
Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

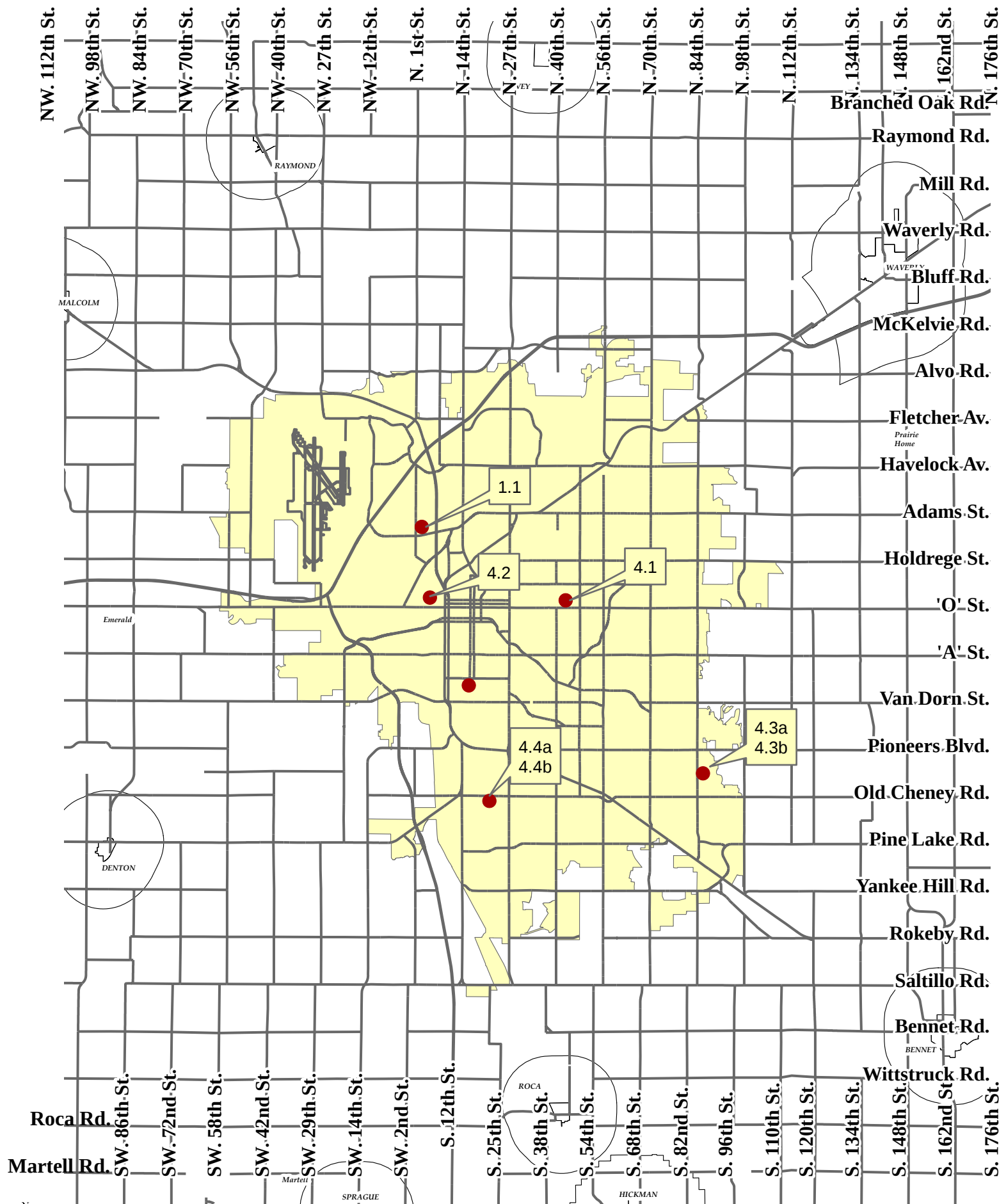
PLANNING COMMISSION

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

July 8, 2015



Planning Commission Agenda Item Map

July 8, 2015

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 8, 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, JULY 8, 2015

Approval of minutes of the regular meeting held June 24, 2015.

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

SPECIAL PERMIT:

Page 01 1.1 Special Permit No. 15030, for an 85-foot tall personal wireless facility,
on property generally located at 3300 North 1st Street. **** FINAL ACTION****.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@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

CHANGE OF ZONE:

- Page 31 4.1 Change of Zone No. 15017, from H-2 Highway Business District to B-3 Commercial District on property generally located at 222 North 44th Street.
Staff recommendation: Approval
Staff Planner: Paul Barnes, 402-441-6372, pbarnes@lincoln.ne.gov

SPECIAL PERMIT:

- Page 39 4.2 Special Permit No. 15037, to increase the height above the 75-foot height limit of the B-4 zoning district, on property generally located at the northwest corner of the Canopy Street and "P" Street Intersection. ****FINAL ACTION****.
Staff recommendation: Conditional Approval
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

CHANGES OF ZONE AND RELATED SPECIAL PERMITS:

- Page 59 4.3a 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 65 4.3b 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 79 4.4a 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 101 4.4b 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:

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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
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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.

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #15030 - Verizon Wireless

PROPOSAL: To allow an 85'-tall monopole for personal wireless facilities

LOCATION: Oak Lake Evangelical Free Church located at 3300 North 1st Street

LAND AREA: Approximately 7.3 acres in area.

CONCLUSION: The applicant evaluated other preferred siting and collocation alternatives within one-half mile of the proposed site and there were none. Siting on a large church site provides separation from the surrounding neighborhood, and allows for the use of mature trees to help screen the facility. Due to the proximity of the proposed site to a residential neighborhood, lower-profile antenna arrays are appropriate and are proposed as part of the application, as well as all landscaping and screening required by the Design Standards. Subject to the recommended conditions of approval, this request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

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

LEGAL DESCRIPTION: Lot 16 I.T., located in the SW 1/4 of Section 11-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: This site is developed with a church, and associated outbuildings and parking areas.

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential, Church	R-3
South:	Church	R-3
East:	Single-family Residential	R-3
West:	Single-family, Multiple-family Residential	R-2, R-4

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 1.9 - The future Land Use Map of the Comprehensive Plans designates residential land uses for this site.

Page 4.4 - Placemaking - Current Practice

The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

Page 11.19 - Information technology

Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of "telecommuting" portends a city where people may be able to work from most any site – including their own home. In the economy of the future, information is likely to become the primary product. This product can be "manufactured" at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the "Placemaking" chapter for information on how wireless facilities should be located.

ANALYSIS:

OVERVIEW

The proposed site for the tower is at the south end of the church property. The grade across the site is relatively flat, with line of mature trees along a majority of the north lot line, and several stands of mature trees scattered around the south end. The applicant is seeking to site an approximately 85'-tall monopole (80'-tall tower, 5'-tall lightning rod) for wireless facilities to address inadequate coverage in this area for Verizon Wireless.

Wireless facilities are allowed in any zoning district by special permit per Lincoln Municipal Code (LMC) Section 27.63.720. However, provisions of the special permit require review per the provisions of Chapter 27.68 for Personal Wireless Facilities. The review using those provisions is as follows:

**STANDARDS FOR EVALUATION:
Conformity with Comprehensive Plan.**

1. The Plan states that “The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred.”

The Comprehensive Plan designates residential land uses for this site. Residential areas are not preferred locations, but wireless facilities can be appropriate in residential areas provided care is taken in their design and siting. Typical strategies include enhanced screening, low-profile antennas, or a limit on the height of the tower.

This request is for an 85'-tall monopole capable of collocating at least one additional carrier. In contrast to the typical, triangular ‘crows-nest’ array, the antennas are shown being attached with lower-profile stand-off arms. The proposed site takes advantage of screening afforded by existing trees on the site, and also includes the required 6'-tall security fence around the ground equipment and the additional screening required by the Design Standards.

Preference of site location in accordance with Chapter 27.68.080.

2. There are three location preferences as follows:
 - A. Preferred Location Sites:
 - (1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.
 - (2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

Staff finds the site to be a sensitive site, given the proximity to a residential neighborhood and residential land uses. Considered a sensitive site, the applicant is required to eliminate other all other potential preferred or limited preference sites within a one-half mile radius from consideration.

Compatibility with abutting property and land uses.

3. The proposed tower site is at the south end of a 7.3 acre church site. This site abuts churches on the north and south, single-family dwellings on the east, and North 1st Street on the west.

Wireless facilities are encouraged to first collocate on an existing facility. If there are none, industrial or commercial areas are next choice. Lacking commercial areas, large civic sites such as schools, churches and hospitals are preferred because they typically have the ability to provide adequate separation from adjacent uses. They also often times have mature landscaping which helps provide natural screening.

Uses which require a special permit may not be a compatible land use in every instance. The Planning Commission is allowed discretion with special permits to include measures to help mitigate the impact of such uses, and to enhance compatibility. A nexus, or direct relationship, between the impact and the mitigation must exist, however.

Adverse impacts such as visual, environmental or noise impacts.

4. There are no environmental affects such as noise or light to note. The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

The most significant impact is visual. The proposed siting of the tower at the south end of the site is intended to take advantage of the natural screening provided by the existing trees on this part of the site. Additional screening, as required by the Design Standards, is also shown on the landscape plan.

This siting is also near the neighboring church to the south. An alternate location more central to the site would provide more separation. However, the leadership of the adjacent church stated in writing (see attached email) they have no objection with where the tower is to be sited.

The nearest homes are over 200' away to the east. Between them and proposed tower there is a mature stand of trees near the property line at the south end of the property. The homes to the west across North 1st Street are approximately 400' away, and also have a stand of mature trees between them and the proposed tower. The applicant has attempted to demonstrate the screening effect of the existing trees on the attached Site Photographs 1-8, and with the before and after photo simulations.

In cases similar to this one involving proximity to low-intensity or sensitive land uses, lower-profile antennas have been used to reduce the silhouette of the facility and enhance compatibility. They enhance the appearance of wireless facilities and lessen the visual impact. In this case, lower profile arrays are proposed, which are mounted to the tower with stand-off arms. This type of array is shown in the photo simulations, but not the site plan and must be updated

The plans submitted also show the screening required by the Design Standards. This includes the ground equipment being screened by a 6'-tall, wooden fence, as well a landscape planting schedule. The plants include deciduous and coniferous evergreen trees that are planted around the tower to screen it at the rate of 70% from the ground to eight (8) feet in height, where at least 50% or

more of the trees must to a mature height of thirty-five feet (35') or more. This screening also helps mitigate the visual impact of this facility at this location.

Availability of suitable existing structures for antenna mounting.

5. The applicant is required to eliminate all other preferred or limited preference sites within one-half mile of the proposed site, and demonstrate why they are not feasible per the Zoning Ordinance. This would include any potential collocation sites that would accommodate this carrier's antennas. There is only one potential site, that being an existing tower in a City park on the east side of I-180 directly east of this site. However, this carrier is already located on the tower, and this proposed facility is designed to address inadequate coverage given the current system.

Scale of facility in relation to surrounding land uses.

6. The height limit is 35' in the surrounding R-2, R-3 and R-4 residential zoning districts. However, the nearby dwellings in the area do not approach the maximum height limits. The tallest structures in the area are some two-story apartments on the west side of North 1st Street, and the four churches located along the east side of North 1st Street extending from Adams Street to the lot adjacent to the north of the subject property. Otherwise, the only other tall appurtenances in the area would include typical street lights, and the parking lot lighting used by some of the churches.

Horizontal separation reduces the effect of scale differential, and in this case serves to diminish the visual impact of the tower from the adjacent dwellings. The attached photo simulations attempt to depict the effect that physical separation has on the view of the tower from adjacent properties.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There are no historically significant structures in the area impacted by the proposed tower. The nearest capitol view corridor exists along the I-180 corridor.

This site is in located in the Turning Zone of the Lincoln Airport. In excess of 75' in height, a height permit must be approved by the Department of Building and Safety. The height permit application can be submitted at any time, but must be approved prior to approval of building permits.

Color and finish.

8. Per Chapter 27.68 the tower is required to have a galvanized finish, and because the tower is less than 200' in height no lighting is required by the FAA.

Ability to collocate.

9. The site plan shows the tower at 85' tall. It can accommodate the antennas of an additional carrier as required by chapter 27.68.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. As noted, existing trees help provide natural screening. Additionally, the screening required by the Design Standards which consists of a 70% screen from the ground to 8' in height, with 50% or more of the trees growing to a mature height of 35' or more is also depicted. The existing building and physical separation from the adjacent arterial street will also help screen views from the west and north.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. The subject site is considered a sensitive site, but there are no preferred sites in the area. The use of existing trees, planting additional screening and building a fence near the base of the tower, and adding lower-profile antennas all serve to help mitigate the impact of the facility.

CONDITIONS:

This approval permits an 85'-tall personal wireless facility capable of accommodating antennas for a total of at least two wireless service providers.

Site Specific:

1. Before receiving building permits the permittee shall complete the following instructions and submit the following documents and plans.
 - 1.1 Four copies of a revised site plan showing the following revisions:
 - 1.1.1 Add a note stating that the tower will not be lighted.

- 1.1.2 Revise the plan to show antenna arrays with stand-off arms consistent with the photo simulations.
- 1.1.3 Add a note to the site plan which states "All required screening/landscaping as required by the Design Standards to be shown at the time of building permit.
- 1.2 The permittee must post a surety in the minimum amount necessary to guarantee the removal of the facilities. The surety must remain in effect for the life of the permit.

Standard:

- 2. The following conditions are applicable to all requests:
 - 2.1 Before use of the facility all development and construction shall have been completed in substantial compliance with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 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 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:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
June 24, 2015

CONTACT/

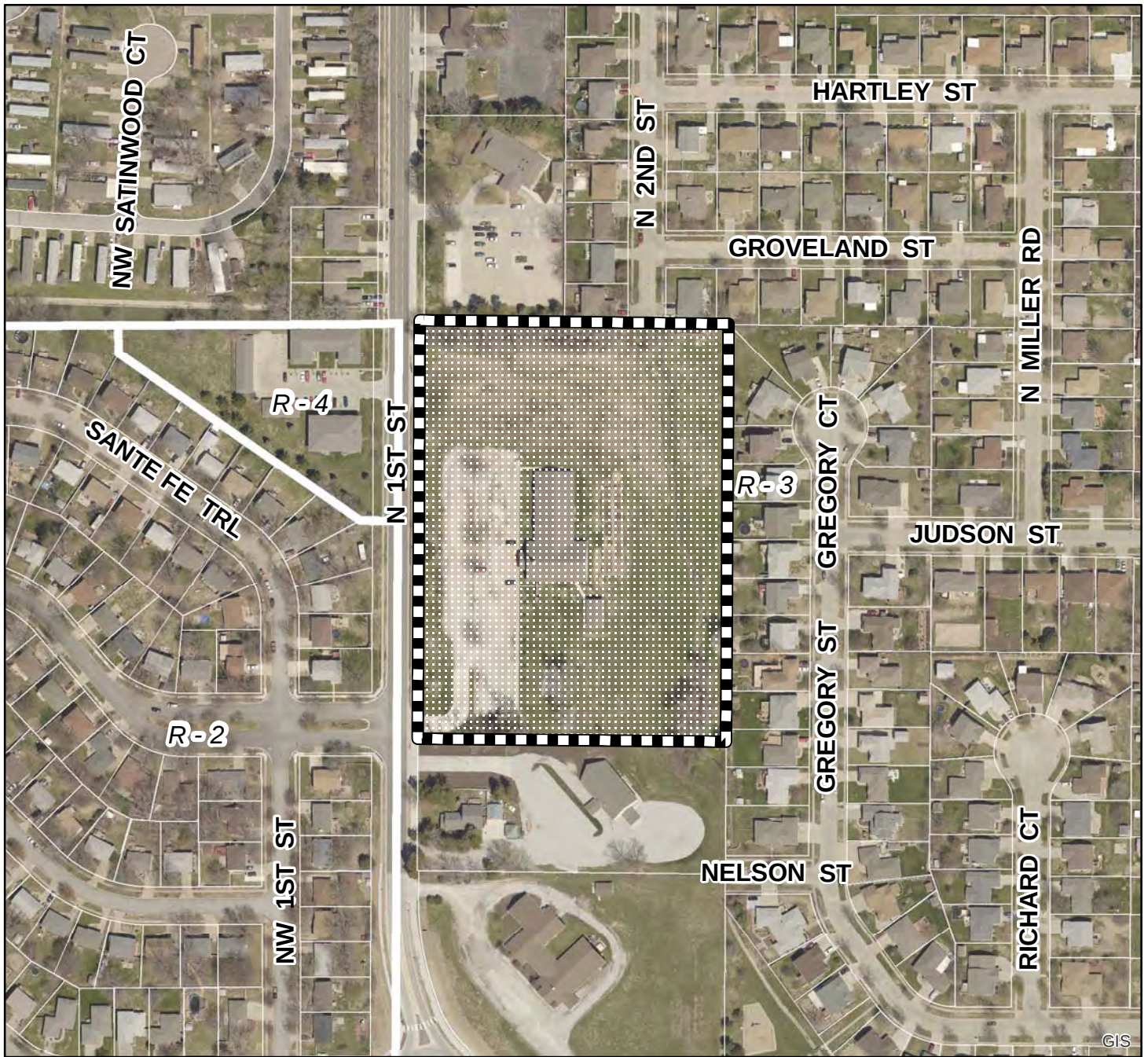
APPLICANT:

Joe Coyle
312 East 70th Street
Kansas City, MO 64113
816-560-5035

OWNER:

Oak Lake Evangelical Free Church
3300 North 1st Street
Lincoln, NE 68521
402-474-3344

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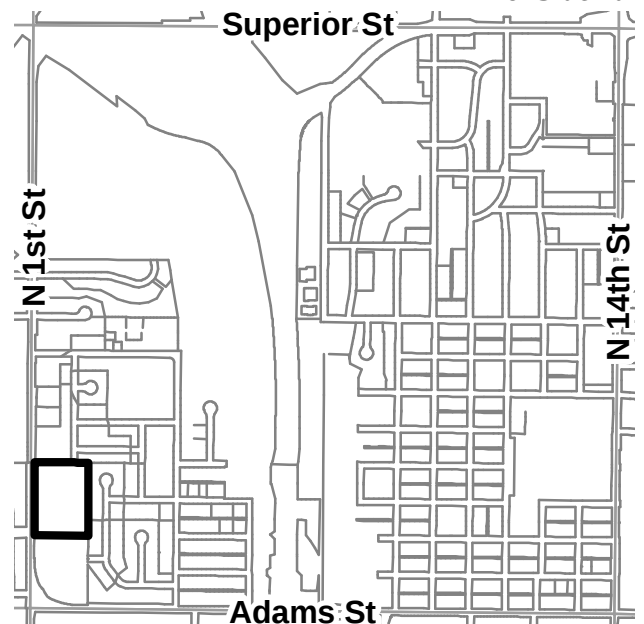
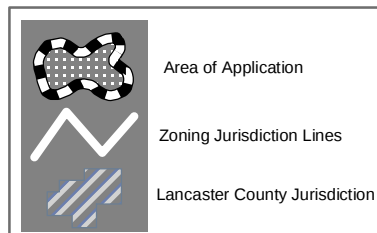
2013 aerial

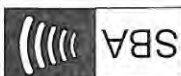
Special Permit #: SP15030
N 1st & Adams St

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.11 T10N R06E





800 TOWNS V. LLC
9900 BROOKVIEW BLVD PMB 100
BOSTON, MA 02119
PHONE: 1-800-487-7483



6000 Bourse Highway
P.O. Box 847/698-B401
Fox: 847/698-6401
Fax: 847/698-6400

NO.	DESCRIPTION	DATE
1	DESIGN FOR REVIEW	01/15/00
2	REVISION FOR COMMENTS	01/15/00
3	REVISION FOR COMMENTS	01/15/00
4	REVISION FOR COMMENTS	01/15/00

SITE NE-16009-B

LINCOLN 11

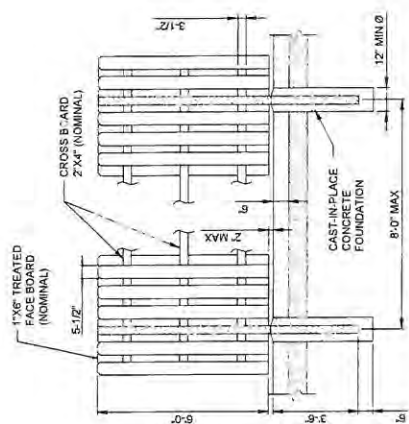
3300 N. 1ST STREET
LINCOLN, NE 68521

DATE	BY	REVISION
01/15/00	01/15/00	1

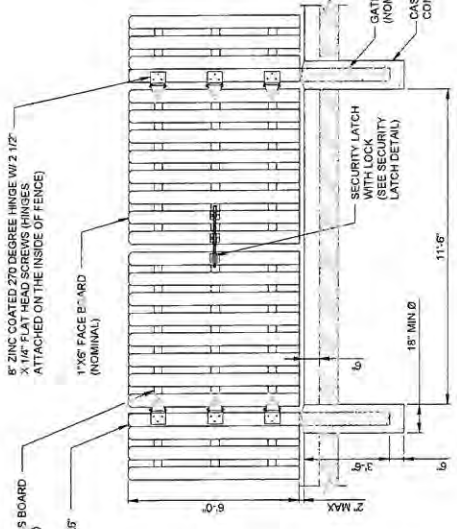
GENERAL NOTES

- REFER TO THE PROJECT MANUAL FOR ADDITIONAL INFORMATION AND REQUIREMENTS RELATED TO CONSTRUCTION.
- THE CONTRACTOR SHALL NOTIFY THE CLIENT'S GEOTECHNICAL ENGINEER AT THE SITE.
- THE CONTRACTOR SHALL NOTIFY THE CLIENT'S GEOTECHNICAL ENGINEER AND INSPECTOR.

