
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

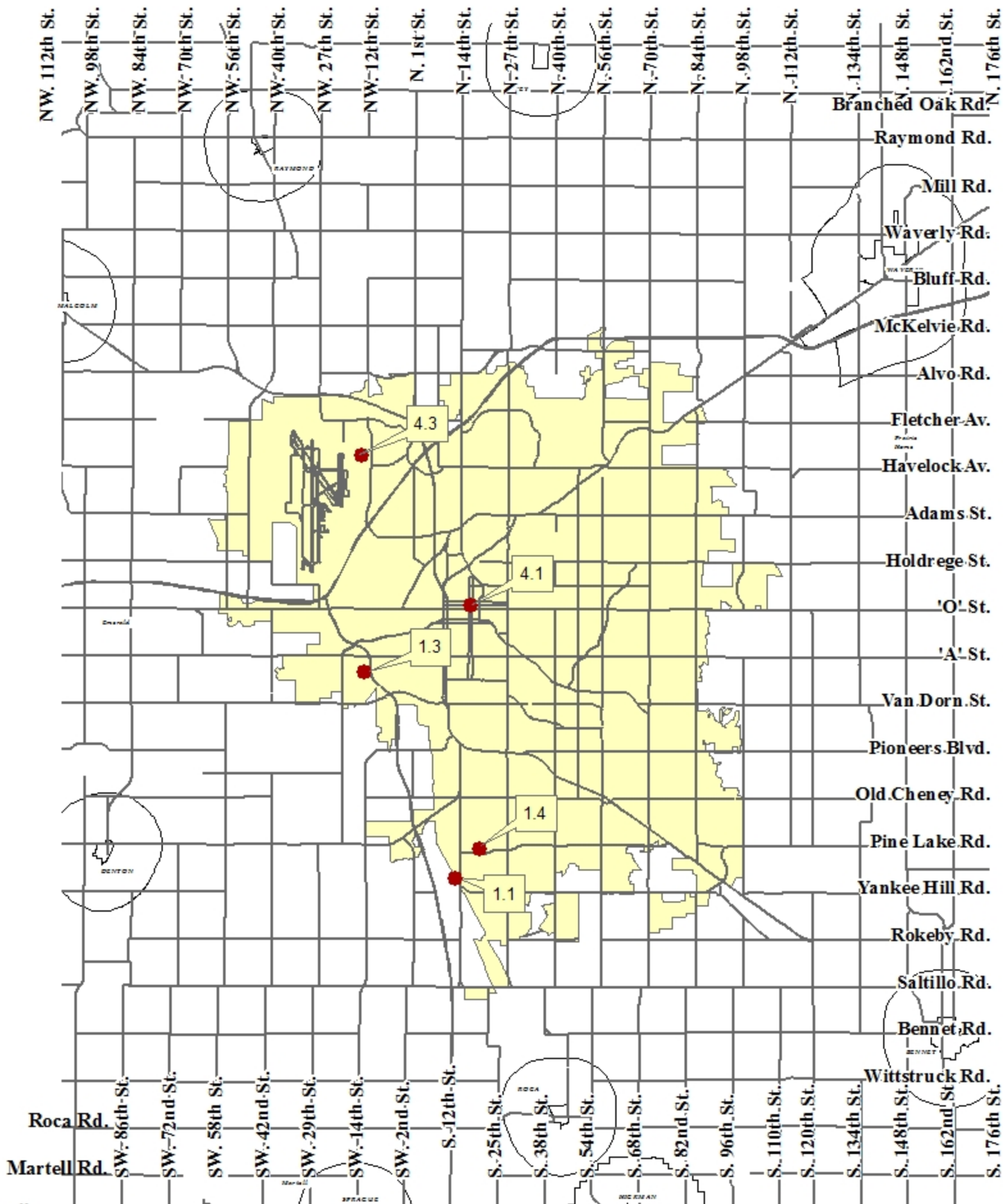
PLANNING COMMISSION

Chris Hove: Chair
Dennis Scheer: Vice-Chair
Thomas Beckius
Tracy Corr
Tracy Edgerton
Deane Finnegan
Maja V. Harris
Sändra Washington
Ken Weber

PLANNING STAFF

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

April 12, 2017



Planning Commission Agenda Item Map

April 12, 2017

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 12, 2017, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, April 12, 2017, from 11:30 a.m. to 12:50 p.m. in Studio Room 113, Bill Luxford Studio, on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss the Planning for Pedestrians and County Zoning Amendments.

****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, APRIL 12, 2017

Approval of minutes of the regular meeting held March 29, 2017.

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

COMPREHENSIVE PLAN CONFORMANCE:

- Page 01
- 1.1 Comprehensive Plan Conformance No. 17005, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the request for a conservation easement by the Lower Platte South Natural Resources District, of approximately 36 acres, more or less, for the preservation of flood storage and natural resources, generally located west of South 14th Street and Yankee Hill Road. ****FINAL ACTION****
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brandon Garrett, 402-441-6373, bgarrett@lincoln.ne.gov

TEXT AMENDMENT:

Page 15 1.2 Text Amendment No. 17003, to amend the Lincoln Municipal Code 27.67.030 and Design Standards Chapter 3.75, to revise front yard parking requirements in the R-5, R-6, and R-7 Zoning Districts and to align Neighborhood Design Standards with zoning code, and repealing Sections 27.67.030 of the Lincoln Municipal code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

SPECIAL PERMIT:

Page 23 1.3 Special Permit No. 494F, to expand the Harbour West Meadows CUP (Community Unit Plan) to allow a new waiver of Section 27.63.120(e) for construction of carports in the required setback from roadways, on property generally located at 1440 West Plum Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

STREET AND ALLEY VACATION:

Page 37 1.4 Street and Alley Vacation No. 17003, to vacate a portion of the South 16th Street right-of-way stub directly north of Pine Lake Road, generally located at South 16th Street and Pine Lake Road.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

- 2.1 _____
- 2.2 _____

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

- 3.1 _____
- 3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE:

- Page 47
- 4.1 Comprehensive Plan Conformance No. 17006, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan for the proposed new City Centre Redevelopment Project, on property generally bounded by 9th and 10th Streets, P and Q Streets, and adjacent rights-of-way.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

TEXT AMENDMENTS:

- Page 55
- 4.2a Text Amendment No. 16015, to amend Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations to modify requirements for height permits, by adding a new section numbered 27.59.065 to provide exceptions to required height permits, and repealing Sections 27.59.010 and 27.59.060 of the Lincoln Municipal code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 73
- 4.2b County Text Amendment No. 16016, to amend Article 18 of the Lancaster County Zoning Regulations relating to Special Height and Use Near Airports to modify requirements for height permits, by repealing and adding various sections within Article 18 of the Lancaster County Zoning Regulations as hitherto existing.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 85
- 4.2c Text Amendment No. 17004, to amend Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations to modify requirements for height permits, by adding a new section numbered 27.59.065 to provide exceptions to required height permits, adding a new section numbered 27.59.067 regarding notice to FAA of certain construction, and repealing Sections 27.59.010 and 27.59.060 of the Lincoln Municipal code as hitherto existing.
Staff recommendation: Denial
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

USE PERMIT:

Page 4.3 Use Permit No. 15002A, to add 120 dwelling units on 12.23 acres, more or
105 less, on property generally located at NW 12th Street southwest of Isaac
Drive. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

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

* * * * *

Adjournment

PENDING LIST:

Planning Dept. staff contacts:

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Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	shenrichsen@lincoln.ne.gov
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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
Brandon Garrett, <i>Planner</i>	402-441-6373	bgarrett@lincoln.ne.gov
Stacey Groshong Hageman, <i>Planner</i>	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, <i>Planner</i>	402-441-7603	rjones@lincoln.ne.gov
Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
George Wesselhoft, <i>Planner</i>	402-441-6366	gwesselhoft@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 Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for APRIL 12, 2017 PLANNING COMMISSION MEETING

- PROJECT #:** Comprehensive Plan Conformance No. 17005
- PROPOSAL:** To find that the acquisition of a permanent conservation easement conforms with the 2040 Comprehensive Plan.
- LOCATION:** West of S. 14th Street and Yankee Hill Road
- LAND AREA:** 36 acres, more or less
- CONCLUSION:** This conservation easement is for the purpose of protecting floodplain conveyance, flood storage, and to protect other natural features such as drainageways. Acquisition of the conservation easement by the City of Lincoln and the Lower Platte South Natural Resources District (NRD) is in conformance with the Comprehensive Plan and supports several goals of the Plan.

