have significant pedestrian orientation and access. This site is surrounded by an extensive pre-existing sidewalk network; however, there are two missing sidewalk connections that should be provided with this project. The south side of Huntington Avenue bordering the site currently has no sidewalk. This is the only missing segment along the south side of Huntington Avenue. Additionally, a 140-foot segment of N 46th Street that enters the site does not have a sidewalk. N 46th Street turns into a private drive with sidewalks once it enters the site. The site's internal sidewalk network provides pedestrian access to all facilities. Sidewalks along Huntington Avenue and N 46th Street will be included in the redevelopment agreement.

10. Alcohol sales is allowed by Special Permit in the B-3 zoning district. This PUD would allow alcohol sales for consumption on or off the premises without an additional Special Permit provided the use can meet the Special Permit conditions. The primary conditions with alcohol Special Permits are that the use must be at least 100 feet from a residential district or first-floor residential use, access doors within 150 feet cannot face a residential district, and no amplified sound associated with the use can be within 150 feet of a residential district. Residential uses within the PUD are excluded from this separation requirement, but alcohol sales would need to meet separation requirements from the residential districts north and west of the site.

11. A portion of the proposed B-3 PUD is currently in the R-6 zoning district and is being utilized as a parking lot. That area is not included in Phase One of the project. Since the R-6 area is adjacent to residential uses on three sides, the PUD should include restrictions that limit the area's use to a parking lot or other use permitted by right in the R-6 district.

12. A request for deviation from the Access Management Policy has been approved by the Public Works and Utilities Department. The request is reviewed separately from this PUD application and involved two items:

    Waive the requirement for a right turn lane from N 48th Street into the site.

    Waive minimum separation distance for access point along Leighton Avenue approximately 250 feet from the intersection with N 48th Street.

    Both of these deviations reflect existing conditions and allow for the continued use of current access points.

13. A 98-foot wireless service tower is located on the northeast corner of the site. All proposed buildings are outside the designated fall zone.

14. The applicant has scheduled a neighborhood meeting for September 7. In addition, the applicant has met with the University Place Community Organization (UPCO) board and neighboring property owners.

CONDITIONS OF APPROVAL:

This approval permits a mixed use development containing residential and commercial uses, including the sale of alcohol both on and off the premises provided the conditions of 27.63.680 and 27.63.685 are met but excluding residential uses within the PUD, with associated waivers.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Comprehensive Plan Conformance No. 16006

2. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **4** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

2.1 Remove side, front, and rear setback lines and add building envelopes with dimensions from property lines. Building envelopes for Phase One shall roughly approximate building footprint shown on plan. The north building envelope shall be no closer than 19 feet from the north property line. The south building envelope may be zero feet from the south property line.

2.2 Revise note regarding height to show maximum height of north building envelope at 60 feet and maximum height of south building envelope at 75 feet.

2.3 Add note that building envelopes, site plans, and height for future phases will be established through Administrative Amendment to the satisfaction of the Planning Director, and height shall not exceed 75 feet.

2.4 Add the following waivers

Parking for all commercial uses one stall per 600 square feet (LMC 27.67.040)

Screening for multiple family dwellings in Phase One (Design Standards, Section 7.3, Chapter 3.50)

2.5 For Waiver 3 remove reference “and any accessory”.

2.6 Remove Waiver 2. Per 28.03.060(c) the Director may approve the use of best management practices in lieu of detention to address storm water quality.

2.7 Show on site plan the area that is being re-zoned from R-6 to B-3 PUD, and add note that only parking and uses permitted by right in the R-6 district are permitted in that area.

2.8 Show new and existing sidewalk along Huntington Avenue and N 46th Street. New sidewalk is required north of the existing parking lot along Huntington Avenue and on one side of N 46th Street.

2.9 Add to Note 3:

“Street trees will be provided along Leighton Avenue, Huntington Avenue, and N 48th Street. Within any redeveloped parking area there shall be a minimum 8-foot green space for car overhang and landscaping. The redeveloped parking along Huntington Avenue shall have a minimum 20-foot green space.”

2.10 Add to Note 9:

"Prior to Phase Two redevelopment of the PUD site, grading and drainage plans will be revised by Administrative Amendment to the satisfaction of the Planning Director."

2.11 Add note that buildings may be constructed anywhere within building envelope.

2.12 Change zoning ordinance reference in Note 11 to 27.63.680 and 27.63.685.

2.13 Move the Miscellaneous Notes section to General Notes.

2.14 Move the legend to Sheet 1 and delete Sheet 3 as it doesn't provide any additional information.

3. Before a final plat is approved:

3.1 Provide storm water quality plan showing location of roof drain and inlet filters, with filter details, to the satisfaction of Watershed Management.

3.2 Provide maintenance agreement for storm water quality features to the satisfaction of Watershed Management. The agreement can be filed with the final plat.

4. Before receiving building permits:

4.1 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

4.2 The final plat shall be approved by the City. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development 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 planned unit development as originally approved does not comply with the amended rules and regulations.

Standard Conditions:

5. The following conditions are applicable to all requests:

   5.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.

   5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

   5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, 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 therefore 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 ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

Prepared by:

Andrew Thierolf, Planner
441-6371, athierolf@lincoln.ne.gov

September 6, 2016

APPLICANT/ OWNER: Leighton Ave. Shopping Center LLC
PO Box 428
Omaha, NE 68010

CONTACT: Nathaniel Burnett
REGA Engineering Group, Inc
601 Old Cheney Road, Suite A
Lincoln, NE 68512