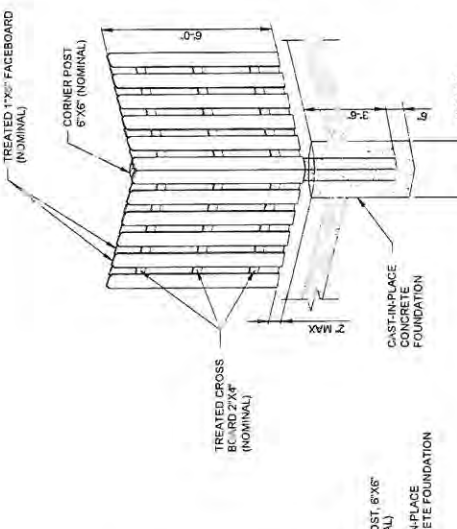
COPIES OF THE REPORT ARE ISSUED TO THE CONTRACTOR FOR CONVENIENCE ONLY. THE REPORT IS NOT A PART OF THE CONTRACT DOCUMENTS. NEITHER THE OWNER NOR THE ENGINEER/ARCHITECT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESPONSIBILITY FOR THE CONTRACTOR'S USE OR INTERPRETATION OF THE DATA CONTAINED THEREIN.



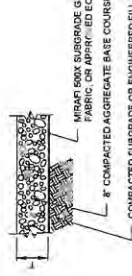
1 WOOD POST
SCALE: N.T.S.



2 12'-0" DOUBLE SLIDING ACCESS GATE
SCALE: N.T.S.



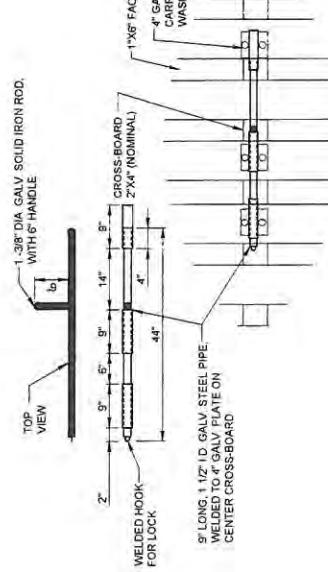
3 CORNER POST
SCALE: N.T.S.



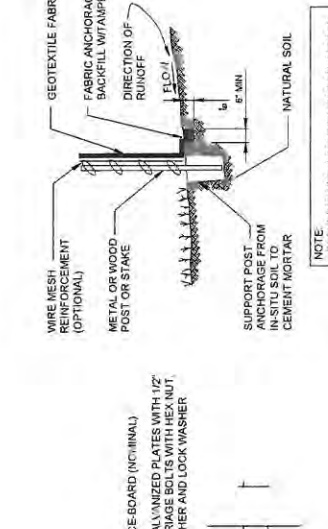
4 AGGREGATE CROSS-SECTION ACCESS EASEMENT
SCALE: N.T.S.



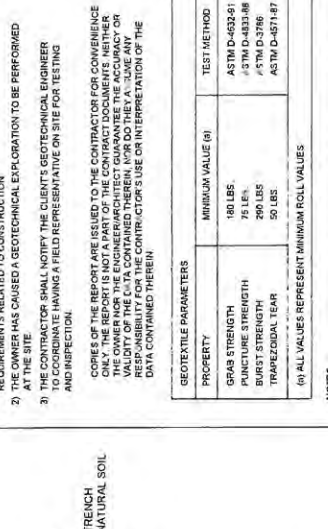
5 AGGREGATE CROSS-SECTION LEACH SITE
SCALE: N.T.S.



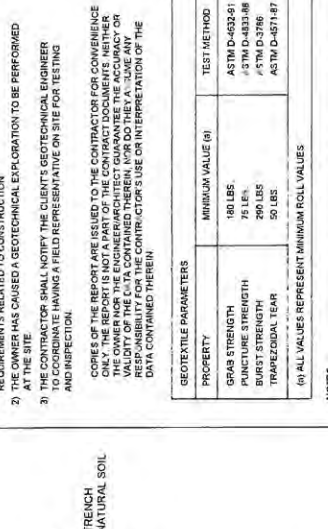
6 SECURITY LATCH
SCALE: N.T.S.



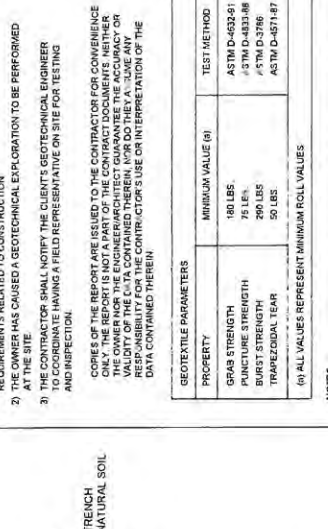
7 EROSION CONTROL SILT FENCE DETAIL
SCALE: N.T.S.



8 WIRE MESH REINFORCEMENT
SCALE: N.T.S.



9 FABRIC ANCHORAGE TRENCH
SCALE: N.T.S.



10 GEOTEXTILE FABRIC
SCALE: N.T.S.

GENERAL NOTES

- REFER TO THE PROJECT MANUAL FOR ADDITIONAL INFORMATION AND REQUIREMENTS RELATED TO CONSTRUCTION.
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- THE CONTRACTOR SHALL NOTIFY THE CLIENT'S GEOTECHNICAL ENGINEER AND INSPECTOR.

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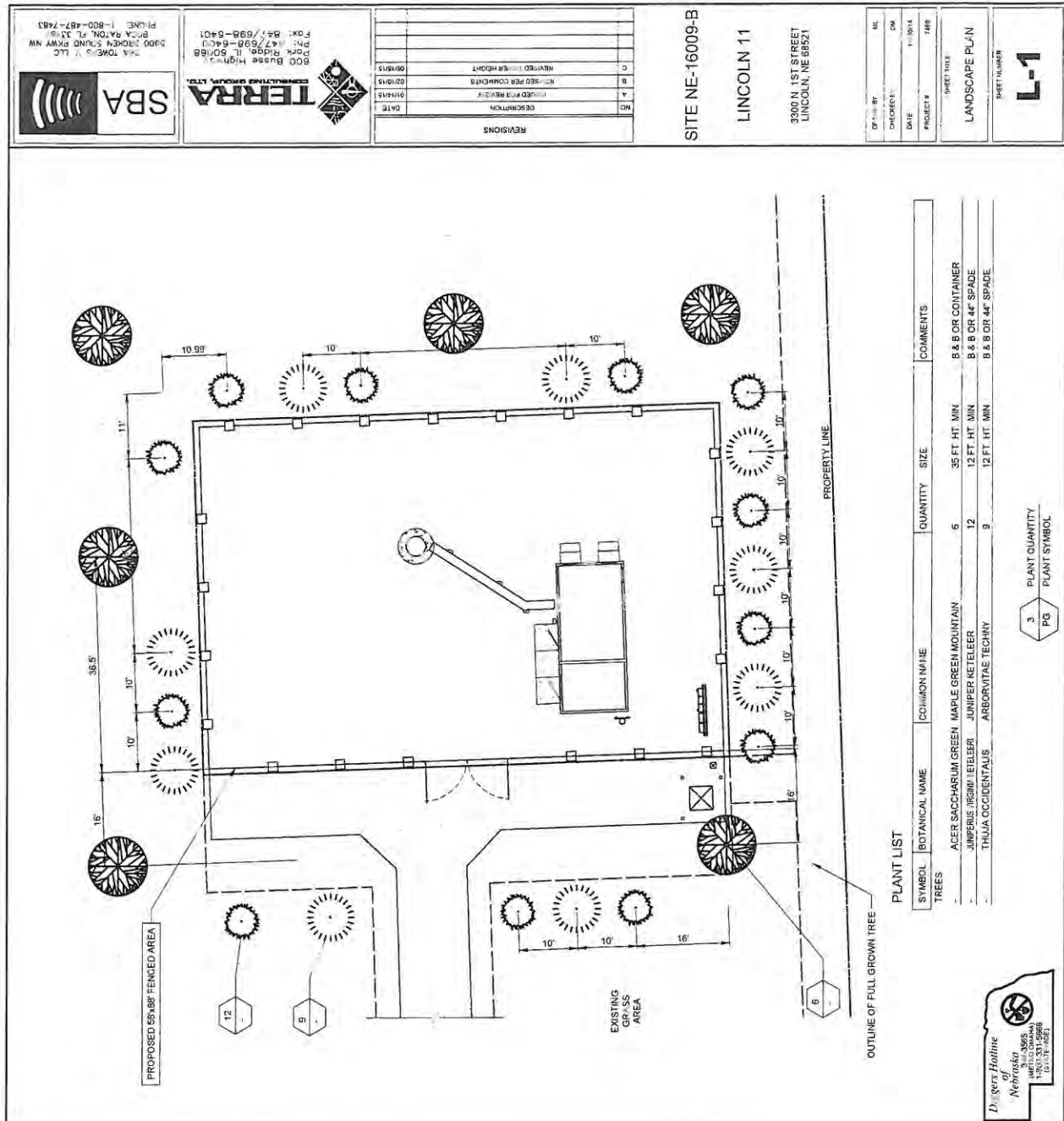
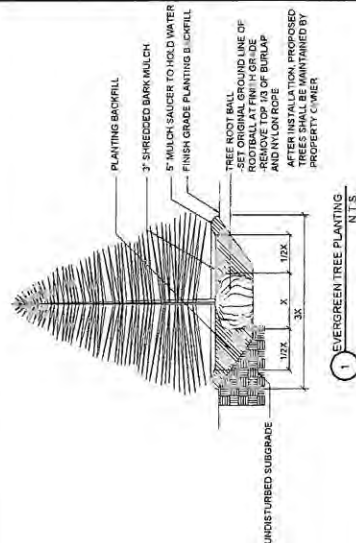
PROPERTY	MINIMUM VALUE (a)	TEST METHOD
GRAV. STRENGTH	180 LBS.	ASTM D-423-81
PUNCTURE STRENGTH	75 LBS.	ASTM D-4833-88
TENSILE STRENGTH	200 LBS.	ASTM D-3786
TRAPEZOIDAL TEAR	50 LBS.	ASTM D-4571-87

(a) ALL VALUES REPRESENT MINIMUM ROLL VALUES

NOTES:

THE FABRIC SHOULD BE PLACED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. THE FABRIC SHOULD BE PLACED TAUT TO REDUCE WRINKLES OR OVERLAP (AT LEAST 4 INCHES) OR AS SPECIFIED BY THE MANUFACTURER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED OF ANY PHYSICAL DAMAGE TO THE FABRIC. THE FABRIC MUST BE DISPOSED OF IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS BEFORE PLACING THE FABRIC.

- PRUNE NEWLY INSTALLED SHRUBS. WORK SHALL BE DONE BY EXPERIENCED PERSONNEL TO THE ACCEPTED HORTICULTURAL AND ARBORICULTURAL STANDARDS. PRUNING SHALL RESULT IN A LOOSE OUTLINE CONFORMING TO THE GENERAL SHAPE OF THE SHRUB TYPE. DO NOT USE HEDE SHEARS.
- ALL PLANTING STOCK SHALL BE NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE. PLANTS SHALL BE FREE OF DISEASE, INSECTS, AGES, LARVAE AND DEFECTS SUCH AS KNOTS, BURN-SCALD, INJURIES, WOUNDS OR DISFIGUREMENT. THEY SHALL HAVE A SOUND HEALTHY APPEARANCE. ALL PLANTS MUST BE WELL ROOTED AND UNBROKEN. VARIETY, WELL-FORMED, FREE FROM IRREGULARITIES, WITH THE MINIMUM QUALITY AND SIZE CONFORMING TO AMERICAN STANDARD FOR NURSERY STOCK
- GUARANTEE WARRANT ALL PLANT MATERIAL TO BE TRUE TO BOTANICAL NAME AND SPECIFIED SIZE. AFTER COMPLETION OF PLANTING, ALL PLANT MATERIALS SHALL BE WARRANTED AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH FOR A MINIMUM PERIOD OF ONE YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENTS FROM NEGLIGENCE, ABUSE, DAMAGE BY OTHERS, OR UNSUITABLE WEATHER CONDITIONS. CONTRACTORS CONTROL WHICH RESULT FROM NATURAL CAUSES SUCH AS FLOODS, STORMS, FIRES OR "NOMADISM"
- REPLACEMENTS DURING THE WARRANTY PERIOD, REPLACE ONE AT A TIME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO HIS OWN OPINION OF THE LANDSCAPE ARCHITECT'S PLAN, UNLESS THAT OR UNUSUAL CONDITION. REJECTED PLANT MATERIALS SHALL BE REMOVED FROM THE SITE AT CONTRACTOR'S EXPENSE. REPLACEMENTS ARE TO BE MADE NO LATER THAN THE SUBSEQUENT PLANTING SEASON. RESTORE AREA DISTURBED BY REPLACEMENT OPERATIONS
- MULCHING SHALL BE DONE WITHIN 48 HOURS AFTER PLANTING. MULCH SHRUB BEDS TO A UNIFORM DEPTH OF THREE INCHES. MULCH SHALL BE CLEAN, UNCOMPOSTED PINE BARK MULCH FREE OF FOREIGN MATERIAL AND LARGE PIECES OVER THREE INCHES LONG. DO NOT MULCH TREE AND SHRUB PLANTING PITS.
- TOPSOIL SHALL CONSIST OF FERTILE FRABLE NATURAL LOAM CONTAINING A LIBERAL AMOUNT OF HUMUS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL. IT SHALL BE FREE OF ADMIXTURES OF SUBSOIL AND FREE OF CRAB GRASS, ROOTS, STICKS AND OTHER EXTRANEEOUS MATTER, AND SHALL NOT BE USED FOR ANY PLANTING OPERATIONS WHILE IN A FROZEN OR MUDDY CONDITION.
- REPAIR ALL TURF AREAS BY SEEDING. SEEDING INSTALLATION SHALL BE EXECUTED ONLY AFTER ALL FINISH GRADING HAS BEEN COMPLETED. NO SEEDING SHALL BE DONE PRIOR TO SEPTEMBER 15, UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE.
- SEED SOLOM SHALL MATCH EXISTING TURF. OR BE A 5080 MG. CERTIFIED IMPROVED BLEND OF BLUEGRASS AND CERTIFIED IMPROVED PERENNIAL RYE MIX. SEEDING SHALL BE DONE BEFORE THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. SEEDING SHALL BE FOLLOWED BY TOPDRESSING WITH A 10-10-10 FERTILIZER, FUTURA BLANKET, OR EQUIV. MULCH SHALL BE USED FOR EROSION CONTROL, MUCH WHERE NECESSARY IN LEU OF HYDRO MULCH
- PLANT MATERIAL SHALL CONFORM WITH THE CURRENT AMERICAN STANDARDS FOR NURSERY STOCK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF NURSERYMEN FOR THAT TYPE OF TREE OR SHRUB AT THE TIME OF INSTALLATION
- THE PLANTING SEASON SHALL BE APPROXIMATELY OCTOBER 15 TO DECEMBER 1, AND MARCH 15 TO MAY.





Google earth

feet 300
meters 100



PROPERTY VIEWS



Site Photograph 1 – Looking north at the Property



Site Photograph 2 – Looking southeast at the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:

June 30, 2014





Site Photograph 3 – Looking east at the Property



Site Photograph 4 – Looking west at the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:

June 30, 2014

 **TRILEAF**_{tm}
Environmental & Property Consultants



Site Photograph 5 – Looking north away from the Property



Site Photograph 6 – Looking south away from the Property

Site Photographs

SBA Network Services – Lincoln 11
3300 North 1st Street
Lincoln, NE 68521

Photographed:
June 30, 2014





Site Photograph 7 – Looking west away from Property



Site Photograph 8 – Looking east away from the Property

Site Photographs

SBA Network Services – Lincoln 11
 3300 North 1st Street
 Lincoln, NE 68521

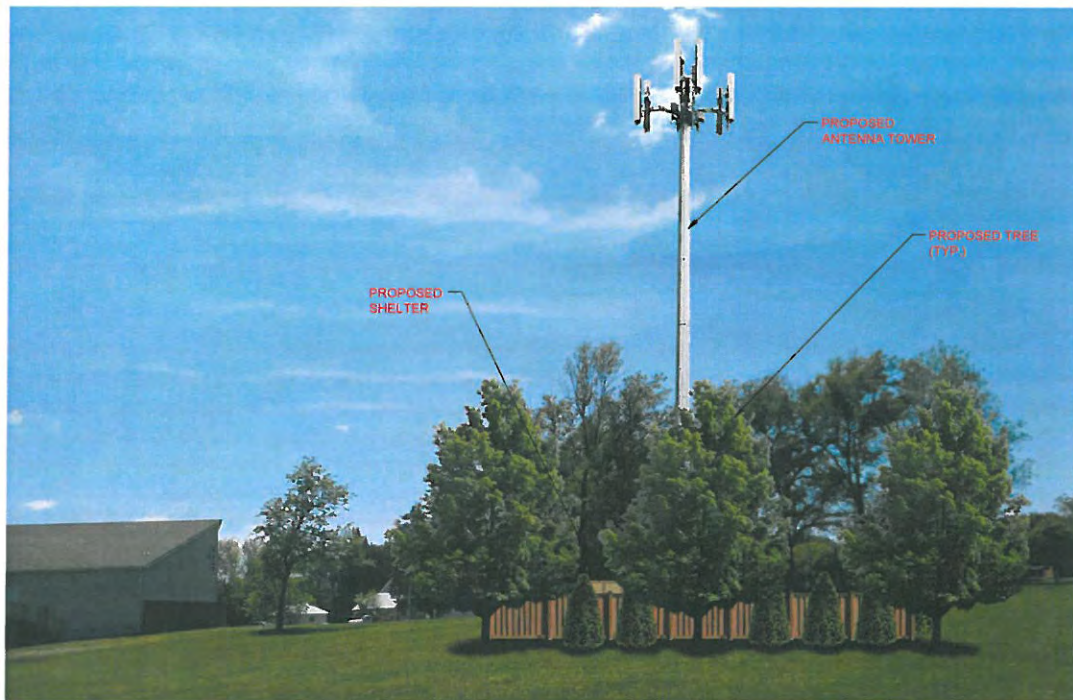
Photographed:

June 30, 2014





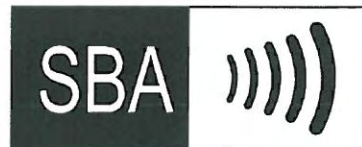
BEFORE



AFTER

LINCOLN 11

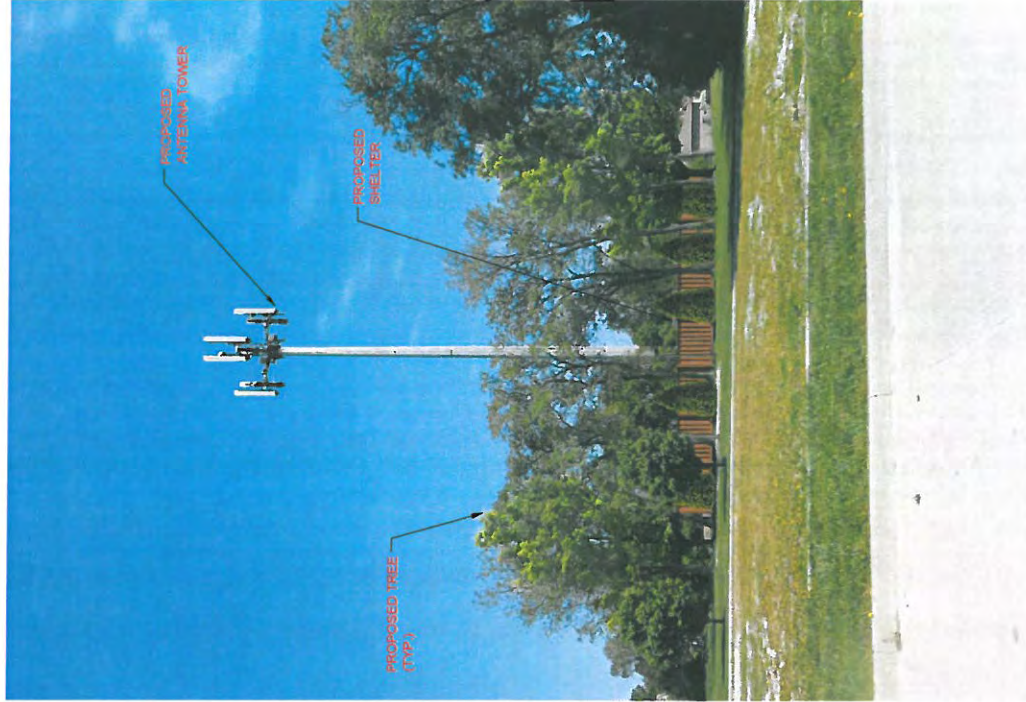
View Facing WEST





LINCOLN 11

View Facing EAST



AFTER



BEFORE

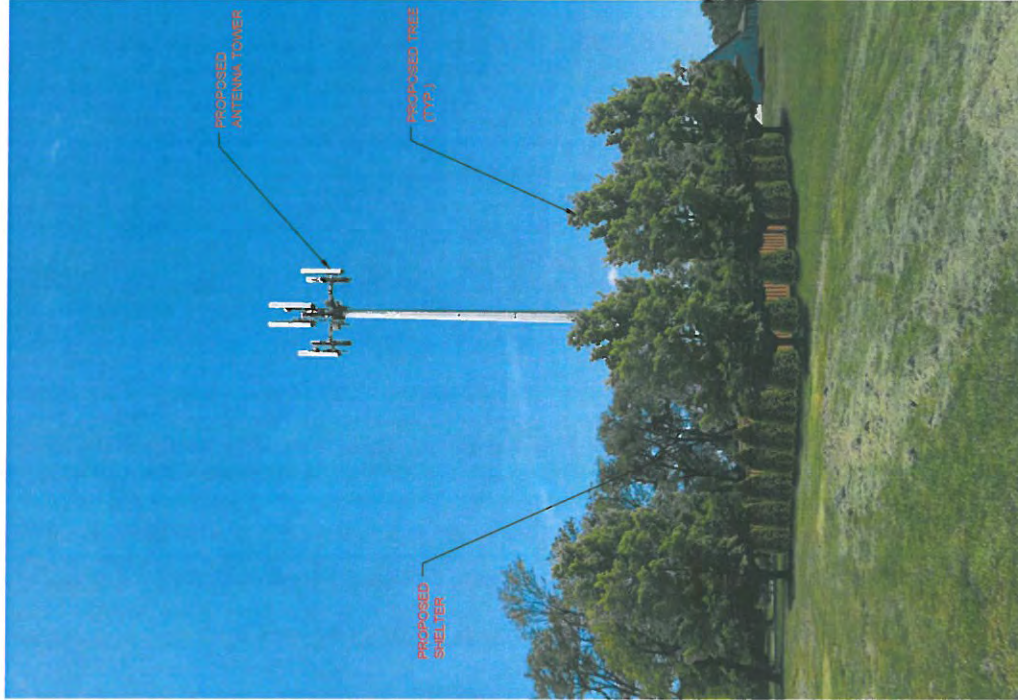


LINCOLN 11

View Facing NORTH



BEFORE



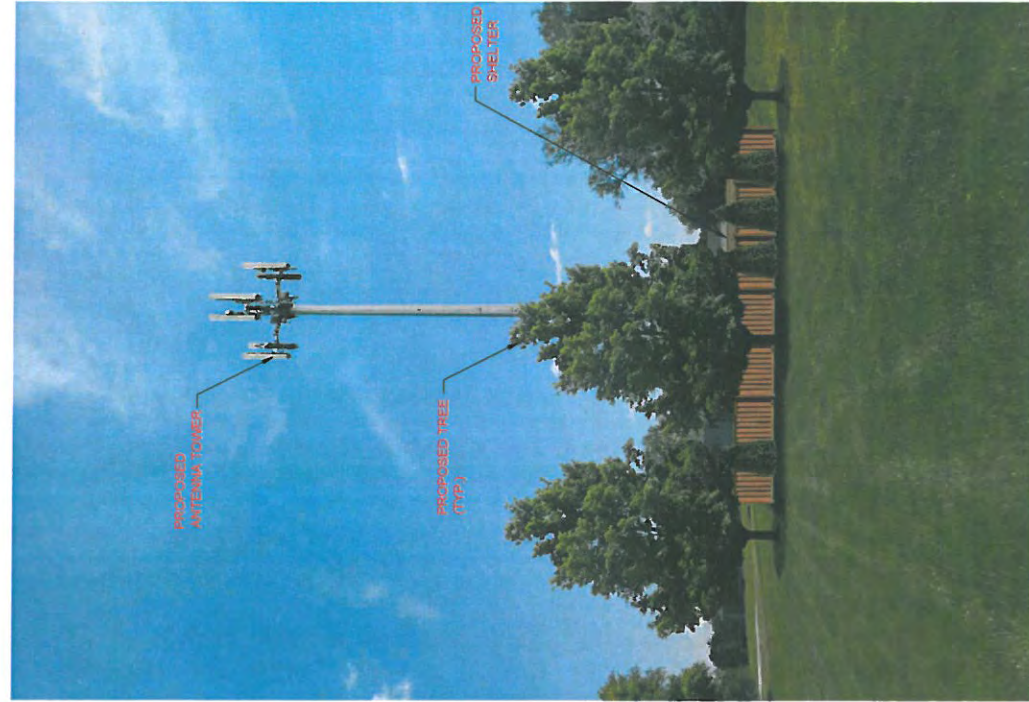
AFTER





LINCOLN 11

View Facing SOUTH



AFTER



BEFORE



PYRAMID NETWORK SERVICES, LLC.

TELECOMMUNICATIONS CONSTRUCTION SERVICES AND CONSULTING

6519 Towpath Road
E. Syracuse, NY 13057
315-399-8741
315-445-0653 Fax

May 11, 2015

Via Federal Express

Mr. Brian Will
City of Lincoln
Planning Department
555 S. 10th Street, Ste. 213
Lincoln, NE 68508

RE: Application for Special Permit for Personal Wireless Facility

Dear Brian:

SBA Communications is proposing the construction of a new monopole telecommunications tower located at Oak Lake Evangelical Free Church at 3300 N 1st Street, Lincoln, NE 68521. Please find enclosed application materials and a check 0000340 in the amount of \$792.00. We will be happy to continue to work with the City to answer any questions not answered in the application materials or to further explain or clarify the points of the project.

Sincerely,

Joe Coyle
Project Manager (Applicant)
(816) 560-5035
jcoyle@pyramidns.com



PYRAMID NETWORK SERVICES, LLC.

TELECOMMUNICATIONS CONSTRUCTION SERVICES AND CONSULTING

6519 Towpath Road
E. Syracuse, NY 13057
315-399-8741
315-445-0653 Fax

27.68.090 Application Requirements – Narrative

The subject property at 3300 N. 1st Street was selected for the proposed site due to a network need identified by Verizon Wireless. As explained in the attached statement from Mr. Ryan Mueller, a nearby site is near exhaust. This proposed site would act as a capacity site to help enhance performance on Verizon's network. SBA Communications is seeking to build this site for Verizon as the first carrier on the tower. The tower height and ground lease area will also accommodate at least one other co-locator as required by Lincoln's Code (Section 27.68.110 (d)).

Verizon's Search Area was very specific to assure the desired network functionality, as is common for capacity sites. The Search Area included parcels owned by Northwest Lincoln Church of Christ whom declined the offer to lease space for the tower, and Oak Lake Evangelical Free Church, whom has agreed to lease a portion of their property to SBA. These parcels were identified by Verizon RF as the only properties having sufficient green space to host a tower site in the needed location. The surrounding area is residential with little or no other sufficient tower siting space within at least 0.4 miles in any direction. Due to the predominantly residential uses in the area, the proposed tower site is considered to be a Sensitive Location Site (Section 27.68.080 (c)). There are no Preferred Location Sites within the service area of the proposed facility. The use of a preferred location site outside of Verizon RF engineers Search Area is not technologically feasible. The attached statement from Mr. Mueller and the maps he provided illustrate how this proposed site would fill in and support other existing and surrounding Verizon sites by adding capacity to the network. Section 27.68.100 (c)(1) also requires that good faith efforts were taken to secure a Preferred Location Site or Limited Preference Site within one-half mile of the proposed facility. To the best of our knowledge, based on driving the half mile radius around the proposed site and using online ownership and zoning resources, there are no public or commercially or industrially zoned properties that fit the definitions of Preferred Location or Limited Preference as defined in Section 27.68.080.

Section 27.68.090 requires the applicant to state the distance between the proposed facility and the nearest residential unit and residentially zoned properties. The nearest residential unit is a home approximately 230' to the southwest of the proposed base of the tower. The distance to the nearest residentially zoned property from the base of the tower is approximately 71' to the south, in excess of the minimum Fall Zone setback requirement of one half the height of the structure (Section 27.68.110 (g)).

The fencing proposed for the tower compound is a board on board treated wood fence that discourages climbing by children, and provides a solid and more aesthetically pleasing appearance than a standard chain link fence. The fence will be 6 feet high and access will be through a locked gate. The tower shall be fitted with anti-climbing devices.



PYRAMID NETWORK SERVICES, LLC.

TELECOMMUNICATIONS CONSTRUCTION SERVICES AND CONSULTING

6519 Towpath Road
E. Syracuse, NY 13057
315-399-8741
315-445-0653 Fax

The proposed location of the tower was determined after several alternate locations were investigated. We have included an aerial photo of the property with comments regarding the siting on the property. The initial plan was to place the tower to the north of the church building. Both the church and the City preferred the south side of the parcel – see attached Planning email. A second location was then proposed nearer to the existing church out building. The church was very sensitive about disturbing a row of trees planted along the parking lot. The trees were planted to memorialize the passing of a church member's children and therefore could not be relocated to allow an access drive. That fact, in large part, pushed the site approximately 80' further south to the proposed location. The access drive is designed to pass in between an existing line of four trees that are at least 30 to 40 feet tall. The tower will be to the east, or behind, these trees which will screen the tower and shelter from 1st Street. Also, the mature trees directly east of the proposed location provide excellent natural screening from the residences along Gregory Street to the east. We understand that the City has concerns about the site being near the adjacent property line to the south. The move directly behind the trees was purposeful to take advantage of the trees' screening and buffer. We did reach out to the adjacent church to the south and provided them with the proposed site plan for review and offered to meet to discuss the project. The church point of contact, Jim Ferguson, stated that they do not take issue with the proposed location, nor did they need to meet to discuss the project – see attached email. The landscape plan included in the construction drawings includes planting 27 new trees around the compound fence, as required by the Code.

In order to further minimize any adverse visual effects, we are currently confirming Verizon's ability to use flush-mount antennas. It was brought to our attention that though we may meet the minimum requirements of the Code that flush-mount antennas would be required. As soon as this design element is approved by Verizon's RF engineers we will update the City.

Finally, the standard maintenance program involves visiting the site approximately one time per month.



10801 Bush Lake Road
Bloomington, MN 55438

1/26/2015

Ryan M. Mueller
Verizon Wireless
1620 M Street, Lincoln, NE 68508

City of Lincoln, NE – Planning Department
555 S. 10TH Street, Suite 213, Lincoln, NE 68508

To Whom It May Concern,

Please accept this letter of explanation regarding the design and search area for the proposed Verizon Wireless site LIN-WATCHTOWER in Lincoln, Nebraska.

Verizon Wireless continually evaluates our network with regards to customer experience and our resources that are deployed. In the urban environment of Lincoln, we have completed our initial 4G LTE build out and are working on the addition of frequencies to our existing locations. However, in certain instances, our existing network resources are trending usage that is exhausting due to poor performing RF environment with relation to terrain and proximity of a best serving antenna sector. The proposed location is set to improve our customer experience in the area between I-80, I-180, and Superior Street.

Response for the section of code : Why the use of a preferred location site is not technologically, legally or economically feasible. Currently there are no preferred location in the proposed search area or within a ½ mile radius. The proposed search area is to offload our existing LIN-TOWNES location that is East of the search area. The LIN-TOWNES structure is a stealth flag pole that does limit Verizon Wireless design with the inability to deploy tower mounted electronics and multipath design. The proposed tower will have the ability to have such a design to better serve our customers with a more efficient RF signal in the area of the search ring.

Response for the section of code : How and why the proposed site is required to meet service demands for the proposed facility and citywide network. The proposed LIN-WATCHTOWER location is positioned to offload the existing LIN-TOWNES sector that is at exhaust due to limited design. The new structure will allow for tower mounted electronics and multipath design. LIN-WATCHTOWER will provide a best serving site to the defined service area and allow optimization of the surrounding sites that are at exhaust.

Response for the section of code : A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions. Verizon Wireless issued a search ring to provide capacity offload of the LIN-TOWNES location. The search ring antenna height required was a seventy foot antenna centerline. This proposed location is a offload so there is not a significant need to have a tall structure in place to meet the objectives. As design for antenna, industry trends for remote electronics and multipath, Verizon Wireless will deploying this design. Verizon Wireless has rights to transmit different frequencies, some are higher in the 1700-2100 MHz, while others are lower between 700 and 900 MHz. These different ranges require different separation of antenna spacing, which has been accounted for in the design.

Sincerely,

Ryan M. Mueller
Engineer III Consultant - RF
Verizon Wireless

Joe Coyle

From: Joe Coyle <jcoyle@pyramidnetworkservices.com>
Sent: Monday, May 11, 2015 8:06 AM
To: 'Joe Coyle'
Subject: FW: Cell Tower Proposal at Oak Lake Church

From: Jim.Ferguson@DuncanAviation.com [mailto:Jim.Ferguson@DuncanAviation.com]
Sent: Thursday, May 07, 2015 6:36 AM
To: Joe Coyle
Subject: RE: Cell Tower Proposal at Oak Lake Church

We don't have any issues with the tower. At this time, I don't believe we'd need to meet.

Thanks,
Jim

From: "Joe Coyle" <jcoyle@pyramidnetworkservices.com>
To: <Jim.Ferguson@DuncanAviation.com>
Date: 05/04/2015 02:29 PM
Subject: RE: Cell Tower Proposal at Oak Lake Church

Hi Jim,

I've asked your neighbors to the north, Oak Lake Church, to reach out to you. They have come back around and have agreed to lease us space to build a tower. I have asked them to plan a short meeting with you to discuss our proposal. The proposed site location is near your property line behind an existing stand of trees. Since they have chosen the south side of their property for the site, I have asked them to be good neighbors and go over the site plan and the reasoning behind the area they chose for the monopole tower. They did not like the idea of the tower on the North side of the property due to the possibility of future expansion in that direction. The proposed location of the tower meets all of the current Lincoln zoning setback requirements. Oak Lake also did require that we place the tower to be more than tower height away from your nearest structure. Also, the Lincoln landscaping requirements are the most demanding I've seen – we will be planting 27 trees of 3 different species around the fenced lease area! It will be one of the nicest looking compounds I've been involved with.

If you don't mind, may I please pass along your email address to Pastor Dale Ribble and one of the elders handling the project for them, Dennis Hartmann?

I've attached the Site Plan for your review and an engineering letter explaining that if a monopole were to fail it is designed to collapse on itself. If you approve of the Plan and prefer not to have a meeting for some reason, please let me know.

Thanks Jim.

Joe Coyle
Project Manager
Pyramid Network Services, LLC
(816) 560-5035 (M)
jcoyle@pyramidns.com

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 8, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone 15017

PROPOSAL: To rezone approximately 2 acres from H-2, Highway Business District to B-3, Commercial District

LOCATION: Southeast corner of N. 44th Street and Q Street

LAND AREA: 2 acres, more or less

EXISTING ZONING: H-2, Highway Business District

CONCLUSION: The Comprehensive Plan states that existing commercial centers should be reused and redeveloped and alternatives such as reduced or shared parking should be explored. If approved the change of zone will allow the existing buildings to be reused for commercial uses while meeting the parking regulations set forth in the Zoning Code. The B-3 zoning district is consistent with the 2040 Lincoln Area Future Land Use Plan which shows this area as commercial. The proposed change of zone is consistent with other rezonings in the area and is in conformance with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1 and Lot 2, Meginnis Addition, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant/Former Sports Courts

SURROUNDING LAND USE AND ZONING:

North: Office; O-3
South: Office; H-2
East: Undeveloped; H-2
West: Multi-family Residential; R-4

HISTORY:

March 1971 The City Council approved a special permit #534 to construct a parking lot on the north and east sides of the property.

March 1976 The City Council approved a special permit # 749 to construct a private recreational facility.

April 1977 The City Council approved special permit #749A to adjust the boundary of the special permit and increase the size of the existing building.

This property was rezoned from single-family and local business to H-2 Highway Commercial and R-4 Residential with the 1979 Zoning Update.

January 1982 The Board of Zoning Appeals approved BZA#1311 to adjust the R-4 and H-2 zoning line to match the property line. The property was then all zoned H-2.

February 1995 The Board of Zoning Appeals approved BZA#2053 to reduce the setback between the two buildings to 3.95 feet. This is a side yard setback for Lot 2 and a rear yard setback for Lot 1.

September 1996 The Meginnis Addition final plat was approved that created the two lots.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - The 2040 Future Land Use Map shows this area as Commercial.

P. 5.7 - Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.

P. 5.12 - Develop infill commercial areas to be compatible with the character of the area.

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

P. 6.8 - Encourage shared driveways and interconnected parking lots where possible.

P. 6.11 - Revise the Zoning Ordinance to provide more flexibility, particularly in commercial districts. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks and parking standards, similar to the provisions already available for newer districts.

UTILITIES:

Lot 2, Meginnis Addition is served by existing public utilities. Lot 1, Meginnis Addition does not have independent connections to the public utilities and is served by private utilities that cross Lot 2.

TRAFFIC ANALYSIS:

N. 44th Street is shown as a minor arterial street.

ANALYSIS:

1. The applicant is requesting this change of zone from H-2 Highway Business District to B-3 Commercial District on Lot 1 and Lot 2 Meginnins Addition in order to meet off-street parking requirements for commercial uses. The applicant owns Lot 2 which is the southern lot and is proposing an indoor dog park/daycare/kennel. The B-3 zoning is needed in order to meet parking requirements. The properties are currently zoned H-2 and are vacant. Both properties were previously operated together as Sports Courts.
2. A special permit was originally approved for one indoor recreational facility. The two buildings were on one property and together were treated as one premises under the special permit. The recreational facility was later platted onto two separate lots, and the Board of Zoning Appeals reduced the setbacks for each individual lot. The two buildings are now separately owned properties and are considered separate premises.
3. The properties do not conform to the minimum parking requirements of the H-2 district today. The existing H-2 zoning district requires 1 parking space per 300 square feet of floor area and the proposed B-3 district requires 1 parking space per 600 square feet of floor area. The B-3 zoning district will support reuse of the existing buildings for the proposed indoor dog park/daycare/kennel and future uses for both properties as well.
4. Smaller, less intensive retail uses are found in B-3 commercial areas and do not require as much parking per square foot as major national retailers found on larger commercial sites. With the exception of allowing residential uses and the lesser parking requirement, the B-3 zoning district is more restrictive than the existing H-2 zoning district.

H-2 zoning is intended for properties oriented to major arterial streets. In addition to neighborhood business uses, H-2 also allows mini-warehouses, truck wash facilities and a few other manufacturing and processing uses that are not permitted in the B-3 district. The B-3 district is more appropriate at this location given its proximity to existing residential development and given that it is not oriented to a major arterial street.

5. The nearest residential area is to the west across N. 44th Street in the Tanglewood Apartment complex. The Tanglewood Apartment complex has access off N. 44th Street and has self-contained parking and circulation. It does not appear that this change of zone would have a significantly negative impact on the residential property by causing spillover parking onto residential streets.

6. The owner of Lot 2 (south property) is proposing to use the building for an indoor dog park/daycare/kennel. The proposal includes use of the existing outdoor area on the east side of the property for the animals. As a conditional use in the B-3 district, the outdoor area for a kennel must be no closer than 200 feet from a residentially zoned property and cannot have more than 3 animals in the outdoor area at any one time. The closest residentially zoned property is across N. 44th Street and is greater than 200 feet from the outdoor area. This facility does not need to apply for a special permit as long as the number of outdoor animals remains at 3 or less at any given time. If the owner of the facility would like to have more than 3 animals in the outdoor area then they will need to apply for a special permit.
7. Additional B-3 zoned properties are located near the subject site and can be found at 5010 O Street (Hy-Vee), 4811 O Street (Wal-Greens and restaurants) and 366 N. 48th Street (retail store). The property at 366 N. 48th Street was rezoned from H-2 to B-3 in 2013 in order to bring the existing off-street parking into conformance. This is a similar circumstance for the subject site and will allow appropriate commercial reuse by meeting the parking regulations of the district. There is also B-1 zoning nearby for Target, Super Save, Westlake Hardware and other retailers.

