
Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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

PLANNING STAFF

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

June 24, 2015

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 24, 2015, 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.

****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, JUNE 24, 2015

Approval of minutes of the regular meeting held June 10, 2015.

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

TEXT AMENDMENT:

- Page 01
- 1.1 Text Amendment No. 15008, WHEREAS, the City of Lincoln has previously adopted Resolution No. A-85012 amending the City of Lincoln Design Standards to add Chapter 3.100, Design Standards for Outdoor Lighting, providing design standards for the installation of outdoor luminaires; and WHEREAS, the Planning Director has proposed amendments to Sections 3, 4.1, and 9.A. of the Design Standards for Outdoor Lighting, by amending Section 3 to revise the Definition of "Cutoff and Full-Cutoff"; amending Section 4.1 to add a new subsection C. to provide the maximum average maintained illuminance for outdoor areas under lighted marquees; and amending subsection 9.A to add a new subsection 2 to provide acceptable glare measurements for setback properties, and repealing Sections 3, 4.1, and 9.A as hitherto existing.
- Staff recommendation: Approval**
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

SPECIAL PERMITS:

- Page 09 1.2 Special Permit No. 1020H, for authority to amend Special Permit No. 1020G for a non-residential health care facility by adding 2.4 acres of property to the Special Permit, making it part of Bryan Medical Center West. The additional property would be used for parking and green space. The expansion is proposed on property generally located at 2145 South 17th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

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

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGES OF ZONE AND RELATED SPECIAL PERMITS:

- Page 21 4.1a Change of Zone No. 15015, a change of zone from AG Agriculture District to R-3 Residential District, on property generally located at 5000 South 84th Street.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 27 4.1b Special Permit No. 15028, a request for a Community Unit Plan to allow for the development of a 34-lot subdivision, with waivers to setbacks, lot width, lot area, and private roadway design standards, on property generally located at 5000 South 84th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Page 41 4.2a Change of Zone No. 15014, from R-1 Residential to R-2 Residential, on property generally located southwest of the intersection of Old Cheney Road and Norman Road.

Staff recommendation: Conditional Approval

Staff Planner: Christy Eichorn, 402-441-7603, ceichorn@lincoln.ne.gov

Page 41 4.2b Special Permit No. 15035, to allow the construction of a residential healthcare facility for up to 285 residents and to allow waivers to the Zoning Ordinance and Subdivision Ordinance to adjust the height requirement, and eliminate block length and pedestrian easement requirements, on property generally located on the west portion of the Knolls Country Club, Norman Road and Old Cheney Road.

Staff recommendation: Conditional Approval

Staff Planner: Christy Eichorn, 402-441-7603, ceichorn@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:

Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	....	shenrichsen@lincoln.ne.gov
David Cary, <i>Acting Director and Long Range Manager</i>	402-441-6364	.....	dcary@lincoln.ne.gov
Paul Barnes, <i>Planner</i>	402-441-6372	.....	pbarnes@lincoln.ne.gov
Michael Brienzo, <i>Transportation Planner</i>	402-441-6369	.....	mbrienzo@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662	.....	tcajka@lincoln.ne.gov
Christy Eichorn, <i>Planner</i>	402-441-7603	.....	ceichorn@lincoln.ne.gov
Brandon Garrett, <i>Planner</i>	402-441-6373	.....	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361	.....	shageman@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362	.....	bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363	.....	kvanbruggen@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360		ezimmer@lincoln.ne.gov

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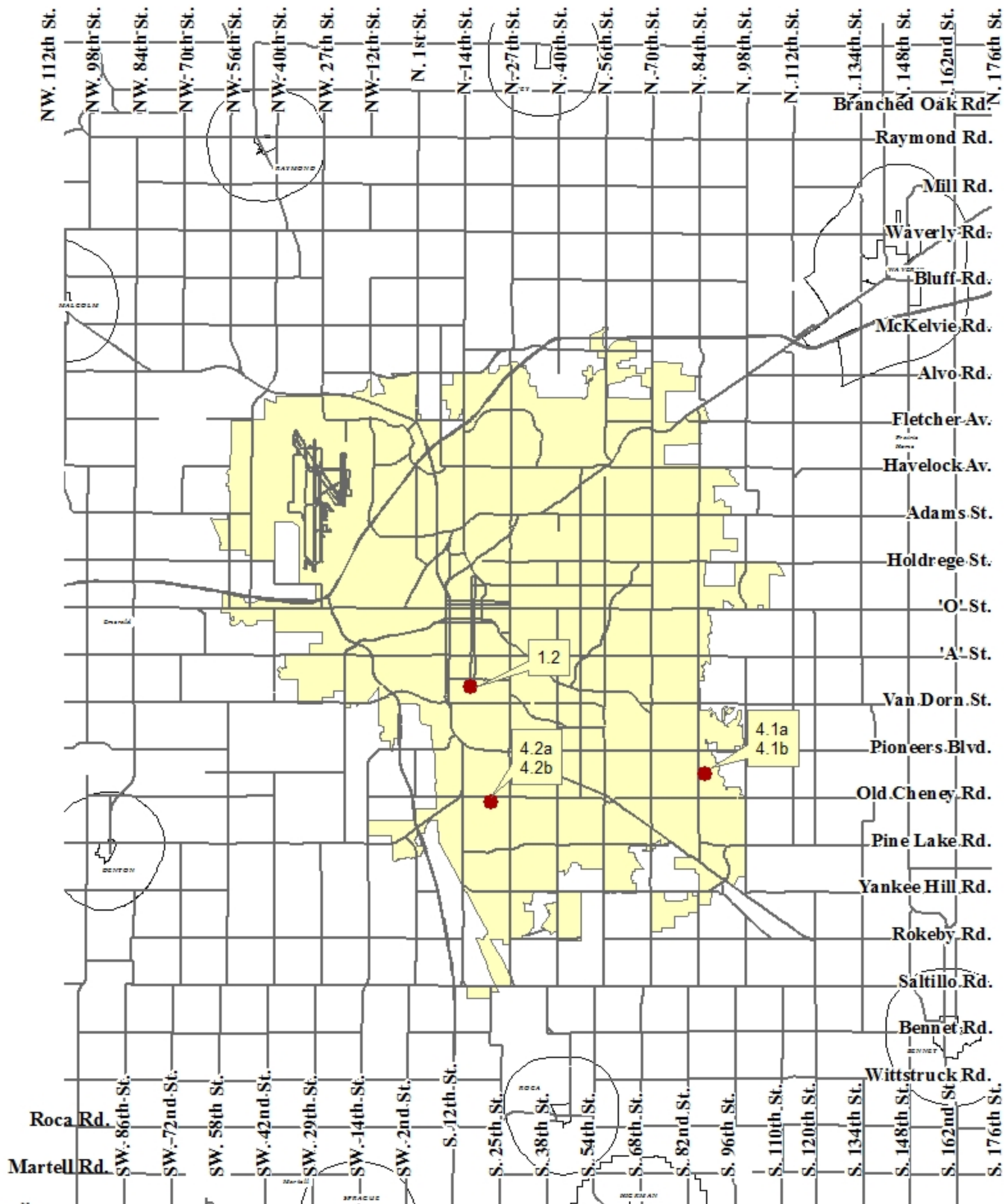
**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.**

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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.



Planning Commission Agenda Item Map

June 24, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 24, 2015 PLANNING COMMISSION MEETING

PROJECT #: Text No.15008

PROPOSAL: Amend Chapter 3.100 Design Standards for Outdoor Lighting of the City of Lincoln Design Standards.

CONCLUSION: The proposed changes and additions to the Design Standards for Outdoor Lighting will update the rating classification system to industry standards and help eliminate the need for waivers.

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

HISTORY:

September 15, 2008 Misc#08009 to amend Chapter 3.100 for Outdoor Lighting to the City of Lincoln Design Standards was approved by the City Council.

May 27, 2015 Briefing with the Planning Commission on the proposal.

COMPREHENSIVE PLAN SPECIFICATIONS:

Apply design standards as a tool for economic development. They provide assurances for surrounding property owners as well as prospective developers. (p.5.3)

ANALYSIS:

1. The Design Standards for Outdoor Lighting were adopted after a two year study between 2006 and 2008 by a task force comprised of the lighting consultant, neighborhood representatives, business and professional representatives, the astronomical community and City staff.
2. Since 2008 the design standards have served Lincoln well, although a few issues were identified for further review. In 2014 a working group was formed to address issues related to a new luminaire classification system known as B.U.G., light trespass guidelines for lots with zero setback, and lighting design guidelines for marquees/canopies overhanging public property. The Outdoor Lighting Design Standards Update can be found on the Planning Department's web site.

3. Illuminating Engineering Society of North America (IESNA) Backlight, Uplight, Glare (BUG) classification system was introduced shortly after the Outdoor Lighting Standards were completed in 2008. The BUG classification has become the industry standard for LED lighting and has no direct correlation to the cutoff classification system currently in the Design Standards. The lighting consultant compared light distribution acceptable under the cutoff classification system with rating under the B.U.G. system to reach equal light output. The conclusion was that a B.U.G. rating of 3,1,3 was the same as cutoff and B.U.G. rating of 3,0,3 was the same as full cutoff. The terms cutoff and full cutoff are used in today's standards to describe how a light fixture is shielded and to limit the amount of light that is directed upward.
4. The second issue reviewed by the working group dealt with light trespass for lots with a zero setback. The current design standards state that "No more than 2.0 foot-candles is measured on a vertical plane located at the property line of the adjacent property" it is difficult to meet this requirement when the building is on the property line. Since 2008 there have been several waiver requests to light trespass on properties with zero setback. These waiver requests were mainly in the downtown area.

Lots with zero setback are typically found in the downtown where street right-of-way is adjacent the building or in commercial centers with parking lots adjacent the buildings. The conclusion of the working group was to measure light trespass 10 feet from the property line on lots with a zero setback. Measuring 10 feet off the lot line should have minimal impact on other lots because the measurement most likely will either be taken in street right-of-way or within a parking lot.
5. Lighting on marquees/canopies overhanging sidewalks or other rights-of-way was the third item reviewed by the working group. The current design standards address lighted canopies for gas stations, ATM's and similar commercial uses, but not for marquees/canopies attached to buildings that overhang public rights-of-way. These marquees are generally found on buildings such as hotels in the downtown area. The consultant looked at what an acceptable light level would be by studying existing examples. The conclusion was that the light level under lighted marquees/canopies shall not exceed an average maintained illuminance of 4 footcandles.
6. The proposed revisions were sent to five local lighting professionals for their review. There were no objections to the proposed changes.

Prepared by:

Tom Cajka
Planner

DATE: June 10, 2015

APPLICANT: David Cary, Acting Planning Director
Lincoln-Lancaster County Planning Department

CONTACT: Tom Cajka, Planner
Lincoln-Lancaster County Planning Department
555 S. 10th St. Suite 213
Lincoln, NE 68508
402-441-5662

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Chapter 3.100

DESIGN STANDARDS FOR OUTDOOR LIGHTING

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Section 3. DEFINITIONS

The following terms and definitions shall apply in the enforcement and interpretation of this chapter:

Class I lighting (General) shall mean all outdoor lighting used to illuminate outdoor areas other than areas described for Classes II through IV.

Class II lighting (Accent/Decorative) shall mean all outdoor lighting used for accent or decorative effects. Examples of Class II lighting include, but are not limited to, the illumination of landscape features, flags, pennants or banners, fountains, statues, art work, and building walls.

Class III lighting (Street Lighting) shall mean all outdoor lighting used to illuminate public streets or highways and private roads subject to public access easement.

Class IV lighting (Outdoor Recreational Facilities) shall mean all outdoor lighting used to illuminate outdoor recreational facilities.

Class V lighting (Salt Creek Tiger Beetle Environs) shall mean all outdoor lighting used to illuminate the area within the Salt Creek Tiger Beetle environs (this is a holding class for anticipated Federal Standards).

Cutoff and Full-Cutoff shall mean outdoor light fixtures shielded or constructed by the manufacturer so as to comply with the former Illuminating Engineering Society of North America (IESNA) luminous classification system definition for cutoff and full cut-off outdoor lighting fixtures as found in the IESNA Lighting Handbook, 9th edition, or the new IESNA TM-15-07 Luminaire Classification System for Outdoor Luminaires, as more particularly set forth in Addendum A for IESNA TM-15-11: Backlight, Uplight and Glare (BUG) Ratings. Under the BUG Ratings, an outdoor light fixture with a Backlight Rating of 3, Uplight Rating of 1, and Glare Rating of 3 shall be considered equal to cutoff, and an outdoor light fixture with a Backlight Rating of 3, Uplight Rating of 0, and Glare Rating of 3 shall be considered equal to full cutoff.

Display Area shall mean the area used for the outdoor display of merchandise for sale including aisles between the display.

Field Angle shall mean the angle of the cone of light from reflector lamps or flood luminaires encompassing the central part of the beam out to the angle where the intensity is 10 percent of maximum.

Foot-candle (abbreviated fc) shall mean a unit of measure of illumination (number of lumens per area) or how much light is on a surface. A foot-candle is defined as one lumen per square foot.

Glare shall mean the amount of direct or indirect artificial light (measured with the meter vertical at 5 feet above ground level and rotated in a horizontal plane so it is facing the brightest source) in excess of the vertical foot candle limits allowed by Section 9 of this chapter.

IESNA shall mean Illuminating Engineering Society of North America.

Illuminance shall mean the amount of light falling onto a unit area of a horizontal surface (luminous flux per unit area) measured in lumens per square foot (foot-candles) at 3 feet above ground level.

Light trespass shall mean the amount of direct or indirect artificial light (measured with the meter horizontal and facing upwards at 3 feet above ground) in excess of the horizontal foot candle limits allowed by Section 9 of this chapter.

Lumen shall mean a unit of light emitted from a source. Where used in this chapter, lumen shall mean the “initial” manufacturer published amount emitted from the lamp or lamps constituting the source. (Note; 4050 lamp lumens is generally equivalent to one 50 watt high pressure sodium or one 200 watt incandescent lamp.)

Luminaire shall mean a complete manufactured and UL listed lighting unit consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Mounting height shall mean the distance from finished grade to the bottom most portion of any light emitting source, (e.g. lamp, surface of lens).

Nit is a unit of luminance equal to one candela per square meter.

Outdoor recreational facilities shall mean public, or private facilities designed and equipped for the outdoor conduct of sports, leisure time activities, and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to, fields or stadiums for softball, baseball, football, soccer, golf courses, driving ranges and other “field sports,” and courts for tennis, basketball, volleyball, handball and other “court sports.”

Parking area shall mean an area, other than a street, designed or used primarily for parking of vehicles. This includes both “required” and “surplus” parking areas for residential, commercial and industrial uses, and inventory storage areas for automobile dealerships, but not display areas.

Person shall mean any natural person, firm partnership, association, corporation, company, or organization of any kind.

Private shall mean an area, street or facility that is not available for use by the general public.

Public shall mean an area, street or facility, whether publicly or privately owned, that is available for general public use, either free or for remuneration.