F:\DevReview\CZ\16000\CZ16024 Leighton Mixed Use.adt.wpd

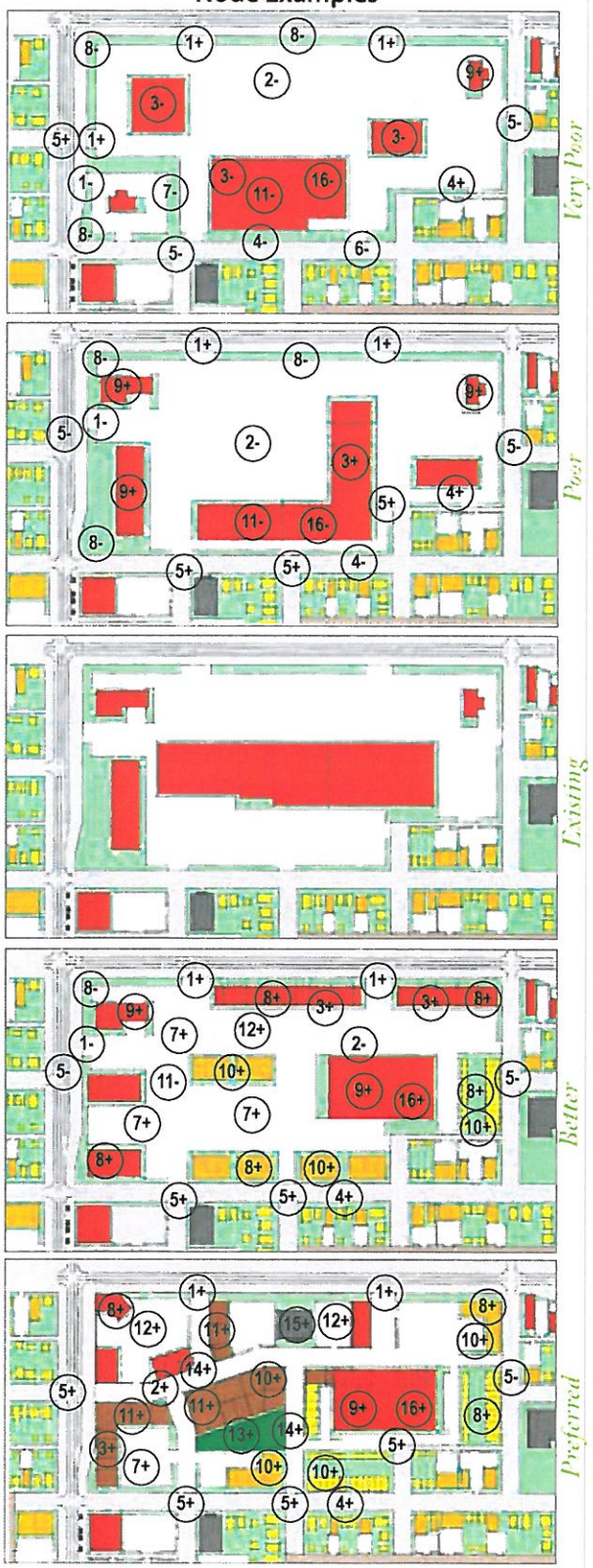
Figure 6.3: Detailed Strategies for Mixed Use Redevelopment Nodes and Corridors (pages 6.8 and 6.9)

A "+" sign next to the number means the example illustrates the strategy; a "-" sign means the example does not.

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street.
2. Encourage a higher Floor Area Ratio for commercial redevelopment.
3. Encourage a wide variety of commercial tenants.
4. Face existing residential uses with new residential uses rather than the backs of buildings, unless existing residential faces the opposite direction such as along an alley.
5. Align commercial driveways with existing streets where possible.
6. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
7. Encourage shared driveways and interconnected parking lots where possible.
8. Orient buildings to the street, especially corners
9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.
10. Incorporate a variety of residential use types such as rowhouses, apartment buildings, apartments in mixed use buildings, live-work units, and special needs housing. These buildings could also serve as a transition to the existing neighborhood.
11. Encourage a vertical mix of residential and commercial use types.
12. Encourage shared parking between land uses with different peak demand periods.
13. Create public/semi-public green or open spaces such as parks, plazas, or community gardens.
14. Establish or re-establish an internal public or private street network within the node that has substantial connectivity to adjacent neighborhoods.
15. Encourage public/semi-public uses.
16. Encourage supermarkets or specialty grocery stores to locate within nodes.

- Single-Family/Duplexes/Rowhouses/Garages
- Multi-Family/Assisted Living
- Residential/Commercial Mixed Use
- Commercial Uses
- Industrial Uses
- Public/Semi-Public Buildings
- Green Space/Natural Resources
- Other Open Space
- Public Right of Way: includes sidewalks, street trees, on-street parking, and street paving
- Parking Lots
- On-Street Parking Examples
- Arterial Streets

Node Examples



Note: General ratings for drawings on page 6.9.

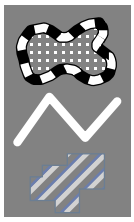
2016 aerial

Change of Zone #: CZ16024
Leighton Mixeed Use PUD
N 48th St & Leighton Ave

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

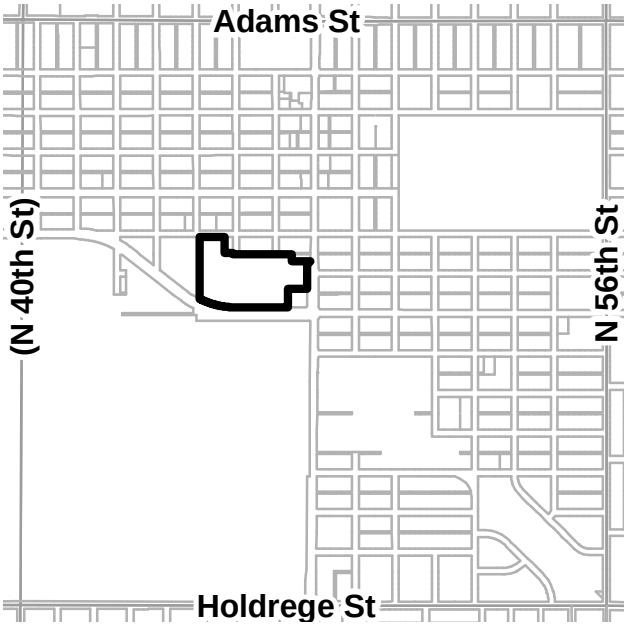
One Square Mile:
Sec.17 T10N R07E



Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ16024)

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
LINCOLN, NEBRASKA

GENERAL NOTES

1. THE PROPERTY INCLUDED WITHIN THE LIMITS OF THE PLANNED UNIT DEVELOPMENT CONSISTS OF 10.56 ACRES.
2. THE REQUIREMENTS OF LINCOLN MUNICIPAL CODE APPLY EXCEPT AS SPECIFICALLY AMENDED BY THIS PUD'S DEVELOPMENT PLAN AS CONTAINED ON THE SITE PLAN, GENERAL AND SITE NOTES.
3. LANDSCAPING SHALL COMPLY TO THE CITY OF LINCOLN DESIGN STANDARDS. LANDSCAPING AND SCREENING PLANS SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
4. ALL LOT LINES ARE CONCEPTUAL AND MAY VARY AT TIME OF FINAL PLATS.
5. COMMON ACCESS EASEMENTS WILL BE PROVIDED OVER PRIVATE DRIVES AND SIDEWALKS. ALL PARKING WITH THE PUD WILL BE SHARED.
6. THIS PUD PERMITS A TOTAL OF 3 CENTER SIGNS WHICH MEET THE ZONING STANDARDS AS PER THE UNDERLYING DISTRICT. ALL OTHER PERMITTED SIGNS ARE NOT REQUIRED TO BE SHOWN ON THIS PUD.
7. ALL PERMITTED, CONDITIONAL, AND SPECIAL USES WITHIN B-3 ZONING ARE ALLOWED.
8. PARKING REQUIREMENTS ARE 1 SPACE PER DWELLING UNIT. ALL OTHER USES SHALL HAVE PARKING REQUIREMENTS OF 1 STALL PER 600 SQUARE FEET. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.
9. THE FLOOR AREAS THAT ARE SHOWN ON THE SITE PLAN ARE APPROXIMATED AND MAY VARY AT THE TIME OF BUILDING PERMITS. THE TOTAL BUILDABLE FLOOR AREA IS ONLY LIMITED BY TOTAL REQUIRED PARKING WITHIN THE PUD LIMITS.
10. A PUBLIC GATHERING SPACE WILL BE PROVIDED BUT NOT SPECIFICALLY SHOWN ON THE SITE PLAN.
11. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF PREMISES IS PERMITTED IN THE B-3 ZONING PROVIDED IT MEETS THE REQUIREMENTS OF 27.33.030, EXCEPT THERE IS NO SPACING REQUIRED TO RESIDENTIAL USES LOCATED WITH THE PUD.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANNED UNIT DEVELOPMENT DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF SUBDIVISION APPROVAL, THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS AS THEY APPLY TO THIS PLANNED UNIT DEVELOPMENT AT THE TIME OF THIS CERTIFICATE.