Prepared by:

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

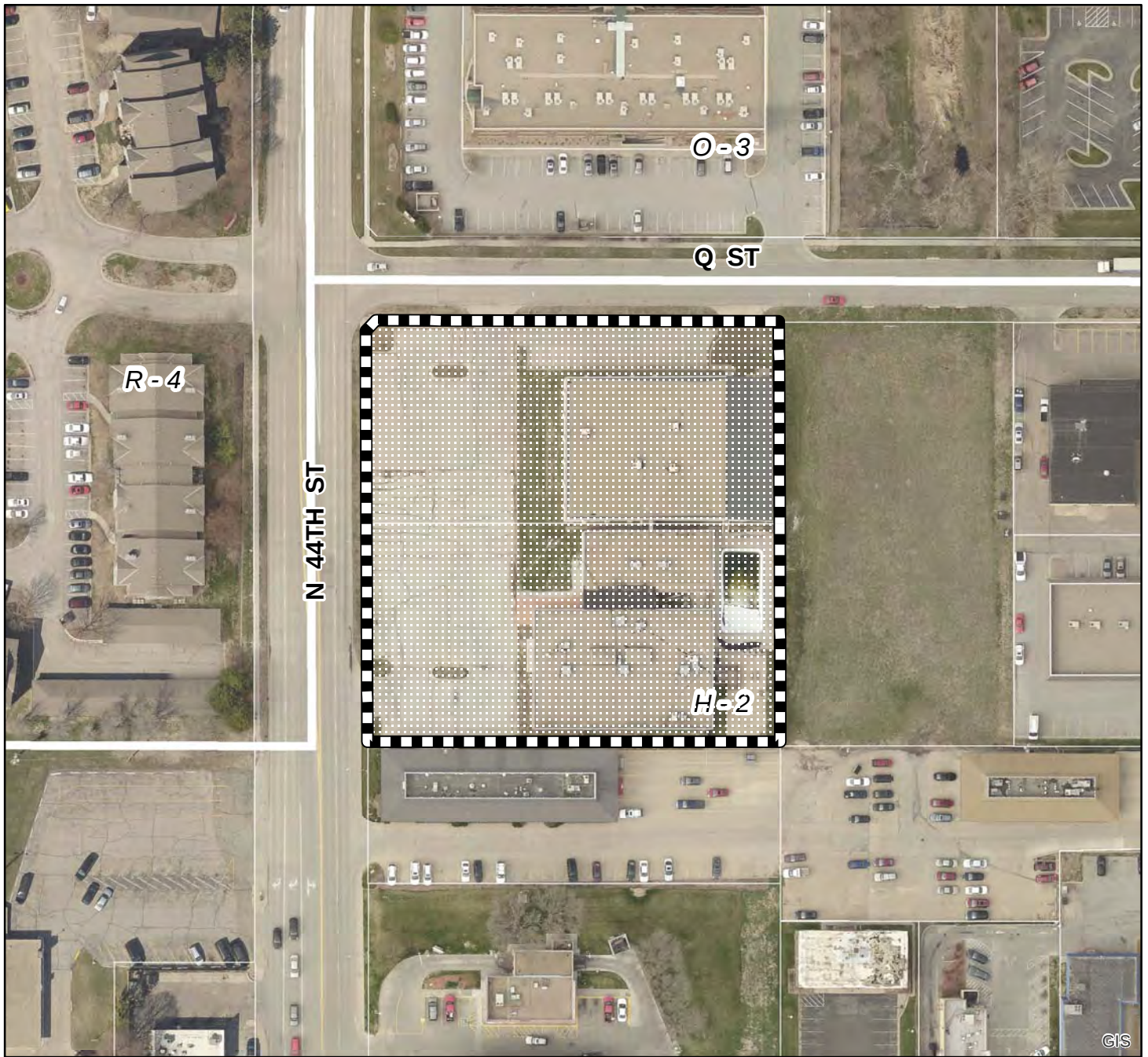
DATE: June 25, 2015

APPLICANT: Laura Kilmer
1531 Kingston Road
Lincoln, NE 68506

OWNER: Paws 4 Fun, LLC
1531 Kingston Road
Lincoln, NE 68506

CONTACT: Christie Schroff
300 N. 44th Street, Suite 116
Lincoln, NE 68503

F:\DevReview\CZ\15000\CZ15017 222 N. 44th Street.pdb.wpd



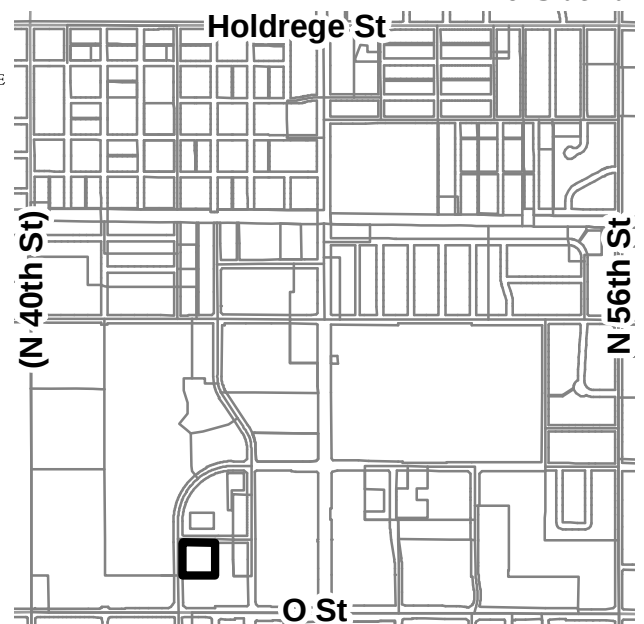
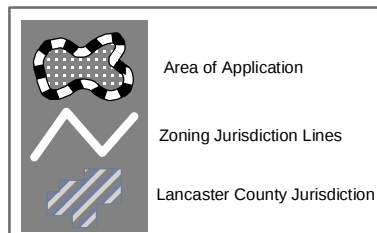
2013 aerial

Change of Zone #: CZ15017 (H-2 to B-3) N 44th & Q 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.20 T10N R07E





Schwartzkopf Schroff & Tricker, LLP
Attorneys at Law

June 9, 2015

HAND DELIVERED

Planning Department
ATTN: Paul Barnes, Planner
555 S. 10th St., Ste. 213
Lincoln, NE 68508

RE: 222 N. 44th Street, Lincoln, NE (Property)
Application for Change of Zone from H-2 to B-3
Paws 4 Fun LLC, Laura Kilmer, managing member (Applicant)

Ladies and Gentlemen:

This letter accompanies the application of our client, Paws 4 Fun LLC, for a Change of Zone from H-2 to B-3. This Change of Zone application replaces the May 6, 2015 Application for Waiver of H-2 zoning requirements by the same Applicant (the "Waiver Application"). We respectfully request that the Waiver Application be withdrawn, and that the \$330 filing fee paid be credited to the \$792 filing fee for this Change of Zone application. A \$462 check for the difference is enclosed.

The former "Sports Courts" facility at 222 N. 44th Street has been vacant for nearly four years. Applicant purchased the Property (Lot 2) on May 12, 2015 to develop as a dog park/kennel/pet day care facility (herein, "Dog Park"). Before it ceased operating as a recreational facility, Sports Courts comprised 2 buildings located on 2 Lots (Lots 1 & 2, Meginnis Addition). See plat of Meginnis Addition, attached. Both Lots 1 and 2 are the subject of this Change of Zone application.

Lots 1 and 2 have different owners. The main building, on Lot 2, is the Property owned by the applicant and the site of the proposed Dog Park. Lot 1 is owned by David Meisinger; the Lot 1 building is currently vacant.

The primary reasons for this application are:

- (i) to obtain some relief from excessive parking requirements. The current H-2 zoning requires **1 stall per 300** square feet of building. The proposed B-3 zoning requires **1 stall per 600** square feet of building.
- (ii) to propose a zoning district for this Property that better suits the area as it exists now.

300 North 44th Street, Suite 116 / Lincoln, NE 68503

Phone (402) 466-0026 / Fax (402) 464-1161

www.sst-neb.com

Planning Department
ATTN: Paul Barnes
June 9, 2015
Page 2 of 2

Strict application of the H-2 zoning ratio would require nearly 100 stalls on Lot 2. That is an excessive requirement that Applicant cannot satisfy on its Property. In fact, the prior user, Sports Courts could not satisfy that requirement either. Sports Courts operated under a Special Permit for a private recreational facility that permitted fewer parking stalls than required by strict application of H-2 zoning. The size of the existing building in this H-2 zone would require parking modifications or waivers for almost ANY proposed use.

The B-3 zoning ratio of **1 stall per 600** square feet of building is a requirement that Applicant believes can be satisfied on its Property (and, accordingly, no waivers are being requested as a part of this Application).

Applicant believes that B-3 zoning is a better fit for this Property in any event. It is difficult to imagine, for example, a truck wash facility (allowed in H-2) on this Property. The Applicant's proposed use revives an existing building located in the center of Lincoln to a use that truly serves the community. B-3 zoning for this site facilitates a productive use for this commercial area, compatible with the character of the area.

It is my understanding that no Site Plan is required to accompany this application. Thank you for your thoughtful review and consideration of this Zone Change request.

Yours Truly,



Christie Schwartzkopf Schreff

Attachments:

- City of Lincoln Planning Department Application Request Form (with \$462 check)
- Plat of Meginnis Addition

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 8, 2015 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 15037

PROPOSAL: A request per Section 27.63.250 for Permitted Use to Exceed the Height in the District

LOCATION: NW corner of P and Canopy Streets, Lincoln

LAND AREA: Less than one acre

EXISTING ZONING: B-4 Lincoln Center Business District

CONCLUSION: The request to increase the height limit from 75 feet to 110 feet, conditioned upon approval of a redevelopment agreement including City review and consent to a final design, provides a desirable land use in a well-designed building, consistent with Comprehensive Plan goals and strategies, and should not impose an adverse impact on surrounding properties.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The south half of Lot 3, Block 6, West Haymarket Addition, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Vacant, proposed for redevelopment.

SURROUNDING LAND USE AND ZONING:

North:	B-4 Lincoln Center Business	Parking Lot and mixed use (hotel, retail, residential)
South:	B-4 Lincoln Center Business	Office and parking garage
East:	B-4 Lincoln Center Business	Mixed use/Historic Haymarket District
West:	B-4 Lincoln Center Business	District Energy plant and parking garage

ASSOCIATED APPLICATIONS: none

HISTORY:

1870 This site was a portion of Burlington & Missouri River Railroad yard.
1979 Changed from L Industrial District to I-1 Industrial District in the 1979 Zoning Ordinance Update.
2012 Rezoned to B-4 Lincoln Center Business District

COMPREHENSIVE PLAN SPECIFICATIONS:

- This property is shown as Future Commercial in the 2040 Lincoln Future Land Use Plan.
- “Greater Downtown and nodes and corridors incorporate a mix of uses that accommodate the daily needs of residents.” (page 1.5)
“Mixed Use Redevelopment should:
 - o Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
 - o Occur on sites supported by adequate road and utility capacity.
 - o Be located and designed in a manner compatible with existing or planned land uses.
 - o Enhance entryways when developing adjacent to these corridors. (page 6.2)
- Among “Strategies for Greater Downtown:
 - o Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.” (page 6.3)

UTILITIES: All public utilities are available. A connection to District Energy Corp. facilities is expected and will be negotiated.

TOPOGRAPHY: At east edge of Salt Creek 100 year floodplain.

PUBLIC SERVICE: This property is served by the Lincoln Public School District and City of Lincoln Police, Fire & Rescue services.

REGIONAL ISSUES: This property is within the Outer Approach to Runway 32 of Lincoln Municipal Airport and will require a Height Permit under Lincoln Municipal Code Section 27.59.

ALTERNATIVE USES: Broad range of Downtown Lincoln uses within the 75 foot height limit.

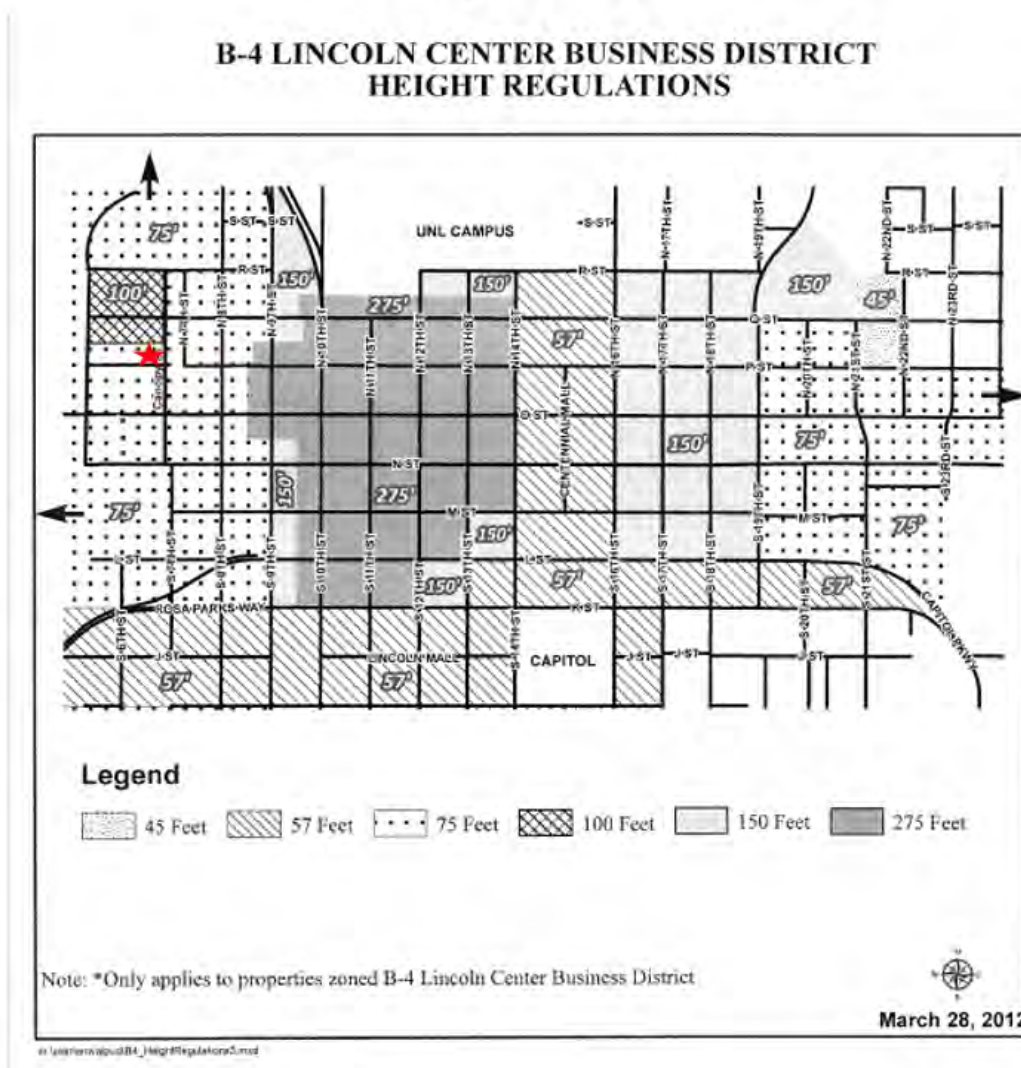
ANALYSIS:

1. 75 feet of building height is allowed by right on the parcel in question, within the B-4 Lincoln Center Business District. In all districts, mechanical appurtenances are allowed an additional 20 feet, if set back at least 15 feet from street facades.
2. The B-4 Lincoln Center Business District includes “by-right” heights ranging from

45 feet to 275 feet. On the west side of Canopy Street, from R St. on the north to mid-way between P and Q Streets, the height limit is 100 feet. Pinnacle Bank Arena, as a public facility on public property, is zoned P Public Use District, which has no height limit. The Arena is approximately 120 feet tall.

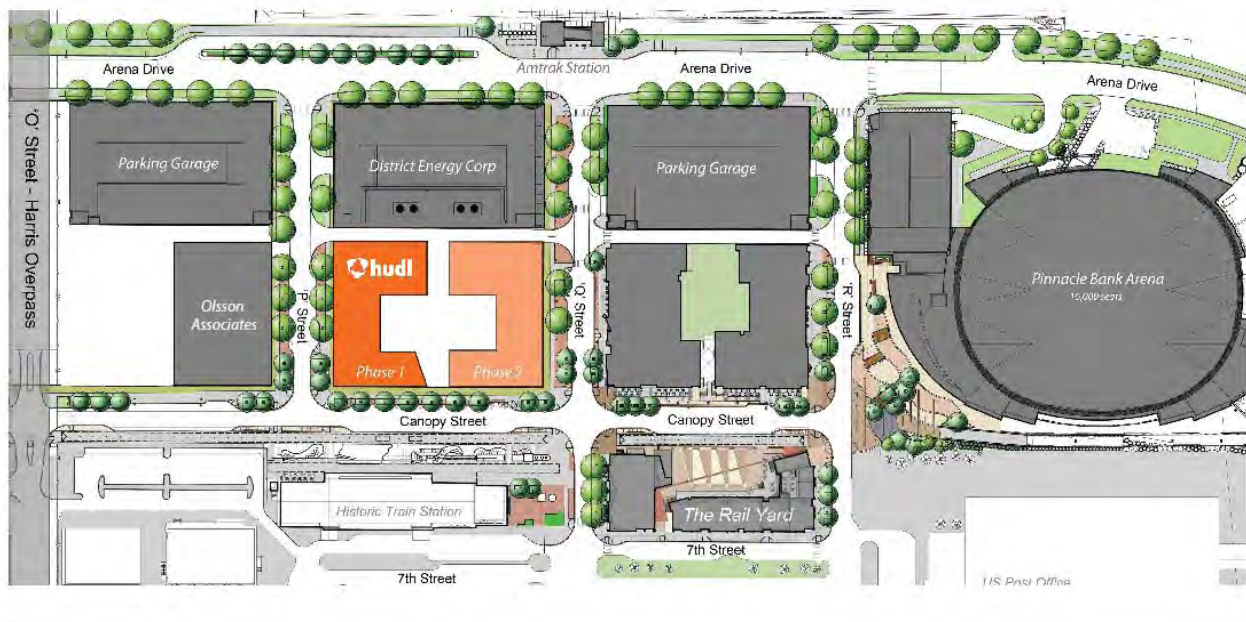
3. Section 27.63.250 "Permitted Use Exceeding the Maximum Height Permitted in District" allows requests for additional height in 8 zoning districts, including the B-4 Lincoln Center Business District.

Figure 27.72.030(a)



Note: The star added to Fig. 27.72.030 (a) indicates the location of the subject property.

4. When West Haymarket was rezoned from I-1 Industrial to B-4 Lincoln Center Business District in 2012, most of the B-4 area west of 9th Street had a height limit of 75 feet and the same was applied to most of the rezoned area, with greater height allowed by right nearer the Arena, acknowledging that would be a taller structure.
5. By “splitting” the P-Q block on the west side of Canopy between 100 feet on the north half and 75 feet on the south half, a requirement was set that development on the south half would be more closely scrutinized through this special permit process if greater height were proposed, especially for its impact on Haymarket Landmark District. This special permit process creates a public review of a proposed design’s quality and its impact on surrounding property.



WEST HAYMARKET REDEVELOPMENT
HUDL INTERNATIONAL HEADQUARTERS

6. The applicant is proposing a seven-story building with retail/service uses on the ground floor, five floors of offices, and a recessed “penthouse” seventh floor with assembly and recreation spaces, and outdoor patios atop the 6th floor.



Aerial view of proposed Hudl HQ from east-southeast.

Note: The 7-story building depicted north (right) of the subject property is a conceptual suggestion of a future structure on that site.

7. The Urban Design Committee (UDC) and the Historic Preservation Commission (HPC) met jointly on June 18th to review this special permit application. The illustrations in this report were provided to the design boards, along with “fly-by” depictions of a 3-D digital model. Minutes of the joint session are attached. UDC recommended approval of the special permit 5-0 (with one absence and one abstention); HPC recommended approval 4-1 (with one absence and one abstention).
8. The Olsson Associates Building on the southwest corner of Canopy and P Streets is visible from some sidewalk locations on P Street within Historic Haymarket, at 4 stories and less than 75 feet tall. Even a 75-foot “by-right” building on the subject parcel of the current application would be visible from some P Street/Haymarket locations.

