COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The area of the CUP is designated for urban density residential development. The proposed plan shows single-family dwellings. The proposed density complies with the Comprehensive Plan land use designation.

WAIVERS
1. Block length in excess of 1,320’ - LMC Sec. 26.23.130(a) - Denial
   (In Block 2 to eliminate Crosscut Lane between Carveth Drive and Black Forest Drive)

WAIVERS PREVIOUSLY GRANTED
1. Front yard setback to 5’ (except along Old Cheney Road)
2. Adjust rear setback for Lot 10 (now Lot 11), Block 2 to 5’
3. Waived sidewalks on the west side of Black Forest Drive and both sides of Black Forest Court.
4. Accessory dwelling units described as a single living unit having less than 1,000 square feet of floor space and that would generally consist of an apartment on top of a garage, connected to a garage or main home, or existing in the basement that would be typically used by an older family member, college student or renter as affordable housing often referred to as a ‘granny flat’. One accessory dwelling unit may be permitted on each of the lots in Blocks 4 - 6 (now Blocks 3 and 4).

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 7.2 - Neighborhoods and Housing Guiding Principles:
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- 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.

P. 7.4 - Strategies for Neighborhoods and Housing
- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
- Encourage new development to achieve densities greater than five dwelling units per gross acre.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities.
- Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.
- Develop with shorter block lengths for connectivity.

P. 10.23 - Transportation Goals
- Goal 2: Improve the efficiency, performance and connectivity of a balanced transportation system.

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.

ANALYSIS

1. This is a request for an amendment to the existing Black Forest Estates CUP located at approximately South 62nd Street and Old Cheney Road. The property is already zoned R-1 as a result of the 1979 Zoning Update. At 35.18 acres in area, there is a maximum potential for up to 136 dwelling units per the Design Standards, where 70 are shown on the proposed site plan. The site is already annexed and all City services are available to serve the development.

2. Originally approved in 1999, the site plan then showed 54 single-family lots, with an area along the western edge of the CUP for future development of up to 45 multiple-family dwellings. The proposed plan revised the internal lot and street layout showing 70 lots, but deletes a 3.61 acre parcel at the southwest corner of the development for an office building. The associated applications CZ#20025 and UP#20009 now cover that site.
3. Since the original approval, a portion of the CUP has been built-out. All of Black Forest Drive, and portions of Pinoak Drive and Crosscut Lane, all private roadways, were built and the adjacent lots were platted and developed. The 3.61 acre parcel at the southwest corner has been deleted, and the remaining layout has been revised as shown on the proposed site plan.

4. The applicant requests one waiver:
   a. Allow block length in excess of 1,320’ - Lincoln Municipal Code (LMC) Sec. 26.23.130(a) states: Block lengths shall not exceed 1,320 feet except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block. Block lengths shall not exceed 1,000 feet in neighborhoods originally platted prior to December 31, 1949.

   This condition is created by not completing the street connection for Crosscut Lane to Black Forest Drive. The question of whether the connection was necessary was debated during both the original approval in 1999 and again with SP#1786A in 2001. Both times the Planning Commission found the connection necessary and maintained that it continue to be shown. It was noted then that the street connections (both Crosscut Lane and South 63rd Street discussed later in this report) were the result of lengthy negotiations on the part of the City and the developer with neighborhood involvement and should not change.

   The application letter notes that ‘neighbors have expressed traffic concerns and identified drainage questions and issues’ as justification for deleting the Crosscut Lane connection to Black Forest Drive. In general, the higher the number of street connections, the more even the traffic distribution with decreased traffic anticipated on any individual street.

   Lincoln Transportation and Utilities/Watershed Management has commented previously there is no technical reason that the drainage across the site can’t be crossed with a street. There are no known technical issues relative to the impact upon the grading and drainage plan that can’t be addressed, and concern for the crossing does not appear to be warranted.

   Given the reasoning provided, there is no justification to delete the street connection and the waiver should be denied, as was twice previously done by the Planning Commission consistent with the Comprehensive Plan.