RECOMMENDATION: In conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 54 SE, Section 23, Township 9 North, Range 6 East, Lancaster County, NE

EXISTING ZONING: AG Agriculture District

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North: I-3, commercial uses and AG agriculture

South: AG agriculture

East: I-3, commercial uses and AG railroad and undeveloped property

West: AG and P, trail and Wilderness Park

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Future Land Use Plan shows this area as Agricultural Stream Corridor and Green Space (p. 12.3). A trail is identified along the southern portion of the property in the vicinity of unimproved Yankee Hill Road right-of-way (p 12.3). This is shown as part of the Salt Valley Greenway. (p 3.13)

VISION FOR ENVIRONMENTAL STEWARDSHIP AND SUSTAINABILITY

LPlan 2040 commits Lincoln and Lancaster County to sustainable growth through preservation of unique and sensitive habitats and the encouragement of creative integration of natural systems into developments. The importance of building sustainable communities — communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised – has long been recognized. This concept has grown in importance with increased

understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens.

The following goals are based on this Environmental Stewardship and Sustainability statement (Pages 1.4-1.5):

- Natural and environmentally sensitive areas are preserved and thrive. Wetlands, native prairies, endangered species, and stream (riparian) corridors are preserved to ensure the ecological health of the community.
- Residents and visitors to the city and county enjoy an interconnected network of trails, parks, open space and natural resources called the Salt Valley Greenway that contributes to the community's unique sense of place.

ENVIRONMENTAL RESOURCE FEATURES AND STRATEGIES

As an LPlan 2040 land use category, "environmental resources" represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. These features help to define the County's unique sense of place — geographically, culturally, and temporally. The Plan fully recognizes the harmony and connections that exist within and among these features.

Thirteen separate environmental resource features are recognized in the Plan. The Greenprint Challenge map displays generalized locations within the county in which these resources categories may be found. For a more detailed map, the Natural Resources Geographic Information System (NRGIS) may can be accessed, and categories can be toggled off and on to view their location. A brief description of each of the Plan's environmental resource features and specific strategies for protecting these features is provided below. (p. 3.6)

Floodplains: This feature refers to land that is susceptible to flooding or that has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments. (p. 3.9)

GREENWAYS AND OPEN SPACES

Open space and greenway linkages form systems of land preserved in an undeveloped state, often due to unique natural attributes such as floodplains and associated riparian areas, saline and freshwater wetlands, and native prairies. The local and regional commuter and recreational trail system is often integrated with greenway linkages. (P. 3.12)

Salt Valley Greenway

The Salt Valley Greenway is important for recreation, transportation, environmental resource preservation, education, and economic development among other benefits. The opportunity to tie together multiple environmental and recreational resources would create a facility that is unique in the region and could be a platform for multiple community events attracting visitors from all over the region. (p. 3.13)

Strategies: General

Continue to use conservation easements to protect greenway areas where it may be desirable to allow compatible land uses such as row crop farming or pasturing. (p. 3.14)

Encourage the retention of linear connections of green spaces wherever possible. Efforts should be made to preserve small stream corridors throughout future developments. (p. 3.14)

Pursue greenways connecting urban and rural areas. Such corridors should follow stream courses and connect valuable natural resource areas. (p. 3.14)

Strategies: Salt Creek South/Wilderness Park

Pursue the acquisition of additional greenway south from Saltillo Road along Salt Creek. This future greenway should generally follow the 100-year floodplain along Salt Creek, and incorporate the right-of-way of the abandoned Union Pacific rail line. This area could eventually connect a network of trails that would extend into northern Kansas. This extension may be accomplished through a combination of land purchases, conservation easements, donations, and other options. (p. 3.15-3.16)

OPEN SPACE AND GREENWAY LINKAGES DESCRIPTION

Open space and greenway linkages are a system or network of areas preserved in an undeveloped state due to unique natural attributes, such as floodplains and associated riparian areas, saline and freshwater wetlands, and native prairies. Some areas may be protected through conservation easements that allow for compatible land use activities such as row crop farming or pasturing. Fee simple title may be acquired for other areas that are best maintained in a natural state due to particularly sensitive features (e.g., rare or sensitive habitat areas), or that have value for resource-based recreation activities (e.g., hiking, interpretive activities, wildlife viewing). The local and regional commuter/recreation trail system should be integrated with the greenway linkages. (p. 9.9)

Strategies for Open Space and Greenway Linkages

Utilize a “Rain to Recreation” approach to open space and greenway linkages that is coordinated with the City’s watershed management program and the Lower Platte South Natural Resources District to reduce flood damages, protect water quality and natural areas, while providing for recreational and educational opportunities so as to realize multiple benefits. (p. 9.10)

Strategies for Watershed Management

Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property. (p. 11.17)

FUTURE LAND USE PLAN

Agricultural Stream Corridor. Land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses. These areas are mostly in the 100 year floodplain, outside of the existing Lincoln urban development. (p. 12.4)

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

ANALYSIS:

1. **FOR CONSERVATION EASEMENT:** Funds for the conservation easement are shared by the City and the NRD. City funds for this conservation easement are specified in the Capital Improvement Program and are from a stormwater bond issue. This request, if approved, would find the potential conservation easement to be in Conformance with the Comprehensive Plan.

2. A total of one parcel and 36 acres, more or less, are within this request. All 36 acres is outside of the city limits, but within the three mile jurisdiction of the City of Lincoln. Comprehensive Plan conformity must be found by the City jurisdiction.
3. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112).
4. The NRD Board of Directors recommended approval to purchase the easement at their meeting on March 15, 2017.
5. The proposed conservation easement will protect floodplain conveyance, flood storage, and other natural features such as drainageways.
6. The City of Lincoln and the Lower Platte South Natural Resources District can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.
7. The Easement Agreement includes provisions prohibiting specific uses and practices such as: dumping of any kind of material and construction of signs, roads, residential, or commercial uses. See Section 2B of the Conservation Easement Agreement for complete list of "Non-Compatible Uses".
8. Compatible uses include uses such as: agriculture, utility or road crossings, trails, stream rehabilitation, and storm water and/or water quality improvements.

Prepared by:

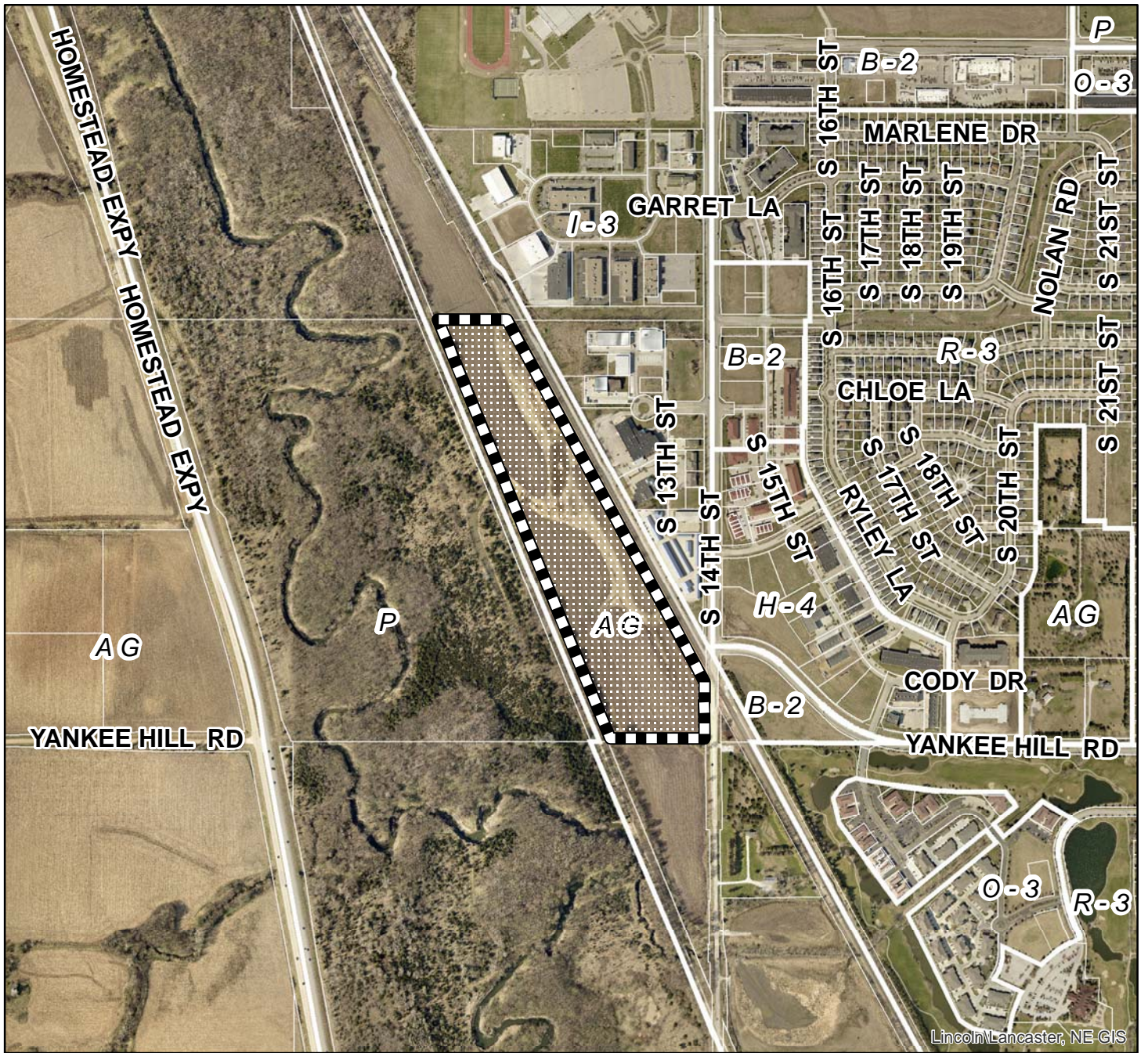
Brandon M. Garrett, AICP

DATE: March 30, 2017

APPLICANT: Ben Higgins, Watershed Management
402-441-7589

OWNER: Lolah Sievers Family Trust
3500 Faulkner Drive, Apt. D302
Lincoln, NE 68516

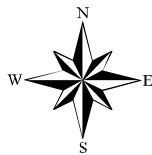
F:\DevReview\CPC\17000\CPC17005 S 14th and Yankee Hill Road Conservation Easement.bmg.wpd



Lincoln Lancaster, NE GIS

2016 aerial

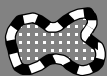


Comp Plan Conformance #: CPC17005
Conservation Easement
S 14th St & Yankee Hill Rd



One Square Mile:
 Sec.23 T09N R06E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



MEMORANDUM

To: David Cary, Planning Department

From: Ben Higgins, Public Works (402-441-7589)

Subject: Comprehensive Plan Conformity request for conservation easement for Lot 54 SE, Sect 23, T9, R6 (west of 14th and Yankee Hill Rd)

Date: March 14, 2017

cc:

This is a Comprehensive Plan Conformity request for a conservation easement of 36 acres located west of 14th and Yankee Hill Rd (Lot 54 SE, Section 23, Township 9, Range 6). As the property is located in the floodplain and consists of other natural resources (e.g. drainage ways), it is the desire of the City and the Lower Platte South Natural Resources District (NRD) to accept a permanent Conservation easement to preserve the existing flood storage capacity and natural resources on the property legally described as Section 23, Township 9 North, Range 5 East, 6th Principal Meridian, Lot 54 SE.

The conservation easement is to both the City of Lincoln and the NRD. The property owner has signed the attached conservation easement for which Comprehensive Plan Conformity is requested. The NRD is scheduled to sign it on March 15, 2017.

**CONSERVATION EASEMENT AGREEMENT
(Preservation of Floodplain/Floodprone Area)**

THIS CONSERVATION EASEMENT AGREEMENT ("Agreement") is entered into as of the 13th day of March, 2017, by and between Sonia S Heckel, Trustee of the Bruce J Sievers Family Trust, an undivided ½ interest; and Sonia S Heckel, Trustee of the Lola H Sievers Family Trust, an undivided ½ interest ("Owner"), the City of Lincoln, Nebraska ("City"), and the Lower Platte South Natural Resources District ("NRD").

RECITALS

WHEREAS, Owner is the owner in fee simple of certain land ("Real Property") legally described as: Section 23, Township 9 North, Range 6 East, 6th Principal Meridian, Lot 54 SE.

WHEREAS, the City and NRD desire to acquire and Owner is willing to convey a permanent Conservation Easement to preserve the flood storage capacity and other natural resources over the Easement Area.

NOW, THEREFORE, in consideration of good and valuable consideration, Owner, City, and NRD agree to the terms, conditions, and covenants of the Conservation Easement hereby created are as follows

1. Grant of Easement and Compensation. This Conservation Easement is given pursuant to and in accordance with the Conservation and Preservation Easements Act, Neb. Rev. Stat. §§ 76-2,111 to 76-2,118 ("Act"). In consideration of One Hundred and Twenty-Six Thousand and Seven Hundred DOLLARS, (\$126,700.00), and other good and valuable consideration, receipt of which is hereby acknowledged, Owner hereby grants and conveys to City and NRD for their benefit and the benefit of the public a Conservation Easement over the easement area, as shown and described on Exhibit A ("Easement Area") to restrict the use of the Easement Area to open space to protect and preserve the floodplain/floodprone area, drainageway, wetlands, and tree masses that occur on the land, to protect other water resources and biologic resources of the floodplain/floodprone area as identified on Exhibit A, and to restrict development and future use of the Easement Area that will significantly impair or interfere with the open space values and natural resources of the Easement Area (see Exhibit B).

2. Use of Easement Area.

A. **Compatible Uses.** The Easement Area shall be used only for purposes compatible with open space, recreational, or wetlands management practices. Notwithstanding subsection B, "Non-Compatible Uses," below, the following uses are compatible with the purposes of the Easement Area:

- i. Areas already in agricultural use at the time this Conservation Easement is dedicated may continue in such use;
- ii. Roadway or utility crossings necessary for the functional use of adjacent lands constructed in accordance with the flood regulations;
- iii. Public sanitary sewer lines along the stream alignment necessary for the functional use of adjacent lands, as approved in advance by the Director of Public Works & Utilities, provided the corridor is restored following disturbance to the maximum extent practicable;
- iv. Trails or other public recreational components as approved in advance by the Director of Public Works & Utilities;
- v. Stream rehabilitation, water quality projects, or protection/restoration of other natural resources listed in Exhibit B as approved in advance by the Director of Public Works & Utilities;
- vi. Storm drain and outlet improvements conforming to the City's design standards necessary for the functional drainage of adjacent lands.

B. Non-Compatible Uses. The following uses and practices, although not an exhaustive recital of the inconsistent uses and practices, are inconsistent with the purposes of this Conservation Easement and shall be prohibited within the Easement Area:

- i. Construction or placing of roadways, buildings, camping accommodations, or mobile homes, fences, signs, billboard or other advertising material, or any other structure;
- ii. Filling, excavating, dredging, mining or drilling, removal of top soil, sand, gravel, rock, minerals, or other materials;
- iii. Building of roads, or changing in the topography of the land in any manner excepting the maintenance of foot trails or any work requested by the City;
- iv. Dumping of ashes, trash, garbage, or other unsightly or offensive material;
- v. Changing the topography of the land by placing of soil or other substances or materials such as landfill or dredging spoils;
- vi. Commercial or residential development of any nature;
- vii. Human introduction of non-native plant or animal species which may compete with and result in decline or elimination of native animal species;
- viii. Operation of motorized vehicles except as necessary in the use of the area as provided herein;
- ix. The broadcast application of pesticides at any time, except for that which is needed for areas already in agricultural use at the time this Conservation Easement is dedicated. Spot application of pesticides for the control of noxious weeds as provided by state law will be permitted;
- x. Cultivation, planting, or drilling of row crops, small grains, and forages, such as alfalfa and forage sorghum within areas not already in agricultural use at the time of the dedication of this Conservation Easement;
- xi. Removal of tree masses;
- xii. Changing the hydrology of the Easement Area or the land upstream in a way that negatively impacts the Easement Area;
- xiii. Sedimentation of the Easement Area due to grading or construction activities outside the Easement Area;
- xiv. Any other act which would be detrimental to the scenic beauty, wildlife habitat, wetlands, the natural beauty, or natural resources of the Easement Area, including hunting.

3. **Term.** The term of this Conservation Easement will be in perpetuity unless earlier terminated pursuant to any of the following provisions:
- i. By the City and NRD pursuant to the provisions of Neb. Rev. Stat. § 76-2,113.
 - ii. By the Lancaster County District Court pursuant to the provisions of Neb. Rev. Stat. § 76-2,114.