Residential shall mean an area or development in which the land use is zoned or used for single family, two-family or multi-family dwelling units. It shall include public streets and private roads within such areas.

Section 4. CLASS I LIGHTING (GENERAL)

4.1 Requirements

- A. Exterior lighting for outdoor vehicle display area shall not exceed an average maintained illuminance of 20 footcandles.

If any portion of the outdoor auto display area is within 500 feet of residential zoning, the average maintained illuminance shall not exceed 20 footcandles and the luminaires shall be full cutoff for the entire outdoor vehicle display area.

- B. Outdoor areas under lighted canopies, such as gas pump islands and ATM bays, shall not exceed an average maintained illuminance of 20 footcandles.

If any portion of the canopy area is within 500 feet of a residential zoning district, the average maintained illuminance shall not exceed 20 footcandles and the luminaires shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy for the entire canopy area.

- C. Outdoor areas under lighted marquees (canopies attached to buildings and overhanging public property) shall not exceed an average maintained illuminance of 4 footcandles.

- ~~E~~D. Class I lighting in residential zoning districts shall not exceed an average maintained illuminance of 4 footcandles. All other Class I lighting, including but not limited to lighting of entrance ways, dining areas, display of merchandise other than vehicles and outdoor work areas shall not exceed an average maintained illuminance of 6 footcandles.

- ~~D~~E. All Class I lighting levels shall be reduced to an average maintained illuminance level of 4 footcandles after business hours.

- ~~E~~ F. Illuminance level shall not exceed 4 footcandles average maintained on parking surface for off-street parking.

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Section 9. LIGHT TRESPASS AND GLARE

- A. All lighting except, Class III (street lighting) or as otherwise exempted elsewhere in this chapter, shall meet the requirements for luminaire, shielding, placement and aiming to minimize light trespass and glare such that:
1. No more than 2.0 foot-candles is measured on a vertical plane located at the property line of the adjacent property.
 2. The glare measurements from a zero setback property line that is adjacent to a public street, private road, or an outlot not reserved for future development shall be no more than 2.0 footcandles measured in a vertical plane located ten feet (10') from the zero setback property line and parallel to said property line.
 23. Light trespass from a non-residential use abutting, or across the alley from, a residential district shall not exceed 0.5 footcandles at the residential property line measured on a horizontal plane.
- B. Exterior building surfaces shall not exceed an average surface brightness of 750 nits.
- C. Signs are regulated for surface brightness by Chapter 27.69 of the LMC. Sign illumination shall be included in the measurement of light trespass.

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 24, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 1020H

PROPOSAL: A request per Section 27.63.080 to expand the boundaries for a non-residential healthcare facility

LOCATION: The southwest corner of South Street and S. 17th Street

LAND AREA: 2.4 acres, more or less

EXISTING ZONING: B-3, Commercial District

CONCLUSION: Hospitals are an important land use in communities and should be located near the population they serve. The addition of the parking lot and landscaping will continue to support Bryan Medical Center West at this location and will enhance the intersection of South Street and S. 17th Street. Subject to the conditions of approval this request should not have a negative impact on the surrounding properties.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portions of Lots 1 & 2, Lots 3-7, Lots 20-25, the remaining portions of Lots 26-28, the east 74.8 feet of Lots 29 & 30, including the vacated north/south alley adjacent to Lots 1-7 and vacated St. Mary's Avenue adjacent to Lots 23-26, all within Davis's Subdivision of Lot 3, located in the SW 1/4 of Section 36-10-6, Lincoln, Lancaster County, Nebraska, generally located at 2145 South 17th Street.

EXISTING LAND USE: Vacant grocery store and parking lot

SURROUNDING LAND USE AND ZONING:

North: Commercial/Convenience Store; B-3
South: Non-Residential Healthcare Facility; R-4
East: Retail/Office; B-3
West: Parking Lot; B-3

HISTORY:

May 1979	Converted from B, Two-Family to R-4, Residential during the 1979 Zoning Update.
March 1983	Special Permit No. 1020 for expansion of the hospital was granted.
April 1987	Special Permit No. 1020A was approved for a pylon sign was.
September 1988	Special Permit No. 1020B was approved to add an educational and recreational facility.
September 1992	Special Permit No. 1020C was submitted to expand the parking lot and was later withdrawn.
November 1992	Special Permit No. 1020D was approved to expand the parking lot on the full block to the south.
June 1995	Special Permit No. 1020E was approved to expand the surface parking lot.
August 1995	Special Permit No. 1020F was approved to construct a medical office building.
June 2001	Special Permit No. 1020G was approved to expand the hospital and add a parking structure.

COMPREHENSIVE PLAN SPECIFICATIONS:

Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time (p. 5.3).

Develop Lincoln as a major network of quality regional health care services at reasonable costs (p. 8.2).

Encourage health care service facilities to meet the demand of the community's growing and aging population base (8.3).

Medical services, including physical and mental health care services, should be integrated and accessible within the community (8.3).

Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region (8.3).

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods (8.7).

Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods (8.7).

Hospitals should plan on using parking garages and multi-story construction in order to maximize the use of the land (8.7).

Plan for further construction on medical campuses (8.7).

The demand for health care services increases as a result of the community's growing and aging population (8.7).

TRAFFIC ANALYSIS: South Street is classified as a minor arterial.

PUBLIC SERVICE: The nearest fire station is located at S. 17th & Van Dorn Streets.

ANALYSIS:

1. This is an application to expand the special permit boundary for Bryan Medical Center West. The amendment area is currently occupied by a vacant grocery store and parking lot. Bryan Medical Center would like to add this area to the hospital campus. The vacant building will be demolished to make way for a parking lot and greenspace. A sign for the hospital is also proposed at the intersection of South Street and S. 17th Street.
2. The parking lot will contain approximately 73 stalls for employee parking. The addition of landscaping will create an entryway feature for the Bryan Medical Center West campus and will also soften the view of the parking lot from the public right-of-way.
3. This property is zoned B-3, Commercial. Non-residential healthcare facilities are permitted in the B-3 zoning by special permit. Since this parking lot is for the hospital an amendment to the special permit is required. The last amendment to the special permit was approved in 2001 and authorized expansion of the hospital and a parking garage. This request meets the conditions found in the special permit for healthcare facilities including setbacks, lot coverage and landscaping.
4. The Comprehensive Plan considers hospitals to be one of the highest and most important community service land uses. The Comprehensive Plan also states that hospitals need to take into consideration the impact on adjacent neighborhoods when completing expansion projects.

The applicant held a neighborhood meeting on February 26, 2015 to discuss the proposed plans with the neighbors and its impact on the adjacent neighborhood. More than 30 people attended the meeting including representatives from the Irvingdale Neighborhood Association and the Near South Neighborhood Association. According to the applicant, no one attending the meeting expressed opposition to the project.

5. The existing access on South Street will be closed with this application. This will improve traffic flow on South Street and reduce conflicts since this access is located in the right-turn lane. A right-in, right-out is proposed on S. 17th Street for the new

parking lot. No left turns will be made into or out of this driveway since S. 17th Street is a one-way street. The Public Works and Utilities Department has approved the access on S. 17th Street.

6. A portion of the property in the amendment area is owned separately by Mr. Randall Acher. Mr. Acher's property is approximately 7,700 square feet and is located along the South Street frontage. Access to this property is currently provided via the South Street driveway. Since the South Street access will be closed with this application, access to the property will need to be provided through the Bryan parking lot. Access to this property needs to be addressed.
7. Hospitals are an important land use in communities. They should be located near the population they serve and should be easily accessible. The addition of the parking lot and landscaping will continue to support Bryan Medical Center West at this location and will also beautify the intersection of South Street and S. 17th Street. Closing the South Street access will reduce potential traffic conflicts and will increase safety. Subject to the conditions of approval this request should have no negative impact on the surrounding properties.

CONDITIONS OF APPROVAL:

Per Section 27.63.080 this approval permits an expansion of the non-residential healthcare facility special permit to add approximately 2.4 acres for a parking lot and greenspace.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions and documents as listed below:
 - 1.1 Add a note that access will be provided to the property currently owned by Mr. Acher from 16th Or 17th Street through the hospital property if requested by the City.
 - 1.2 Add a note to the plan that states, "The landscaping shown on this plan will be installed at the time of building permit."
 - 1.3 Add a note to the plan that states, "Access to South Street will be relinquished, except where shown on this plan."
 - 1.4 Add a note to the plan that states, "The parking stalls and drive aisles shown on this plan are conceptual and subject to minor changes."
 - 1.5 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance,

and must be approved by Building & Safety Department prior to installation".

2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the parking lot all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the CityClerk. 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.
 - 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by

Paul Barnes, Planner
402-441-6372
pbarnes@lincoln.ne.gov

DATE: June 12, 2015

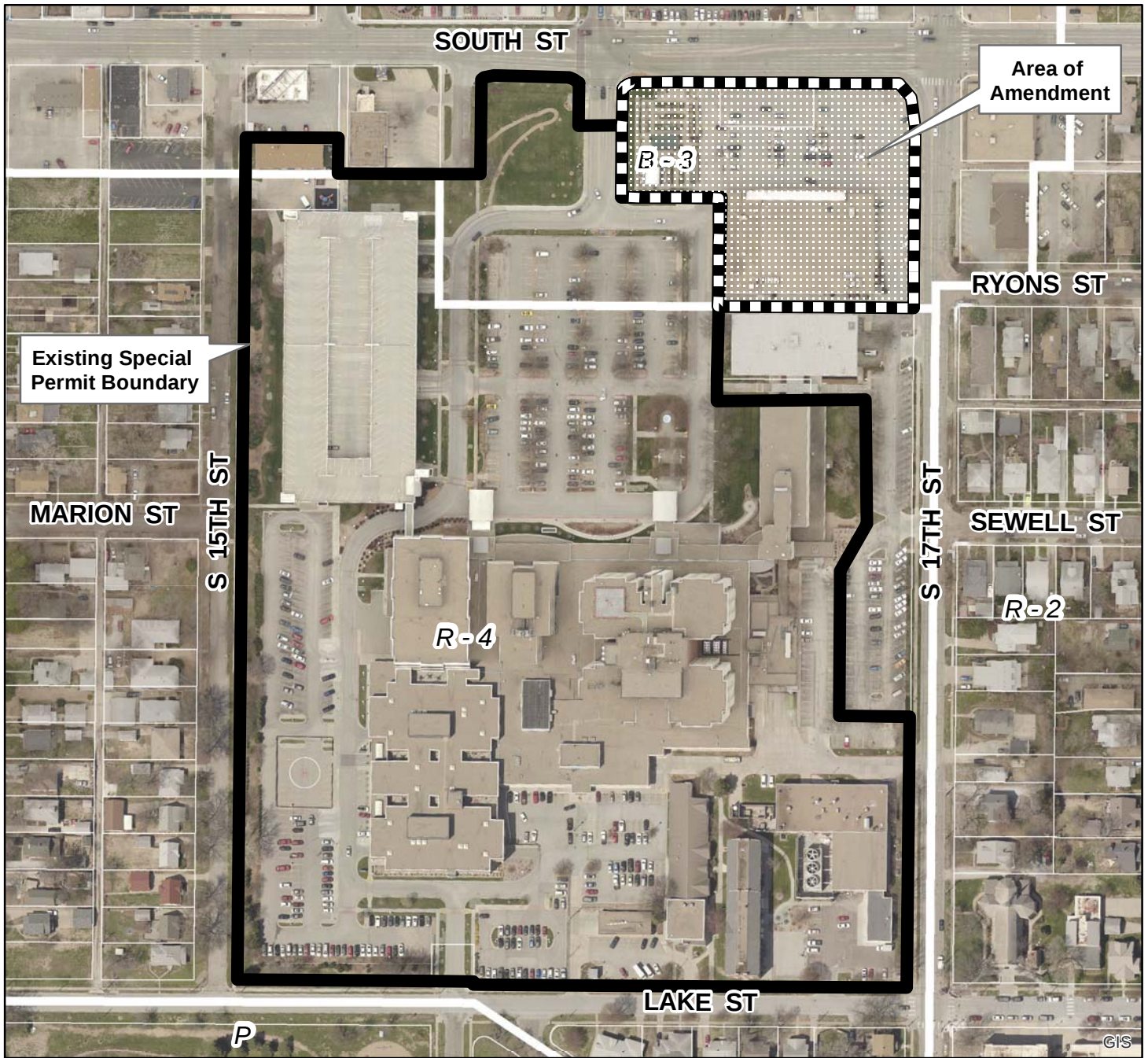
APPLICANT: Bryan Medical Center
Attn: David Reese
1600 S. 48th Street
Lincoln, NE 68506

OWNERS: Bryan Medical Center
Attn: David Reese
1600 S. 48th Street
Lincoln, NE 68506

Randall Acher
1334 S. 33rd Street
Lincoln, NE 68510

CONTACT: DaNay Kalkowski
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

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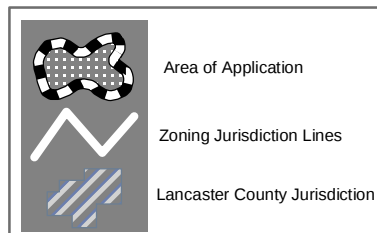
2013 aerial

**Special Permit #: SP1020H
Bryan Medical Center West
S 17th & South 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.36 T10N R06E



SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.COM

May 27, 2015

HAND DELIVERY

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

RE: Amendment to Special Permit No. 1020G
Bryan Medical Center West

Dear David:

Our office represents Bryan Medical Center ("Bryan"), the owner of the Bryan Medical Center West campus at 2300 S. 16th Street, Lincoln, Nebraska. Bryan owns and/or has a contract to purchase an additional 2.4 acres of property located at the southwest corner of South Street and S. 17th Street that was previously occupied by Sun Mart (the "Property"). The Property is currently zoned B-3. Bryan is requesting an amendment to Special Permit No. 1020G ("Special Permit") to add the Property to the Special Permit making it part of the Bryan Medical Center West campus. Bryan will be demolishing the current building and is proposing to utilize the Property for additional parking and green space.

Representatives of Bryan hosted an informational meeting on February 26 to discuss the proposed plans with neighbors. Surrounding neighbors and neighborhood associations were invited to attend. The meeting was attended by 30+ people including board members from the Irvingdale Neighborhood Association and the Near South Neighborhood Association. No opposition to the proposed plans was expressed at the meeting. Those attending liked the added green space and the removal of the existing building.

Enclosed please find the following:

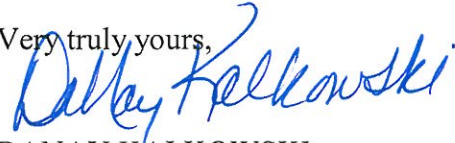
- a. City of Lincoln Zoning Application;
- b. Application fee in the amount of \$792 for the Amendment; and
- c. 8½ x 11 Site Plan.

Davis Design will be submitting plans for the amendment electronically.