5. The South 63rd Street connection has been an issue since the approval of Pheasant Run CUP in 1984 due to the lack of direct street connections to Old Cheney Road from the Colonial Hills neighborhood. This connection of South 63rd Street to Tanglewood has been discussed since 1984, and required since 1999. The connection was supported by several neighbors, but also opposed by some. To facilitate the street connection, the City purchased an outlot for the purpose of dedicating it as right-of-way for the purpose of making the South 63rd Street connection. This street connection is shown being made on the site plan and there is no request to delete it.

   In 1988, the City Council directed staff to study vehicular outlets from the Tanglewood/Colonial Hills area to Old Cheney Road. Five outlets were studied. On September 19, 1988, the City Council authorized the purchase of land in Parham Place. On March 9, 1992, the City and Quin-C (original developer of Black Forest Estates) entered into a sales agreement for the lot to provide for the street connection. One of the conditions of the sale required that the City not construct a street stub or curb return until the development of the remaining land owned by Quin-C.

   Building South 63rd Street provides a much-need connection from the neighborhood to the north to Old Cheney Road. Without it, the only connection is at Hickory Crest Road, approximately one-quarter of a mile from the intersection with South 70th Street. Otherwise, traffic is routed to South 56th and South 70th Streets. The intersections with Old Cheney Road at Pheasant Run Lane and Vandervoort Drive do not connect to the neighborhoods to the north.

   The Access Management Policy calls for one-quarter mile spacing of intersections along arterial streets. The intent is to limit the number of intersections/conflict points, while still providing for adequate access to major streets. This street connection helps achieve that goal. Such connections serve to more evenly distribute vehicle trips and reduce the volume on any individual intersection.

   While the timing of the South 63rd Street improvement was tied to the development of a specific number of dwelling units in Black Forest Estates, that older plan did not include a rezoning to O-3 and development of an office building with the associated applications. It is anticipated the office building will be constructed first, with the timing of the build-out of the dwellings shown on this plan uncertain. The internal streets necessary to get to South 63rd Street, as well as the construction of the connection to Tanglewood Lane, should be required to be built with both the approval of the associated use permit and this permit. This will ensure this necessary street
connection will be built with whichever component is the first phase to develop so as to no longer delay this needed and required connection.

6. No direct access to Old Cheney Road will be allowed, which is an improved arterial street at this location. Access is provided via South 62nd Street which intersects with Old Cheney Road. A draft traffic study was provided as part of the application. It has been reviewed by the Lincoln Transportation and Utilities Department (LTU) and there are requested changes. The main point of the study is to evaluate the impact of the development upon the South 62nd Street intersection, and what improvements are required to serve this and the Black Forest Estates use permit.

A right-turn lane is shown in Old Cheney Road to serve this development. The question of the adequacy of the traffic improvements is addressed in the traffic study, and whether what is shown is sufficient could depend upon the required corrections. Those revisions have not been made as of the writing of this report, so a condition of approval is added stating that the applicant needs to address the issues raised by LTU and to revise the site plan accordingly if required.

7. The City’s bike trail system extends along the north side of Old Cheney Road in this area. The addition of a turn lane will impact the trail and it will need to be relocated as a result. This is shown on the site plan, but the extent of the relocation could be impacted by changes to the traffic study. The Parks and Recreation Department notes there must be 6’ of separation between the trail and back of curb along Old Cheney Road, and that portion on the west side of South 62nd Street needs to be realigned to match it.

8. As a result of the modifications to the site plan and redeveloping this portion of the CUP:
   a. If the block length waiver is approved and the Crosscut Lane connection is not made, the applicant should apply for a street change to rename the Crosscut Lane street stub to include a proper suffix (place, circle, court or bay).
   b. Demolition permits for any accessory buildings no longer associated with principal building must be approved.
   c. A demolition permit for 6120 Old Cheney Road must be approved.
   d. 6200 Black Forest Drive needs to apply to the City for re-addressing.