The parties agree that termination of this Agreement may be total and affect the entire Easement Area, or may be partial and result in the termination of the easement over only a portion of the Easement Area.

4. **Condition of the Easement Area at Time of Grant.** The condition of the Easement Area without limiting the generality of the terms is defined to mean the open space, drainageway, wetlands, tree masses, and the functional integrity of other water resources and biologic resources of the floodplain/floodprone area identified on Exhibit A, as evidenced by reports, photographs and scientific documentation on file with the City's Planning Department.

5. **Protection and Maintenance of the Easement Area.**

A. Owner agrees to pay any real estate taxes, estate taxes or assessments levied by competent authorities on the Easement Area, including but not limited to any tax or assessment affecting the Conservation Easement granted herein. Owner retains the right to challenge the assessed value of the Real Property and to challenge the validity of any such tax or assessment.

B. Owner shall cooperate with and assist the City and NRD at the City or NRD's cost in applying for, obtaining, protecting, maintaining and enhancing any and all surface water and ground water rights and privileges related to the Easement Area by signing applications which the City deems necessary or desirable for the management, maintenance or development of the Easement Area for the purposes provided for herein.

C. The Owner shall, at Owner's sole cost and expense, maintain the Easement Area. Maintenance shall consist of routine noxious weed control, routine weed and brush control, routine removal of trash and debris, and routine non-structural maintenance of stream bed and bank stability measures following installation. If Owner fails to maintain the Easement Area the City and/or NRD may carry out such maintenance and bill the cost thereof to Owner. Owner shall pay said cost within thirty days from receipt of said billing.

6. **Inspections and Access by City.** The City and NRD shall have the right of reasonable ingress and egress to and from the Easement Area from public roads and streets and from adjacent properties for its employees, contractors, vehicles and equipment for the purpose of revegetating and for inspecting, maintaining, protecting or enhancing the floodplain/floodprone area within the Easement Area, including but not limited to stream stabilization projects, as the City or NRD may deem necessary or desirable. Such access shall be at all reasonable times without consent after notice is given to Owner or successors and assigns. Such right of access will be modified as reasonably necessary upon subdivision or development of said adjacent properties.

7. **Enforcement.** Owner agrees that the City and NRD may enforce the provisions of this Agreement by any proceeding at law or in equity, including but not limited to, the right to require restoration of the Easement Area to the condition at the time of this grant. Owner further agrees that the City or NRD may seek an injunction restraining any person from violating the terms of this Conservation Easement and that the City or NRD may be granted such injunction without posting of any bond whatsoever. Owner further agrees that the City and NRD do not waive or forfeit the right to take any action as they deem necessary to insure compliance with the covenants and purposes of this grant by any prior failure to act. Owner further agrees that should owner undertake any activity requiring the approval of the City and NRD without or in advance of securing such approval, or undertake any activity in violation of the terms of this Agreement that City and NRD shall have the right to enforce the restoration of that portion of the Easement Area affected by such activity to the condition that existed prior to the undertaking of such unauthorized activity. In such case, the cost of such restoration and the City's and/or NRD's cost of suit, including reasonable attorney's fees, shall be paid by Owner.

8. **Title to Easement Area.** Owner covenants that Owner is the owner of marketable title to all of the Easement Area, has legal right, title and capacity to grant the Conservation Easement granted herein subject to easements and restrictions of record.

9. **Transfer of Interest.**

A. **Owner's Title to Easement Area.** If the land subject to this Agreement or any interest therein is subsequently transferred by Owner to a third party, Owner shall notify the City and NRD in writing prior to the transfer of the land and the document transferring the interest shall be made subject to this Agreement.

B. **City and NRD's Conservation Easement.** The City and NRD shall have the right to transfer this Conservation Easement to any public agency, charitable organization or trust that, at the time of transfer, is an organization qualified to assume the responsibility imposed on the City and NRD by this Conservation Easement Agreement.

10. **Binding Effect.** The Conservation Easement and the terms, conditions, and restrictions granted herein by this Agreement shall run in perpetuity with the land and shall inure to the benefit of and be binding upon the heirs, successors and assigns of Owner, City and NRD.

11. **Approvals.** Any approval required under this Agreement shall not be unreasonably withheld.

12. **Recordation.** The parties agree that this Agreement shall be duly filed by the City and NRD with the Lancaster County Register of Deeds upon execution and acceptance by the City and NRD.

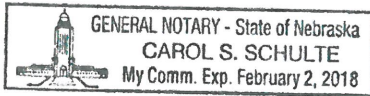
13. **Severability.** If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Agreement and the application of such provisions to persons or circumstances other than those to which it is found to be invalid shall not be affected thereby.

STATE OF NEBRASKA)
) SS:
COUNTY OF LANCASTER)

On this 13 day of March, 2017, before me, the undersigned, a Notary Public duly commissioned for and qualified in said County, personally came **Sonia S. Heckel, Trustee of the Bruce J. Sievers Family Trust**, to me known to be the identical person, whose name is affixed to the foregoing instrument and acknowledge the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal the day and year last above written:

(SEAL)



Carol S. Schulte
Notary Public

STATE OF NEBRASKA)
) SS:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by **Chris Beutler, Mayor** of the City of Lincoln, Nebraska on behalf of the **City of Lincoln, Nebraska**.

(SEAL)

Notary Public

STATE OF NEBRASKA)
) SS:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by **Paul Zillig, General Manager**, on behalf of the **Lower Platte South Natural Resources District**.

(SEAL)

Notary Public

NATURAL RESOURCES OF FLOODPLAINS

Floodplains that are relatively undisturbed (or have been restored to a nearly natural state) provide a wide range of benefits to both human and natural systems. These benefits take many forms; some are static conditions (like providing aesthetic pleasure) and some are active processes (like filtering nutrients). There is some ambiguity over which of these benefits are properly termed “functions”, or “resources”, and where the terms overlap. A fairly well accepted (but not necessarily comprehensive) list follows. The resources and functions have been loosely grouped into three categories, and the categories have been labeled according to the primary recipient of the benefit or its relationship to a larger system. That is, “water resources” include those resources and functions of floodplains that are part of or provide a benefit to the hydrologic cycles on the earth’s surface and below ground; “biologic resources” are floodplain resources and functions that benefit plants and animals; and “societal resources” are floodplain resources and functions that directly benefit human society. Throughout this document, the term “natural resources” is used to refer to any or all of the resources and functions listed here.

Water Resources

Natural Flood & Erosion Control

- Provide flood storage and conveyance
- Reduce flood velocities
- Reduce flood peaks
- Reduce sedimentation

Water Quality Maintenance

- Filter nutrients and impurities from runoff
- Process organic wastes
- Moderate temperature fluctuations

Groundwater Recharge

- Promote infiltration and aquifer recharge
- Reduce frequency and duration of low surface flows

Biological Resources

Biological Productivity

- Support high rate of plant growth
- Maintain biodiversity
- Maintain integrity of ecosystem

Fish & Wildlife Habitats

- Provide breeding and feeding grounds
- Create and enhance waterfowl habitat
- Protect habitats for rare and endangered species

Societal Resources

Harvest of Wild & Cultivated Products

- Enhance agricultural lands
- Provide sites for aquaculture
- Restore and enhance forest lands

Recreational Opportunities

- Provide areas for active and passive uses
- Provide open space
- Provide aesthetic pleasure

Areas for Scientific Study & Outdoor Education

- Contain culture resources (historic and archaeological sites)
- Provide opportunities for environmental and other studies

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 17003

PROPOSAL: In the R-5, R-6, and R-7 zoning districts, to permit one required parking stall for single-family, two-family, or townhouse uses to be on a driveway in the front yard in front of a garage, as currently allowed in the R-1 through R-4 districts; and to align the Neighborhood Design Standards with this allowance of a required parking stall in the front yard.

CONCLUSION: These proposed amendments would make consistent the location of required parking stalls for single-family, two-family, and townhouse uses in the R-1 through R-7 residential districts, removing an obstacle to those otherwise permitted uses in the R-5 through R-7 districts. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

HISTORY:

Sept. 1985 Ordinance No. 14215 permitted parking in the front yard in the R-1 through R-4 districts for personal vehicles on a driveway outside a garage, for one- and two-family dwellings.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 7.2 Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.

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

ANALYSIS:

1. This application seeks to remove an impediment to single-family, two-family, and townhouse construction in the R-5 through R-7 districts by permitting the same parking arrangement for those lower-density housing types as are currently allowed in the R-1 through R-4 districts.