The addition of the Property to the Special Permit is a logical expansion that provides space for additional parking to serve the uses and services provided on the Bryan Medical Center

West campus. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me at (402) 435-6000, David Reese with Bryan Medical Center at (402) 481-4489 or Wade Stange with Davis Design at (402) 476-9700.

Very truly yours,



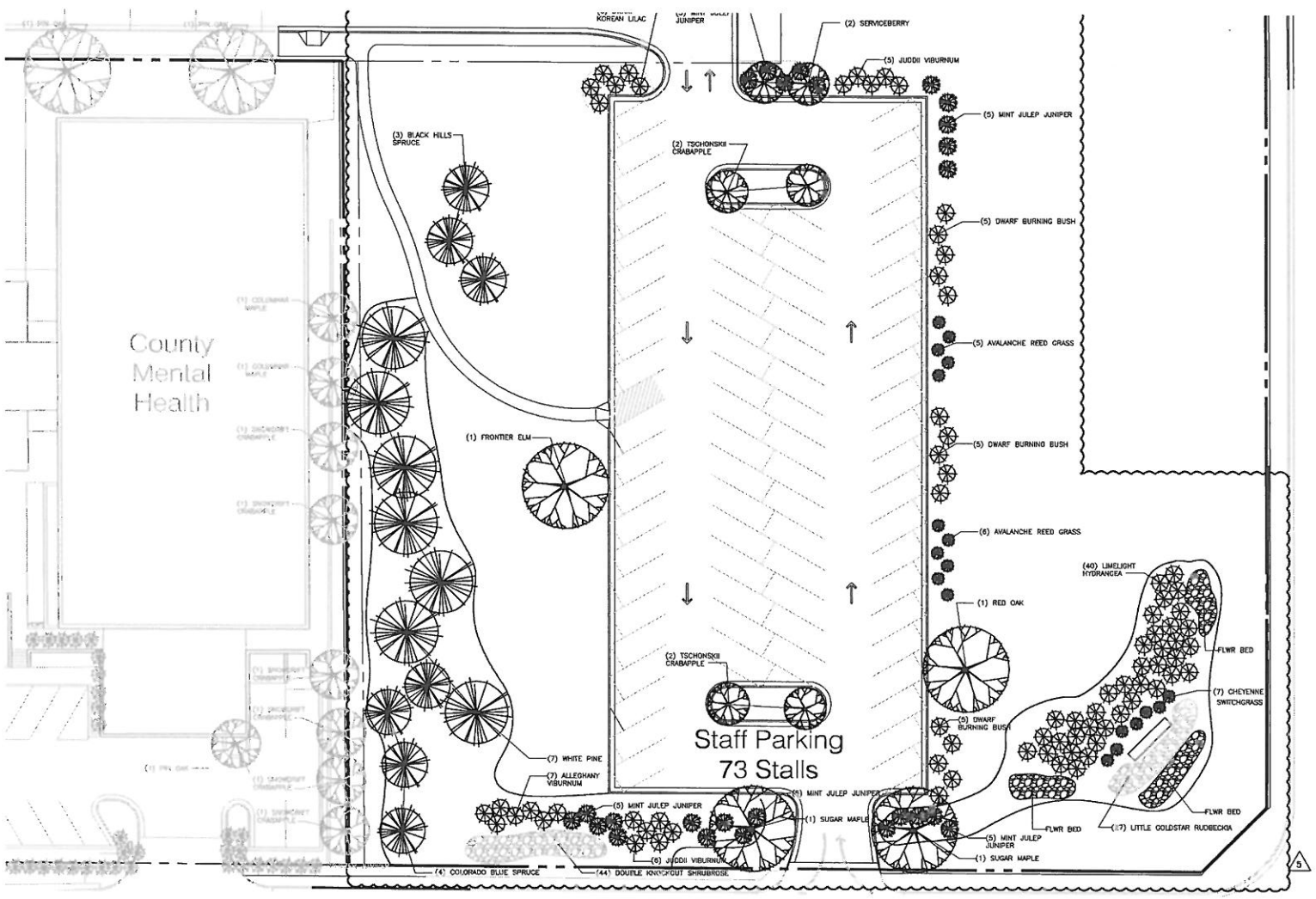
DANAY KALKOWSKI

For the Firm

Enclosures



18



PROPOSED PLANTINGS AT THE NORTH HOSPITAL ENTRANCE TO ACTUAL EXISTING.
 EXISTING PLANTINGS ARE SHOWN IN THE MAIN NORTH ENTRANCE TO ACTUAL EXISTING.
 PROPOSED PLANTINGS ARE SHOWN IN THE NEW NORTH-EAST STAFF PARKING LOT.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 10, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #15015 - Erickson Addition

PROPOSAL: Change the zoning from AG Agriculture to R-3 Residential

LOCATION: South 84th Street and Pinehill Lane

LAND AREA: Approximately 5.97 acres

CONCLUSION: The Comprehensive Plan designates this area for future Urban-density Residential development. The R-3 zoning district allows the type of development consistent with this land use designation, and also matches the zoning over the adjacent Pinehill and HiMark developments. This finding is also based upon the approval of a revised site plan associated with Special Permit #15028 which removes all dwelling units from the Pipeline Planning Area (PPA) per the Health Department's recommendation. If so, this request complies with the Zoning Ordinance and is in conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 74 I.T. located in the SW 1/4 of Section 11-9-7 of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	Residential	AGR, R-3
South:	Residential	R-3
East:	Residential	R-3
West:	Undeveloped, Commercial	R-3 (PUD)

ASSOCIATED APPLICATIONS:

SP#15028 - A special permit for a proposed R-3 community unit plan which creates 34 lots.

HISTORY:

Sept 1997 - Annexation #97004 was approved annexing 78 acres, including the approximate 6 acres involved in this request.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for urban-density residential land uses.

Pg 1.10 - This property is in the Tier I, Priority A of the Growth Tiers with Priority Areas map for the City of Lincoln.

Pg 7.4 - Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

Pg 7.8 - Neighborhoods and Housing - Revise the regulations or procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

ANALYSIS:

1. This request seeks to re-zone a 5.97 acre tract from AG to R-3. The land is located on the east side of South 84th Street near the intersection of Pine Hill Lane. The tract is mostly surrounded by R-3 zoning, except for a small remaining island of AGR to the north.
2. The subject tract was annexed in 1998 as part of a larger 78 acre annexation approved by the City Council. The property met the City's annexation policy as it was found to be contiguous, urban in character, and could be provided all City services.
3. The Future Land Use Map designates this area for urban-density residential land uses. The R-3 zoning district allows the type of development consistent with this land use designation. R-3 zoning also matches the zoning over adjacent Pinehill and HiMark developments.
4. This application is associated with Special Permit #15028, a request for an R-3 community unit plan (CUP) to allow up to 34 lots/dwelling units. Approval of the CUP is conditioned upon the approval of this change of zone, as R-3 zoning is necessary for the plan under consideration.
5. One of the conditions of approval of the special permit is that no dwellings be located in the PPA. This is based upon the recommendation from the Health Department using the *Report of the Joint Committee on Land Use and Health* of 2006. Two goals of that report were to strongly encourage that new development not build within the Hazard Area of high pressure underground pipelines, and to increase notification efforts at the local level to make residents and businesses more aware of the hazards of these pipelines.

6. Provided the site plan associated with Special Permit #15028 is revised per the recommended conditions of approval with respect to the PPA, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. If the site plan is not revised such a manner, staff recommends denial based upon a finding that re-zoning the property is not appropriate without an associated development plan which respects the recommendations regarding the PPA.

Prepared by:

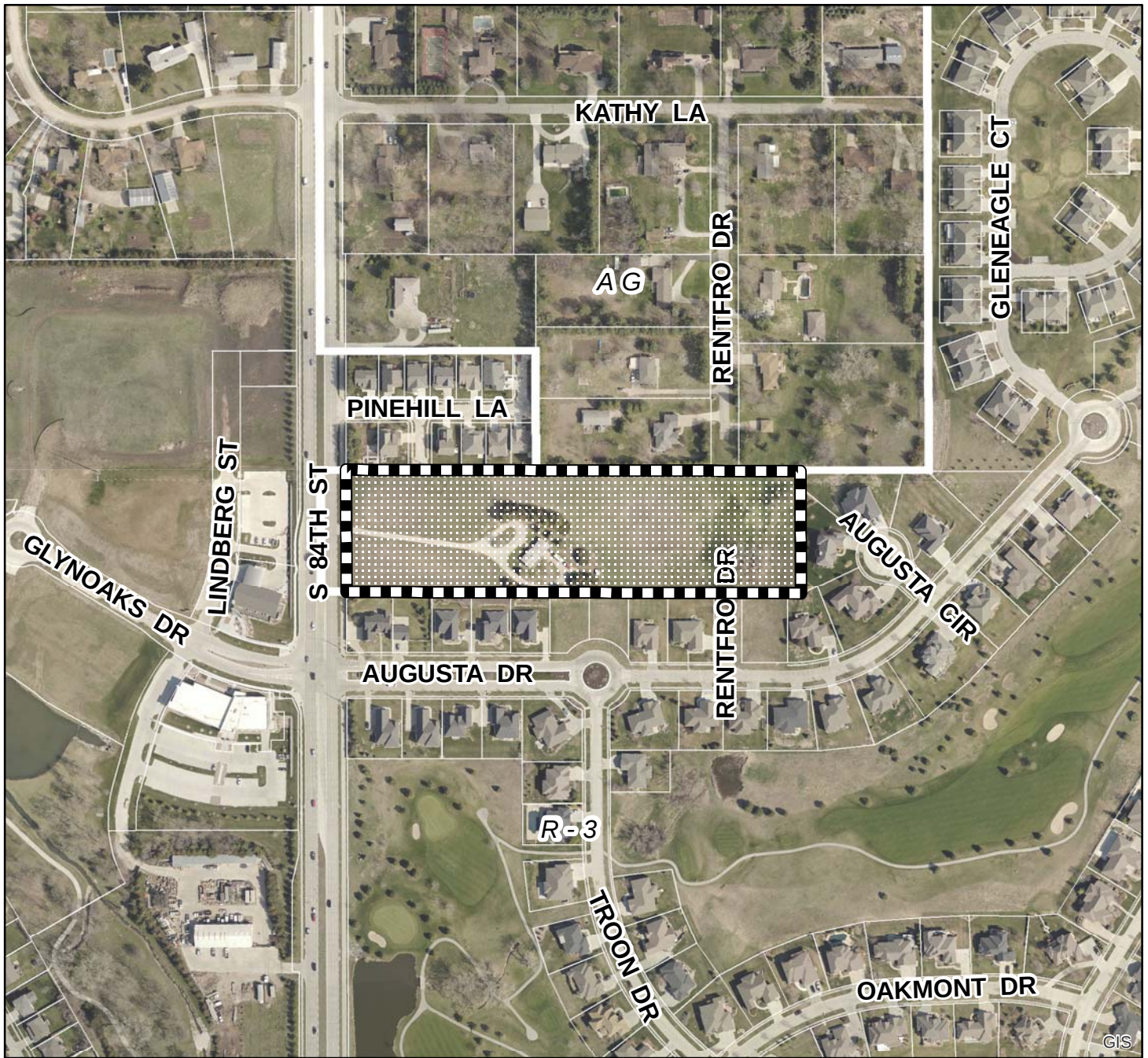
Brian Will
bwill@lincoln.ne.gov, 402-441-6362
May 27, 2015

APPLICANT/

CONTACT: Matt Langston
Olsson Associates
601 P Street
Lincoln, NE 68508
402-525-9963

OWNER: Robert and Marjorie Birkett
500 South 84th Street
Lincoln, NE 68516

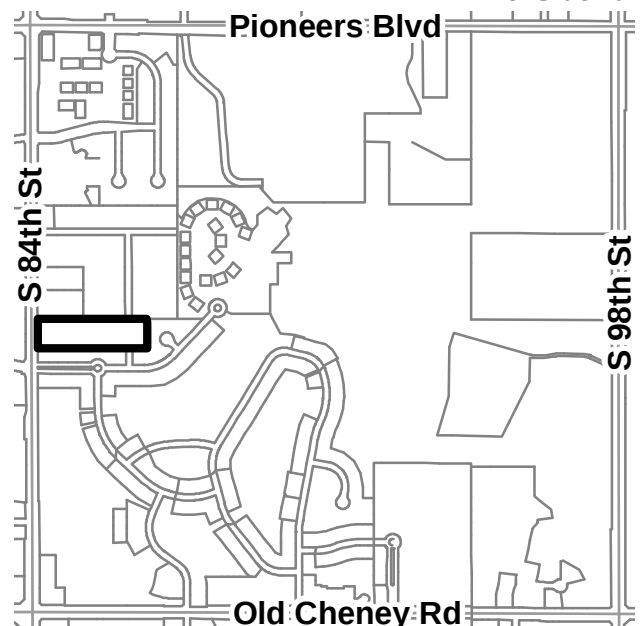
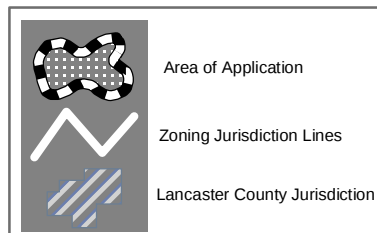
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Change of Zone #: CZ15015 (AG to R-3)
and Special Permit #: SP15028
Erickson Addition CUP
S 84th St & Pinehill La
Zoning:

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.11 T09N R07E



2013 aerial

CHANGE OF ZONING SITE PLAN

LEGAL DESCRIPTION
LOT 74 ENE, IN THE NW 1/4 OF THE SW 1/4, 11-6-7

LEGEND

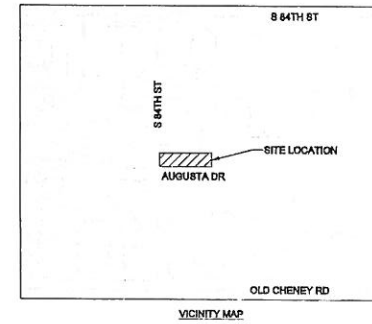
- LIMITS OF PROPOSED CLIP
- PROPERTY LINE
- UTILITY AND ACCESS EASEMENT
- BUILDING SETBACK
- SECTION LINE
- RIGHT OF WAY LINE
- PROPOSED SANITARY SEWER
- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING WATER MAIN