9. The application provided perspective views west on P Street illustrating how much of the proposed building would be visible from 9th, 8th, and near 7th Street. From 9th Street, portions of the 4th and all of the 5th floor would be visible, within the 75' "by right" height, along with the 6th floor and 7th story penthouse if permitted the requested 105'.



9th & P STREET

From 8th and P, the 6th floor would be prominent and the 7th floor barely visible.



8th & P STREET

From locations on or near 7th and P Streets, Lincoln Station would screen out any view of the proposed building.



7th & P STREET

10. Since 2012, considerable development has occurred in West Haymarket. Determining how well the community has achieved the broad esthetic goals outlined in the Integrated Development Plan for West Haymarket of creating quality development that is compatible with Haymarket but not simply imitative, can now be assessed rather than guessed.
11. The District Energy plant and adjacent Green/No. 2 Garage immediately west of the development site are approximately 75 feet tall. For east-bound travellers entering Downtown Lincoln on Harris Overpass, taller buildings east of the garage might add some interest to the West Haymarket skyline, behind the row of garages on Arena Drive.
12. The proposed building would have retail space on the ground floor and offices above for Nelnet and Hudl, two growing Lincoln-based companies. Maintaining Haymarket and Downtown Lincoln as a major employment center is a long-standing community goal.
13. The applicant will develop the site under a redevelopment agreement with the city, which includes design review and approval by the City. A special permit can be conditioned upon execution of that agreement, prohibiting usage of the requested additional height for any less desirable design than the depicted proposal. Drawings are typically incorporated into the redevelopment agreement, which would provide guidance and a review process for any additional design development through the contractually binding terms of the redevelopment agreement.



14. The design as presented includes dark brick on the ground floor and on the west portion of the L-shaped upper floors, and zinc panel similar to the Arena on the upper floors of the east portion. Sun screens would partially shade the south and east elevations to improve the energy performance of the building.

CONDITIONS OF APPROVAL:

Per Section 27.63.250, this approval permits 110 feet of building height on the south half of Lot 3, Block 6, West Haymarket Addition.

Site Specific Conditions:

1. The City Council approves a redevelopment agreement for the proposed project, including City review and approval of the architectural design.
2. Before receiving building permits the permittee shall apply for and receive an Airport height permit as required by 27.59.060.
3. Before receiving building permits provide the following documents to the Planning Department:
 - 3.1 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:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the building or buildings all development and construction shall substantially comply with the approved plans.
- 4.2 The physical location of all setbacks and yards, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by

Ed Zimmer, Planner
ezimmer@lincoln.ne.gov

DATE: June 12, 2015

APPLICANT: TDP Phase Three, LLC
440 N. 8th St., Ste. 140
Lincoln, NE 68508
will@wrkllc.com

CONTACT: Thomas C. Huston
233 S. 13th St., Suite 1900
Lincoln, NE 68508
thuston@clnewilliams.com
(402)474-6900

SITE OWNER: West Haymarket Joint Public Agency
555 South 10th Street, Room 205
Lincoln, NE 68508

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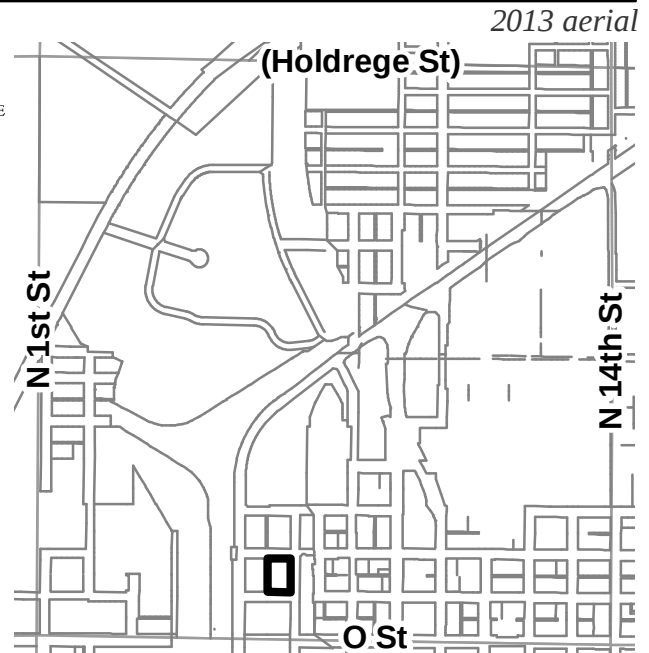
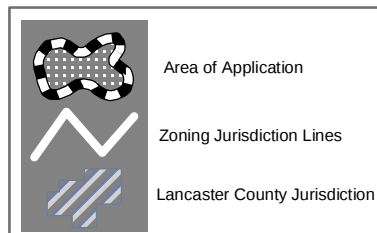
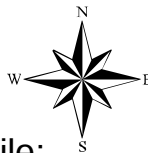


Special Permit #: SP15037
TDP Phase Three
Canopy & P St

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.23 T10N R06E



CLINE WILLIAMS
WRIGHT JOHNSON & OLDFATHER, L.L.P.

ATTORNEYS AT LAW
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June 10, 2015

L. BRUCE RIGHT
JAMES M. BAUSCH
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ROBERT KINNEY-WALKER
KATHERINE M. KOCK
FREDRIC H. KAUFFMAN
DONALD F. BURT
STEPHEN E. GEHRING

VIA HAND DELIVERY

David Cary
Acting Director of Planning
Lincoln City/Lancaster County
Planning Department
555 South 10th Street, Room 213
Lincoln, NE 68508

RECEIVED

JUN 11 2015

Lincoln/Lancaster Co.
Planning Department

RE: Special Permit Application for Block 3
Our File No.: 20461.001

Dear Mr. Cary:

This firm represents TDP Phase Three, LLC ("TDP"), which intends to develop real property located at the intersection of Canopy Street and "P" Street for an office building. The property is legally described as follows:

Lot 3, Block 6, West Haymarket Addition, Lincoln, Lancaster County, Nebraska.

However, the property's current owner, the West Haymarket Joint Public Agency ("JPA"), intends to subdivide the lot into two separate parcels, one on the north half of the current lot and one on the south half of the current lot. Our client plans purchase and develop the south half of the existing lot. The northern portion of the lot will continue to be owned by the JPA and shall be reserved for a future project.

A. Project

The project shall consist of a seven-story building containing a total of approximately 150,000 square feet. The development will contain approximately 140,000 square feet of office space consisting of a new Lincoln headquarters for Hudl and additional offices for NelNet. Approximately 10,000 to 15,000 square feet on the first floor is anticipated to accommodate both health club and retail spaces. A skywalk will be located on the fourth story and will connect to the adjacent city

STERLING RIDGE
12910 PIERCE STREET, SUITE 200
OMAHA, NE 68144-1105
(402) 391-1700

1207 M STREET
P.O. BOX 510
AURORA, NE 68818
(402) 694-6314

NORTHERN HEIGHTS PROFESSIONAL PLAZA
416 VALLEY VIEW DRIVE, SUITE 304
SCOTTSBLUFF, NE 69361
(308) 633-1020

330 SOUTH COLLEGE AVENUE
SUITE 300
FORT COLLINS, CO 80524-7162
(970) 221-2637

parking garage located to the west. The skywalk will allow for public access to the first floor health club and retail facilities and will also provide covered access to the office space from the parking garage.

B. Special Permit

TDP requests a special permit pursuant to LMC § 27.63.250 to authorize the building to be 110 feet in height. While the north half of the block has a 100 foot maximum height requirement, the south half, where the current project is planned, is subject to a 75 foot maximum height requirement. We suggest the following factors support the requested height waiver.

1. Office Use. The project's predominant office use is better suited for the south half of the block as opposed to the north half. An office use occupies the property located to the south across "P" Street. The properties to the north across "Q" street are occupied by mixed residential, commercial, and retail uses. Accordingly, the south half of the lot is better suited for office uses while the north half of the lot is better suited for a mixed use building.
2. Tenant Demand. The seven floors are necessary for the tenants' needs. The project's tenants are currently experiencing large job growth and anticipate even more growth in the near future. As a result, the tenants will require the full 140,000 square feet allocated to office use. The tenant demand for space requires a building at least seven stories tall.
3. Future Project. The 110 foot building is consistent with the existing skyline of graduated heights towards the Pinnacle Bank Arena. Our client anticipates a future project on the north half of the block that will contain a structure containing a minimum height of 110 feet. Because the developments to the south are less than 110 feet tall and the developments to the north are greater than 110 feet tall, the proposed 110-foot development is consistent with the graduated height theme.

C. Submittal

This project will require city approval for a special permit to authorize the building to exceed the maximum permitted height, as discussed above. We request the city to approve a special permit to permit the building to be 110 feet in height. Attached with this delivery is the following:

1. Application. The City of Lincoln application for a special permit;
2. Site Plan and East Elevation Drawing as required by the special permit application. The plans, prepared by Sinclair Hille Architects, will be uploaded to the ProjectDox registry; and

3. Application Fee as computed by Resolution A-86941 requiring the sum of \$330.00. This fee amount is calculated based on the size of the south half of the existing lot, which will soon be subdivided and replatted by the JPA.

If there are any questions, please do not hesitate to contact me.

Sincerely,



Thomas C. Huston
For the Firm

cc: Will Scott (via email)

4813-7665-9748, v. 1

MEETING RECORD EXCERPT

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION and URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Thursday, June 18, 2015, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: *Historic Preservation Commission (HPC):* Tim Francis, Jim Hewitt, Jim Johnson, Berwyn Jones, Liz Kuhlman, and Greg Munn; (Jim McKee absent). *Urban Design Committee (UDC):* Emily Casper, Tammy Eagle Bull, JoAnne Kissel, Gil Peace, Michelle Penn, and Michele Tilley; (Tom Huston absent). Ed Zimmer, Stacey Groshong Hageman and Amy Hana Huffman of the Planning Department; Kevin Abourezk from the *Lincoln Journal Star*.

STATED PURPOSE OF MEETING: Joint Meeting of Historic Preservation Commission & Urban Design Committee

Greg Munn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

DISCUSS AND ADVISE ON THE SPECIAL PERMIT FOR HEIGHT WAIVER, TDP PHASE THREE AT CANOPY & P STREETS (HUDL HQ BUILDING):
PUBLIC HEARING:

June 18, 2015

HPC Members present: Francis, Hewitt, Johnson, Jones, Kuhlman, and Munn; McKee absent.

UDC Members present: Casper, Eagle Bull, Kissel, Peace, Penn, Tilley; Huston absent.

Zimmer began with explanation of the purpose of the joint meeting. This special permit request is near the west edge of the Haymarket Landmark District and just across the street from the National Register boundary. As was done in the past, rather than having HPC advise on portions of the project within 300 feet of Haymarket and UDC advise on anything beyond, it makes more sense to come together and review the information simultaneously. However, it is best if any votes are taken separately to reflect each board as an individual entity.

This is a request for a Special Permit which will go to Planning Commission on July 8, 2015. Staff is asking for the Boards' advice, which will be incorporated into the staff report.

Representatives from HUDL (future tenant), WRK (developer), and Sinclair Hille

(architects) introduced themselves.

Dan Grasso, Sinclair Hille, came forward to present the concept, preliminary building plans and materials for this project. The site is Block B, which is surrounded by Canopy Street, Olsson Associates, Lincoln Station, and the Green 2 parking garage. The first (southern) half block to be developed will include a seven-story, approximately 150,000 square foot building. HUDL will occupy most of that and eventually expand to a future north building. The 1st floor will be mainly retail, including some facing Canopy Street, a common lobby space, service entry through the alley, and there is potential for an courtyard between the buildings on the south and north halves of the block. The upper floors are all approximately 25,000 sq. ft. NelNet will occupy the 2nd floor. There is the option for an exterior patio and green roof, as well as public art at the northeast corner of the building, perhaps on top of a one-story portion. This provides great views down Canopy Street. HUDL will occupy the 3rd floor and up, and there will be a connection to parking at an upper level.

John Prauner of HUDL said that HUDL is in a phase of rapid growth. The company started in 2006 with three founders working out of their dorm rooms; there are now 230 employees and there could be hundreds more in the near future. This building provides an opportunity for the company to remain here in Lincoln and draw from the pool of UNL graduates, and to take advantage of Lincoln's home environment and low cost of living. HUDL is now a top video sports editing company in the world, competing for talent with Google and other world-class tech companies.

Jake Hull, HUDL, said that from a recruiting standpoint, factors like the workspace, the local area, and the West Haymarket are contributors in finding and keeping the best people. This is a cutting edge company and the building needs to match. Work is done collaboratively, so the open plan is important.

Grasso went on to describe other unique key features, such as a two-story grandstand styled area for meeting with the entire company, an arcade area, and gathering space on the roof. These types of features speak to the culture at HUDL, which is innovative and fun.

Grasso noted that HUDL has said from the start that they want to be good neighbors. Though this is a cutting edge building, the idea is to utilize materials already present in the Haymarket and Railyard areas, including darker brick at the base and zinc panels. A sun and glare study was conducted so that appropriate window features, which include vertical fins and perforated panels, are part of the design, particularly on the south and east sides. Other notable exterior features are the vertical panels, major branding features, and the potential for public art.

Different views have been provided to show what the building with the height waiver will look like from different angles, especially from P Street within the Haymarket Landmark District. The grade rises towards the east on that street. The 7th Floor is set back so visually, it doesn't rise much above the height limit. The block is currently split between

100 foot and 75 foot height limits, with the lower limit on the south half. Eventually, this block will be developed with two connected and related buildings, so the goal is to make them appear and function in a unified way, with matching floor elevations.

Munn asked the height of the six-story portion. Grasso replied that it is about 90 feet.

Berwyn Jones, HPC, expressed his strong concern that height limits are set, but exceptions are always handed out. He does not like the view of the building with that additional height.

Munn asked for explanation about why the height limits are split north-south on the block. Zimmer said this area was formerly I-1 zoning. It was rezoned to accommodate West Haymarket development. B-4 zoning, typical of Downtown Lincoln, was the broadest option. B-4 includes widely varied height limits, from as low as 57 feet around the Capitol environs, to as high as 275 feet. Most of the B-4 area west of 9th Street, including most of Haymarket, has a 75-foot limit, though most of it is not built to that height. The south half of this particular block is considered to be more sensitive than the north because it aligns with views on P Street within Haymarket, above Lincoln Station.

However, several zoning districts, including the B-4 zone, offer the opportunity for developers to request a height waiver. The logic behind this is to create a process where the developers must provide a building concept that can be seen, discussed and judged for appropriateness before building can take place. HPC and UDC are part of the process in this case because of the special permit request and potential TIF involvement. Ultimately the request goes before the Planning Commission and the City Council and the two design boards are advisors to those bodies.

Jones said that even if the building is nice, it does not change the fact that it is a 75 foot zone, and the building is too tall.

JoAnne Kissel, UDC, noted that if both buildings were being proposed today, the other half would be 100 feet. It seems odd to have that break half way through the block. In relation to the Arena, the building does not seem to stick out. Zimmer said the height difference was a judgment call to provide the protection of greater scrutiny to the south half of the block. It is also worth noting that a 75 foot building can have the elevator houses and mechanicals up to an additional 20 feet, by right, in any of these districts, though it must be setback from street frontage. Kissel said the proposed building does not look overly large. Jones disagreed.

Gil Peace, UDC, said that if both halves were built to match, it would look natural. He finds the design appropriate.

Jones questioned why the limit exists if it is always waived?

Tim Francis, HPC, said that he likes the design of the building because it adds a real sense of "downtown" to Lincoln. It will help to draw and keep young people here.

Michelle Tilley, UDC, noted that there are two different groups with different sets of concerns meeting today. She feels this building fits in, from an Urban Design standpoint. Munn said that from an HPC standpoint, the building would not be visible at all from much of the P Street view. Jones said it seems a height waiver is requested every time a new building goes up. Munn said that is a good sign that development is happening.

Zimmer added that when these height restrictions were initially discussed, none of the development had occurred yet, so it was a matter of attempting to envision what could take place. Now there is much more experience and information on which designers, and design groups, can base their work. Deciding to split the block allowed the opportunity for this public process, and to get these various perspectives.

Kissel said she likes the tension between the new urban design next to the old. Grasso mentioned that contrast was discussed internally. The contrast of the glass and metal makes a strong old building, like Lincoln Station stand out more. That contrast is a design strength. Tilley agreed. The canopy was removed, renovated and reinstalled with the explicit intention that it was both a division line and a “hinge” between the old and new. The choice of materials nods to the old buildings and it seems appropriate.

Michelle Penn, UDC, said that as far as breaking rules is concerned, sometimes it is appropriate. There was an equal amount of turmoil with the Olsson Associates building. UDC turned that down, HPC did not. Jones interjected that in the end, the Olsson Associates met the height requirement. Penn went on to say this building uses appropriate materials, and from an urban design standpoint, it faces the street appropriately. That vibrant connection is desirable. People often talk of the intellectual bleed from Nebraska; that is part of the urban context. Even on P Street, it is appropriate to see the buildings peeking over others.

Zimmer noted that in terms of zoning, some things are allowed by right, and some are allowed if certain extra conditions are met. Special permits are neither breaking the rules, nor granted by right. Instead they provide a legislative process when extra oversight is needed. They provide an opportunity for the community to say, if there is enough scrutiny, and enough sensitivity in the design, the zoning code allows for a specific proposal to proceed.

ACTION:

UDC:

Penn moved a recommendation of approval of the Special Permit for the height waiver for the TDP Phase Three at Canopy and P Streets (HUDL HQ Building). Seconded by Tilley. Casper, Kissel, Peace, Penn and Tilley voting ‘yes’; Eagle Bull abstained; Huston absent. Approved 5-0 (one abstention).

HPC:

Johnson moved a recommendation of approval of the Special Permit for the height

waiver for the TDP Phase Three at Canopy and P Streets (HUDL HQ Building).
Seconded by Francis. Francis, Hewitt*, Johnson, and Munn voting 'yes'; Jones voting 'no'; Kuhlman abstained. McKee absent. Approved 4-1 (one abstention).

*Mr. Hewitt disclosed for the record that his son is a member of the Cline Williams law firm, and that another member of that firm is the applicant of record for this special permit, on behalf of TDP Phase Three. He noted "If our action were to be determinative, I would abstain, but since I do not think it is, I vote yes."