NATHANIEL BURNETT DATE

LEGAL DESCRIPTION:

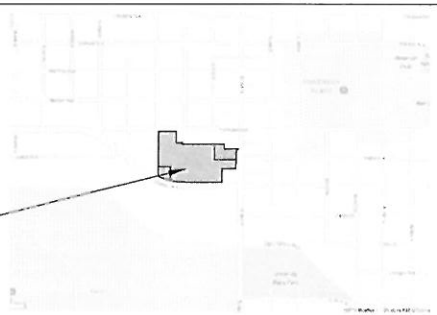
LOTS 1, 2, AND 3, UPC FIRST ADDITION, CONTAINING 459,939.43 SQUARE FEET OR 10.56 ACRES MORE OR LESS.

MISCELLANEOUS NOTES:

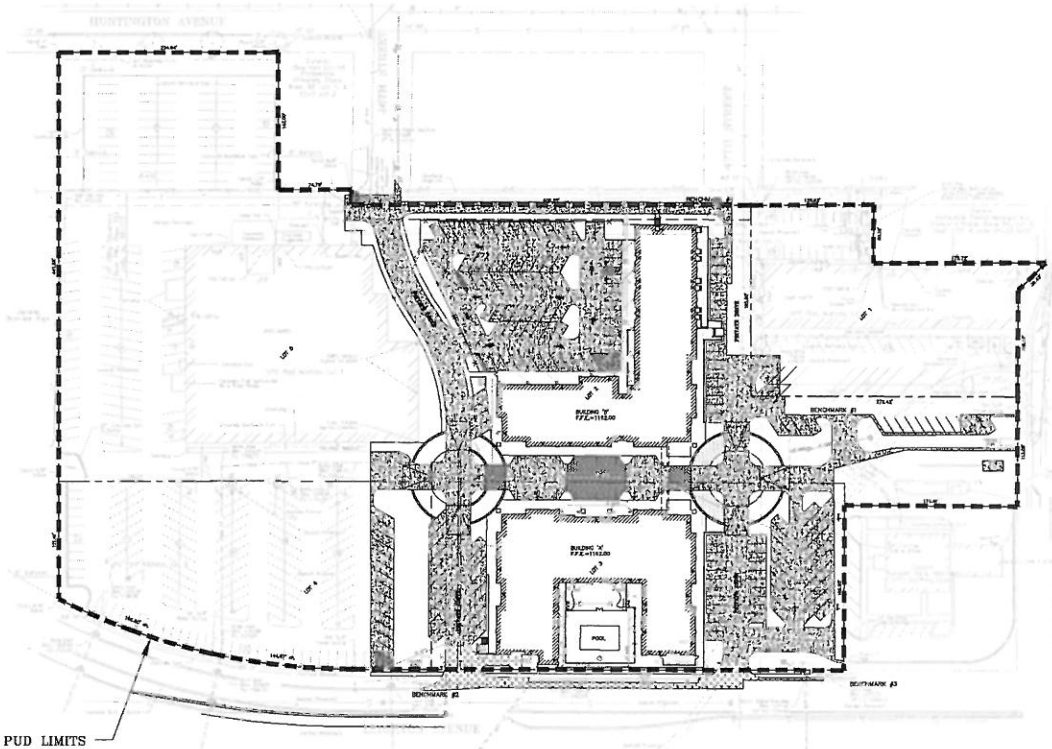
1. THE ZONING OF THIS PROPERTY IS "B-3", COMMERCIAL DISTRICT.
   (1) FRONT YARD: 0 OR 20' FEET IF ABUTTING RESIDENTIAL.
   (2) SIDE YARD: 0 OR 5 FEET IF ABUTTING RESIDENTIAL.
   (3) REAR YARD: 0 OR 30 FEET IF ABUTTING RESIDENTIAL.
   (4) HEIGHT: 75 FEET

WAIVERS:

1. PRE/POST DEVELOPMENT STORM WATER DETENTION (LINCOLN MUNICIPAL CODE, CHAPTER 28.11.040)
2. WAIVER FOR STORM WATER QUALITY VOLUME. (LINCOLN MUNICIPAL CODE, CHAPTER 28.03.080 (b))
3. ALLOW MULTI-FAMILY ON FIRST FLOOR AND ANY ACCESSORY. (ZONING ORDINANCE, CHAPTER 27.62.040 (c))
4. BUILDING HEIGHT OF 75'. (ZONING ORDINANCE, CHAPTER 27.72, TABLE 27.72.030 (e))



VICINITY MAP
NO SCALE



DEVELOPER	ENGINEER
CITY VENTURES contact: Chris Erickson PO Box 428 Omaha, NE 68010	REGA ENGINEERING, INC. 601 OLD CHENEY RD., SUITE A Lincoln, Nebraska 68512 (402) 484-7342

SHEET INDEX

1. COVER SHEET
2. TOPOGRAPHIC SITE PLAN
3. SITE PLAN
4. GRADING PLAN
5. PRE-DRAINAGE PLAN
6. PHASE 1 DRAINAGE PLAN
7. UTILITY PLAN