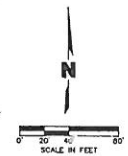
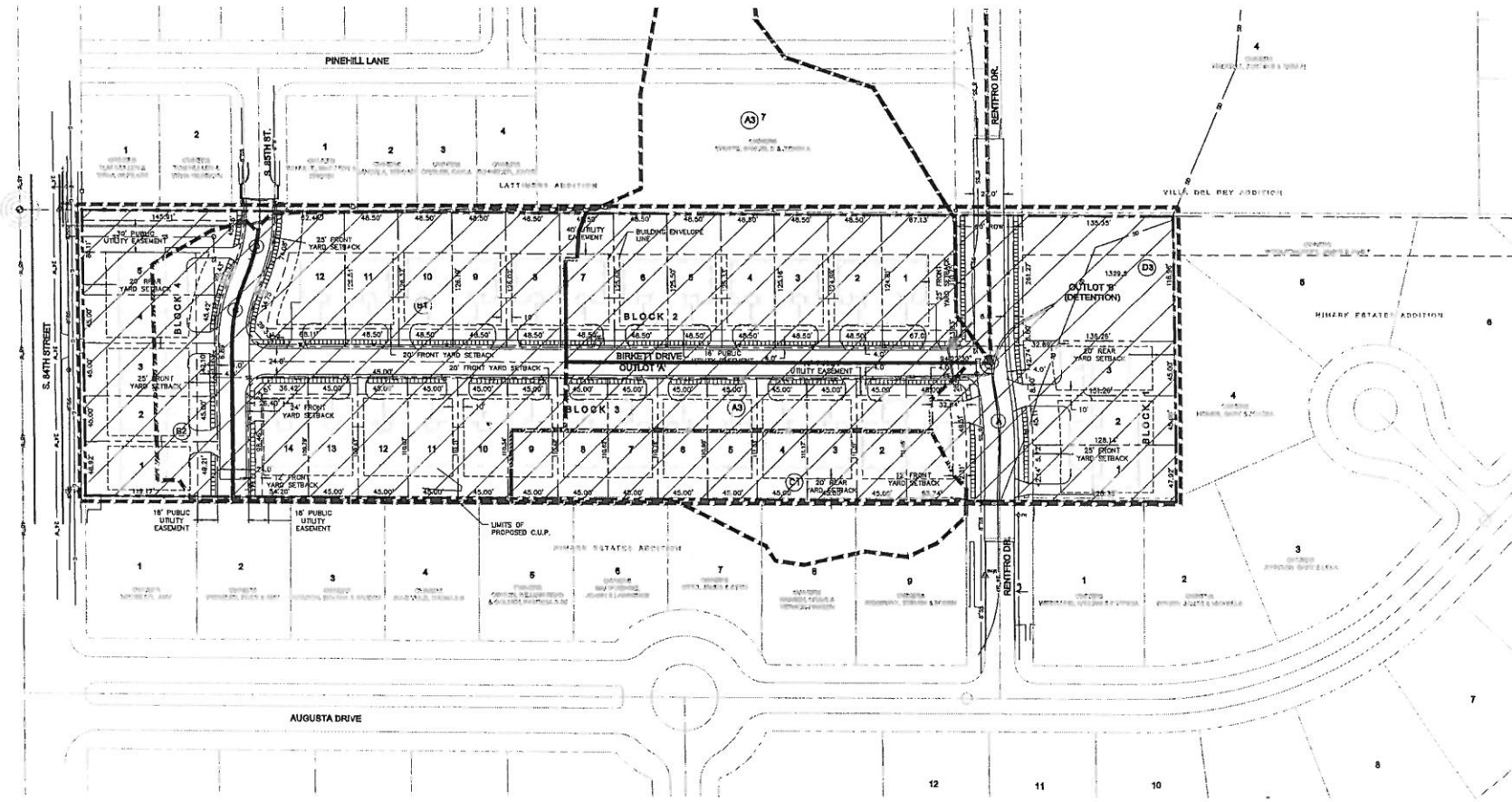
AREA OF CHANGE OF ZONE REQUEST FROM
'AG' TO 'R-3'

ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE 68508
PHONE: (402) 474-8311

OWNER
BIRKETT, ROBERT H & MARJORIE C
2000 S 84 ST
LINCOLN, NE 68516



VICINITY MAP



OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE 68508
PHONE: (402) 474-8311

REVISIONS

NO.	DATE	DESCRIPTION
1	05/14/2015	ERICKSON ADDITION
2	05/14/2015	BATH AND AUGUSTA DR
3	05/14/2015	CHANGE OF ZONING

PROJECT: ERICKSON ADDITION
SHEET: 1 of 1

DATE: 05/14/2015
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]



May 13, 2015

Brian Will
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Erickson Addition
Change of zone

Dear Brian

On behalf of the owner, Robert H. & Marjorie E. Birkett and the developer, Luxe Lifestyle Innovations, LLC. We are requesting a Change of Zone from 'AG' to 'R-3' for the property located at 5000 South 84th Street, Lincoln, Nebraska

The areas surrounding the 5.97 acre site are developed residential neighborhoods and zoned 'R-3', with the exception of a portion of the north boundary which is zoned AG. We feel the 'R-3' zoning fits well in the area and will make the best utilization of the site.

Please let me know if you have any questions or comments.

Sincerely,



Matt Langston

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 10, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #15028 - Erickson Addition

PROPOSAL: A special permit per Section 27.63.320 for a community unit plan (CUP)

LOCATION: South 84th Street and Pinehill Lane

LAND AREA: Approximately 5.97 acres

WAIVER /MODIFICATION REQUESTS:

1. Section 27.72.020(a) - Adjust front yard setback from 25' to 12'.
2. Section 27.72.020(a) - Adjust average lot width from 50' to 45'.
3. Section 27.72.020(a) - Adjust average lot area from 6,000 to 5,000 sq. ft.
4. Design Standards Ch. 2.25 Section 3.5 - Adjust roadway curve radii.
5. Design Standards Ch. 2.25 Section 3.5 - Adjust roadway width.

CONCLUSION: The Comprehensive Plan designates this area for future urban density residential development. The requested waivers allow for a greater utilization and density on the site. The waivers are appropriate only if five dwellings are removed from the Pipeline Planning Area (PPA) which extends along South 84th Street. The Health Department has concerns for the public's safety with respect to locating habitable dwellings with the PPA and is opposed the dwellings shown within the PPA as part of this plan. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is in conformance with the Comprehensive Plan.

RECOMMENDATION:

SP#15028

Conditional Approval

Waivers:

- | | |
|--|-----------|
| 1. Adjust front yard setback from 25' to 12' - | *Approval |
| 2. Adjust average lot width from 50' to 45' - | *Approval |
| 3. Adjust average lot area from 6,000 to 5,000 sq. ft. - | *Approval |

*Subject to the removal of the five dwelling units from the Pipeline Planning Area.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 74 I.T. located in the SW 1/4 of Section 11-9-7 of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE: Single-family Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	AGR, R-3
South:	Single-family Residential	R-3
East:	Single-family Residential	R-3
West:	Bank and parking lot	R-3 (PUD)

ASSOCIATED APPLICATIONS:

CZ#15015 - A request to change the zoning from AGR Agricultural Residential to R-3 Residential.

HISTORY:

Sept 1997 - Annexation #97004 was approved annexing 78 acres, including the approximate 6 acres involved in this request.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for urban-density residential land uses.

Pg 1.10 - This property is in the Tier I, Priority A of the Growth Tiers with Priority Areas map for the City of Lincoln.

Pg 2.7 - The community's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in existing neighborhoods, redevelopment of underperforming commercial areas into mixed use redevelopment areas that include residential, retail, office and entertainment uses, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Pg 7.1 - One of the essential elements of the community and LPlan 2040 is housing. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole.

Pg 7.2 - Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods. Provide a wide variety of housing types and choices for an increasingly diverse and aging population.

Pg 7.4 - Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

Pg 7.8 - Neighborhoods and Housing - Revise the regulations or procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

Pg 7.10 - Encourage a mix of housing types all within one area.

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

Pg 12.1 - The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.

UTILITIES: Public sewer and water, and electricity and cable TV are in the area and can be extended to serve this development.

TRAFFIC ANALYSIS: South 85th Street and Birkett Drive are both shown as private roadways. Rentfro Drive is shown as a public street.

Beyond this development, the streets within the adjacent Pinehill CUP are all private, and South 85th Street will connect to a private roadway. Rentfro Drive in both HiMark to the south and Villa Del Rey to the north, is public.

A condition of approval of the Pinehill CUP requires that the access at Pinehill Lane to South 84th Street be relinquished when Pinehill Lane is extended to intersect Rentfro Drive. The cost to remove the connection is the City's per the CUP. While this development does create an internal street connection, it does not result in the direct connection of Pinehill Lane to Rentfro Drive and does not trigger the elimination of the connection.

PUBLIC SERVICE: The nearest Fire Station is located at South 84th and South Streets.

REGIONAL ISSUES: There is a natural gas pipeline located in the South 84th Street right-of-way. The Health Department has calculated a Pipeline Planning Area extending 175' from either side of the pipeline. The Health Department recommends that no habitable residential structures be located within this area. Open space, parking lots, garages, office and commercial buildings may be located in this area, but not dwellings, early childhood care facilities or K-12 schools.

ANALYSIS:

1. This is a request for a special permit for a community unit plan. The subject tract is located on the east side of South 84th Street, south of the intersection of Pinehill Lane. The tract is mostly surrounded by R-3 zoning except to the north, where a part of the lot is adjacent to the AGR-zoned Villa Del Rey acreage development. The

associated change of zone request seeks to change the zoning from AGR to R-3 for this tract.

2. The proposed site plan for the CUP shows 34 lots/dwelling units. The Design Standards allow an overall density of 6.96 dwelling units per acre in the R-3 district, or the potential for up to 41 units on this 5.97 acre tract.

3. There are a three waivers to Lincoln Municipal Code being requested, they are addressed as follows:

A. Adjust front yard setback from 25' to 12' - This adjustment only applies to Lots 1 and 14, Block 3. They are corner lots, and the adjustment is for the front yards adjacent to Rentfro and South 85th respectively. The front setback along Birkett Drive will still remain at 20' for both lots. Similar requests adjusting one of the two front yard setbacks for corner lots have been supported by the City in recent years.

B. Adjust average lot width from 50' to 45' - This request applies to two lots - Lot 3, Block 1, and Lot 1, Block 4. Each lot contains a unit which is identical to one-half of the two-dwelling structures shown throughout the remainder of the development. It is because the units are detached that they are required to be on a lot at least 50'-wide. As proposed, the result is a uniform appearance and a consistent lot layout.

C. Adjust average lot area from 6,000 to 5,000 sq. ft.- This request applies to same two lots described in (B) above, Lot 3, Block 1, and Lot 1, Block 4. For the same reasons, this waiver is appropriate.

The requested waivers allow flexibility in design and an increase in density. However, they are only appropriate if the five dwelling units are removed from the PPA.

4. Two waivers to Design Standards were requested associated with the design of the private roadways, and Public Works and Utilities recommends approval of both. However, with respect to the reduced pavement width, a note should be added to the site plan acknowledging that parking will only be allowed one side of South 85th Street and Birkett Drive. This will still provide an adequate amount of on-street guest parking, but more importantly ensures a passable through-lane for emergency responders.
5. The Health Department has concerns with respect to locating certain uses within the PPA, and is recommending denial of the site plan as proposed. Alternate uses such as open space and parking lots are acceptable inside the PPA, but not dwellings, early childhood care facilities or K-12 schools.

Their recommendation is based upon the recommendation from the Health Department using the *Report of the Joint Committee on Land Use and Health* of 2006. Two goals of that report were to strongly encourage that new development not build within the PPA of high pressure underground pipelines, and to increase notification efforts at the local level to make residents and businesses more aware of the hazards of these pipelines. Those goals are reflected in strategies contained in the Comprehensive Plan:

Pg 7.4 - Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

Pg 7.8 - Neighborhoods and Housing - Revise the regulations or procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

In response, the Health Department has identified the locations of major pipelines throughout the community, and one exists in South 84th Street adjacent to this development. The Health Department has calculated a PPA extending 175' from either side of the pipeline. If the PPA were delineated on the site plan as requested by the Health Department, the five dwellings west of South 85th Street would be located within it.

The Health Department's comments are as follows: "A high pressure natural gas pipeline is located within the 84th Street right of way. The LLCHD calculated a pipeline planning area of 175 feet on each side of this pipeline. The pipeline planning area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure. The applicant's submitted site plan depicts the residential dwellings on Lots 1-5 Block 4 within the projected pipeline planning area. The LLCHD recommends not locating residential dwellings, schools, or childcare facilities within pipeline planning areas. Therefore, the LLCHD is recommending denial of this proposed development."

6. Both building envelopes and setbacks are shown on the site plan. Done this way it becomes confusing and is difficult to tell where dwellings can be built on the individual lots. The building envelopes should be deleted, and a note added to the plan which states that setbacks are per the R-3 zoning district except as adjusted. The list of 'Waiver Requests' needs to be renamed 'Waiver Table', and should list the specific adjustments corresponding to the applicable lots (where appropriate).

7. The proposed cross section for the private roadways shows the sidewalks set back 4' from the back of curb. The Design Standards require the sidewalk be set back 8' from the back of curb. This maintains a safe separation between pedestrians and vehicular traffic, and also provides adequate space for street trees. There is sufficient space to have 8' of separation between the curb and the sidewalk without impacting the placement of homes or garages.
8. There is an L.E.S. transmission line and associated easement extending along the north boundary. It is noted that the grade at any L.E.S. structure may not be altered.
9. Public Works and Utilities noted that the several driveway locations at the intersections of South 85th and Birkett, and at Rentfro and Birkett do not comply with the City's access Management Policy. The locations shown will require deviation requests approved by Public Works and Utilities.
10. Public Works/Watershed Management notes that a drainage study was not provided. The grading and drainage plan cannot be approved without it.
11. Other corrections/changes were noted during the review and are included as recommended conditions of approval. Subject to those conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL

This approves a community unit plan for 34 lots with adjustments to the front yard setback from 25' to 12', to the average lot width from 50' to 45', and to the average lot area from 6,000 to 5,000 sq. ft.

Site Specific:

1. 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 community unit plan before receiving building permits:
 - 1.1 Revise the plans as follows:
 - 1.1.1 Revise 'Waiver Requests' to 'Waiver Table', and revise the table to include the lot width and lot area adjustments.
 - 1.1.2 Revise Note #18 to state 'All setbacks per the R-3 zoning district except as adjusted.'

- 1.1.3 Delineate the 175' Pipeline Planning Area along South 84th Street, and revise the site plan to show no dwelling units located within it.
- 1.1.4 Remove the property owners names from the site plan.
- 1.1.5 Revise the site plan, private roadway cross section, and typical lot detail to show sidewalks set back at least 8' from the back of curb.
- 1.1.6 Delete Notes #8, 10 - 16, 19, and 21 which are either redundant or re-state current requirements.
- 1.1.7 Delete the lot setbacks table, waivers are covered by 'Waivers Table'.
- 1.1.8 Add a note which states 'The minimum set back from the back of curb to the garage shall be 22' in those case where the garage faces a street. Otherwise setbacks are per the CUP.'
- 1.1.9 Show the sidewalks connecting around the end of the paving at the south end of South 85th Street.
- 1.1.10 Add a note which states 'Parking is prohibited on one side of Birkett Lane and South 85th Street, to be determined by the Homeowner's Association.'
- 1.2 Submit a drainage study and revised grading, drainage, and utility plans to the satisfaction of Public Works and Utilities and Watershed Management.
- 1.3 Provide documentation of approval of deviation requests approved by Public Works and Utilities for driveway locations.
- 1.4 City Council approves associated request CZ#15015.
- 1.5 The construction plans shall comply with the approved plans.
- 1.6 Final plats shall be approved by the City.