2. Since 1985, single-family and two-family dwellings in the R-1 through R-4 districts have been allowed to count a required parking stall in a driveway outside a garage.
3. By our zoning code's definition, a townhouse is described "one of a group or row of not less than three nor more than twelve attached, single-family dwellings design and built as a single structure...and each unit is on its own lot." (Emphasis added.) Townhouses are included in this proposal to clarify that the zoning provisions allowing one required parking stall in a front yard, on a driveway leading to a garage, apply to them as single-family dwellings.
4. The applicant proposes to build a pair of two-family dwellings on property he owns in the R-6 zoning district. He proposes to provide a single-stall garage attached to each unit. Each dwelling is required to have 1.75 parking stalls, which rounds up to 2 stalls. In the R-1 through R-4 districts, the driveway to the garage would count as that second stall. The current language of the Zoning Code would not allow the same arrangement in the higher-density R-5 through R-7 districts.
5. The Comprehensive Plan encourages a mix of housing types in the various districts and encourages homeownership. The zoning code allows (by right) single-family, two-family, and townhouses in the R-5 through R-7 districts.
6. There is not an apparent benefit to imposing a stricter requirement on lower-density housing types in the R-5 through R-7 residential districts than in the R-1 through R-4 districts.
7. The Neighborhood Design Standards currently prohibit any required parking "between the building and the front property line," in contradiction to the Zoning Code's allowance of counting one stall in a driveway in the front yard, leading to a garage. The adjustment to the Neighborhood Design Standards would correct this contradiction and would apply the provision uniformly from R-1 through R-7 districts.

Prepared by:

Ed Zimmer, Planner, 441-6360, ezimmer@lincoln.ne.gov

March 30, 2017

**APPLICANT/
CONTACT:** James Christo
6945 N. 7th Street
Lincoln, NE 68521

F:\DevReview\TX\17000\TX17003 Parking R-5 R-6 R-7 Special Conditions.efz.wpd

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.67 of the Lincoln Municipal Code relating to
 2 Parking by amending Section 27.67.030 to allow parking in the front yard in the R-4, R-5, R-6,
 3 and R-7 zoning districts when the property is used for single family dwellings, two family
 4 dwellings, and townhouses and to allow required parking spaces to be stacked from front-to-back
 5 one vehicle deep, and repealing Section 27.67.030 as hitherto existing.

6 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincoln,
 7 Nebraska:

8 Section 1. That Section 27.67.030 of the Lincoln Municipal Code be amended to read as
 9 follows:

10 **27.67.030 General Conditions.**

11 The following general conditions shall apply, except as otherwise modified in this title:

12 (a) No parking space is permitted in the required front yard in any district except as
 13 follows:

14 (1) Parking lots, parking areas, and driving aisles in the front yard are
 15 permitted in the B-1, B-3, H-1, H-2, and H-3 zoning district in accordance with
 16 parking lot design standards; and

17 (2) Parking in the front yard is permitted in the R-1, R-2, R-3, ~~and R-4,~~ R-5,
 18 R-6, and R-7 zoning districts for ~~passenger cars, pickup trucks, or vans~~ motorized
 19 vehicles, except all-terrain vehicles, recreational vehicles, snow mobiles,
 20 watercraft, and farm machinery outside of an enclosed structure on a concrete
 21 driveway or its equivalent under the following conditions:

1 (i) The width of such parking area shall not exceed thirty-five percent
2 of the width of the front yard, except in the case of townhouses, where the
3 width shall not exceed fifty percent of the width of the front yard,
4 provided the width of such parking area shall not exceed sixteen feet;

5 (ii) The parking area shall be not less than two feet from and parallel
6 to the side lot line and not less than two feet from the front property line;

7 (iii) The property shall be used for ~~one~~single-family dwellings,
8 two-family dwellings, and townhouses.

9 (3) Parking in the front yard is permitted as otherwise provided in Section
10 27.63.170.

11 (b) No parking space is permitted in the required side yard in any district except as
12 otherwise provided in this chapter and in Section 27.63.170.

13 (c) Parking spaces are permitted in any required rear yard.

14 (d) All required parking spaces shall be provided on the same lot as the use for which
15 they are required.

16 (e) Any parking requirement resulting in a partial parking space shall be rounded up
17 to the next whole number.

18 (f) Where additional parking is required by this chapter due to a change in use and
19 provision for such additional parking is not made, a special review and approval shall be required
20 by the City Council.

21 (g) For single-family dwellings, ~~and~~ two-family dwellings, and townhouses in the R-
22 1, R-2, R-3, ~~and~~ R-4, R-5, R-6, and R-7 zoning districts, the required parking spaces may be
23 stacked front-to-back, one vehicle deep.

1 (h) No parking space is required for the area of outdoor dining, open use areas
2 including but not limited to outdoor sales and display areas, and patios with and without
3 restaurant seating.

4 Section 2. That Section 27.67.030 of the Lincoln Municipal Code as hitherto existing be
5 and the same is hereby repealed.

6 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be
7 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
8 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
9 passage and such posting to be given by publication one time in the official newspaper by the
10 City Clerk. This ordinance shall take effect and be in force from and after its passage and
11 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2017:

Mayor

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln
 2 Design Standards consisting of four titles (Title 1. General Provisions, Title 2. Design Standards
 3 for Subdivision Regulations, Title 3. Design Standards for Zoning Regulations, and Title 4.
 4 Miscellaneous Design Standards) and Appendix A – Sight Distance which are maintained in pdf
 5 format on the Planning Departments website under Development Review; and

6 WHEREAS, the James Christo has requested the City Council to amend Title 3
 7 Design Standards for Zoning Regulations by amending Section 4.3 Parking in Chapter 3.75
 8 Neighborhood Design Standards to provide that no required parking space be allowed between
 9 the building and front property line except as otherwise provided in Section 27.67.030 (a) and (g)
 10 of the Lincoln Municipal Code.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 12 Lincoln, Nebraska:

- 13 1. That Section 4.3 of Chapter 3.75 Neighborhood Design Standards be and
 14 the same is hereby amended as shown on Attachment “A” which is attached hereto and
 15 incorporated herein by this reference.

Introduced by:

Approved as to Form & Legality:

 City Attorney

Approved this ____ day of _____, 2017: _____ Mayor
--

Chapter 3.75

NEIGHBORHOOD DESIGN STANDARDS

4.3 Parking

1. No required parking space shall be allowed between the building and the front property line, [except as otherwise provided in Section 27.67.030 \(a\) and \(g\)](#). Driveways and parking aprons in the front yard may not measure more than 20 feet wide.

2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.

3. Parking areas of four or more stalls shall be screened from adjacent properties. Fences may be used for screening in rear yards.

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

*** PLANNING COMMISSION FINAL ACTION ***

PROJECT #: Special Permit No. 494F

PROPOSAL: A request per Section 27.63.320 for the expansion of an existing Community Unit Plan with a waiver to Section 27.63.120(e) to allow for construction of detached and attached carports within the required 20-foot setback from the roadway pavement.

LOCATION: S.W. 16th Street and West South Street

LAND AREA: Area of Expansion: 32.43 acres, more or less
CUP Overall: 48.11 acres, more or less

EXISTING ZONING: R-1 Residential District

CONCLUSION: The proposed carports would be in keeping with the character of the mobile home court. This request is consistent with the Comprehensive Plan, and subject to the conditions of approval, complies with the requirements on the Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
Waivers/modifications:	
<u>New Waivers (applicable to entire CUP):</u>	
1. Waiver to Section 27.63.120(e) to allow for construction of detached and attached carports within the required 20-foot setback from the roadway pavement.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION (ENTIRE CUP): Lots 83 and 84 I.T., located in the NE 1/4 of Section 33-10-6 and Lots 221 and 245 I.T., located in the NW 1/4 of Section 34-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Mobile Home Court

SURROUNDING LAND USE AND ZONING:

North: Single family residential; R-2
South: Single family residential and church; R-3
East: Single family residential; R-3
West: Single family residential; R-2 and R-3

HISTORY:

Jul 1970 Special Permit #494 for a mobile home court was approved by the City Council. The initial special permit boundary only included the west portion of the mobile home court along S.W. 12th Street, Plum Street, W. Commodore Blvd., W. Arlington Avenue, W. Harbour Blvd., and W. Peach Street (called Harbour West).