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	06/17/16	SB/NB

PROJECT
141200

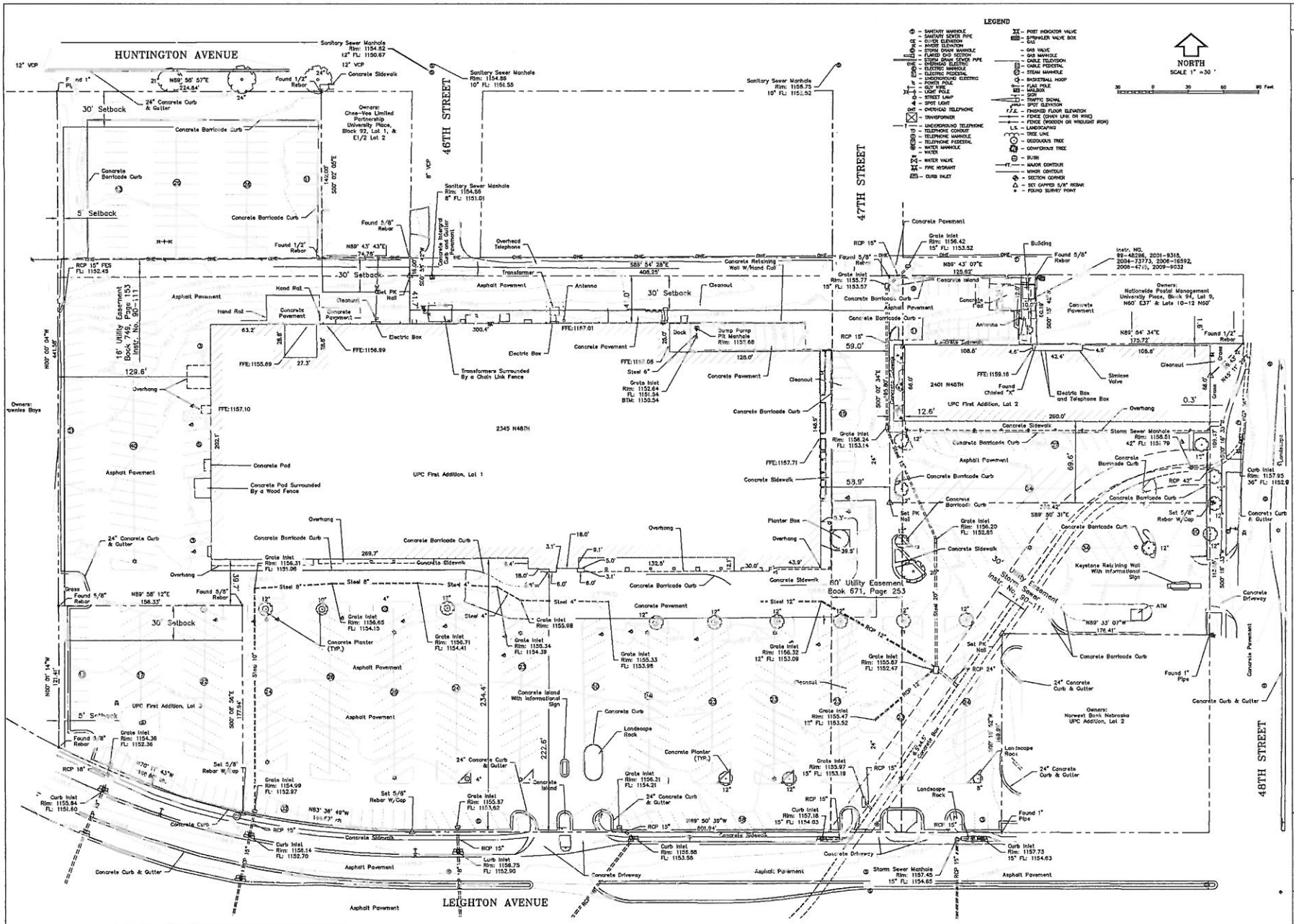
REVISIONS			
NO.	DESCRIPTION	DATE	BY

REGA
ENGINEERING GROUP, INC.
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
• ENGINEERING
• PLANNING
• LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
COVER SHEET

DATE: 06/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
1 OF 7



Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	668.20'	311.99'	309.15'	S76° 25' 46"E	026°49'57"

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	08/17/16	SB/NB

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141200

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LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
TOPOGRAPHIC SURVEY

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
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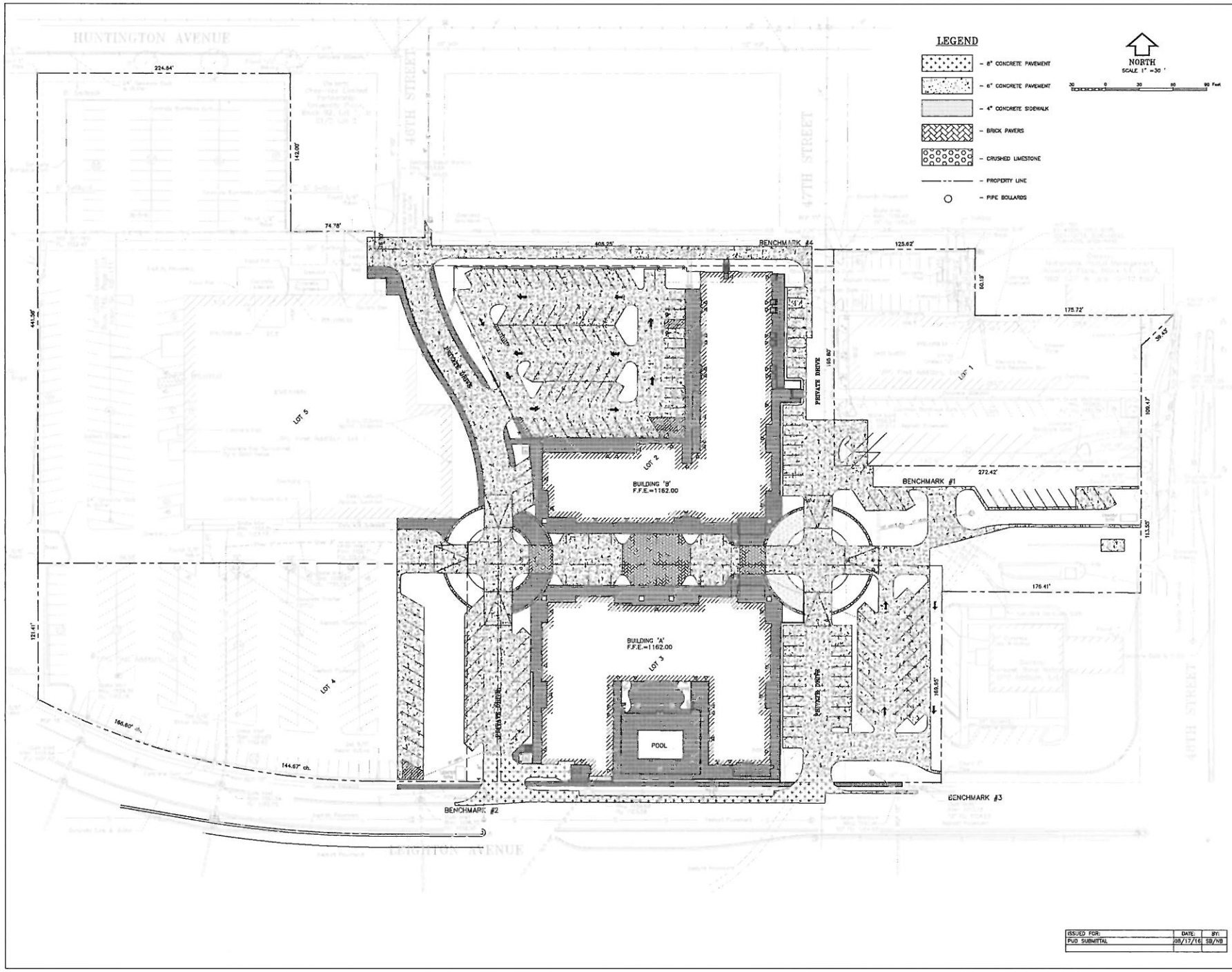
CHECKED BY: NB/DR