Standard:

- 2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

- 2.2 All privately-owned improvements shall be permanently maintained by the owner or an owners association approved by the City Attorney.
- 2.3 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.
- 2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 2.5 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.

Prepared by:

Brian Will
bwill@lincoln.ne.gov, 402-441-6362
May 27, 2015

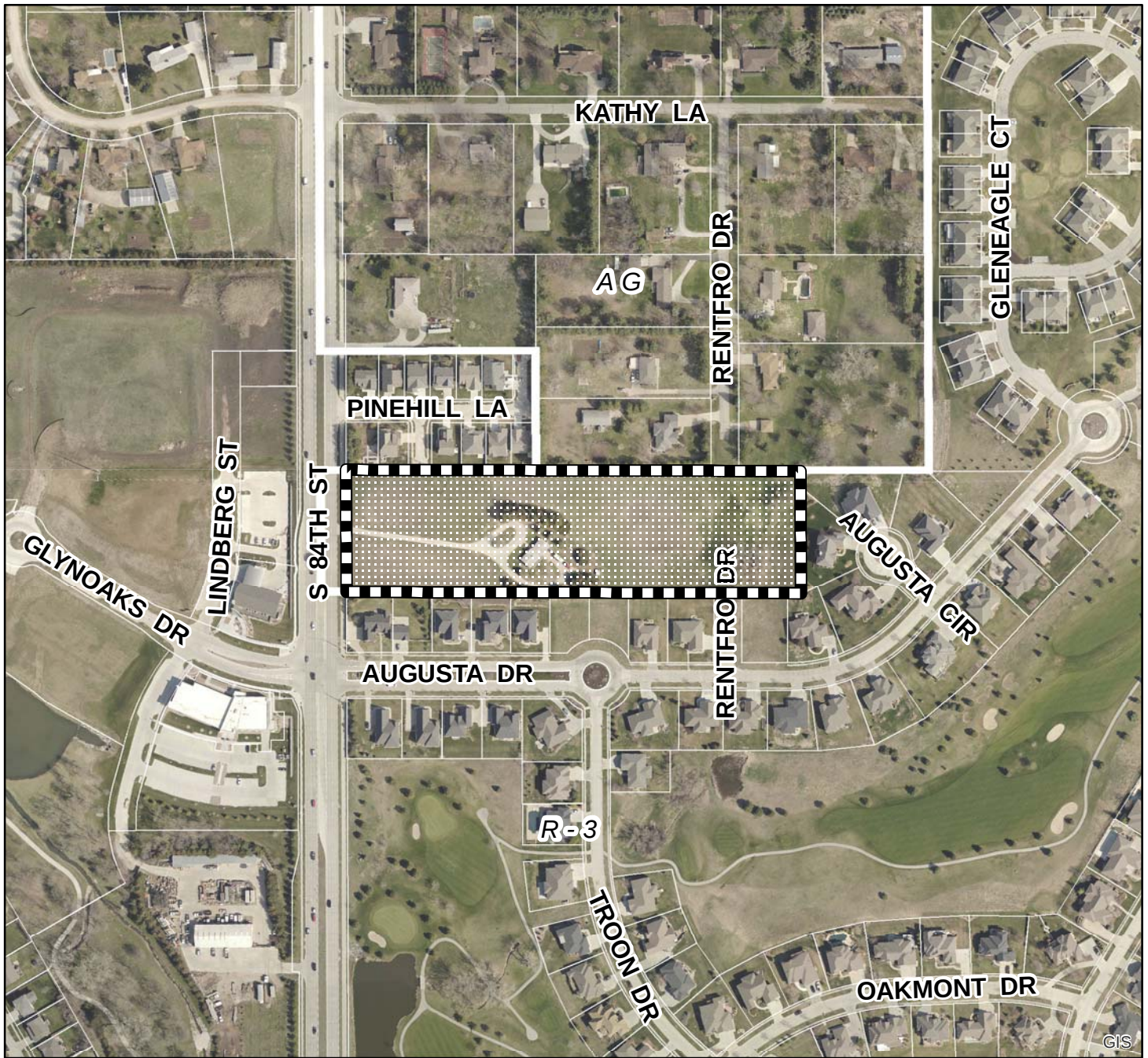
**APPLICANT/
CONTACT:**

Matt Langston
Olsson Associates
601 P Street
Lincoln, NE 68508
402-525-9963

OWNER:

Robert and Marjorie Birkett
500 South 84th Street
Lincoln, NE 68516

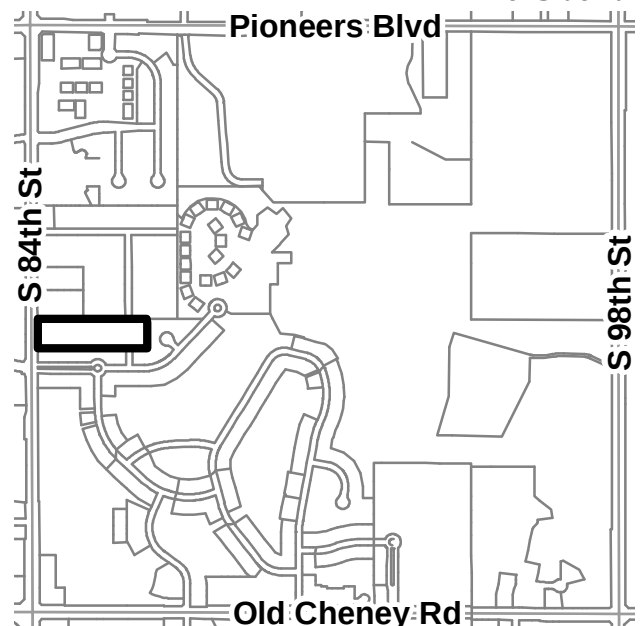
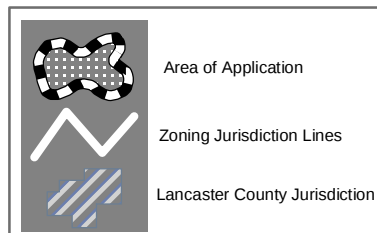
F:\DevReview\SP\15000\SP15028 Erickson Addition.bjw.wpd



Change of Zone #: CZ15015 (AG to R-3)
and Special Permit #: SP15028
Erickson Addition CUP
S 84th St & Pinehill La
Zoning:

R-1 to R-8	Residential District
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AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
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R-T	Residential Transition District
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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.11 T09N R07E



2013 aerial



May 13, 2015

Brian Will
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Erickson Addition
Community Unit Plan Application

Dear Brian

On behalf of the owner, Robert H. & Marjorie E. Birkett and the developer, Luxe Lifestyle Innovations, LLC. We are requesting a Community Unit Plan for the property located at 5000 South 84th Street, Lincoln, Nebraska

This Special Permit will allow the development of a 34 lot subdivision, including 32 attached single family lots, 2 detached single family lots, and 2 out-lots. The existing site contains a single family detached home on 6 acres of land and is surrounded by fully built residential subdivisions. The development will be constructed in phases and will include the demolition of the existing house.

We are proposing to construct S. 85th Street and Birkett Drive as private drives and Rentfro Drive as public. The sanitary sewer and water mains shall be built as public utilities with the storm sewer being private.

The following waivers are being requested as part of this C.U.P.:

1. Front Yard Setback Waiver for Block 3 from 25' to 12' along s 85th Street and Rentfro Drive. This waiver only affects Lot 1 and 14, Block 3. These single family attached Lots will utilize the area as side yards, with the design of the units providing over 26 feet of parking space in each driveway between the garage and public sidewalk.
2. A Waiver to reduce the minimum private roadway width from 27' to 24' as measured to the back of curbs. The 24' wide roadway will help reduce traffic speeds in the low congestion location of the neighborhood.
3. A waiver to reduce the minimum sum of radii of adjacent non-compounding horizontal centerline curves from 600 feet to 300 feet before requiring a 100 foot tangent between the curves on South 85th Street, a private drive. The total offset in the street created by this Design Standard variance is minimal and does not adversely affect sight distances while maximizing land use of the Development.
4. A Waiver to reduce the Average Lot Width for a Single Family Dwelling From 50' to 45' for Lot 3, Block 1 and Lot 1 Block 4. This Lot will have a single family detached home that is half of the attached homes in this subdivision this waiver will keep the Lots consistent with the rest of the subdivision.
5. A Waiver to reduce the Average Lot Size for a Single Family Dwelling From 6000 square feet to 5000 square feet for Lot 3, Block 1. This Lot will have a single family detached home that is half of the attached homes in this subdivision this waiver will keep the Lots consistent with the rest of the subdivision

The property is currently zoned AG, with a change of zone to R-3 being submitted concurrently.

Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matt Langston", followed by a horizontal line extending to the right.

Matt Langston

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	Terry Kathe	1	Pending		Individual
County Health	chris schroeder	1	Recommend Denial	A high pressure natural gas pipeline is located within the 84th Street right of way. The LLCHD calculated a pipeline planning area of 175 feet on each side of this pipeline. The pipeline planning area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure. The applicant's submitted site plan depicts the residential dwellings on Lots 1-5 Block 4 within the projected pipeline planning area. The LLCHD recommends not locating residential dwellings, schools, or childcare facilities within pipeline planning areas. Therefore, the LLCHD is recommending denial of this proposed development.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
LES	les reviews	1	Corrections Required	5/26/2015- Uploading two red line drawings to the miscellaneous documents. Comments were: 1) Grade at LES transmission structure shall not be altered. 2) 40' transmission easement crosses the full length of the north end of this development. -Sarah Ryan	First In Group
Planning Dept	amy huffman	1	No Review Required		Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	5-22. Drive connections at 55th and Birkett and Rentfro and Birkett do not meet Access Management Policy spacing from intersection requirements. On public street these will require Deviation Request Approval.	First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Denial	- All of the western portion of site drain to an urban drainage system undetained - None of the development drains to the detention pond - No drainage report provided - Lots and fill in the minimum corridor along the eastern portion of the site - Drainage thru multiple lots and no minimum opening	Individual

Current Project - Agency Review Report

				elevations provided Lots SE of Birkett & 85th drain to street with no inlets nearby - May have other comments due to scarcity of existing information	
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval with the condition all new deliveries are delivered through Centralized Box Units(CBUs)purchased and installed at the owners expense in location mutually agreed upon by the developer and the US Postal Service	First In Group
Windstream	bob warman	1	Recommend Approval	Windstream has no problems with the proposed work.	Individual

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 10, 2015 PLANNING COMMISSION MEETING

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

PROJECT #: Special Permit No. 15035
Change of Zone No. 15014

PROPOSAL: A request per Section 27.63.530 for a Residential Healthcare Facility that includes assisted living, memory care and independent living units for 285 persons and a Change of Zone from R-1 Residential to R-2 Residential.

LOCATION: Old Cheney Road and Norman Road

LAND AREA: 13 acres more or less

EXISTING ZONING: R-1 Residential

CONCLUSION: Assisted living, memory care and independent living dwelling units will continue to increase in demand as the population of our community continues to age. Although this project has single family dwelling units on two sides it provides setbacks far above what would be required by zoning, which supports the waiver for taller buildings closer to Old Cheney Road and the rezoning to R-2. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

RECOMMENDATION:		Conditional Approval
Waivers/modifications:		
1.	Title 26, Section 26.23.125 to waive the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet.	Approval
2.	Title 26, Section 26.23.130 to allow a block length to exceed 1,320 feet.	Approval
3.	Title 27, Section 27.72.030 to allow height limitations of buildings to increase from 35 feet to 55 feet.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description

EXISTING LAND USE: Golf Course

SURROUNDING LAND USE AND ZONING:

South/West: R-1 Single family dwellings

North: R-1 Residential - with a 4 lane arterial Old Cheney Road separating the single family lots to the north from this site .

East: R-1 Residential - with a golf course and special permit for parking in a residential zoning district.

B-1 Local Business District - club house including restaurant and swimming pools

HISTORY: See attached history document

COMPREHENSIVE PLAN SPECIFICATIONS: This property is shown as open space on the 2040 Future Land Use Map.

The 2040 Future Land Use Map shows this property as Green Space. Page 1.9

The number of people in Lancaster County aged 65 and older is projected to increase by about 44,000 to reach about 75,000 in 2040. Page 2.4

Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above. New assisted living and nursing facilities will likely be needed as Baby Boomers move into their later years. Page 2.4

Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time. Page 5.3

Provide a wide variety of housing types and choices for an increasingly diverse and aging population. Page 7.2

Develop Lincoln as a major network of quality regional health care services at reasonable costs. Page 8.2

Encourage health care service facilities to meet the demand of the community's growing and aging population base. Page 8.3

Medical services, including physical and mental health care services, should be integrated and accessible within the community. Page 8.3

Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region. Page 8.3

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods. Page 8.7

Plan for further construction on medical campuses. Page 8.7

The demand for health care services increases as a result of the community's growing and aging population. Page 8.7

UTILITIES: Existing

TOPOGRAPHY: The site generally slopes down toward Old Cheney Road.

TRAFFIC ANALYSIS: Old Cheney Road is a minor urban arterial street. Norman Road is a local street.

PUBLIC SERVICE: This development will have not have a negative impact on public services.

REGIONAL ISSUES: There are very few residential healthcare facilities located in southwest Lincoln east of S. 27th Street.

ENVIRONMENTAL CONCERNS: All grading and drainage shall be approved by the Public works and utilities Department and shall show no impact on surrounding properties. Trees to remain or be moved shall be specifically indicated on a landscape plan approved by the Planning Director.

AESTHETIC CONSIDERATIONS: There are no design standards for this area

ALTERNATIVE USES: Single family or two family residential dwellings.

ANALYSIS:

1. This property is zoned R-1 today and has a special permit for a community unit plan (CUP) that was originally approved in 1953. The original community unit plan included lots that surrounded a private park. Sometime after the adoption of the CUP the private park was converted to a private golf course. There is no original special permit for the golf course because golf courses were a permitted use in residential zoning districts prior to the 1979 zoning update. The applicant proposes to convert a portion of the existing golf course into a residential healthcare facility.
2. The City of Lincoln Zoning Ordinance defines residential healthcare facility as “a *building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care.*”

3. This proposal is for a 285 person residential healthcare facility that includes a mix of memory care, assisted living and independent living units. It also includes a change of zone from R-1 Residential to R-2 Residential.
4. The special permit for a residential healthcare facility allows a lot area ratio of 1 resident per 3,000 square feet in the R-1 zoning district and 1 resident per 2,000 square feet in the R-2 zoning district. This site is approximately 13.09 acres and would allow for 190 residents per the R-1 and 285 residents per the R-2.
5. The residential setbacks for the R-1 zoning district are 20 feet for the rear yard, 10 feet for the side yard and 30 feet for the front yard. The applicant is proposing a minimum 81 foot rear yard setback to the west, a 101 foot side yard setback to the south and a 25 foot front yard setback to the east and north.
6. The height limit for both the R-1 and the R-2 zoning districts is 35 feet. The applicant is asking for a waiver to the maximum height requirement to increase the height of the independent living wing from 35 feet to 55 feet. The building for which the increase in height has been requested is proposed to be located near Old Cheney Road. It is also shown on the site plan to have a minimum setback of 113 feet from the residential lots to the west, mitigating the impact of the increase in height. The increase in height allows for the greater setback to the neighbors as well.
7. Waivers to the block length and pedestrian connection requirements have been requested. This site is intended to develop as a campus with no internal street system. The developer will provide a pedestrian circulation plan that provides access to public sidewalks located in the abutting rights of way. The block length has already been set by the existing development to the west.
8. The parking, loading, and garbage areas will be located in front of the building along Norman Road to buffer the adjacent neighbors from this activity.
9. The parking requirement for this development will be met with a mix of surface and underground parking.
10. If this lot were to develop as R-1 single family it could produce approximately 38 single family lots or 53 attached single family lots. Information provided to staff by the developer shows that the International Traffic Engineering (ITE) study estimated Average Daily Traffic (ADT) generated by the proposed residential healthcare facility at 260 trips with the single family at 380 trips and attached single family at 530 trips.