Mar 1989 Special Permit #494B was approved by the City Council to expand the mobile home court special permit boundary to include the area to the east along Last Road and S.W. 11th Street

Aug 1994 Special Permit #494C was approved by the City Council for a Community Unit Plan, to allow for two waivers to required setbacks. The boundary of the CUP only encompassed the eastern area along Last Road and S.W. 11th Street (called Harbour West Meadows).

May 2003 Special Permit #494D was withdrawn.

July 2000 Special Permit #494E was approved by the City Council granting an additional 10 mobile home units. The boundary of the CUP remained only the eastern part of the mobile home park.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This property is shown as urban residential on the 2040 future land use map.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

ANALYSIS:

1. This is a request to expand an existing Community Unit Plan (CUP) for a mobile home court for the purpose of allowing carports.
2. Currently, the entire Harbour West/Harbour West Meadows mobile home court is covered under a Special Permit for a Mobile Home Court. The special permit was later amended with SP494C to add a Special Permit for a CUP to allow waivers to certain setback distances. However, the CUP boundary only included the eastern portion of the park, Harbour West Meadows, located along Last Road and S.W. 11th Street. With this amendment, the CUP boundary would be expanded to include the entire mobile home court and also include a waiver to allow carports within the CUP overall.
3. Several potential carports were recently built and identified by the Building & Safety Department that violate the zoning regulations. A minimum setback of 20 feet is required between the mobile homes and the street as part of the Special Permit for Mobile Home Court. A carport constructed within 6 feet of the mobile home is considered part of the main structure and must meet the 20-foot setback. The setback can only be waived as part of a combination CUP and Special Permit for Mobile Home Court. Therefore, this amendment was submitted in an effort to legalize the carports, as they are a suitable and reasonable structure to allow within a mobile home park. Some of the carports may not be constructed to meet building code, and would still need to be rebuilt.
4. The setback requirements for the carports will be as follows: maintain a minimum 2-foot setback from a sidewalk, and a 3-foot setback from the street edge where no sidewalk exists. The carports would not be allowed to be enclosed on any sides, at the request of the applicant. The Public Works & Utilities Department notes that a carport support pole does not constitute a visual obstruction for sight line purposes and can safely be located as close as 3 feet from the street to maintain a clearance zone where passing vehicles won't strike the support.

The Building & Safety Department noted that all carports must meet building code and Title 21 of the Lincoln Municipal Code requirements related to minimum distances between carports for fire safety. Building & Safety also recommended that carports maintain a minimum 10-foot setback from the street edge where no sidewalk exists. A 10-foot distance from street edge would provide additional buffering between the street and the carport, but it is not necessary in this instance given the limited sight blocking that an unenclosed carport would present for a driver backing out, as well as the residential nature of the local streets within the mobile home park. A 2-foot unobstructed "clear zone" is required along all streets to prevent vehicle side mirrors hitting obstructions such as signs and street trees. Public Works allows signs and trees on local residential streets in Lincoln as close as 3 feet

to the street edge, which maintains the clear zone while providing additional refuge space for pedestrians crossing the street. Carport support posts function similarly to a sign or street tree for purposes of sight lines and should be allowed a minimum of 3 feet from the street edge. Add to the above considerations the slower speed of residential traffic and the speed bumps within this mobile home park, and the carport posts should not be considered a hazard if 3 feet back from the street.

5. All previously approved waivers for the CUP would carry over. The following waivers were previously approved with SP494C:
 - A. Waiver to Section 27.63.120(c) to reduce the required minimum setback between mobile homes from 25 feet to 20 feet (this waiver would apply to the entire expanded CUP with this amendment).
 - B. Waiver to Section 27.63.120(d) to reduce the required minimum perimeter setback from 50 feet to 40 feet along the north property line to enable the permittee to accommodate newer model mobile homes with larger dimensions on existing pad sites (this waiver would continue to apply only within the boundary as shown on SP494C).

The waiver to reduce the minimum setback between mobile homes would now apply to the entire expanded CUP, as would the waiver allowing carports. However, the waiver to the perimeter setback would still only apply to the eastern portion, Harbour West Meadows, as that reduction was based on that area's proximity to Highway 77 and would not be appropriate in the rest of the mobile home park given the close proximity to other residential uses on the north and west sides of the mobile home park.

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval permits a Community Unit Plan and mobile home court with a new waiver to Section 27.63.120(e) allowing for construction of detached and attached carports within the required 20-foot setback from the roadway pavement, as well as expansion of the previously approved waiver to Section 27.63.120(c) to reduce the required minimum setback between mobile homes from 25 feet to 20 feet to apply within the entire expanded Community Unit Plan boundary, and with the conditions as stated on the site plan.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies.

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

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 3.2 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.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.4 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.
 - 3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

Prepared by

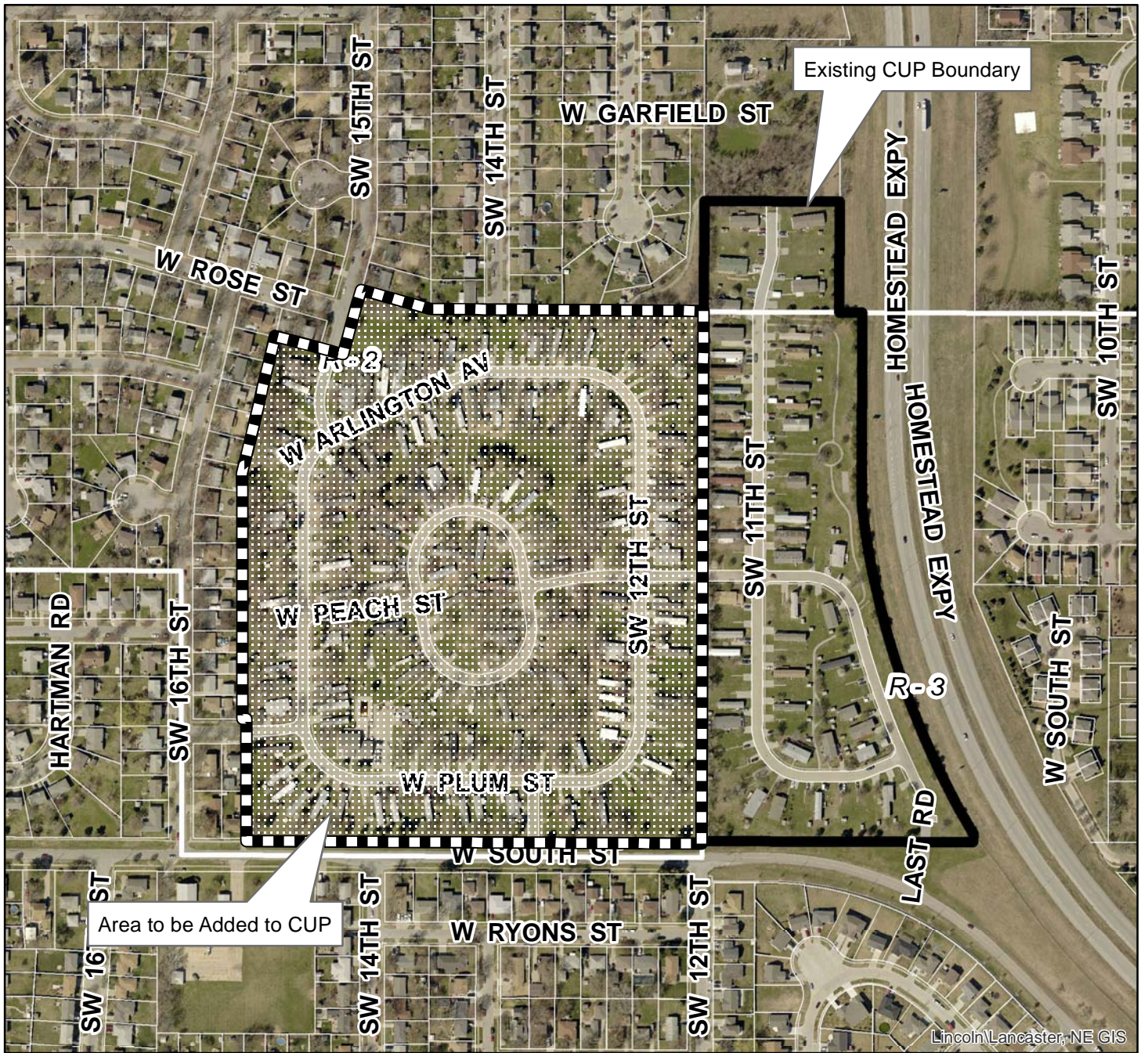
Rachel Jones, Planner

DATE: April 4, 2017

APPLICANT/CONTACT: Jerry Long
Harbour West MHC
1440 W. Plum Street
Lincoln, NE 68522