9. Minor corrections and changes are required on the plans, and these items are listed in the conditions of approval. With those changes to the CUP, this request is consistent with the Zoning Ordinance and Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:

Vacant, Single-family Residential  R-1 Residential

SURROUNDING LAND USE & ZONING

<table>
<thead>
<tr>
<th>North</th>
<th>Residential</th>
<th>R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-1</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>R-1</td>
</tr>
<tr>
<td>West</td>
<td>Office, Commercial</td>
<td>O-3, B-5</td>
</tr>
</tbody>
</table>

APPLICATION HISTORY

**MAY 1979** - The property was converted from A-1 Single-family Residential to R-1 Residential with the 1979 Zoning Update.

**NOV 1984** - City Council approved Special Permit #1114 - the Pheasant Run Community Unit Plan to the east. The City Council Resolution amended the site plan by removing the road connection from Tanglewood Lane to Pheasant Lane (now called Pheasant Run Place). The plans retained a connection from S. 68th Street to Grouse Place via Brushwood Lane and to the east via Tallowwood Ave.
MAY 1987 - City Council approved Special Permit #1114B, which amended the lot layout of the Pheasant Run Community Unit Plan and removed the street connection to Brushwood Lane. Staff had requested that the street connection to Colonial Hills remain.

1988 - City Council requested that staff study potential vehicular outlets from Colonial Hills to Old Cheney Road.

JUN 1996 - City Council approved SP#1615, the Tallowood CUP, which over a staff recommendation of denial, created a cul-de-sac east of Pheasant Run and closed off the final potential connection from Pheasant Run to Hickory Crest and Colonial Hills.

DEC 1999 - City Council approved the Black Forest Estates Preliminary Plat and Community Unit Plan, which approved a street connection to Tanglewood Lane to be completed after 10 years or the construction of the 60th of 88 units within Black Forest Estates.

DEC 1999 - The Mayor vetoed City Council's action, noting that the street connection to Colonial Hills must be completed earlier than mandated by the original resolution.

JAN 2000 - City Council approved the Black Forest Estates Preliminary Plat and SP#1786 for the Community Unit Plan using a substitute resolution which mandated an earlier street connection to Tanglewood Lane in Colonial Hills. It stated that the entire connection to Tanglewood Lane shall be completed or the completion thereof guaranteed by a bond or an approved escrow of security agreement prior to the earlier of (a) scheduling the Phase II final plat on the Planning Commission agenda or (b) the final platting of the 40th dwelling unit.

AUG 2001 - SP#1786A was approved adjusting certain setbacks and waiving certain sidewalks within the Black Forest Estates CUP.

APPROXIMATE LAND AREA: 35.18 acres, more or less

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will, bwill@lincoln.ne.gov
August 6, 2020

Owner/Applicant: Black Forest Holdings
c/o Jeff Salem
9810 Hollow Tree Drive
Lincoln, NE 68512
402-437-6409
Jefferisalem35@gmail.com

Contact: DaNay Kalkowski
Seacrest and Kalkowski
1128 Lincoln Mall
Lincoln, NE 68508
402-435-6000
danay@sk-law.com
CONDITIONS OF APPROVAL - SPECIAL PERMIT #1786B

1. Per Section 27.63.320 this approval permits a Community Unit Plan for up to 70 dwelling units.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:

   1.1 Make the following revisions to the CUP plan set:

       1.1.1 Remove Notes 24, 25, and 28 (mislabeled as 32) and place in a separate waiver table.

       1.1.2 Revise the grading and drainage plan per the review/redline comments of the LTU Watershed Management Division.

       1.1.3 Revise the site plan to show the Crosscut Lane street connection between Black Forest Drive and Carveth Drive.

       1.1.4 Add a note which states: At the time of final plat an internal street system connecting Tanglewood Lane to Old Cheney Road will be built, unless already completed as part of UP#20009.

       1.1.5 Show a 6' separation between the relocated trail and the back of curb, with the trail on the west side of South 62nd realigned to match.