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:

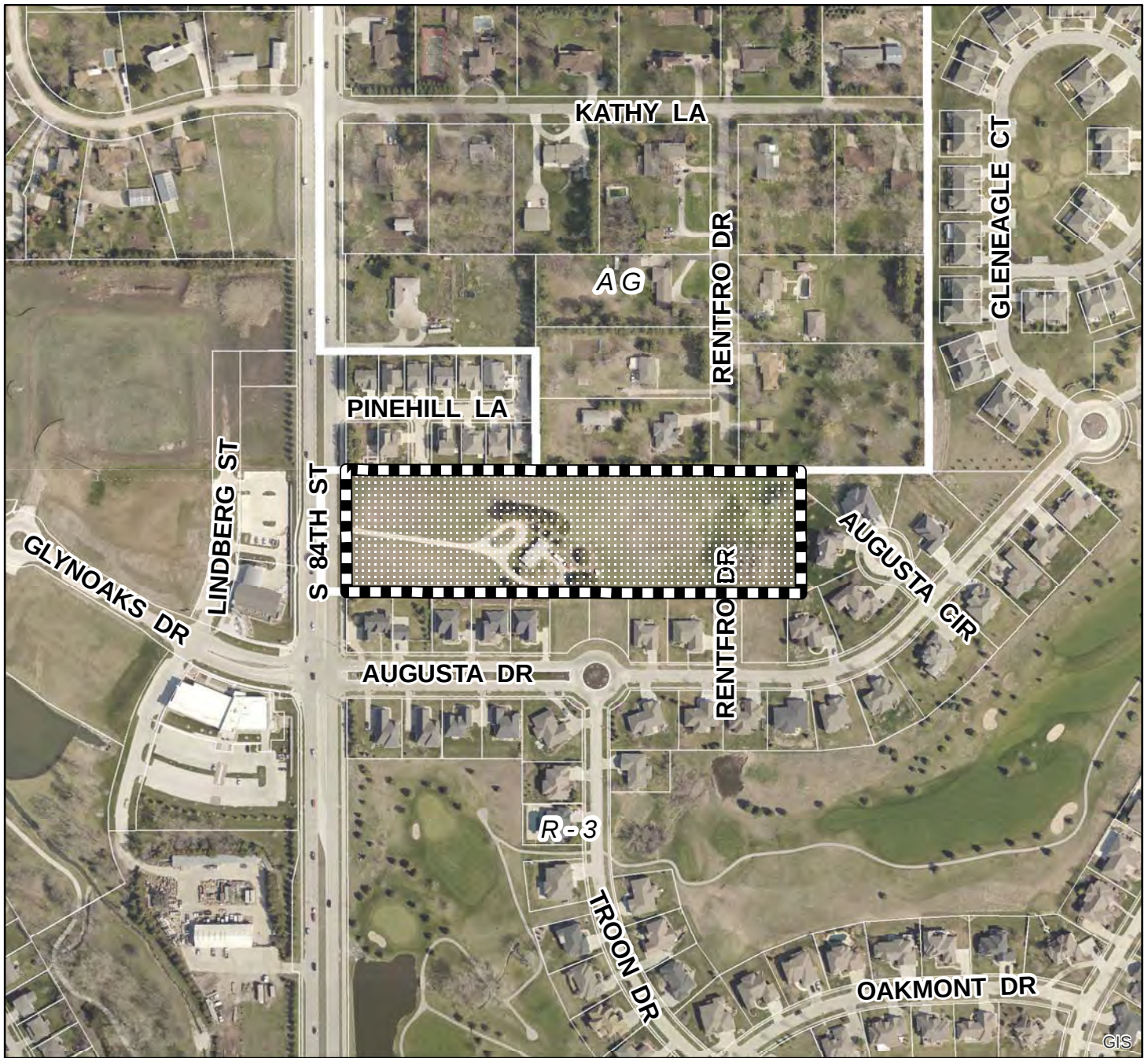
Brian Will
bwill@lincoln.ne.gov, 402-441-6362
May 27, 2015

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

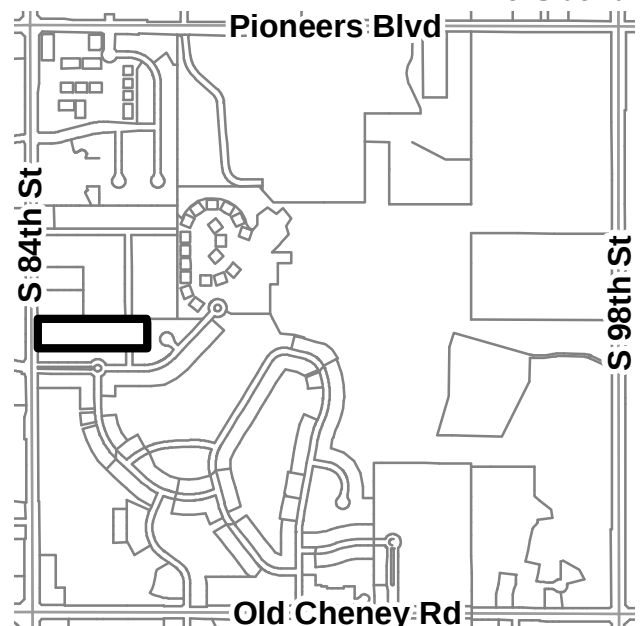
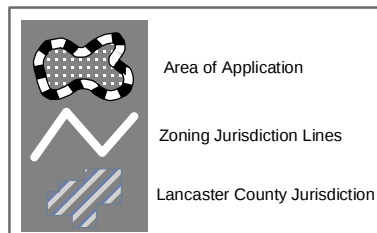
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Change of Zone #: CZ15015 (AG to R-3)
and Special Permit #: SP15028
Erickson Addition CUP
S 84th St & Pinehill La
Zoning:

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 SW 1/4 OF THE SW 1/4, L14-7

LEGEND

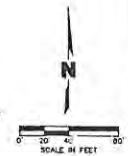
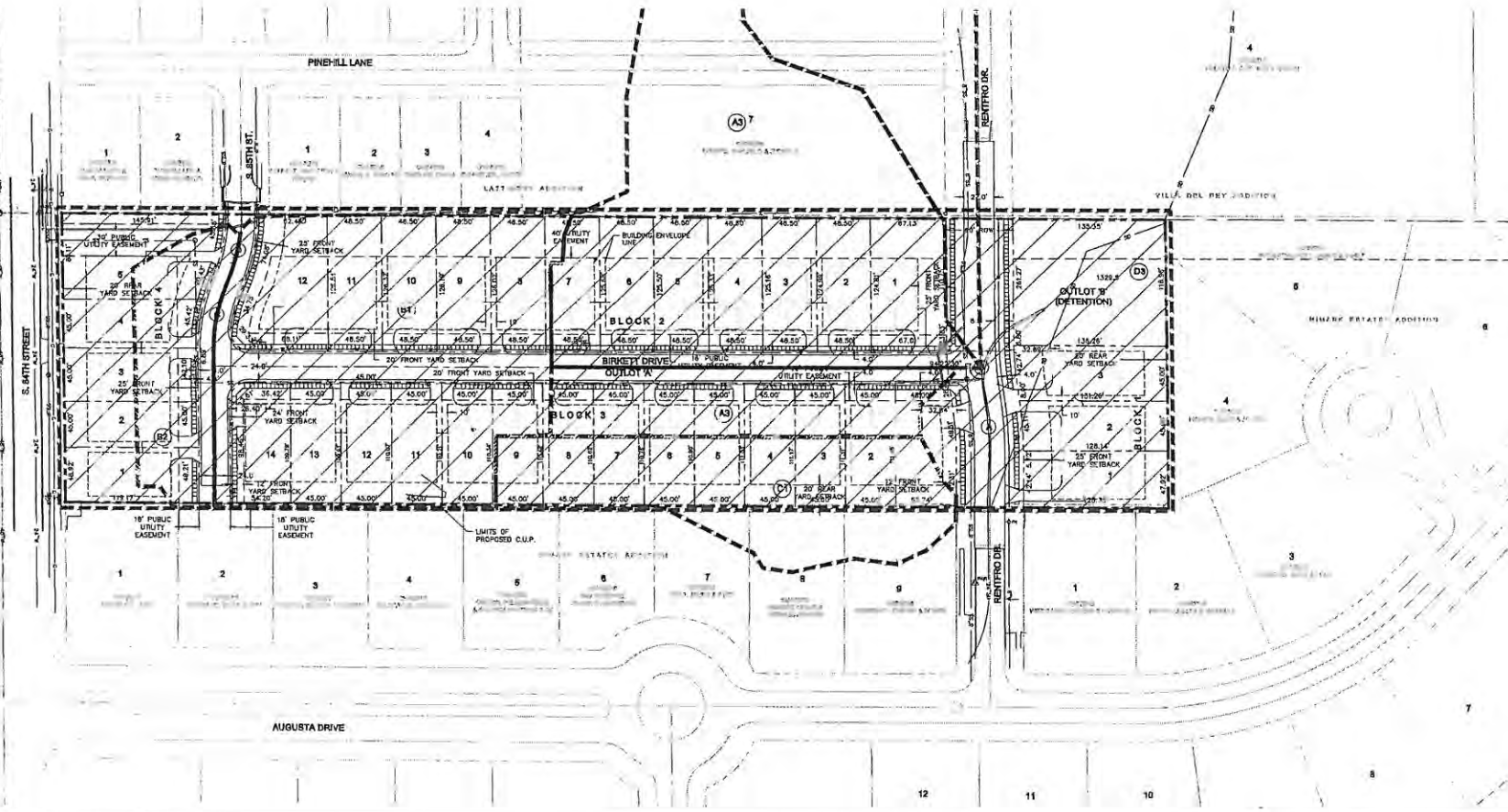
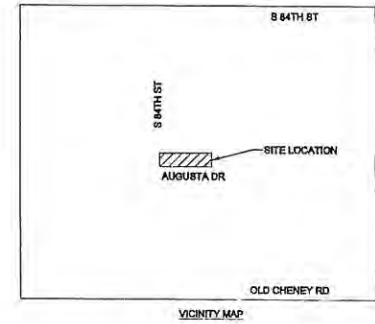
- LIMITS OF PROPOSED CUP
- PROPERTY LINE
- UTILITY AND ACCESS EASEMENT
- BUILDING SETBACK
- SECTION LINE
- RIGHT OF WAY LINE
- PROPOSED SANITARY SEWER
- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING WATER MAIN



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
BIRRETT, ROBERT H & MARJORIE E
2000 S 84 ST
LINCOLN, NE 68518



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

ERICKSON ADDITION
BATH AND AUGUSTA DR
CHANGE OF ZONING

LINCOLN, NEBRASKA

SHEET
1 of 1



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

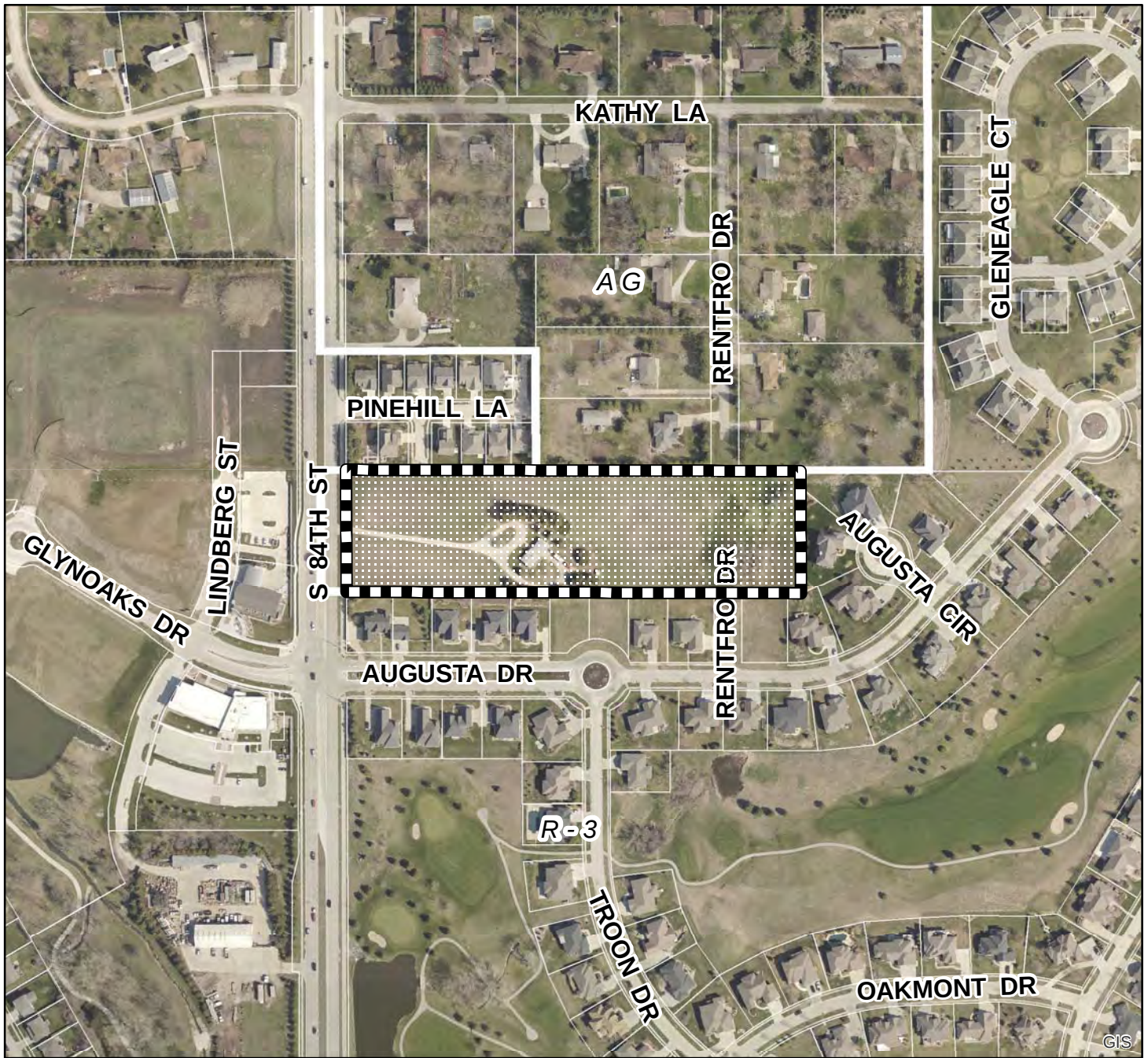
**APPLICANT/
CONTACT:**

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

OWNER:

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500 South 84th Street
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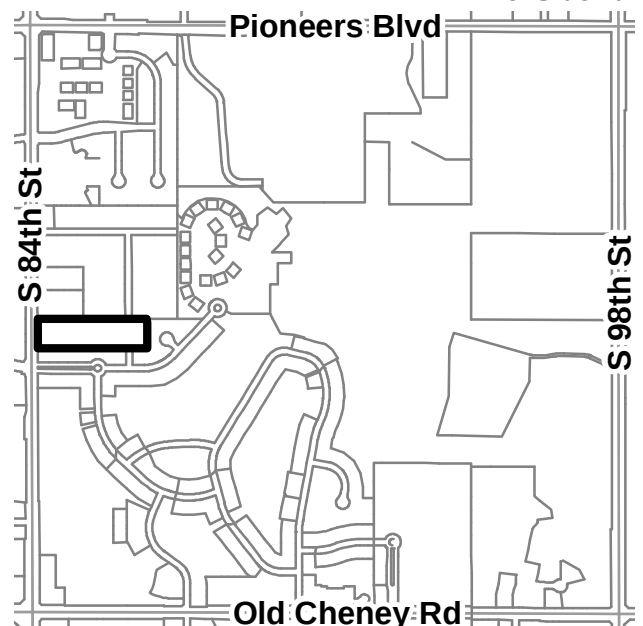
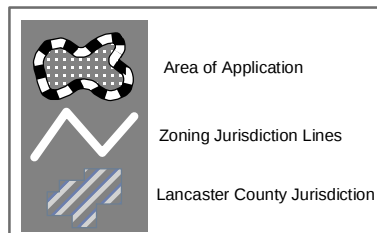
F:\DevReview\SP\15000\SP15028 Erickson Addition.bjw.wpd



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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B-1	Local Business 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 long 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

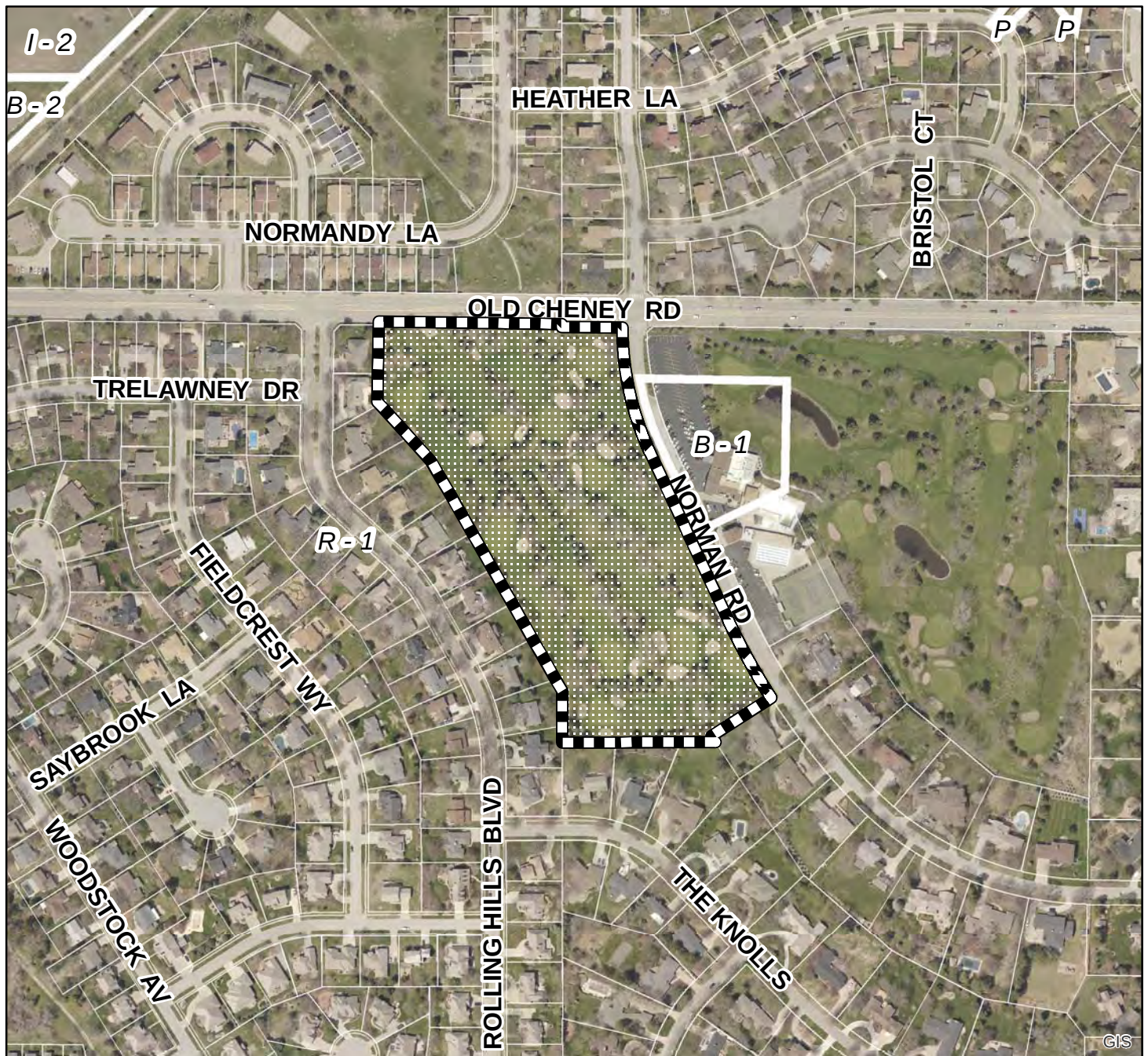
CONTACT: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

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 nd 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)*

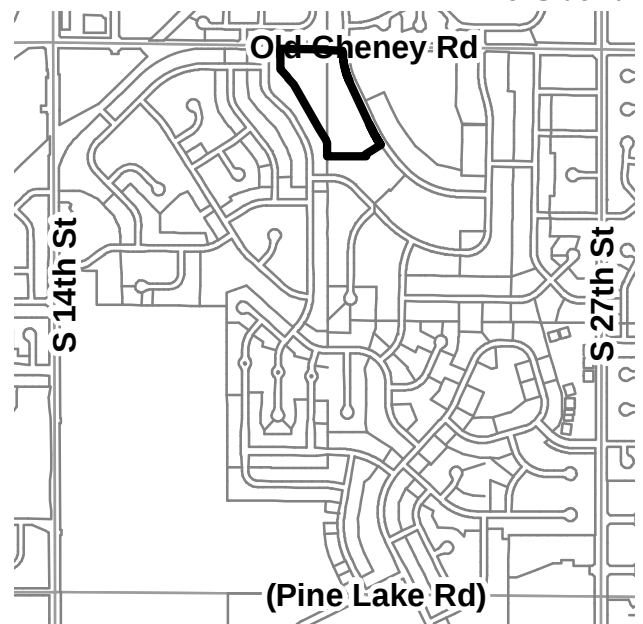
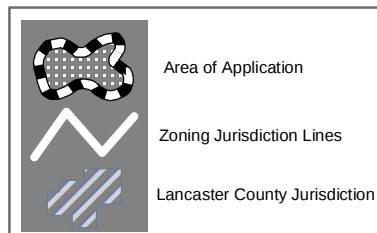
- Chez Ami Knolls 6th (No. 89001), 7th (No. 89112) , 8th (No. 95069) and 9th (No. 01067) Additions were small plats involving 2 or 3 lots and replatting previously existing lots.