OWNER: Joel Ravitz
1440 W. Plum Street
Lincoln, NE 68522

F:\DevReview\SP\SP494F Harbour Meadows Mobile Home Park.rkj.wpd



Lincoln/Lancaster, NE GIS

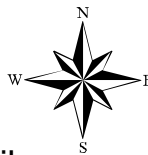
2016 aerial




Special Permit #: SP494F
Harbour West Mobile Home Park CUP
S Coddington Ave & W South St

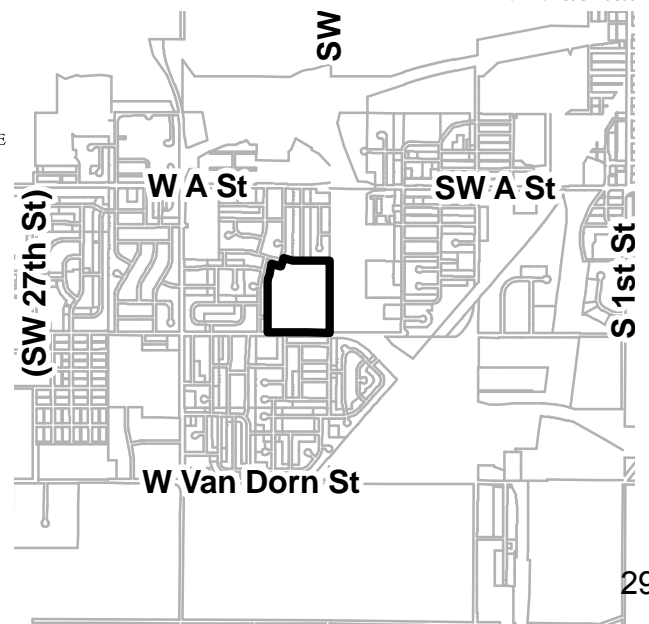
Zoning:

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

One Square Mile:
 Sec.33 T10N R06E
 Sec.34 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





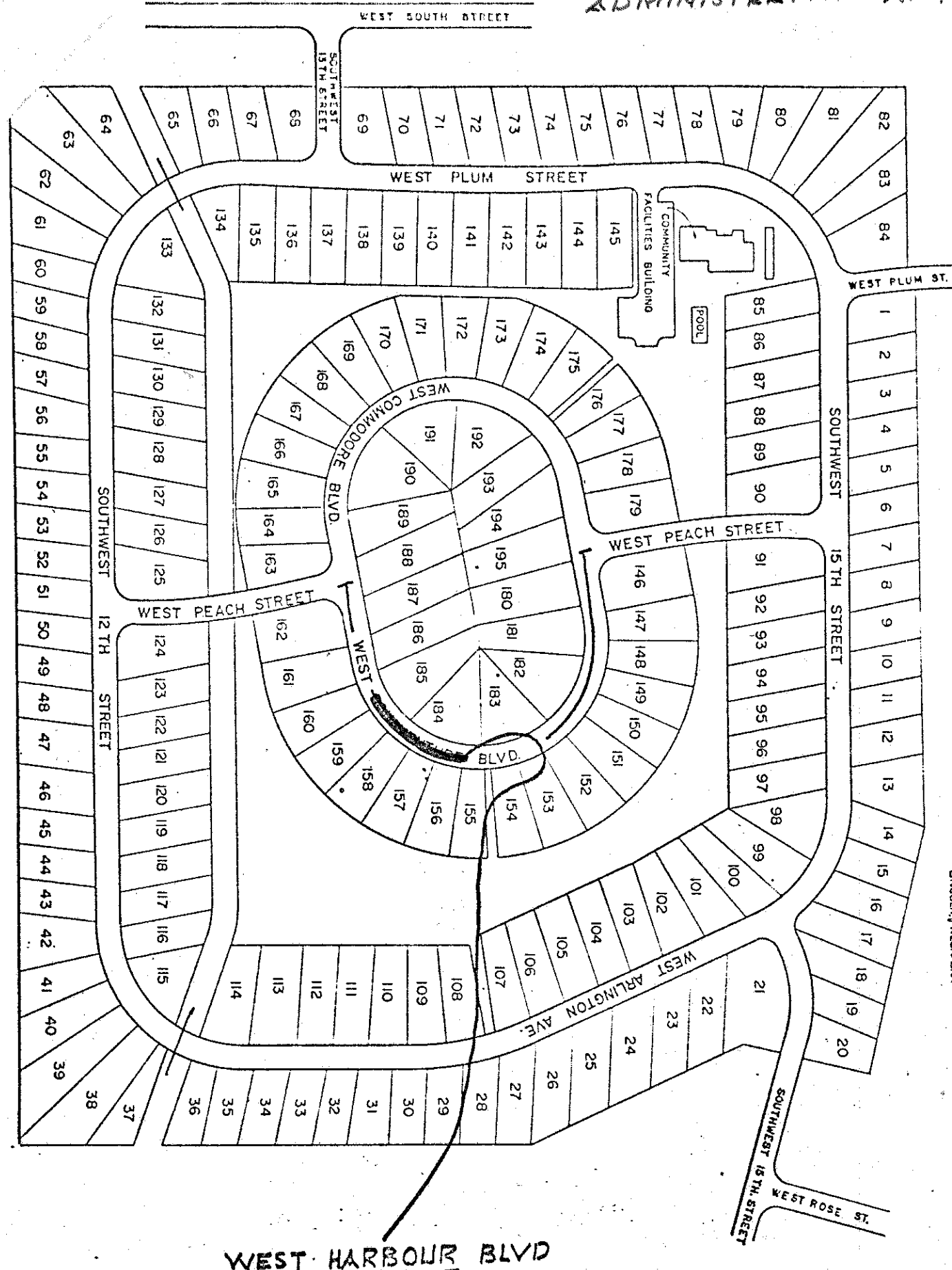
Lancaster County/City of Lincoln GIS Map

Proposed Overall CUP Boundary



Printed: Mar 27, 2017

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.



Bonanza
 LINCOLN, NEBRASKA

WEST HARBOUR BLVD

Shown on this sheet: Area of Expansion for Community Unit Plan (Lots 83 and 84, I.T.)

Harbour West / Harbour West Meadows combined CUP Overall Boundary: 48.11 acres, more or less, legally described as Lots 83 and 84 I.T., located in the northeast quarter of Section 33-10-6 and Lots 221 and 245 I.T., located in the northwest quarter of Section 34-10-6, Lincoln, Lancaster County, Nebraska.

WAIVERS (APPLICABLE TO ENTIRE EXPANDED CUP):

1. Waiver to Section 27.63.120(e) to allow for construction of detached and attached carports within the required 20-foot setback from the roadway pavement.
2. Waiver to Section 27.63.120(c) to reduce the required minimum setback between mobile homes from 25 feet to 20 feet (previously approved with SP494C and expanded to entire CUP with this amendment).

WAIVERS (APPLICABLE TO EAST SIDE ONLY - SEE SHEETS 3 & 4):

1. Waiver to Section 27.63.120(d) to reduce the required minimum perimeter setback from 50 feet to 40 feet along the north property line to enable the permittee to accommodate newer model mobile homes with larger dimensions on existing pad sites (previously approved with SP494C for east side of park only).

General Notes:

1. All carports must be constructed to building code and be in compliance with Section 21.56.070 of the Lincoln Municipal Code.
2. Carports may not be enclosed on any sides.
3. Carports must have a minimum setback of 2 feet behind sidewalk or 3 feet behind the street edge, if no sidewalk exists. Any utility or street work within the street right-of-way or easements can require removal of the carports without compensation.



HARBOUR WEST

MOBILE HOME COMMUNITY

1440 West Plum
LINCOLN, NE., 68522
402-438-1717

MARCH 14, 2017

CITY OF LINCOLN PLANNING DEPARTMENT

The purpose of this application is to get an amended Special Permit to allow carports over the existing driveways.

Driveways are located between the private streets and the manufactured homes; our residents would like to be able to erect a carport to protect their vehicles over their driveways.

To conform to existing rules, the carports would have to be put between homes on the lawns and existing trees would need to be removed. Driveways would need to be extended over the courts water and sewer mains to accommodate the vehicles of residents. This would totally be wrong.