       1.1.6 Revise the traffic study as noted by LTU and revise the site plan to reflect those changes if necessary.

       1.1.7 Make the revision and corrections as noted in the written comments and redlines as provided by Watershed Management.

2. Before a final plat is approved provide evidence of the following to the Planning Department:

   2.1 Provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

   2.2 Demolition permits for outbuildings not on a lot with a principal dwelling, and for the dwelling located at 6120 Old Cheney Road need to be approved.

   2.3 6200 Black Forest Estates must apply to be re-addressed.

   2.4 Apply to rename Crosscut Lane if a block length waiver is approved.

   2.5 Provide a bond or security for the transportation improvements and trail relocation to the satisfaction of Lincoln Transportation and Utilities.

3. 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, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

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 installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) 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 Lincoln Transportation and Utilities 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 the 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 state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, 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 protect the trees that are indicated to remain during construction and development.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 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.
4.3 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.

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

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, 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.

4.6 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.
Special Permit #: SP1786B
Black Forest Estates
Black Forest Dr & Old Cheney Rd

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

One Square Mile:
Sec.09 T09N R07E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
PRELIMINARY PLAT AND COMMUNITY UNIT PLAN

AREA = 35.15 AC

= 1,532,360.41 SF

N89°56′02″ W 60.21″

N42°00′46″ W 4.36″

S89°57′25″ E 1141.65

N89°56′02″ W 348.43

S89°49′46″ W 154.70

P.O.B. PRELIM. PLAT AND C.U.P.