11. A landscape plan needs to be submitted showing the preservation of specific existing trees and additional landscaping along the south property line to the satisfaction of the Planning Director. At a minimum the same screening requirements that apply to multifamily should be applied along the south lot line.
12. The applicant requested a sign waiver in their attached application letter. That waiver is no longer being requested as part of this application.
13. Staff supports the change from R-1 Residential to R-2 Residential and the associated increase in the number of allowed residents due to the type of facility that is being permitted. The residents are elderly and generally cause less noise, traffic and have an overall lower impact on surrounding properties than other residential uses. In exchange for more allowable residents and taller buildings the developer is providing more green space and greater setbacks than what would be required by the zoning district.

CONDITIONS OF APPROVAL:

Per Section 27.63.530 this approval permits the development of residential healthcare facility for 285 persons, and waives the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet, allow a block length to exceed 1,320 feet, and allow height limitations of buildings to increase from 35 feet to 55 feet.

Site Specific Conditions:

1. The City Council approves associated request, Change of Zone #15014
2. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below:
 - 2.1 Delete notes 3 and 9 and provide a landscape plan that shows what trees are to remain and shows screening along the south and west lot lines that meet the design standards for multifamily development.
 - 2.2 Combine Notes 11 and 13 to state that accessory structures not requiring an occupancy permit are permitted out side the setback and need not be shown on the site plan.”
 - 2.3 Obtain approval of an administrative amendment to remove the area of this special permit from the Chez Ami Knolls Community Unit Plan.
 - 2.4 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units / buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 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.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: May 28, 2014

APPLICANT: Patrick Day
Dial Real Estate Consultants, LLC
11506 Nicholas Street Suite 100
Lincoln, NE 68510

OWNER: South Hills Inc
2333 Old Cheney Road
Lincoln, NE 68512

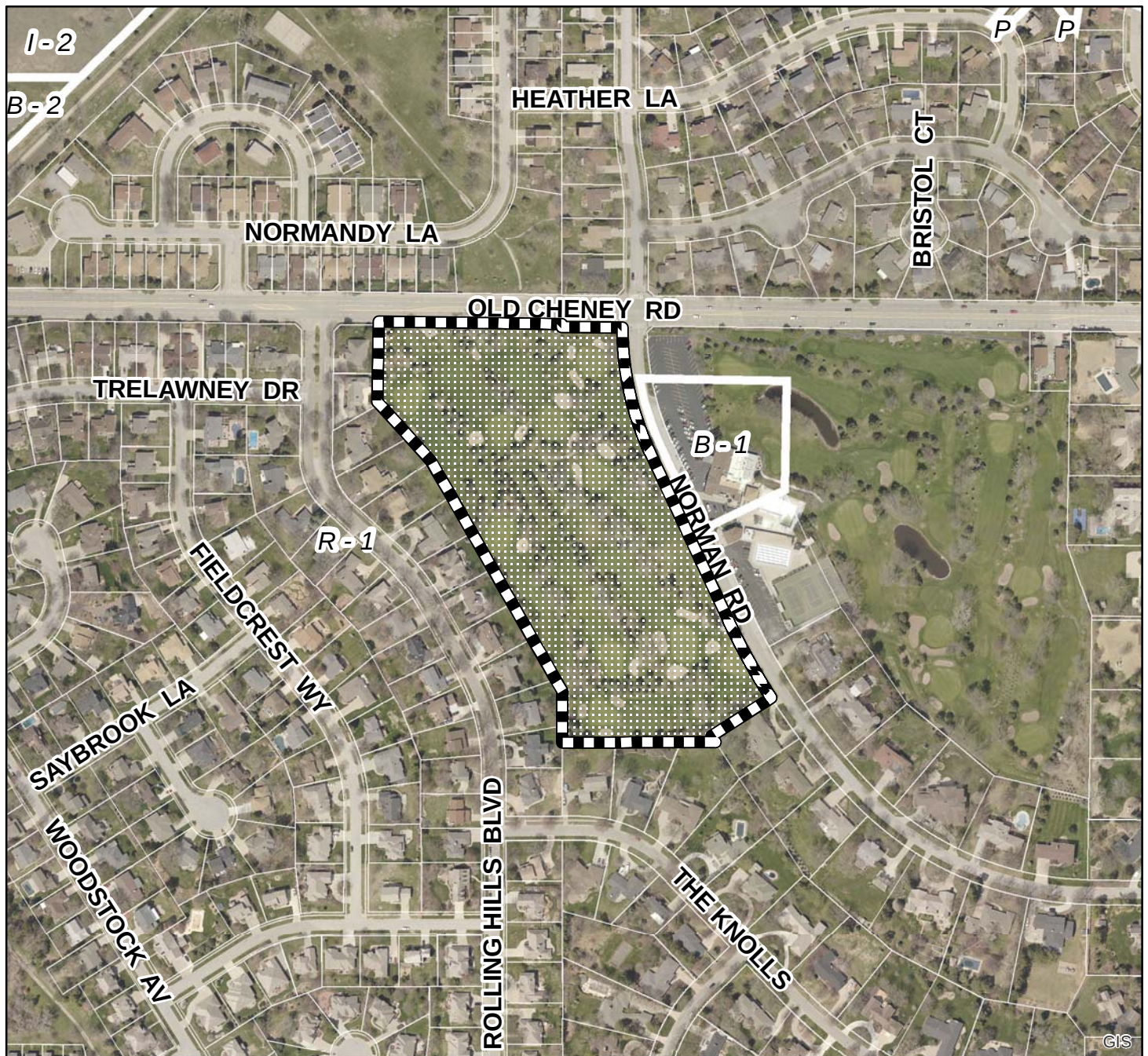
CONTACT: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

July 13, 1955	Planning Commission approved Chez Ami Knolls Community Unit Plan and Preliminary Plat No.61101 that included 63 single-family lots and a private park. The Community Unit Plan was not assigned a project number (special permit numbers were not assigned until 1957)
July 25, 1955	Planning Commission approved Chez Ami Knolls Final Plat No.61708 which platted the first 24 single-family lots along the street named "The Knolls"
January 13, 1960	Chez Ami Knolls 1 st Addition Revised Preliminary Plat No.61102 was approved by Planning Commission. The revised preliminary plat moved the connector road, now known as Barbara Lane, further east and reconfigured some lots on the west side of the plat.
January 25, 1961	Chez Ami Knolls Community Unit Plan (CUP), Special Permit No. 173 was approved by City Council. It reflected the changes in Preliminary Plat No.61102 .
February 20, 1961	City Council approved Chez Ami Knolls 1 st Addition Final Plat No. 61709 (Ordinance No. 7389) which platted 25 lots along Norman Road and The Knolls.
February 20, 1961	Chez Ami Knolls Community Unit Plan (CUP), Special Permit No. 201 was approved by City Council (Ord7389). The CUP includes the same 71 total acres, 10 acres of roads and 60 lots that were in the preliminary plats from 1955 and 1961. This approval amended the previously approved plan by replacing a private park with a "Chip and put" golf course.
November 29, 1965	City Council approved a Change of Zone No.665 (Ordinance No. 8878) to rezone approximately 2 acres around the restaurant in The Knolls from A-1 Single Family to G Local Business District. (This was for the restaurant.)
April 27, 1966	Chez Ami Knolls 2 st Addition Preliminary Plat No.67501 was approved by Planning Commission. The revised preliminary plat showed new lots generally between S. 25 th Street and S. 27 th Street and between Old Cheney and Bretigne Drive. These lots were not included in the CUP. This preliminary plat shows the previous park area as a golf course and designates land west of Norman Road and north of the Knolls as Outlot B and a small Outlot A. There is no stated use for the outlots on the site plan.
September 18, 1967	City Council approved a Change of Zone No.811 (Ordinance No. 9329) to rezone approximately 2 acres from AA Rural and Public Use to G Local Business District to enlarge the restaurant and add a swimming pool.
April 1, 1968	Chez Ami Knolls 2 st Addition Final Plat No. 67507 was approved by City Council first by Ordinance No. 9364 then corrected by Ordinance No. 9436. This final plat platted Outlot A on the west side of Norman Road. This final plat also platted lots 1 through 9 which were inside the CUP and several additional single family lots outside the Chez Ami Knolls CUP.

April 15, 1968	City Council approved Chez Ami Knolls 3 rd Addition Final Plat No.68101 (Ordinance No.9456) which platted several new lots east of the Community Unit Plan along S. 25 th Street. This area is outside the CUP.
April 14, 1969	City Council approved Chez Ami Knolls 3 rd Addition REVISED Final Plat No.69101 (Ordinance No.9736) which platted lots east of the Community Unit Plan along S. 25 th Street. The replat was due to issues regarding bonding for improvements. The Lot layout did not change.
November 16, 1970	City Council approved Special Permit No. 524 (Resolution No. A58362) to allow a parking lot in residential zoning located north of the restaurant. This parking lot was needed for the restaurant and clubhouse associated with the Knolls Golf Course
May 15, 1974	Chez Ami Knolls 4 th Addition Preliminary Plat No.74209 was approved by Planning Commission. The revised preliminary plat showed Andrew Drive as a cul-de-sac. This preliminary plat was outside the approved CUP.
July 16, 1974	City Council approved Chez Ami Knolls 4 th Addition Final Plat No. 74605 (Ordinance No.11132) which platted the lots shown in the Chez Ami Knolls 4 th Addition Preliminary Plat.
January 24, 1977	City Council approved Chez Ami Knolls 5 th Addition Final Plat No. 76602 (Ordinance No.11881) which platted the lots between S. 25 th Street and S. 27 th Street based on Chez Ami Knolls 2 st Addition Preliminary Plat No.67501. This area is outside the CUP.
May 8, 1979	The Knolls property was rezoned from A-1 Single Family Dwelling and G Local Business to R-1 Residential and B-1 Local Business District and Golf Courses (now known as Recreational Facilities) became a special permitted use in residential zoning districts with the 1979 zoning update of the entire city.
January 8, 1992	The Planning Director approved Administrative Amendment No. 91091 to Pre-Existing Special Permit No. 22 (this is when the golf course was given this Pre-Existing Special Permit number) to allow the construction of a 20' x 44' storage facility to be used by the maintenance department of the golf course.
March 27, 1992	The Planning Director approved Administrative Amendment No. 92017 to Pre-Existing Special Permit No. 22 to allow an increase in the size of the previously approved (AA91091) storage facility to be used by the maintenance department of the golf course.

November 4, 2003 The Knolls Country Club Final Plat No.03035 was approved by the Planning Director. This plat created two lots out of that portion of the golf course located east of Norman Road. The golf course is Lot 1 and the maintenance buildings for the golf course are on Lot 2. *(Note: that portion of the golf course west of Norman Road is still platted as a combination of Outlot A (Chez Ami Knolls 2nd Add) an I.T. lot and several platted lots from previous additions)*

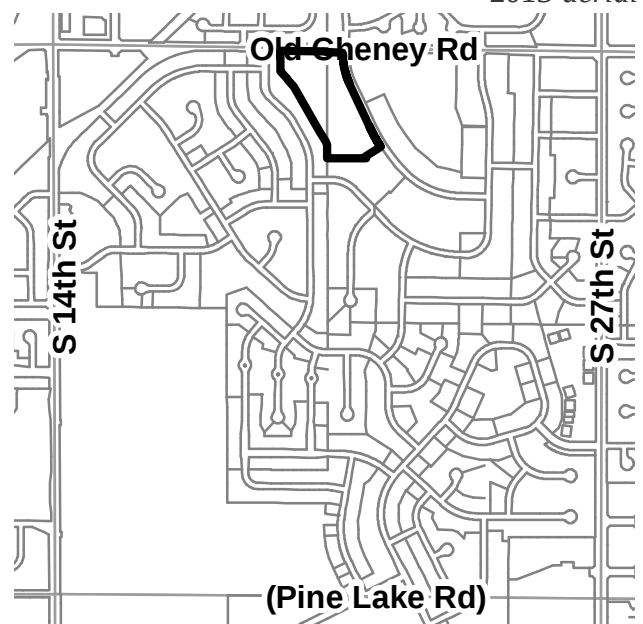
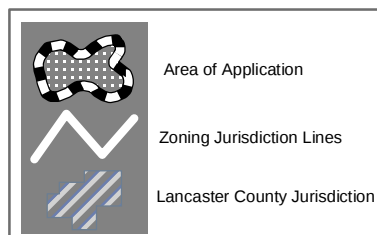
- Chez Ami Knolls 6th (No. 89001), 7th (No. 89112) , 8th (No. 95069) and 9th (No. 01067) Additions were small plats involving 2 or 3 lots and replatting previously existing lots.