SHEET NO.
2 OF 7



PROJECT
141200

NO.	DESCRIPTION	DATE	BY

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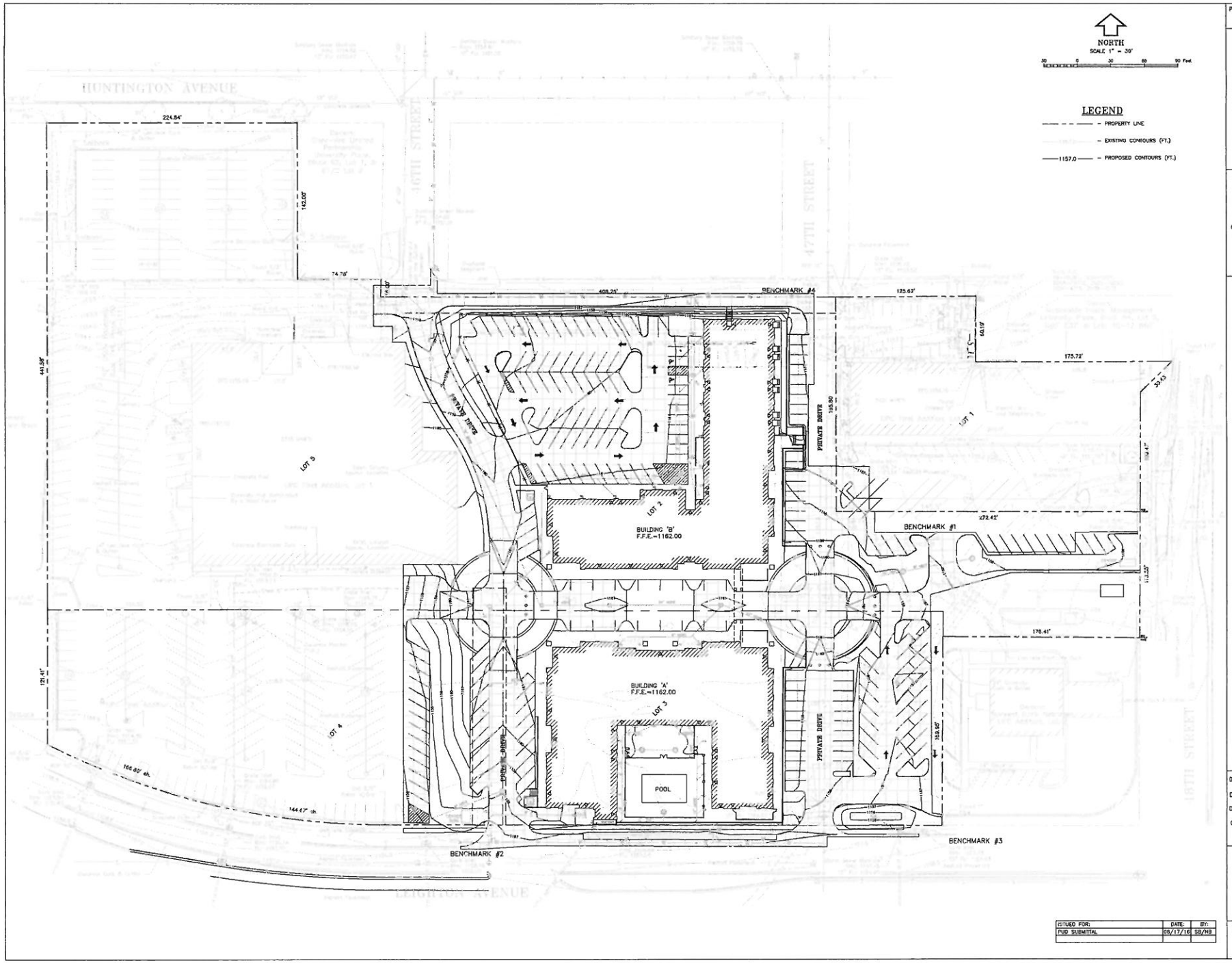
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
PHASE 1 SITE PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
3 OF 7



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PUD SUBMITTAL	08/17/16	SB/NB