**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



2013 aerial

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
SS	PROPOSED SANITARY SEWER
W	PROPOSED WATER MAIN
SS	EXISTING SANITARY SEWER
SD	EXISTING STORM SEWER
6"W	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

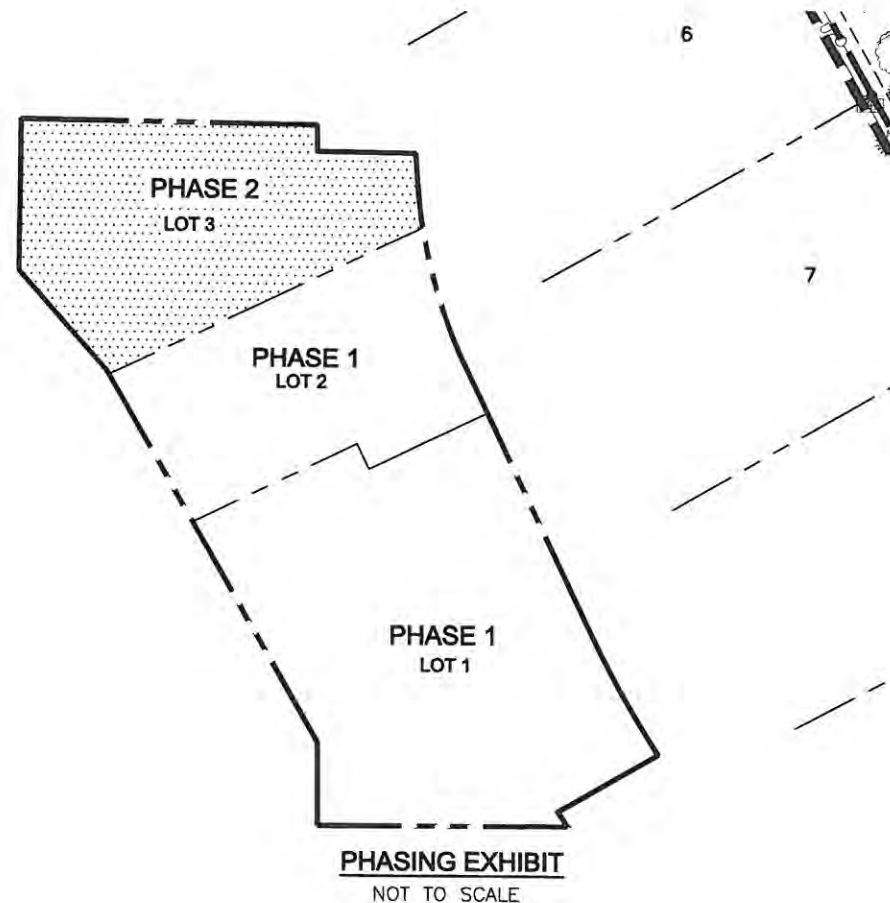
### PARKING REQUIRED

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

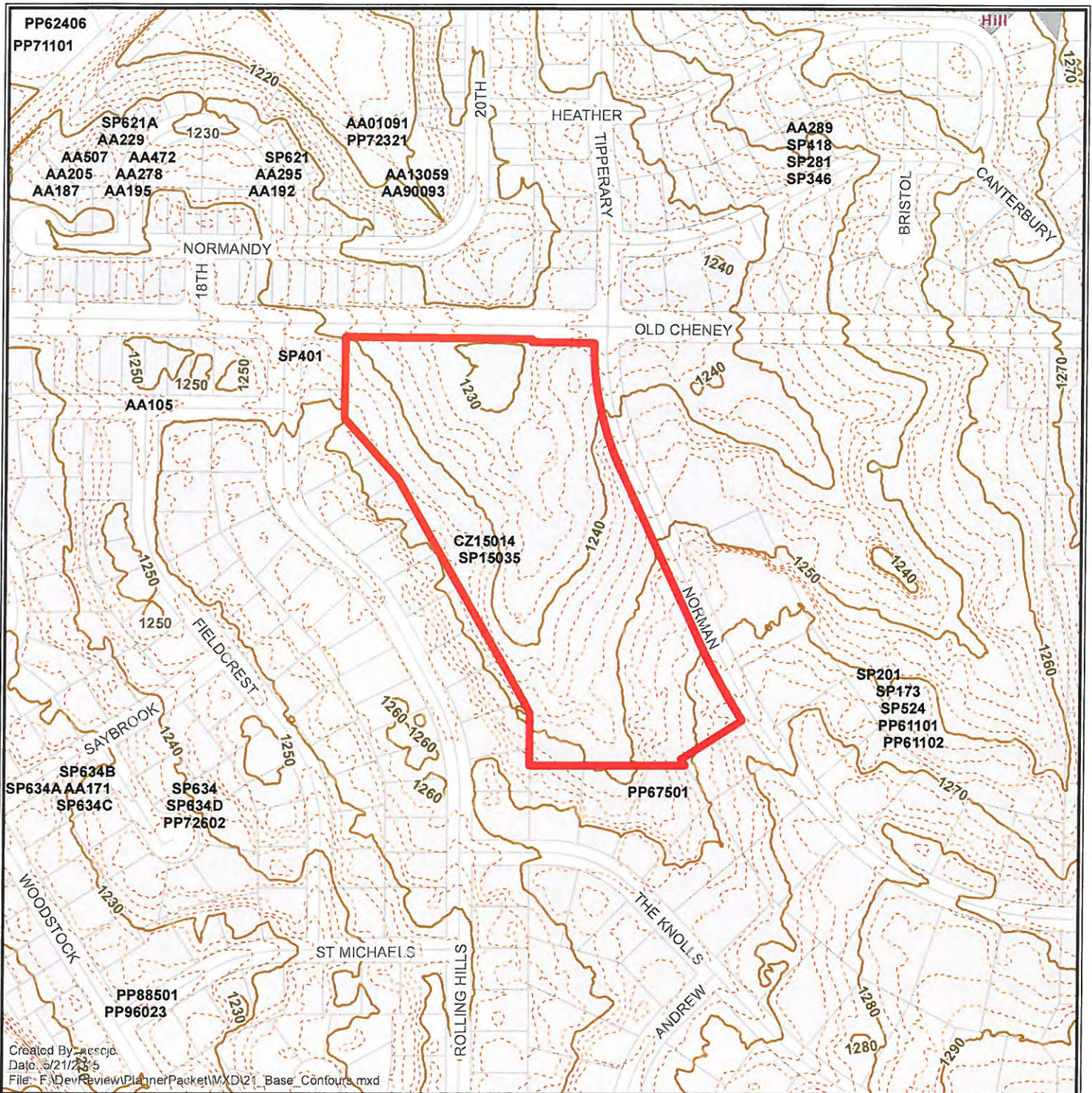
1. THE LOT IS CURRENTLY ZONED R-1. A CHANGE OF ZONE TO R-2 IS REQUESTED WITH THIS APPLICATION.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. A DETAILED LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF BUILDING PERMIT.
4. ALL ELEVATIONS ARE TO NAVD 1988
5. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
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 26 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 40 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 80 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 850.51 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.

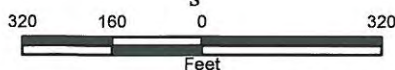


LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT



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

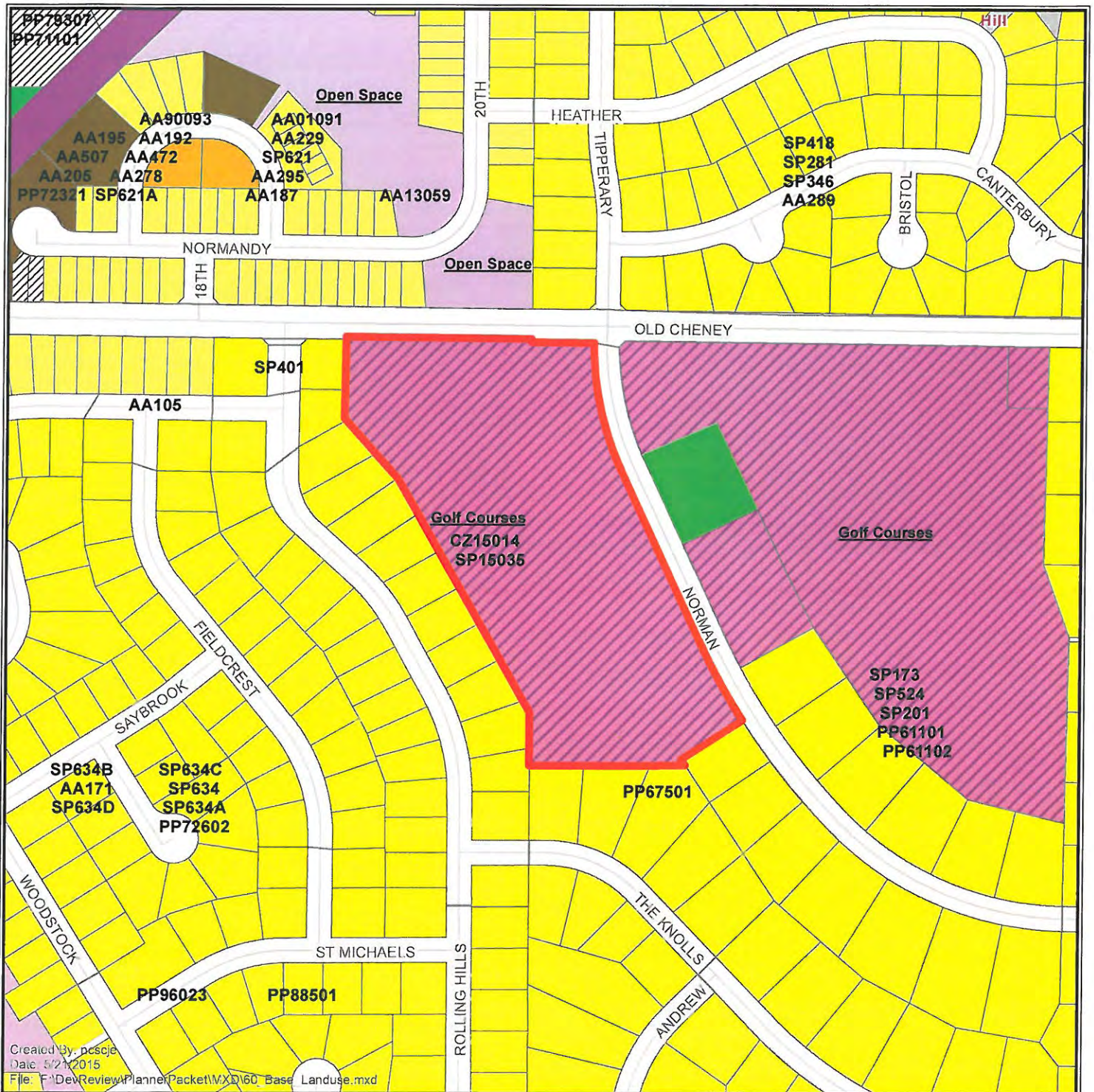
2010 Contours



### Location Overview



Lincoln's Future Service Limit  
Shown as Black Outline

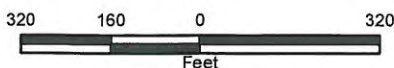


# LINCOLN - LANCASTER COUNTY PLANNING DEPARTMENT



Information Technology Services  
 333 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**

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](mailto:patrickday@me.com) (402) 493-2800, Mark Palmer at [mpalmer@olssonassociates.com](mailto:mpalmer@olssonassociates.com), (402) 458-5632, or the undersigned.

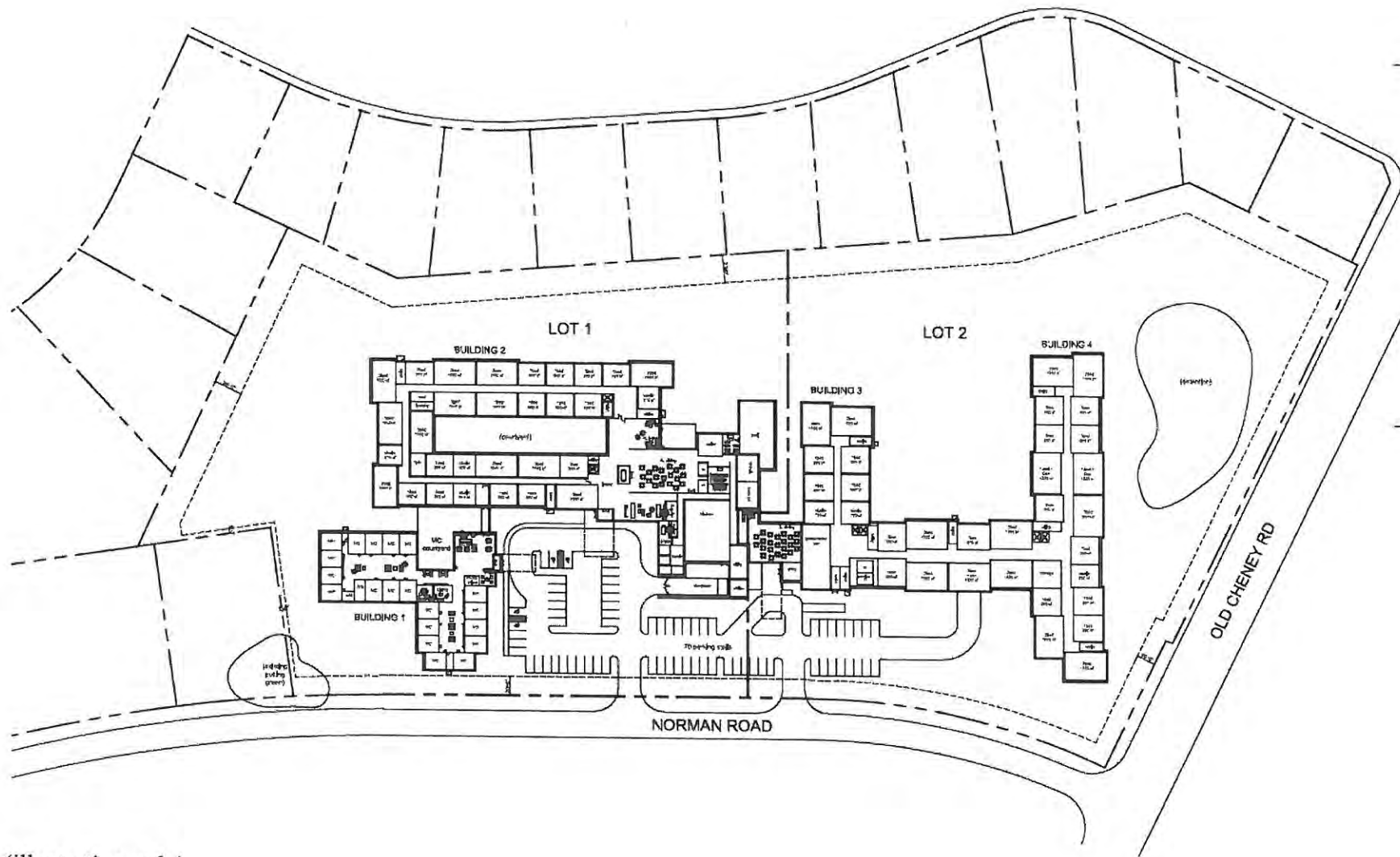
Very truly yours,



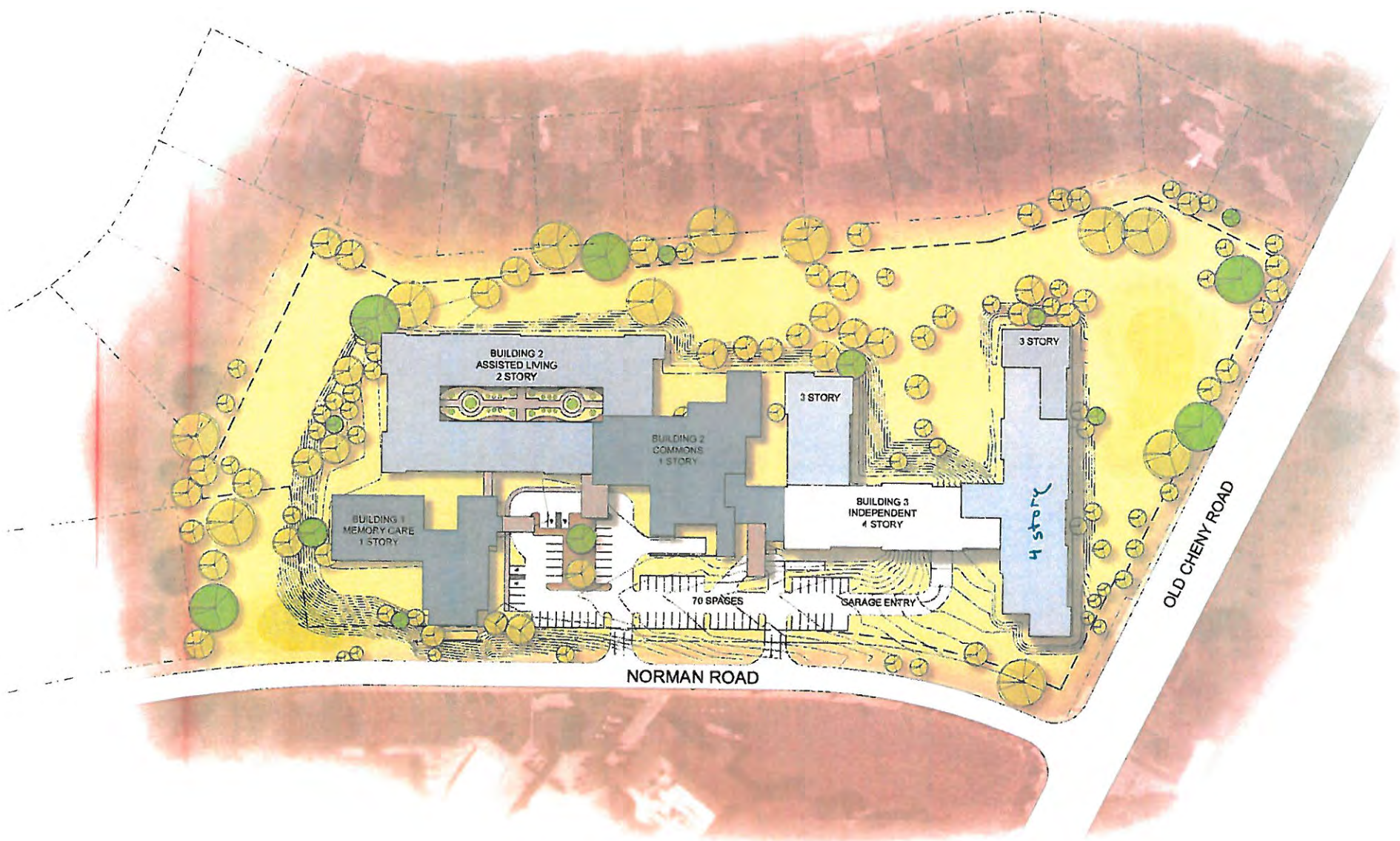
KENT SEACREST  
For the Firm

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)





## 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.

<b>RECOMMENDATION:</b>		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

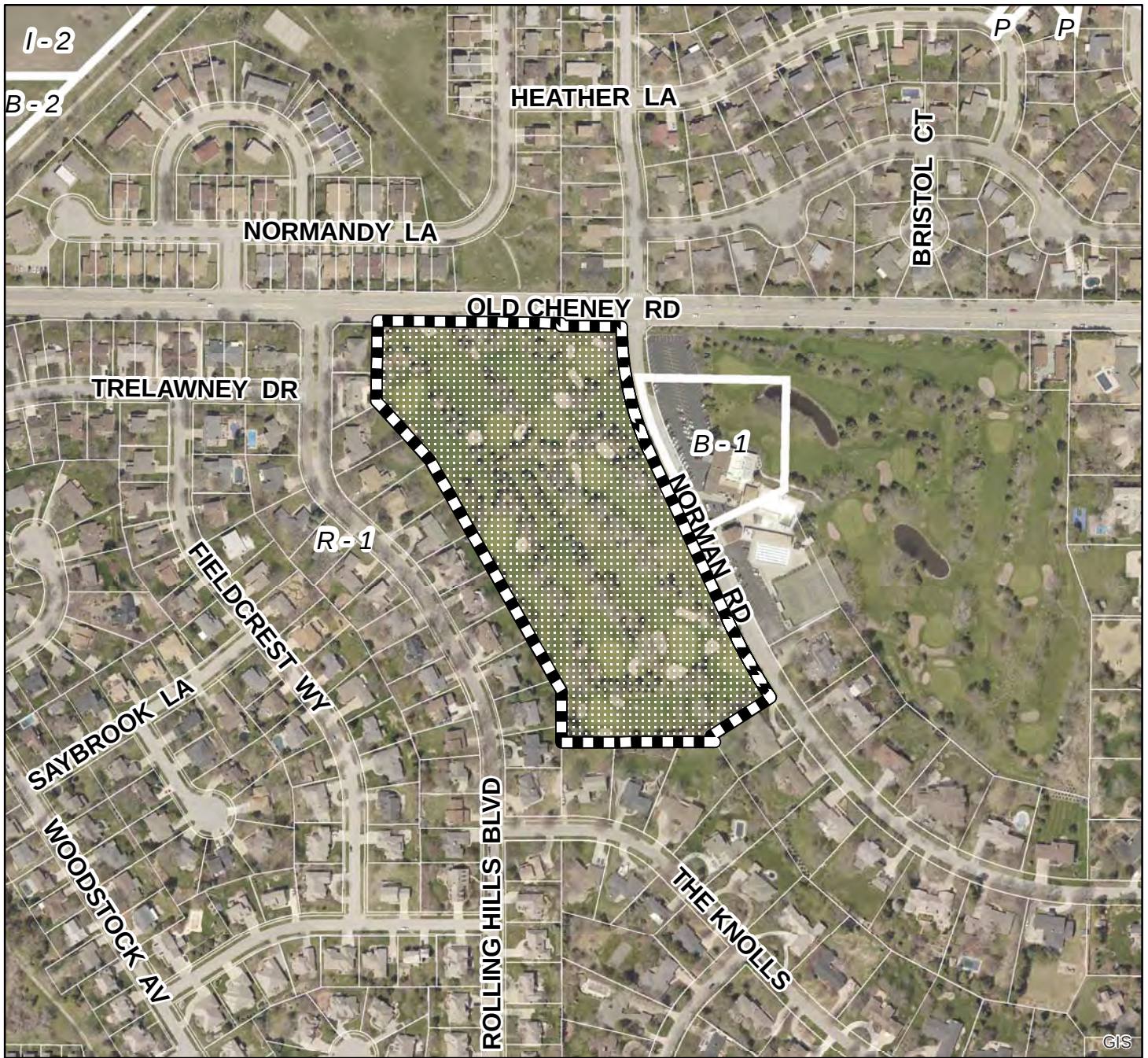
**CONTACT:** Kent Seacrest  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508

July 13, 1955	Planning Commission approved Chez Ami Knolls <b>Community Unit Plan</b> and <b>Preliminary Plat No.61101</b> 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 <b>Final Plat No.61708</b> which platted the first 24 single-family lots along the street named "The Knolls"
January 13, 1960	Chez Ami Knolls 1 st Addition Revised <b>Preliminary Plat No.61102</b> 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), <b>Special Permit No. 173</b> was approved by City Council. It reflected the changes in <b>Preliminary Plat No.61102</b> .
February 20, 1961	City Council approved Chez Ami Knolls 1 st Addition <b>Final Plat No. 61709</b> (Ordinance No. 7389) which platted 25 lots along Norman Road and The Knolls.
February 20, 1961	Chez Ami Knolls Community Unit Plan (CUP), <b>Special Permit No. 201</b> 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 <b>Change of Zone No.665</b> (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 <b>Preliminary Plat No.67501</b> 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 <b>Change of Zone No.811</b> (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 <b>Final Plat No. 67507</b> 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 3rd Addition **Final Plat No.68101** (Ordinance No.9456) which platted several new lots east of the Community Unit Plan along S. 25th Street. This area is outside the CUP.
- April 14, 1969 City Council approved Chez Ami Knolls 3rd Addition REVISED **Final Plat No.69101** (Ordinance No.9736) which platted lots east of the Community Unit Plan along S. 25th 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 4th 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 4rd Addition **Final Plat No. 74605** (Ordinance No.11132) which platted the lots shown in the Chez Ami Knolls 4st Addition Preliminary Plat.
- January 24, 1977 City Council approved Chez Ami Knolls 5th Addition **Final Plat No. 76602** (Ordinance No.11881) which platted the lots between S. 25th Street and S. 27th Street based on Chez Ami Knolls 2st 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.