**Special Permit #: SP15035 and
Change of Zone #: CZ15014 (R-1 to R-2)
The Knolls Senior Living Community
Norman & 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.13 T09N R06E



DEVELOPER

DIAL RETIREMENT COMMUNITIES
C/O PAT DAY
11506 NICHOLAS STREET, SUITE 100
OMAHA, NE 68154

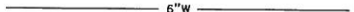
ENGINEER & PREPARER

OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE. 68508
PHONE: (402) 474-6311

WAIVER REQUESTS

1. A HEIGHT WAIVER FOR PORTIONS OF THE BUILDINGS FROM 35' TO 55'. 
2. A WAIVER FOR BLOCK LENGTH TO EXCEED 1,320'
3. A WAIVER FOR PEDESTRIAN WAY BLOCK LENGTH OF 1,000'

LEGEND

	PROPERTY LINE
	UTILITY AND ACCESS EASEMENT
	PROPOSED SANITARY SEWER
	PROPOSED WATER MAIN
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER MAIN
	PROPOSED SIDEWALK
	BUILDING SETBACK
	RELOCATE EXISTING UTILITY
	LIMITS OF SPECIAL PERMIT
	EXISTING TREES TO BE PRESERVED
	BUILDING ENVELOPE
	ADDITIONAL R.O.W. DEDICATION

PARKING AND LOT DENSITY

TOTAL PERSONS PERMITTED

570,112 SF
1 PERSON/2,000 SF
285 PERSONS PERMITTED

PARKING REQUIRED

$(0.25 * \text{PERSONS})$	$= (0.25 * 285)$	$= 71$
$(\frac{2}{3} * \text{MAX. EMPLOYEE ON SHIFT})$	$= (\frac{2}{3} * 37)$	$= 25$
TOTAL STALLS REQUIRED		$= 96$

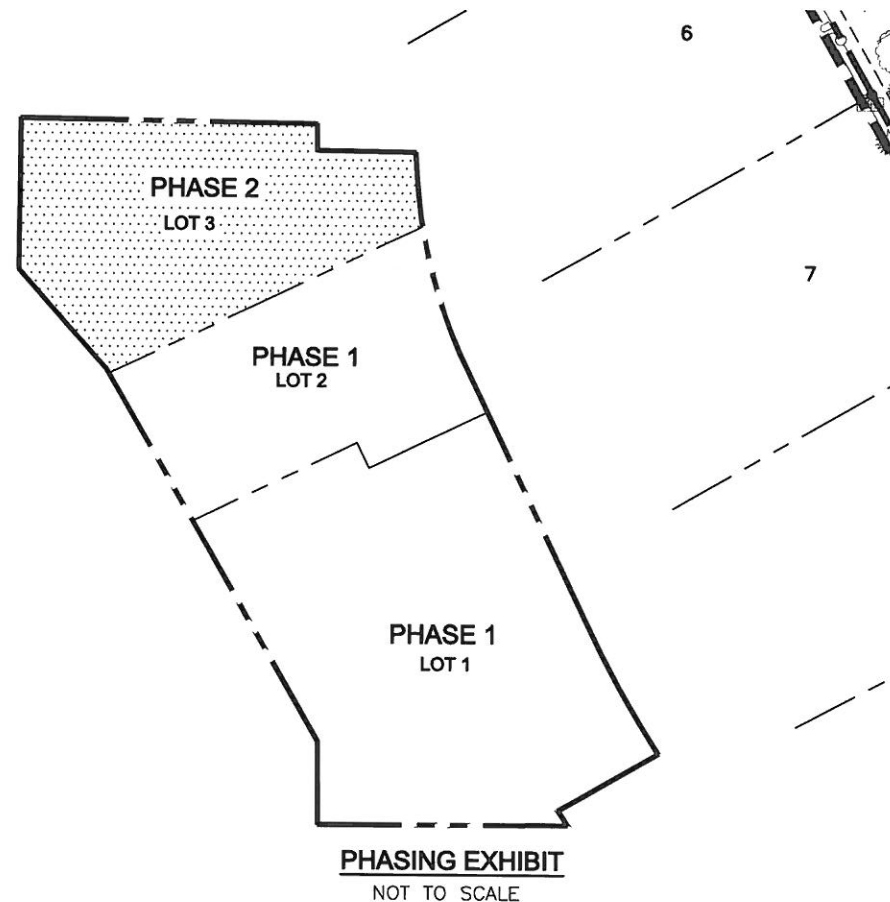
TOTAL PARKING PROVIDED*

70 STALLS
55 COVERED STALLS
135 TOTAL STALLS*

*THE ACTUAL PARKING PROVIDED SHALL BE CONFIRMED AT TIME OF BUILDING PERMIT, WITH THE NUMBER OF UNITS/PERSON BEING PROPOSED.

GENERAL NOTES

1. THE LOT IS CURRENTLY ZONED R-1. A CHANGE OF ZONE TO R-2 IS REQUESTED WITH THIS APPLICATION.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. A DETAILED LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF BUILDING PERMIT.
4. ALL ELEVATIONS ARE TO NAVD 1988
5. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
6. DETAILS OF ALL SIGNS WILL BE SUBMITTED SEPARATELY AT THE TIME OF SIGN PERMIT AND MUST COMPLY WITH CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE.
7. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
8. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
9. EXISTING TREES SHOWN ON THE SITE PLAN TO REMAIN UNLESS IMPACTS FROM CONSTRUCTION CANNOT BE AVOIDED. THE DEVELOPER WILL USE REASONABLE EFFORTS TO RELOCATE SMALLER TREES WHERE POSSIBLE WITHIN THE SETBACK AREAS AND THE OTHER OPEN SPACE PORTION OF THE RESIDENTIAL SITE.
10. THE BUILDING FOOTPRINTS AND PARKING SPACES SHOWN ARE CONCEPTUAL AND ARE SUBJECT TO ADJUSTMENT PROVIDED THAT SUCH FOOTPRINTS STAY WITHIN THE BUILDING ENVELOPE AND ARE IN GENERAL CONFORMANCE WITH THE APPROVED PLAN.
11. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT ARE PERMITTED IF OUTSIDE OF SIGHT TRIANGLES AND SETBACKS.
12. A DETAILED LANDSCAPE PLAN SHALL BE PROVIDED AT THE TIME OF BUILDING PERMIT. LANDSCAPE AND SCREENING OF 50% OF 0-6' HIGH WILL BE PROVIDED ABUTTING THE NEIGHBORING RESIDENTIAL HOUSES.
13. LIGHTED WALKING PATHS, GAZEBOS, GARDENING IMPROVEMENTS, LANDSCAPING, PATIOS, DECKS, WATER FEATURES, ART, BARBEQUE AREA, RECREATIONAL IMPROVEMENTS, SIGNAGE, WALLS, FENCES AND ACCESSORY USES AND STRUCTURES ARE ALLOWED (EXCEPT NO MAINTENANCE BUILDING) IN THE AREA BETWEEN THE SETBACK AREA AND BUILDINGS.

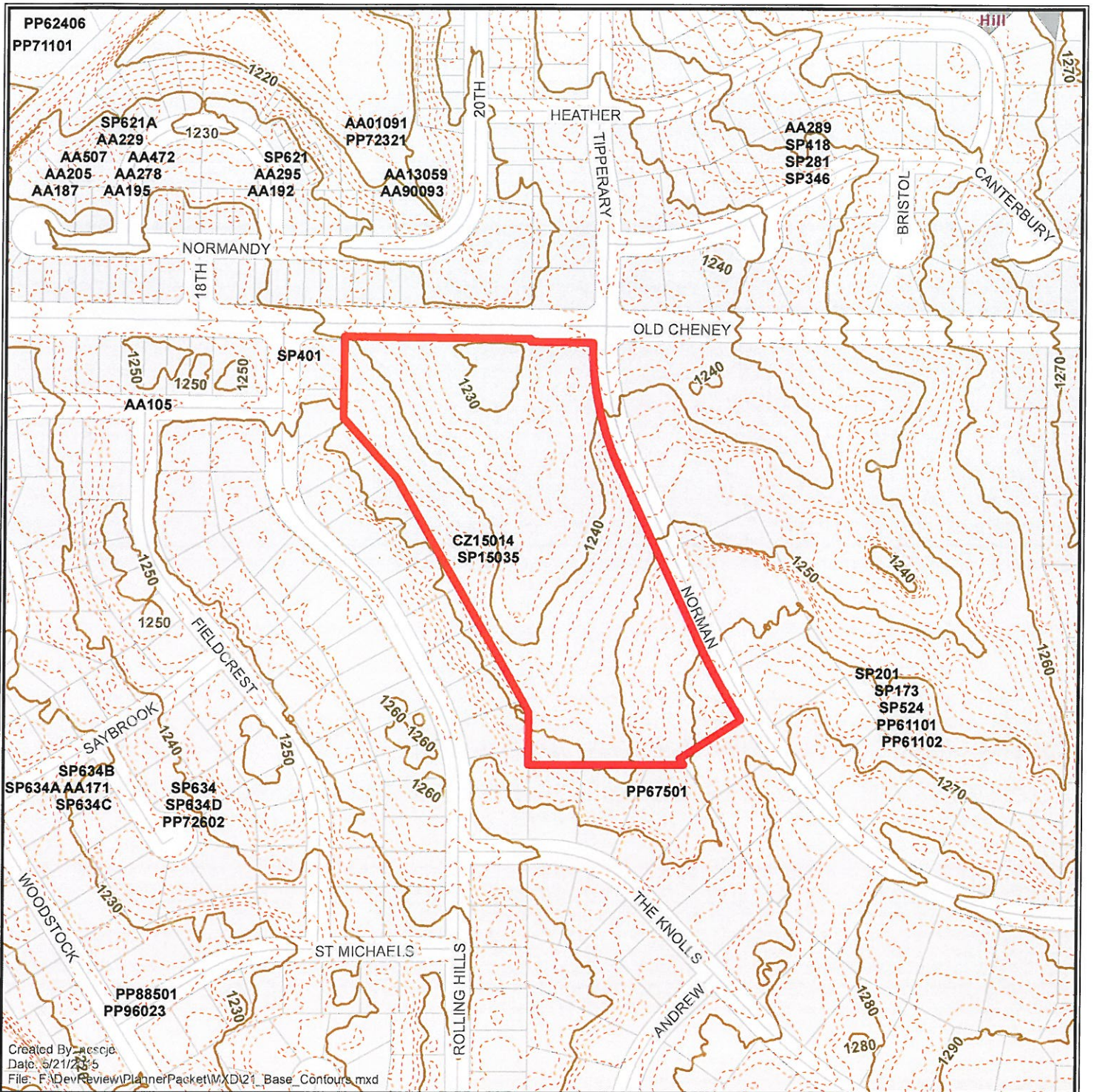


LEGAL DESCRIPTION Special Permit and Change of Zone

A TRACT OF LAND COMPOSED OF OUTLOT 'A' AND LOT 1, BLOCK 1, CHEZ AMI KNOLLS SECOND ADDITION, LOCATED IN THE NORTHEAST QUARTER, AND LOT 23 I.T., LOCATED IN THE NORTHWEST QUARTER, ALL IN SECTION 13, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE, SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE EAST LINE OF SAID LOT 23 I.T., ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 07 MINUTES 08 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 'A', SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF OLD CHENEY ROAD; THENCE SOUTH 89 DEGREES 15 MINUTES 02 SECONDS EAST, ALONG A NORTH LINE OF SAID OUTLOT 'A', SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 40.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 149.40 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'A', SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORMAN ROAD, SAID POINT BEING A POINT OF NON TANGENT CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 724.83 FEET; A DELTA ANGLE OF 25 DEGREES 33 MINUTES 17 SECONDS, AN ARC LENGTH OF 323.20 FEET, ALONG AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORMAN ROAD, AND A CHORD BEARING OF SOUTH 12 DEGREES 33 MINUTES 29 SECONDS EAST, AND A CHORD DISTANCE OF 320.52 FEET TO AN EAST CORNER OF SAID OUTLOT 'A'; THENCE SOUTH 25 DEGREES 20 MINUTES 57 SECONDS EAST, ALONG AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORMAN ROAD, A DISTANCE OF 449.50 FEET TO A POINT OF NON TANGENT CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,687.02 FEET, A DELTA ANGLE OF 03 DEGREES 37 MINUTES 15 SECONDS, AN ARC LENGTH OF 105.35 FEET, ALONG AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORMAN ROAD, AND A CHORD BEARING OF SOUTH 28 DEGREES 48 MINUTES 29 SECONDS EAST, AND A CHORD DISTANCE OF 105.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1, CHEZ AMI KNOLLS SECOND ADDITION, SAID POINT BEING A POINT OF NON TANGENT CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,687.02 FEET, A DELTA ANGLE OF 04 DEGREES 01 MINUTES 49 SECONDS, AN ARC LENGTH OF 117.26 FEET, ALONG THE EAST LINE OF SAID LOT 1, BLOCK 1, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORMAN ROAD, AND A CHORD BEARING OF SOUTH 30 DEGREES 55 MINUTES 08 SECONDS EAST, AND A CHORD DISTANCE OF 117.23 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE SOUTH 60 DEGREES 01 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 175.47 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, SAID POINT BEING ON AN EAST LINE OF SAID OUTLOT 'A'; THENCE SOUTH 32 DEGREES 43 MINUTES 04 SECONDS EAST, ALONG AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING THE WEST LINE OF LOT 2, BLOCK 1, CHEZ AMI KNOLLS SECOND ADDITION, A DISTANCE OF 27.17 FEET TO A SOUTHEAST CORNER OF SAID OUTLOT 'A', SAID POINT BEING ON THE WEST LINE OF SAID LOT 2, BLOCK 1, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 7, BLOCK 1, CHEZ AMI KNOLLS SECOND ADDITION; THENCE SOUTH 89 DEGREES 54 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID OUTLOT 'A', SAID LINE BEING THE NORTH LINE OF LOT 7, LOT 8 AND LOT 9, BLOCK 1, CHEZ AMI KNOLLS SECOND ADDITION, A DISTANCE OF 379.83 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'A', SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 1, SAID POINT BEING ON THE WEST LINE OF LOT 12, BLOCK 4, SKYLINE'S ROLLING HILLS; THENCE NORTH 00 DEGREES 07 MINUTES 08 SECONDS WEST, ALONG THE WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING THE EAST LINE OF LOT 12 AND LOT 11, BLOCK 4, SKYLINE'S ROLLING HILLS, A DISTANCE OF 127.32 FEET TO A WEST CORNER OF SAID OUTLOT 'A', SAID POINT BEING AN EAST CORNER OF SAID LOT 11, BLOCK 4, SKYLINE'S ROLLING HILLS, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 23 I.T.; THENCE NORTH 29 DEGREES 44 MINUTES 52 SECONDS WEST, ALONG THE SOUTHWEST LINE OF SAID LOT 23 I.T., SAID LINE BEING THE NORTHEAST LINE OF LOT 11 THROUGH LOT 5, INCLUSIVE, BLOCK 4, SKYLINE'S ROLLING HILLS, A DISTANCE OF 650.51 FEET TO A WEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING THE MOST NORTH CORNER OF SAID LOT 5, BLOCK 4, SKYLINE'S ROLLING HILLS, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 4, SKYLINE'S ROLLING HILLS; THENCE NORTH 41 DEGREES 12 MINUTES 17 SECONDS WEST, ALONG THE SOUTHWEST LINE OF SAID LOT 23 I.T., SAID LINE BEING THE NORTHEAST LINE OF LOT 4 THROUGH LOT 2, INCLUSIVE, BLOCK 4, SKYLINE'S ROLLING HILLS, A DISTANCE OF 200.07 FEET TO A WEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING AN EAST CORNER OF SAID LOT 2, BLOCK 4, SKYLINE'S ROLLING HILLS; THENCE NORTH 00 DEGREES 37 MINUTES 51 SECONDS EAST, ALONG A WEST LINE OF SAID LOT 23 I.T., SAID LINE BEING THE EAST LINE OF LOT 2 AND LOT 1, BLOCK 4, SKYLINE'S ROLLING HILLS, AND ITS EXTENSION, A DISTANCE OF 228.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 18 MINUTES 15 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 23 I.T., SAID LINE BEING THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 450.13 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 570,112.11 SQUARE FEET OR 13.09 ACRES, MORE OR LESS.