PROJECT
141200

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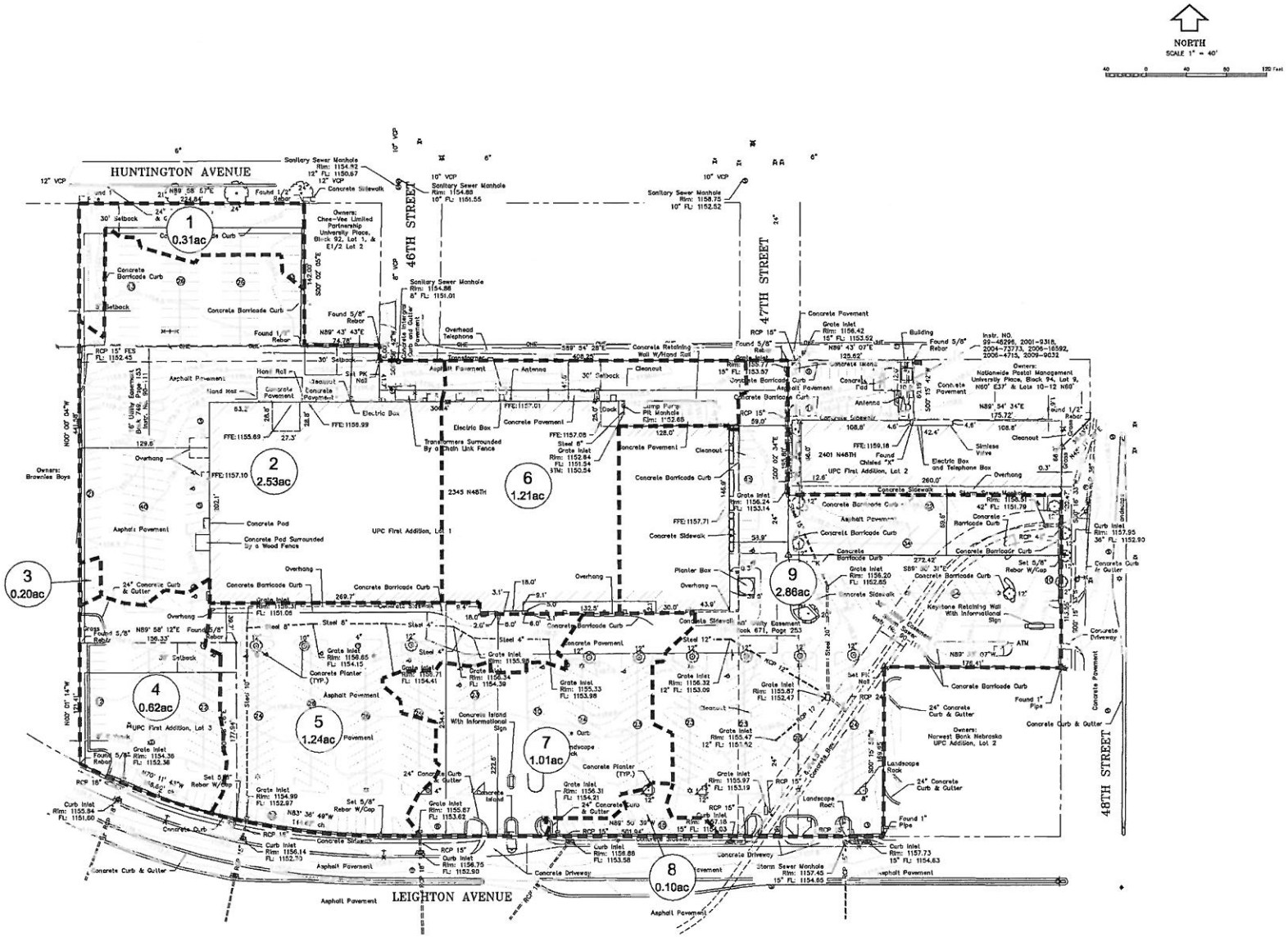
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
GRADING PLAN

DATE: 08/16/16
DESIGNED BY: BTS, SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
4 OF 7



ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	05/17/16	SB/NB

PROJECT
141200

NO.	DESCRIPTION	DATE	BY

REVISIONS

REGA
ENGINEERING GROUP, INC.
801 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
PRE-DEVELOPMENT DRAINAGE PLAN

DATE: 05/16/16
DESIGNED BY: BTS/SB/NB
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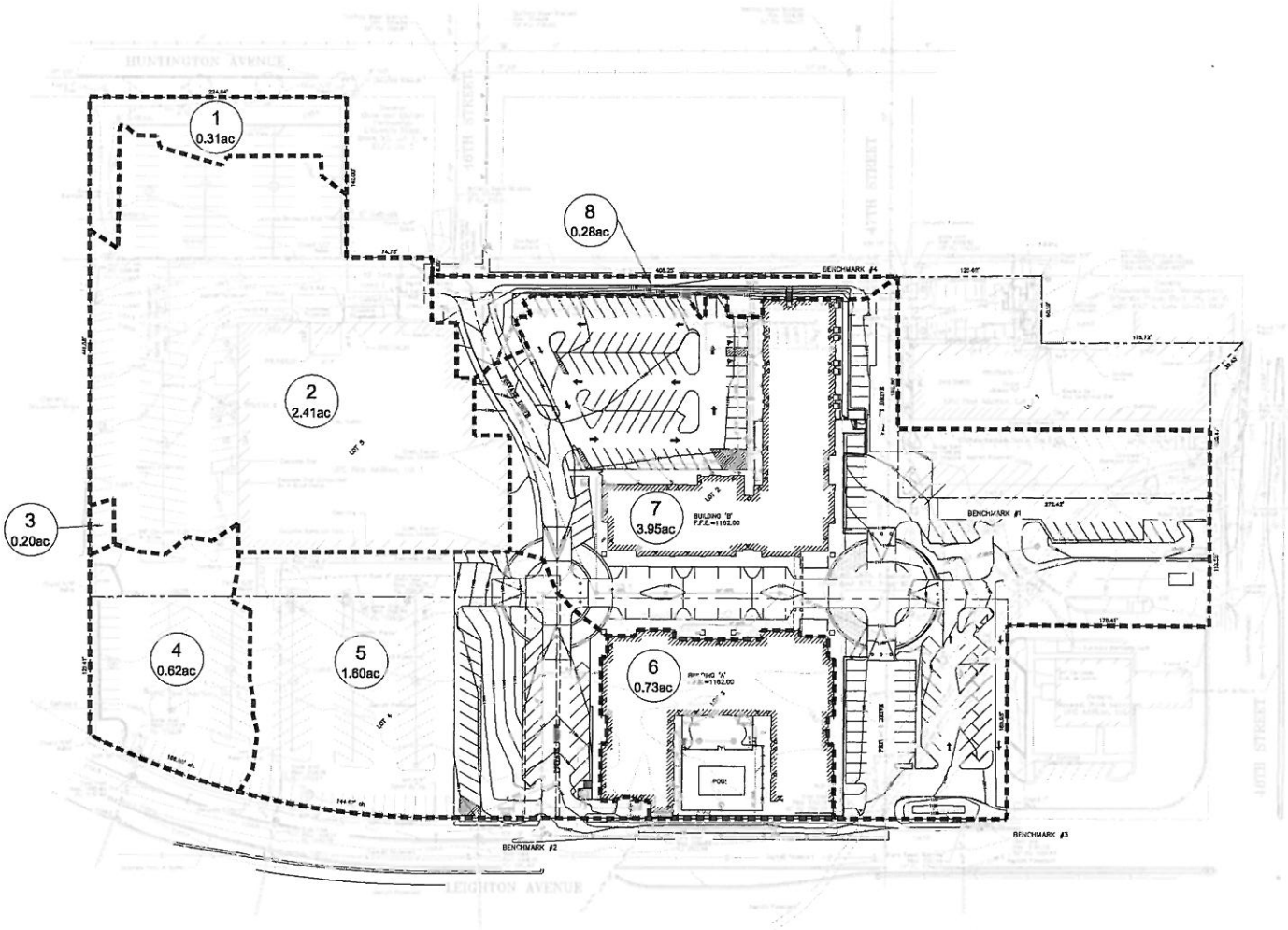
CHECKED BY: NB/DR

SHEET NO.
5 OF 7



NORTH
SCALE 1" = 40'
40 0 40 80 120 Feet

LEGEND

- PROPERTY LINE (ASSUMED)
- EXISTING CONTOURS (FT.)
- 1157.0 - PROPOSED CONTOURS (FT.)