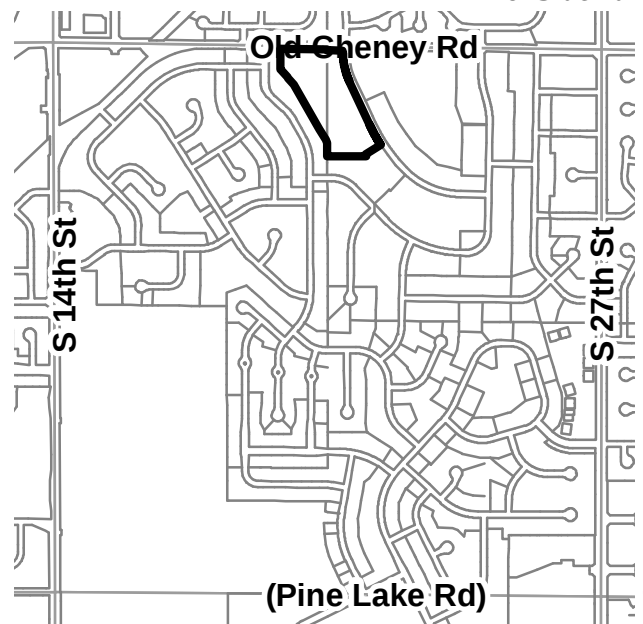
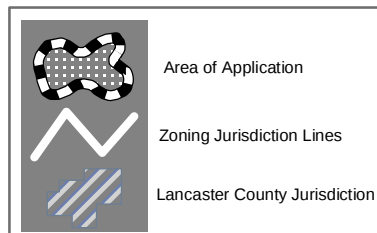


2013 aerial

**Special Permit #: SP15035 and  
Change of Zone #: CZ15014 (R-1 to R-2)  
The Knolls Senior Living Community  
Norman & Old Cheney Rd  
Zoning:**

**One Square Mile:  
Sec.13 T09N R06E**

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



### LEGAL DESCRIPTION

[illegible]

SAID TRACT CONTAINS A CALCULATED AREA OF 870.112-11 SQUARE FEET OR 19.98 ACRES, MORE OR LESS.

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

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'

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

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

1. NAME OF THE PARTY

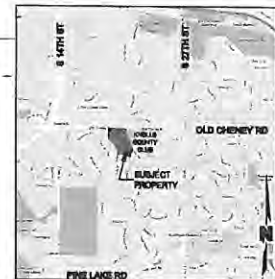
TOTAL PERSONS PERMITTED  
570,112 SF  
1 PERSON/2,000 SF  
285 PERSONS PERMITTED

**PARKING REQUIRED**  
(0.25 * PERSONS)  
(1 * MAX. EMPLOYEE ON SHIFT)

**TOTAL PARKING PROVIDED***  
70 STALLS  
15 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

[illegible]

### VICINITY MAP

**VOSSLOESSON ASSOCIATES**

THE RECOGNITION  
FOR RESOURCES

David Mack, Suite 111  
10000  
10000-10000

[illegible]

**SITE PLAN  
SPECIAL PERMIT**

SHEET  
1 of 2

## 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
SS	PROPOSED SANITARY SEWER
W	PROPOSED WATER MAIN
SS	EXISTING SANITARY SEWER
SD	EXISTING STORM SEWER
6"W	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

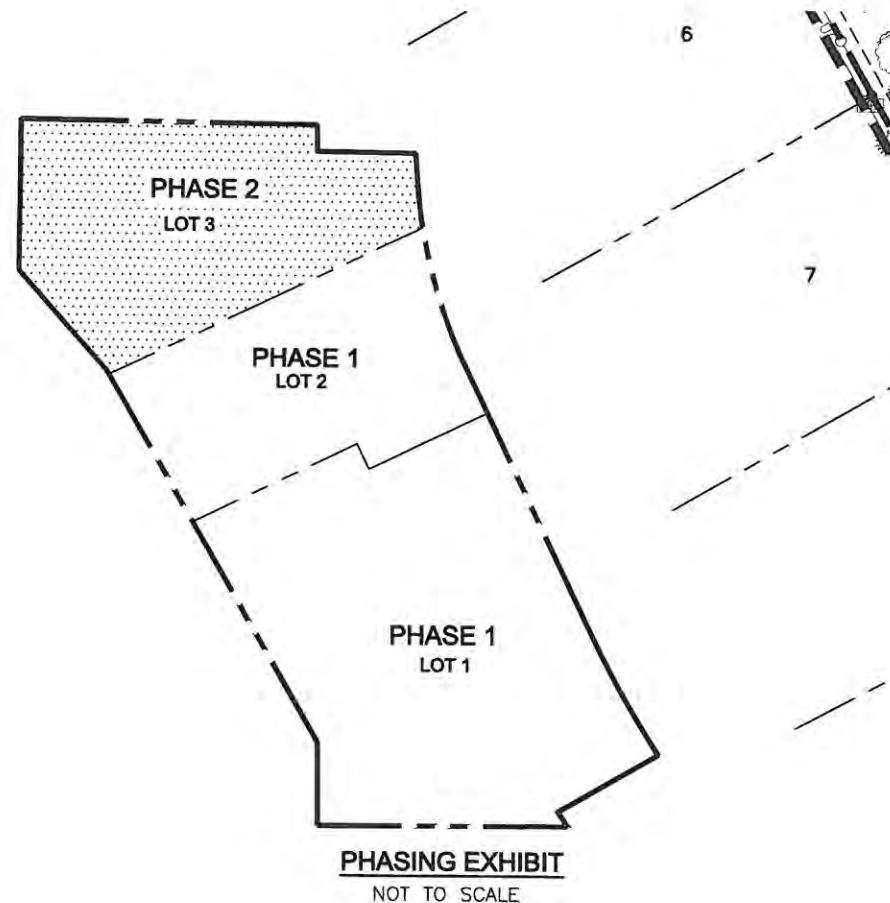
PARKING REQUIRED

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

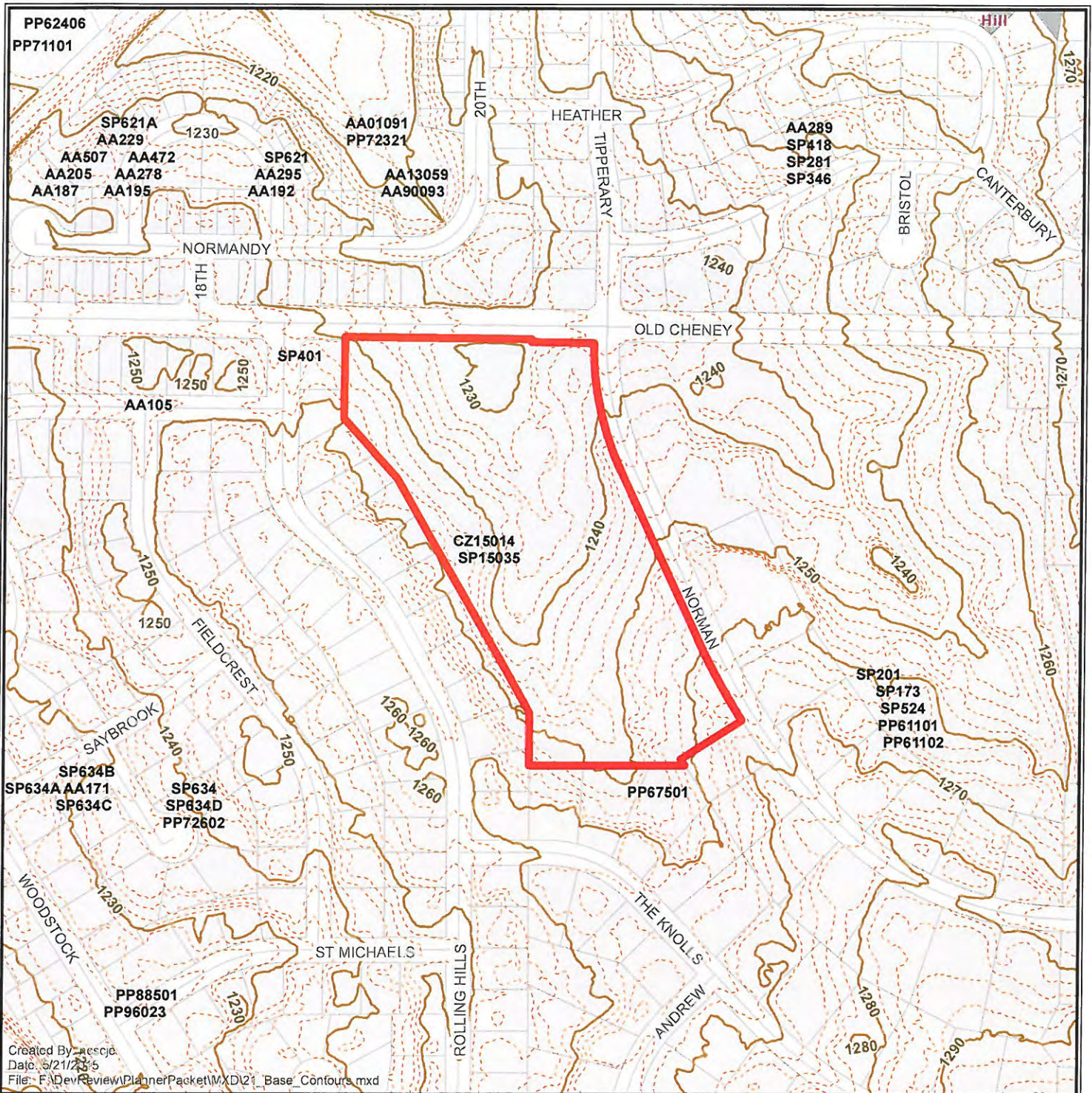
1. THE LOT IS CURRENTLY ZONED R-1. A CHANGE OF ZONE TO R-2 IS REQUESTED WITH THIS APPLICATION.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. A DETAILED LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF BUILDING PERMIT.
4. ALL ELEVATIONS ARE TO NAVD 1988
5. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
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 26 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 40 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 80 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 850.51 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.

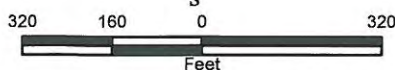


LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT



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

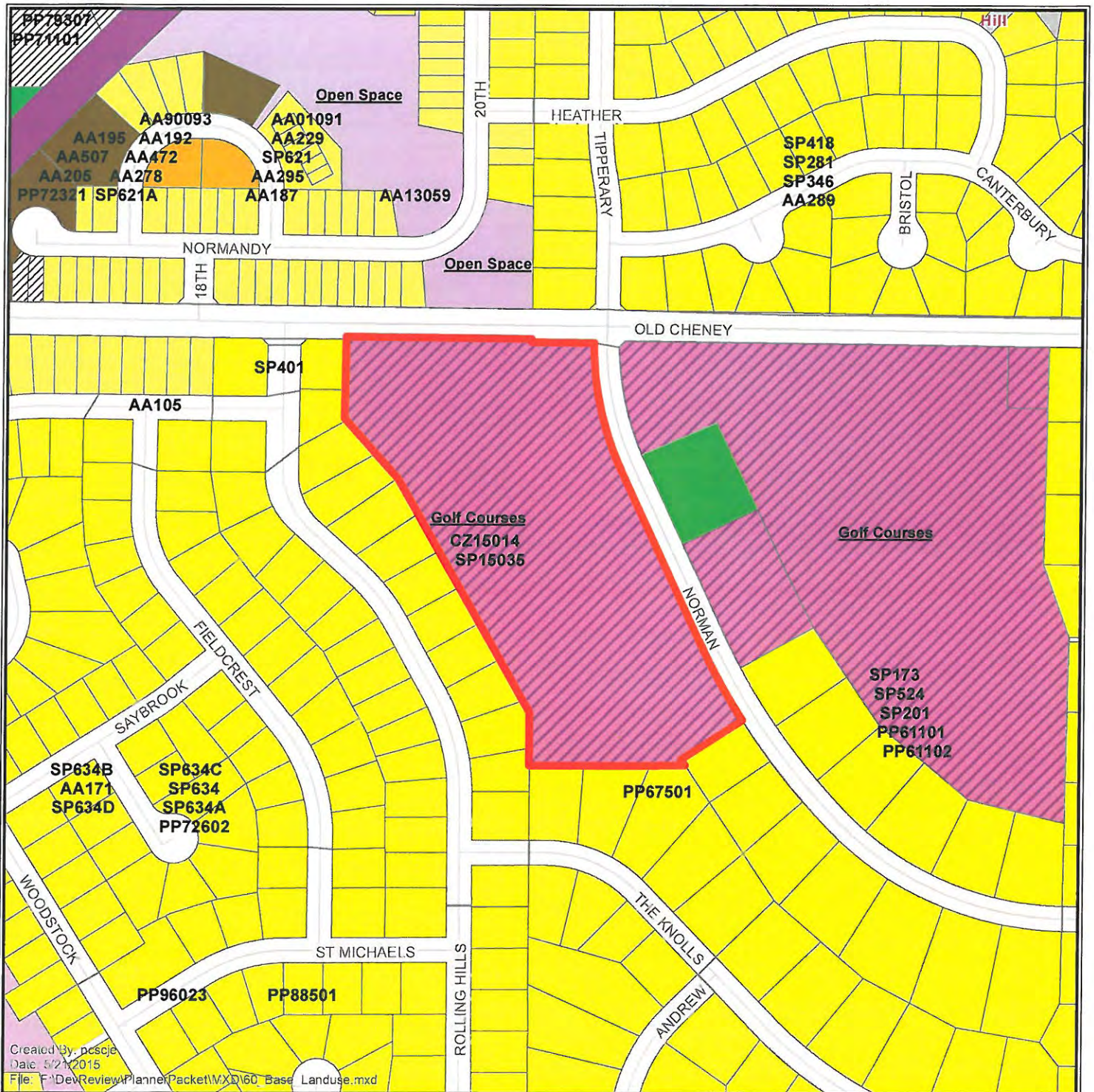
2010 Contours



Location Overview



Lincoln's Future Service Limit
Shown as Black Outline

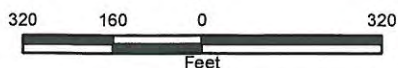


LINCOLN - LANCASTER COUNTY PLANNING DEPARTMENT



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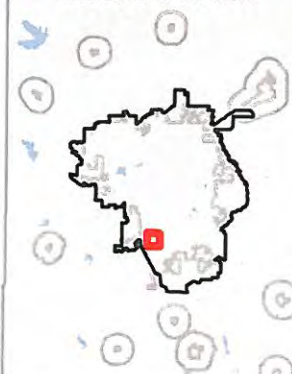
Application Number

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.

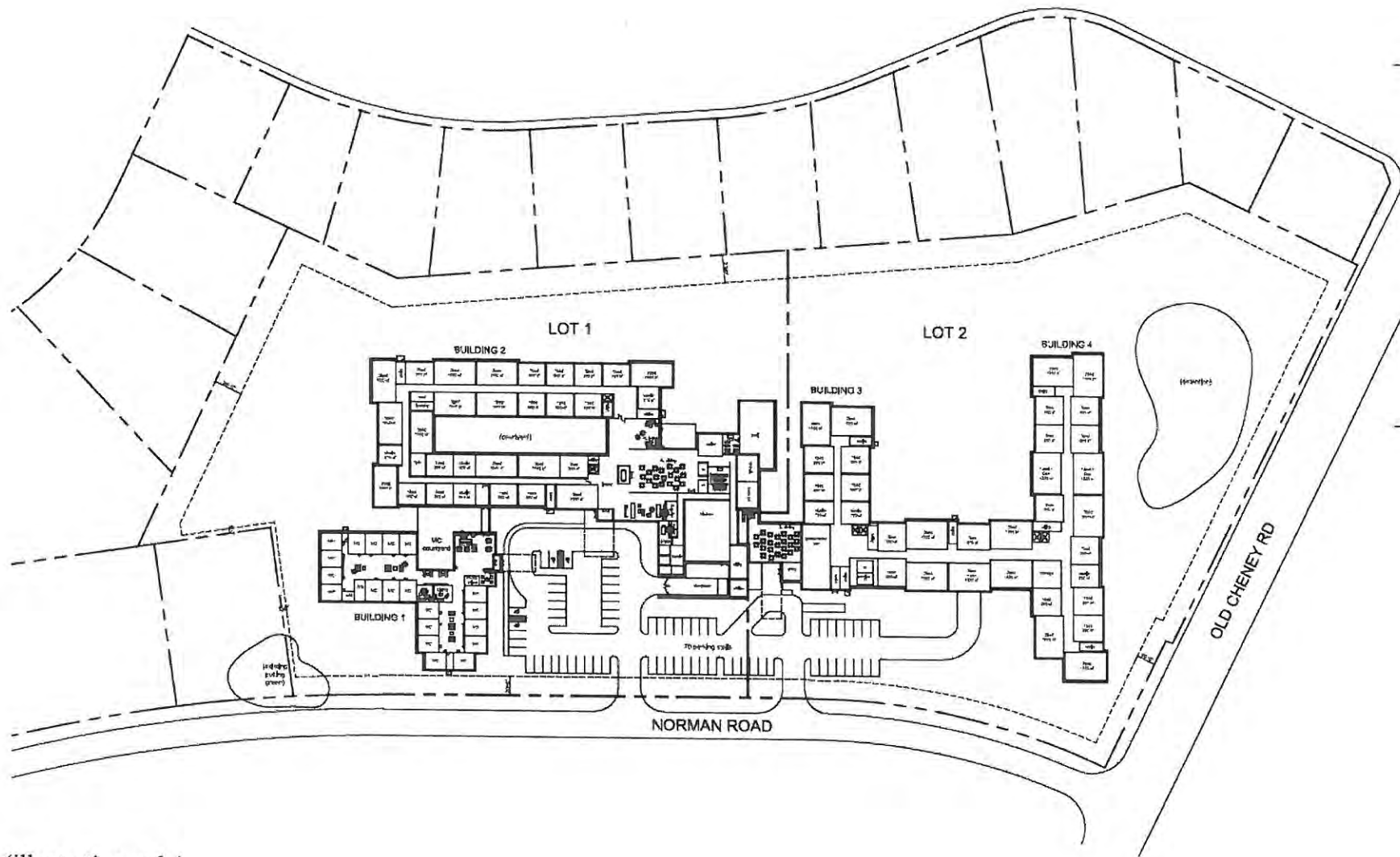
Very truly yours,



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)