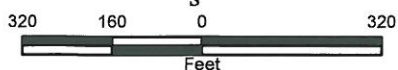


LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



Information Technology Services
335 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.7491 Fax: 402.441.6377

Sec.13 T09N R06E



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>

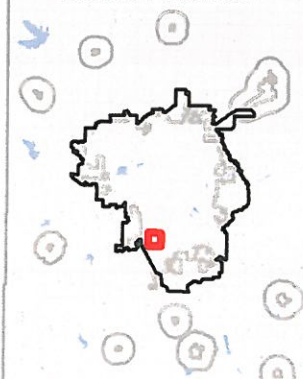
Application Number

SP15035

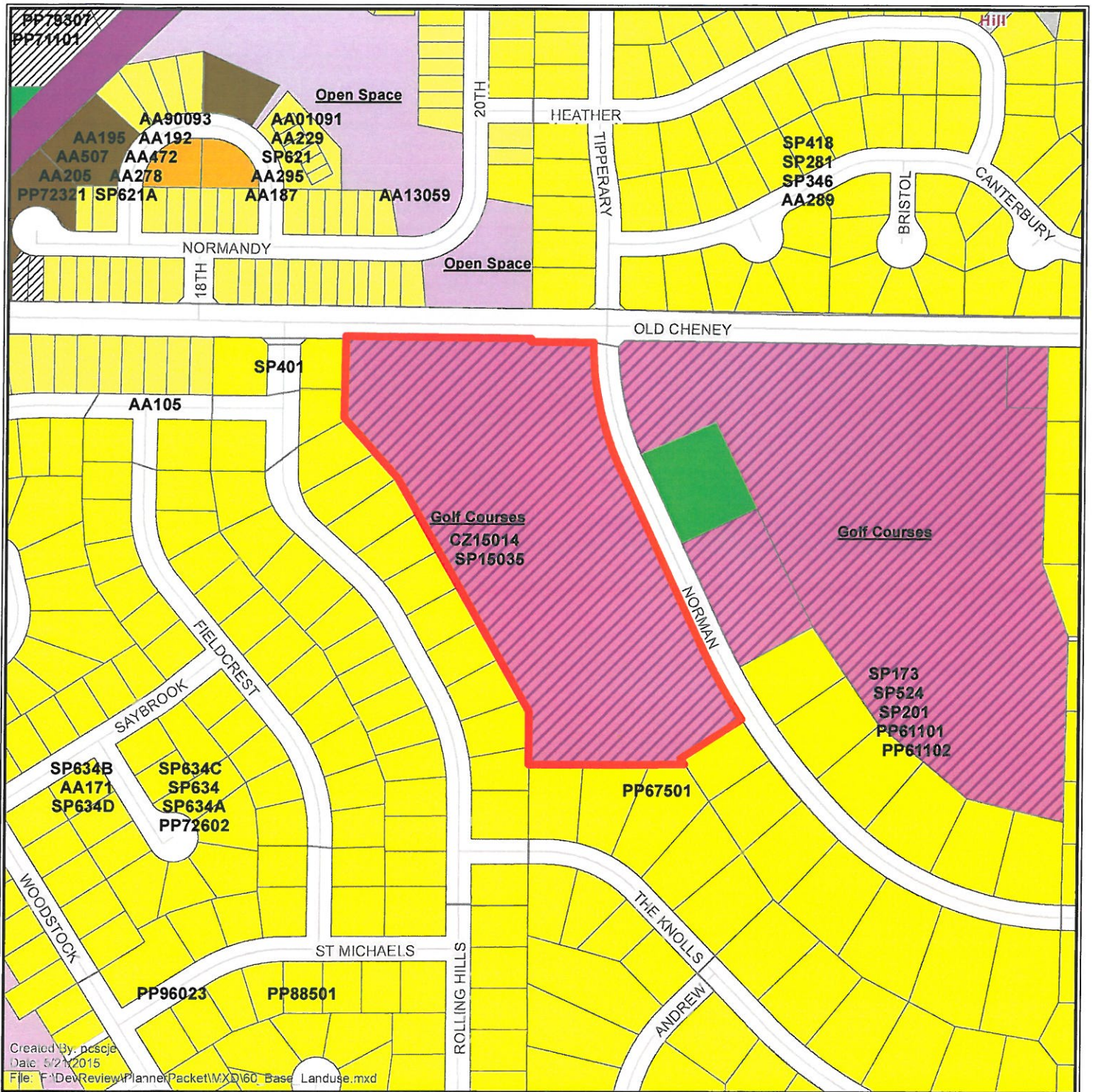
2010 Contours



Location Overview



Lincoln's Future Service Limit
Shown as Black Outline

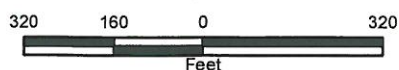


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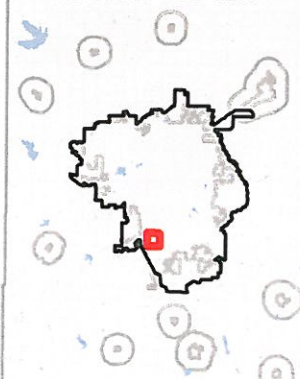
Application Number

SP15035

Existing Landuse

- | | |
|-----------------------|-----------------------------|
| 11 - SF Detached | 41-44 - Pub/Semi-Pub |
| 12 - Duplex | 51 - Parks |
| 13 - SF Attached | 52 - Open Space |
| 14 - Multiple | 53 - Golf Course |
| 15,16,18 - GQ/SH/BB | 61,62 - Lakes/Streams |
| 17 - MH/TC | 63 - Wetlands |
| 21,22 - Commercial | 64 - Environmental Preserve |
| 23 - Parking Lot | 65 - Forest/Woodland |
| 24 - Parking Garage | 81 - Ag: Crops/Tree farm |
| 31 - Light Industrial | 82 - Ag: Livestock/Animal |
| 32 - Heavy Industrial | 83 - Mining/Extraction |
| 33 - Utility Facility | 84 - Pasture/Grassland |
| 34 - Railroad | 90 - Vacant/Undevel |
| 35 - Airport | |

Location Overview



Lincoln's Future Service Limit
 Shown as Black Outline

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

May 13, 2015

Mr. David Cary
Interim Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: The Knolls Senior Living Community

Dear David:

Our office represents Dial Real Estate Consultants, LLC (“Dial” or “Developer”). The Developer and its affiliates have developed ten senior living centers in three states.

Dial has entered into a purchase agreement with Southhills, Inc., a Nebraska corporation to acquire the 13.09 acre tract, legally described as Lot 1, Block 1 and Outlot A, Chez Ami Knolls Section Addition, Lincoln, Lancaster County, Nebraska and Lot 23, Irregular Tract located in the Northwest Quarter of Section 13, Township 9 North, Range 6 East, Lincoln, Lancaster County Nebraska (collectively “Property”). The Property comprises the “west side” of The Knolls Country Club and is located west of Norman Road and south of Old Cheney Road. Dial proposes to construct and operate a senior living campus on the Property as generally shown on the attached Site Plan. The new campus will consist of independent retirement housing, assisted living care and memory care healthcare facilities.

It is anticipated that the Property will be developed in two phases—first phase and future phase. See attached site plan. Subject to finalizing the design, the first phase is planned to include:

- Approximately 65 independent living units (3 and 4 residential stories and approximately 55 underground parking stalls);
- Approximately 60 assisted residences (two residential stories); and
- Approximately 20 memory care units (one residential story).

The future phase will be located on the north, abutting Old Cheney Road and will include approximately 65 independent units (3 and 4 residential). City and other utility infrastructure abuts the Property.

The Developer is making the following applications and requests for development of the Property:

1. Changes of Zone. Currently, the Property is zoned R-1, Residential. Dial seeks to rezone the Property to R-2, Residential.
2. Special Permit for a Health Care Facility, Residential. The Developer is requesting a Special Permit for a Health Care Facility for the first phase and future phase areas. The permitted density standard for a R-2 Health Care Facility, Residential is one person per 2,000 square feet of lot area--the Property is 13.09 acres (570,200.4 SF) divided by 2,000 square feet equals 285 residential persons.
 - a. Maximum Density. The combined phases would allow up to 285 residential persons.
 - b. Lot Layout. The Special Permit shows 2 lots comprising the first phase area, as well as one lot for the future phase area.
3. Requested Modifications: The Special Permit includes the following waivers to Title 26 and Title 27 of the Lincoln Municipal Code:
 - a. Title 26 – Section 26.23.125 – Pedestrian way for block length exceeding 1,000'.
 - This is an infill project. The existing neighborhood surrounds the project on two side and there was no planned sidewalk connection stub provided in the plat of the existing abutting neighborhood.
 - b. Title 26 – Section 26.23.130 – To allow block length to exceed 1,320'.
 - This is an infill project. The existing neighborhood surrounds the project on two sides and there was no planned street connection stub provided in the plat of the existing abutting neighborhood. The third side abuts Old Cheney Road, which is an arterial street. Pursuant to the City's Access Policy, the City design standards do not allow another street connection to Old Cheney Road. Finally, the unified campus is larger than 10 acres in size and thus cannot meet the block length standard.
 - c. Title 27 – Section 27.72.030 – To allow height limitations of buildings from 35' to 55' for the designated area as shown on the Site Plan.

- In order to provide market rents, senior health care facilities of this nature requires a certain minimum density per acre. Compared to other recently approved senior health care facilities, this project has substantially less density per acre than most. The Developer seeks an increase in height of the northern portion of the project to create a larger setback and greater buffer from the existing neighboring residences, while still accommodate the minimum density.
- d. Title 27 – Section 27.69.220 – Pursuant to 27.69.030 (a) (12), to allow (i) freestanding signs shall not exceed 50 square feet in area or six feet in height and (ii) the permitted additional free standing sign or ground sign per arterial street frontage without access to be located abutting Old Cheney Road as an arterial street frontage without access and be up to 100 square feet in area and up to ten feet in height.
- The project is situated across the street from B-1 zoning, which permits larger signage. This site is over 13 acres in size and abuts Old Cheney Road. The Developer seeks the right to increase the size of the signage to allow the arterial street traffic to better and more safely see the project's signage.

Enclosed find the following documents for the above-mentioned project:

1. City Application Form for Changes of Zone with legal descriptions attached.
2. City Application Form for the Special Permit/CUP with legal description attached.
3. Application fees in the amount of \$1,584.00

Mark Palmer with Olsson Associates will submit plans and drainage report to ProjectDox upon notification from the planning staff.

We appreciate your consideration of the above requests and look forward to working with you on this important new housing development for the City. If you require further information or have any questions, please do not hesitate to contact Pat Day, at patrickday@me.com (402) 493-2800, Mark Palmer at mpalmer@olssonassociates.com, (402) 458-5632, or the undersigned.

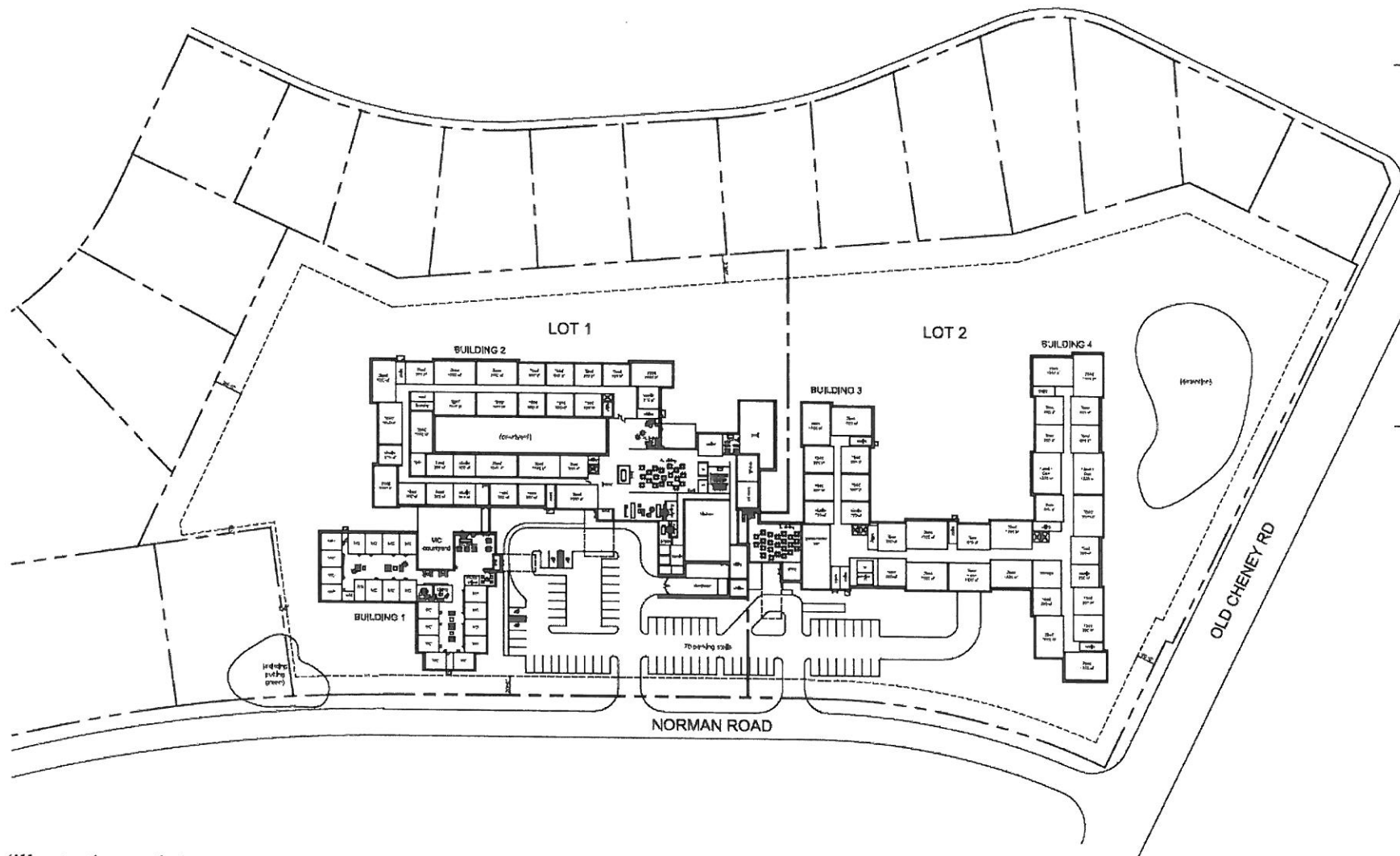
Very truly yours,



KENT SEACREST
For the Firm

Enclosures: Site Plan

cc: Council member Jonathan Cook
Council member-elected Jane Raybould
Steve Henrichsen, Planning Department
Christy Eichorn, Planning Department
George and Janice Boosalis
Pat Day, Dial Real Estate Consultants, LLC
Mark Palmer, Olsson Associates
Eric Westman, Alley Poyner Macchietto Architecture, Incorporated



(illustration only)