ISSUED FOR:	DATE:	BY:
PUD SUBMITTAL	08/17/16	SB/NB

PROJECT
141200

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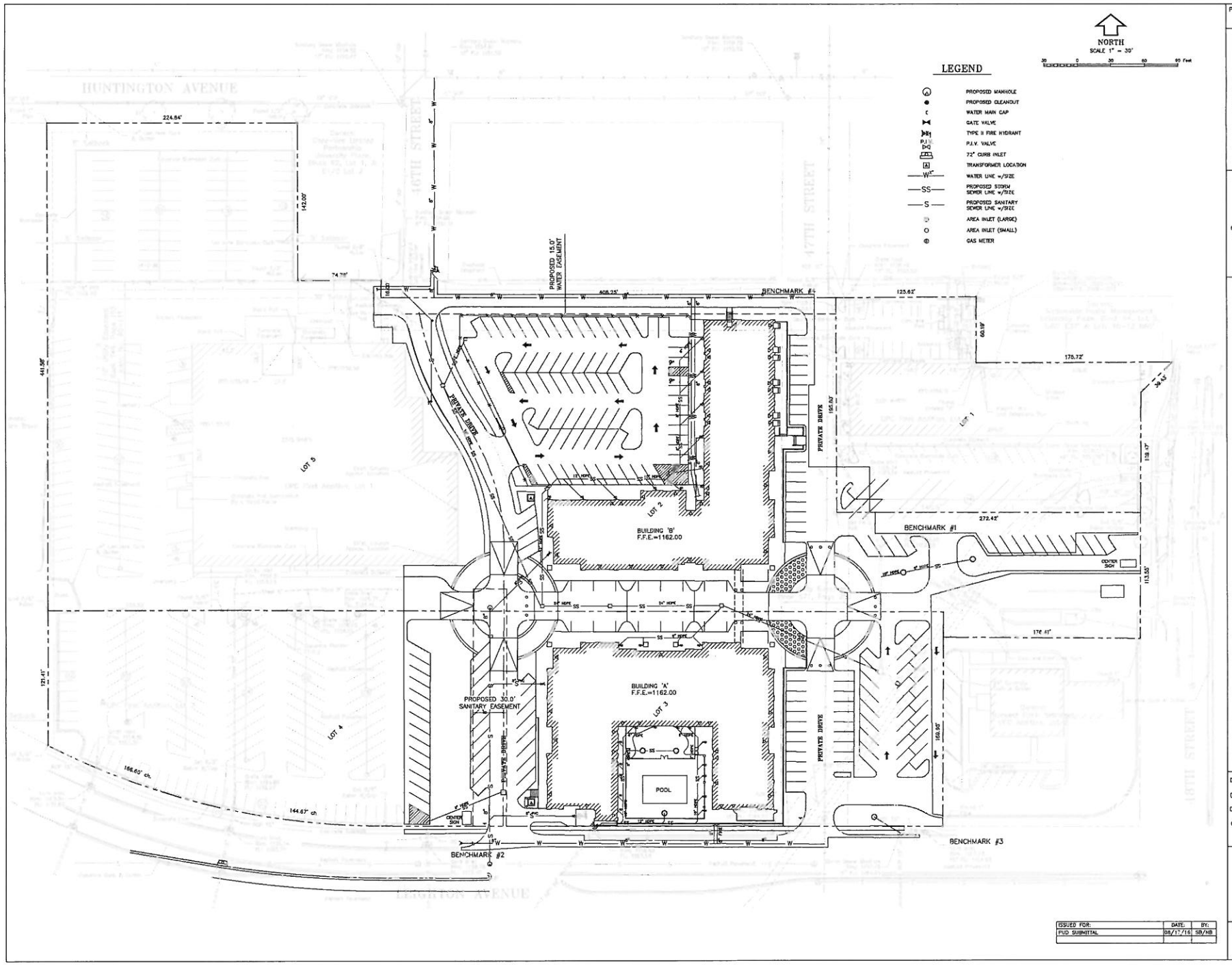
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE PLANNED UNIT DEVELOPMENT 48TH AND LEIGHTON AVENUE PHASE 1 DRAINAGE PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
DRAWN BY: BTS/SB/NB
CHECKED BY: NB/DR

SHEET NO.
6 OF 7



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(402) 484.7342
- ENGINEERING
- PLANNING
- LAND SURVEYING

LEIGHTON MIXED USE
PLANNED UNIT DEVELOPMENT
48TH AND LEIGHTON AVENUE
UTILITY PLAN

DATE: 08/16/16
DESIGNED BY: BTS/SB/NB
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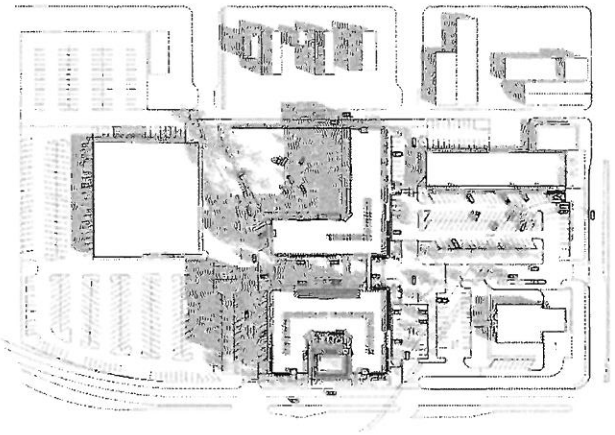
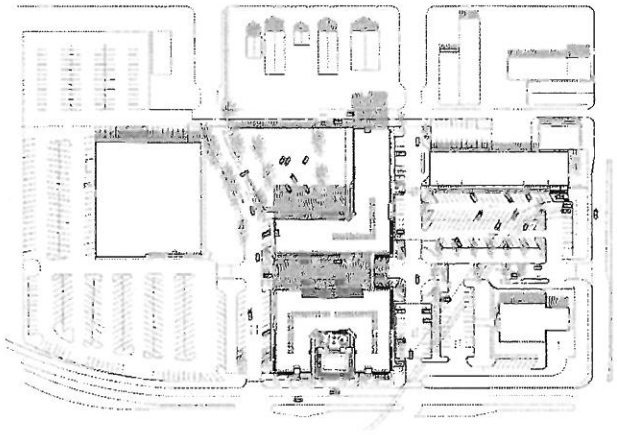
CHECKED BY: NB/DR