SE CORNER ON 1/4 SEC. 9 T94N R27E
LEGAL DESCRIPTION
PRELIMINARY PLAT AND
COMMUNITY UNIT PLAN

A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 4, BLOCK 1, LOTS 1 THROUGH 5 BLOCK 2, LOTS 1 THROUGH 3, BLOCK 3, OUTLOTS "A", "B" AND "C", ALL IN BLACK FOREST ESTATES ADDITION, LOTS 1 AND 2, BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, LOT 1, OUTLOTS "B", "C" AND "D", BLACK FOREST ESTATES 2ND ADDITION, A PORTION OF LOT 2, AND A PORTION OF OUTLOT "B", BLACK FOREST ESTATES 2ND ADDITION, ALL LOCATED IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 3, BLACK FOREST ESTATES ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF OLD CHENEY ROAD; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 2, AND ON A SOUTH LINE OF LOT 1, BLOCK 3, BLACK FOREST ESTATES ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., ON AN ASSUMED BEARING OF S89°49'46"W, A DISTANCE OF 154.75' TO A SOUTH CORNER OF SAID LOT 1; THENCE N89°56'02"W, ON A SOUTH LINE OF SAID LOT 1, AND ON A SOUTH LINE OF OUTLOT "B", BLACK FOREST ESTATES ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 348.43' TO A POINT THE SOUTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 62ND STREET, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°33'07", A RADIUS OF 630.00', AN ARC LENGTH OF 50.05' ON THE WEST OF SAID OUTLOT "B", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 50.04', A TANGENT LENGTH OF 25.04', AND A CHORD BEARING OF N02°12'36"W TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A", BLACK FOREST ESTATES ADDITION; THENCE N89°56'02"W, ON THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.21' TO THE NORTH WEST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING THE SOUTHWEST CORNER OF SAID OUTLOT "A", SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 03°17'50", A RADIUS OF 570.00', AN ARC LENGTH OF 32.80', ON A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 32.80', A TANGENT LENGTH OF 16.40', AND A CHORD BEARING OF N06°36'53"W TO A POINT OF COMPOUND CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE, HAVING A CENTRAL ANGLE OF 16°25'54", A RADIUS OF 95.00', AN ARC LENGTH OF 27.24' ON A WEST LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 27.15', A TANGENT LENGTH OF 13.72', AND A CHORD BEARING OF N16°28'45"W TO A NORTHWEST CORNER OF SAID RIGHT-OF-WAY; THENCE
N24°41'42"W, A DISTANCE OF 140.98' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°50'58", A RADIUS OF 480.00', AN ARC LENGTH OF 149.53', A CHORD LENGTH OF 148.93', A TANGENT LENGTH OF 75.38', AND A CHORD BEARING OF N15°46'13"W, TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°37'57", A RADIUS OF 57.00', AN ARC LENGTH OF 26.50', A CHORD LENGTH OF 26.26', A TANGENT LENGTH OF 13.49', AND A CHORD BEARING OF N48°49'54"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°53'53", A RADIUS OF 480.00', AN ARC LENGTH OF 7.52', A CHORD LENGTH OF 7.52', A TANGENT LENGTH OF 3.76', AND A CHORD BEARING OF S89°37'51"W TO A POINT; THENCE N89°55'12"W, A DISTANCE OF 80.05' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 58°47'24", A RADIUS OF 180.00', AN ARC LENGTH OF 184.69', A CHORD LENGTH OF 176.70', A TANGENT LENGTH OF 101.40', AND A CHORD BEARING OF N60°31'30"W, TO A POINT; THENCE S54°05'23"W, A DISTANCE OF 214.09' TO A POINT OF INTERSECTION WITH A SOUTHWEST LINE OF LOT 2, BLACK FOREST ESTATES 2ND ADDITION; THENCE N42°00'46"W, ON A SOUTHWEST LINE OF SAID LOT 2, A DISTANCE OF 4.36' TO A WEST CORNER OF SAID LOT 2; THENCE N00°06'20"E, ON A WEST LINE OF SAID LOT 2, AND ON A WEST LINE OF OUTLOT “A”, BLACK FOREST ESTATES 2ND ADDITION, A DISTANCE OF 488.09' TO A WEST CORNER OF SAID OUTLOT “A”; THENCE N23°37'05"W, ON A WEST LINE OF SAID OUTLOT “A”, AND ON A WEST LINE OF OUTLOT “C”, BLACK FOREST ESTATES 2ND ADDITION, A DISTANCE OF 459.81' TO THE NORTHWEST CORNER OF SAID OUTLOT “C”; THENCE S89°57'25"E, ON THE NORTH LINE OF SAID OUTLOT “C”, AND ON A NORTH LINE OF OUTLOT “C”, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 1,141.65' TO A NORTH CORNER OF SAID OUTLOT “C”; THENCE S89°59'51"E, ON A NORTH LINE OF SAID OUTLOT “C”, AND ON THE NORTH LINE OF OUTLOT “D”, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 249.88' TO THE NORTHEAST CORNER OF SAID OUTLOT “D”; THENCE S32°32'13"E, ON THE EAST LINE OF SAID OUTLOT “D”, AND ON THE EAST LINE OF LOTS 2 AND 3, BLOCK 2, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 627.22' TO AN EAST CORNER OF SAID LOT 3; THENCE S34°07'02"W, ON A EAST LINE OF SAID LOT 3, AND ON THE EAST LINE OF LOTS 4 AND 5, BLOCK 2, BLACK FOREST ESTATES ADDITION, AND ON A EAST LINE OF LOT 1, BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, A DISTANCE OF 437.65' TO AN EAST CORNER OF SAID LOT 1; THENCE S26°09'58"W, ON A EAST LINE OF SAID LOT 1, ON THE EAST LINE OF LOT 2 BLOCK 1, BLACK FOREST ESTATES 1ST ADDITION, AND ON THE EAST LINE OF LOTS 3 AND 2, BLOCK 3, BLACK FOREST ESTATES ADDITION, A DISTANCE OF 422.74' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,532,360.41 SQUARE FEET OR 35.18 ACRES, MORE OR LESS.
July 22, 2020

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

RE: Amendment to Special Permit No. 1786A
Change of Zone from R-1 to O-3 and Use Permit

Dear David:

Our office represents Black Forest Holdings LLC, developer of Black Forest Estates located north of Old Cheney Road and east of Edgewood Shopping Center (“Developer”). Developer is requesting the following: (i) an amendment to Special Permit No. 1786A – Black Forest Estates Community Unit Plan (“Special Permit”) to revise the lot and street layout and to remove approximately 3.61 acres in the southwest corner from the Special Permit (“Special Permit Amendment”); (ii) a Change of Zone for the property removed from the Special Permit from R-1 to O-3 (“Office Site”); and (iii) a Use Permit on the Office Site permitting a single building containing up to 25,000 square feet of medical office use.