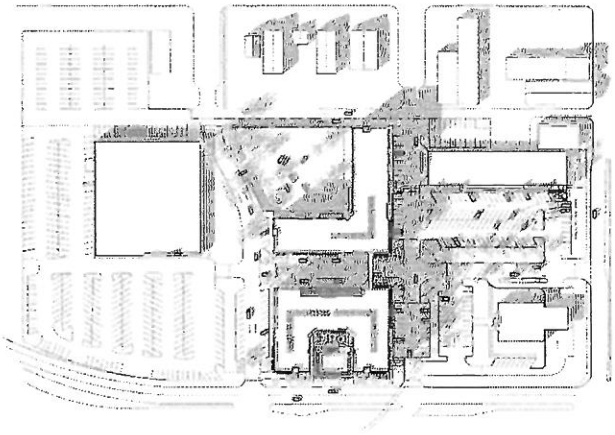
SHEET NO.
7 OF 7



LATE WINTER / EARLY SPRING MORNING



LATE WINTER / EARLY SPRING NOON



LATE WINTER / EARLY SPRING EVENING

REGA
ENGINEERING
GROUP, INC.

August 17, 2016
File No. 141200

Mr. David Cary
Acting Director
City of Lincoln Planning Department
555 S 10th St, Suite 213
Lincoln, NE, 68508

RE: PUD Application for Leighton Mixed Use

Dear David,

On behalf of Leighton Ave Shopping Center LLC, we are excited to submit Leighton Mixed Use Planned Unit Development. The proposed urban re-development project will be located at the northwest corner of North 48th Street and Leighton Avenue. Of particular excitement is the support we have received in meetings with Urban Development Staff and a meeting with the Mayor.

Currently, the area consists of a strip mall on the east side of the site and a larger building that contains Family Dollar, the Salvation Army Thrift Store, Risky's Sports Bar and Grill and a large unused space. The large unused space, formerly a Hy-Vee Mainstreet, will be torn down as part of the urban re-development project. Phase I of the proposed mixed use development will include 184 dwelling units and approximately 30,000 square feet of commercial area shared between two buildings.

Phase II of the proposed development would replace the remaining large building containing Family Dollar, the Salvation Army Thrift Store, and Risky's Sports Bar and Grill with two additional mixed use buildings. As part of this PUD, we are requesting the total square footage be only limited by total required parking within the PUD. The PUD also requests the option for (13) 2-story lofts to have the potential to be used as commercial space.

Waivers are being requested for the following items:

1. Storm Water Detention (Lincoln Municipal Code, Chapter 26.11.040)
   The existing site is almost completely impervious. As part of both Phase 1 and eventually Phase 2, an increase in the amount of pervious area will occur. Due to this fact, the amount of storm water runoff from the site will actually decrease with this proposed project. In discussions with City of Lincoln Watershed Management Staff, they are in agreement with this waiver request.
2. Storm Water Quality Volume. (Lincoln Municipal Code, Chapter 28.03.060(b))

Chapter 28, Section 03.060 (c) states that the use of other BMPs and other means and methods to provide water quality is acceptable pending Director approval. As mentioned previously, with the increase in pervious area as part of the project the amount of storm water runoff from the site will actually decrease. In lieu of the water quality storage requirements, we are proposing the installation of roof drain and area inlet filters. These filters would capture and remove sediment from the two proposed buildings and new pavement. In addition, some of the existing parking lot draining to proposed area inlets will be filtered through the area inlets. Between the building roof drains and area inlets, approximately 50% of the storm water runoff from the site will be treated, while only 45% of the site is being disturbed. A formal waiver request to Public Works has been submitted and is pending approval.

3. Allow residential uses on the first floor within the B-3 zoning district. (Zoning Ordinance, Chapter 27.62.040 (a)
   The north 104 feet of Building 'B' has 13 proposed 2 story lofts with the entrance being on the main floor. This proposed design element to the project connects and buffers the multi-family housing from N. 47th Street to the commercial area further south on Building 'B'. It adds another option to those wanting to live in the development and will be attractive to those seeking more than just a 1 story apartment.

4. Maximum building height from 45 feet to 75 feet measured from first floor to the highest point of building (excluding mechanical equipment). (Zoning Ordinance, Chapter 27.72, Table 27.72.030(a))
   Building 'A' is proposed as a 5-story building, while Building 'B' is proposed as a 4-story building. The proposed heights for Building 'A' and 'B' are 70'-8" and 59'-0" respectively. The site is surrounded by multi-family apartments on the west and north. As shown in exhibit A Development Shadow Study, with the offset of the multi-family buildings to the north the height of the building will not cast shadows onto the existing residences.

If you have any questions please let me know.

Sincerely,

Nathaniel Burnett

Nathaniel Burnett, PE
Engineering Project Manager

Cc: Chris Erickson

Enclosures: PUD Application
PUD Application Fee of $2,185.92

LEGAL DESCRIPTION 'B-3' TO 'B-3 PUD'

Part of Lot 1, and all of Lots 2, and 3, UPC First Addition, located in the Northwest Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 3, UPC First Addition;

Thence N00°01'14"W, a distance of 121.41 feet;

Thence N00°00'04"W, a distance of 290.58 feet

Thence N89°43'41"E, a distance of 299.57 feet;

Thence S00°58'42"W, a distance of 8.00 feet;

Thence S89°54'28"E, a distance of 408.25 feet;

Thence N89°43'07"E, a distance of 125.62 feet;

Thence S00°15'42"W, a distance of 60.19 feet;

Thence N89°54'34"E, a distance of 175.72 feet;

Thence S45°11'29"W, a distance of 39.43 feet;

Thence S00°16'33"W, a distance of 223.02 feet;

Thence N89°33'07"W, a distance of 176.41 feet;

Thence S00°15'52"W, a distance of 169.95 feet;

Thence N89°50'39"W, a distance of 501.94 feet to a circular curve to the right having a radius of 666.20 feet, a central angle of 26°49'57" and whose chord (309.15 feet) bears N76°25'46"W;

Thence on the arc of said circular curve a distance of 311.99 feet; to the POINT OF BEGINNING and containing a calculated area of 425,497.66 square feet or 9.77 acres.

LEGAL DESCRIPTION 'R-6' TO 'B-3 PUD'

Part of Lot 1, UPC First Addition, located in the Northwest Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 1, UPC First Addition;

Thence N89°58'57"E, along the North line of said Lot 1, a distance of 224.84 feet;

Thence S00°02'05"E, a distance of 142.00 feet;

Thence N89°43'43"E, a distance of 74.78 feet;

Thence S00°58'42"W, a distance of 8.00 feet;

Thence S89°43'41"W, a distance of 299.57 feet;

Thence N00°00'04"W, a distance of 151.00 feet to the POINT OF BEGINNING and containing a calculated area of 34,441.77 square feet or 0.79 acres.