The Special Permit Amendment continues to show the S. 63rd Street connection from Black Forest Estates to Tanglewood Lane in the Colonial Hills neighborhood as required by the existing Special Permit. However, the internal street connection of Crosscut Lane to Black Forest Drive has been removed at the request of the existing Black Forest Estates homeowners and a pedestrian connection is being shown. All of the property remaining under the Special Permit Amendment is planned for single family residential use.

As a result of discussions with Black Forest Estates homeowners over the years, it became clear to the Developer that the neighbors would strongly prefer and support office use over any multifamily use contemplated within the Special Permit. Developer was approached by Lincoln Pediatric Group (“LPG”), searching for a 2+ acre site that would allow them to construct a new one story office building to accommodate their growing practice. In selecting a site, LPG wanted to be in close proximity to its existing business at 70th and Pioneers so the practice could continue to serve and grow its clients. LPG has been providing pediatric care in the Lincoln community for over 50 years. The O-3 zoning and Use Permit are appropriate land uses in the location shown. The office is a transitional use and consistent with the office use to the west and the future commercial use to the south designated within the Comp Plan.

The development team has held multiple meetings with the Black Forest Estates homeowners and held a Zoom meeting with all surrounding neighbors invited on June 29, 2020. There was a good representation of neighbors from both Colonial Hills and Black Forest Estates involved in the Zoom meeting. There has been absolutely no neighbor objection to the addition of office use next to Old Cheney Road. In fact, the Black Forest Estates homeowners have expressed their support for the use in multiple meetings. In addition, all neighbors have supported single family residential use on the remainder of the site. The S. 63rd Street and Crosscut Lane street connections have been widely discussed with many neighbor concerns expressed about increased traffic into the developed areas. The neighbors
also identified drainage questions and concerns that will be addressed with the Drainage and Grading Plan being submitted.

Enclosed please find the following:

a. City of Lincoln Zoning Application for Change of Zone from R-1 to O-3;  
b. City of Lincoln Zoning Application for Use Permit;  
c. City of Lincoln Zoning Application for Amendment to Special Permit No. 1786A;  
d. Application fees in the amount of $6,854.65  
  Use Permit: $1,583.65 ($988 base + $595.65 ($165/acre x 3.61 acres))  
  CUP: $988 base + $3,295 max. per acre fee  
  Change of Zone: Greater than one acre $988.  
e. Site Plan for the Use Permit and Special Permit Amendment.  
f. Rendering for proposed Lincoln Pediatric Group building.

Developer is requesting a block length waiver for Black Forest Drive that is required due to the removal of the Crosscut Lane connection. The construction of the Crosscut Lane connection to Black Forest Drive would cause a significant impact to the existing homes at 6330 and 6400 Black Forest Drive. There is a large grade differential that would need to be addressed with construction of a roadway in this location between two existing homes and several mature trees would be lost. Neighborhood connectivity is being addressed by the addition of a pedestrian walkway from Black Forest Drive to Crosscut Lane in lieu of the roadway connection. Due to the small number of homes along Black Forest Drive, the pedestrian walkway provides ample neighborhood connectivity while avoiding impact to the existing homes.

Brad Marshall from Olsson, Inc. will be uploading the Project Plans to project docs once Planning Staff has created the project files and docs. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Brad.

Very truly yours,

DANAY KALKOWSKI  
For the Firm

Enclosures

cc: Council Richard Meginnis