Things have changed since these Manufactured Parks were built. Homes have gotten larger and vehicles cost more than a lot of these home. Residents would like to protect their investments.

Thank You



JERRY LONG, MANAGER

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	ron rehtus	1	Corrections Required	<p>Carports may not block the line of site for backing the vehicle out of the carport.</p> <p>Carports may be enclosed on side furthest from street only with remaining sides left open.</p> <p>Carports should be 2 feet behind sidewalk or 10 feet behind street edge if no sidewalk and must comply with LMC 21.56.070 for open space.</p>	First In Group
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

- PROJECT #:** Street and Alley Vacation No. 17003
- PROPOSAL:** Vacate a portion of the South 16th Street right-of-way on the north side of Pine Lake Road.
- LOCATION:** South 16th Street and Pine Lake Road
- LAND AREA:** 0.06 acres (2,442 square feet) more or less
- CONCLUSION:** Vacation of the public right-of-way will accommodate redevelopment of the adjoining property. This request is in conformance with the Comprehensive Plan. Public access, sanitary sewer, and utility easements for existing Charter Communications facilities will need to be retained for the area to be vacated.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
-------------------------------	------------------------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

SURROUNDING LAND USE AND ZONING:

North: Vacant (future commercial); B-2
South: Commercial; B-2
East: Vacant (future commercial); B-2
West: Vacant (future commercial); B-2

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.14 - South 16th Street is a local street while Pine Lake Road is a minor arterial per the Functional Street and Road Classification plan.

P. 10.23 - Transportation Goals

- Support economic vitality of the community.
- Maximize the cost effectiveness of transportation.

HISTORY:

Jan. 2017 Use Permit #16009, Change of Zone #16030, and Comprehensive Plan Amendment #16004 were approved by the City Council for a new commercial center north of Pine Lake Road between S. 14th Street and Hazel Scott Drive with up to 199,000 square feet of floor area.

UTILITIES: No utilities would be impacted. Public Works Utilities - Water Division notes that the required 15' separation for the water main in this area will be maintained with the proposed vacation. Public Works and Utilities - Wastewater Division notes that a manhole and sanitary sewer line are located within the proposed vacation. Charter Communications also has existing facilities within the proposed vacation. A sanitary sewer and utility easement will be maintained for the entire right of way vacation area.

TRAFFIC ANALYSIS: Vehicular and pedestrian traffic will be unaffected by the proposed right of way vacation, as a public access easement will be provided for the entire vacation area to allow for vehicles and pedestrians using the driveway proposed with Use Permit #16009 at this location. The Pine Lake Road trail crossing will be located just outside the vacation area to the south.

ANALYSIS:

1. This is a request to vacate a portion of the South 16th Street right-of-way on the north side of Pine Lake Road. The area to be vacated includes 2,442 square feet.
2. The property adjacent to the right-of-way proposed to be vacated is Lot 92, I.T. in the northwest quarter of Section 24-9-6. The purpose of the request is to transfer ownership of the right-of-way stub to the adjoining landowner, as South 16th Street will not continue north of Pine Lake Road based on the approved plan for Use Permit #16009 for the Costco Commercial Center. This entrance will become an internal driveway for the commercial center rather than a street connection. This right-of-way vacation was a condition of approval for Use Permit #16009.
3. The adjoining property owner is the Lincoln Memorial Park Cemetery Association. Only the north 37 feet of the South 16th Street right-of-way is necessary to vacate, because right-of-way along Pine Lake Road will be dedicated as part of the Costco Center Addition final plat that is currently in process.
4. The 2040 Comprehensive Plan promotes an efficient transportation system that allows people to move from place to place in as direct a route as possible in order to reduce the amount of time spent on travel, the distance that must be traveled, and the amount of time spent in congested traffic. The Comprehensive Plan states that the street network in existing neighborhoods should be maintained to provide connectivity. This vacation will not negatively affect connectivity as vehicular and pedestrian traffic at the driveway entrance would be unaffected and provided for through a public access easement.

5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

BEFORE THE DEED TRANSFER THE FOLLOWING MUST BE COMPLETED:

- 2.1 Include retention of easements by City with deed transfer, including public access, sanitary sewer, and utility easements.

Prepared by:

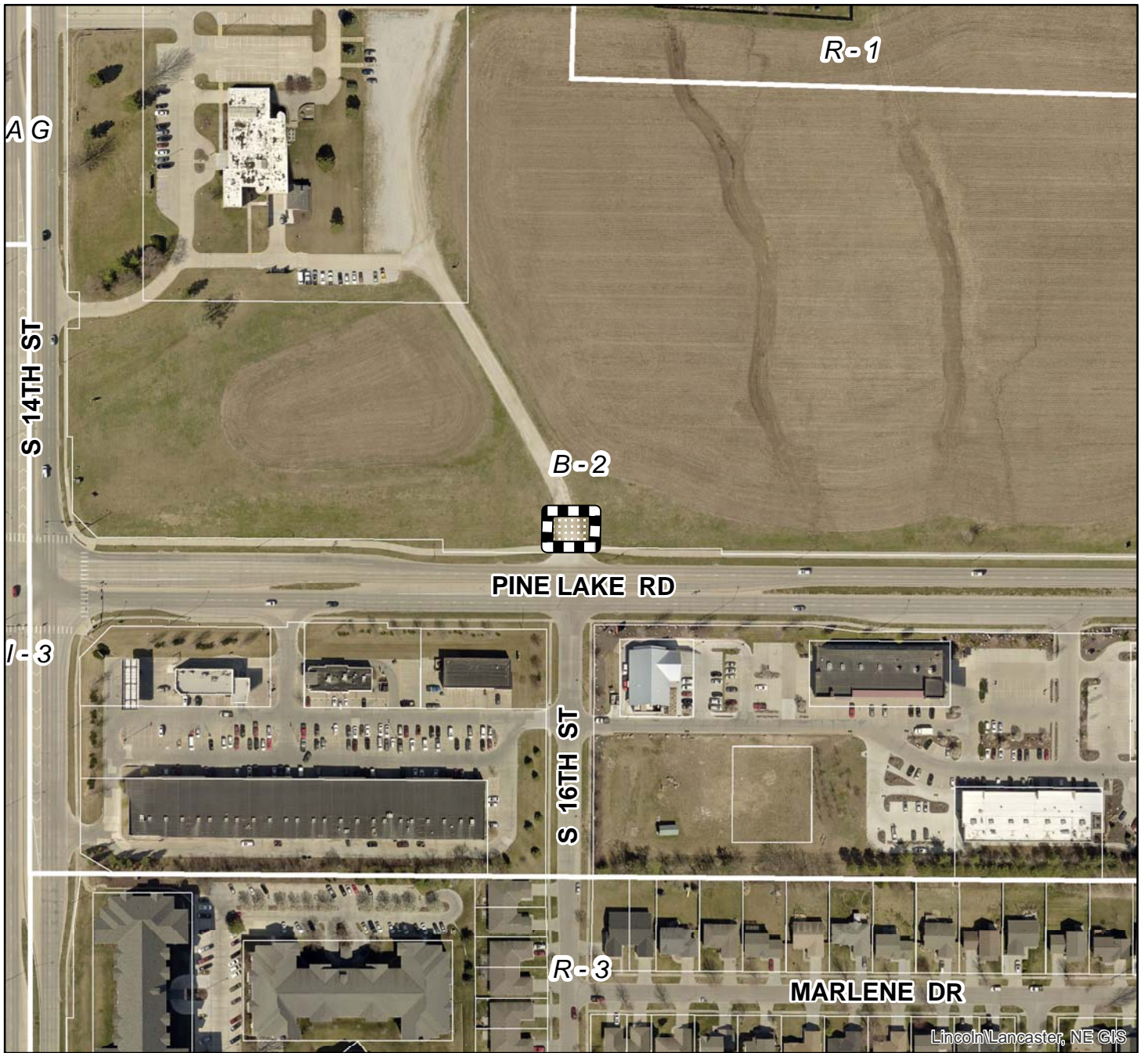
Rachel Jones, Planner

DATE: April 4, 2017

APPLICANT/CONTACT: Mike Johnson
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508

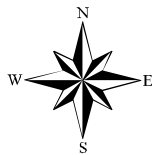
OWNER: Lincoln Memorial Park Cemetery Association
6700 South 14th Street
Lincoln, NE 68512

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2016 aerial

Street and Alley Vacation #: SAV17003
S. 16th Street Stub
S 16th St & Pine Lake Rd

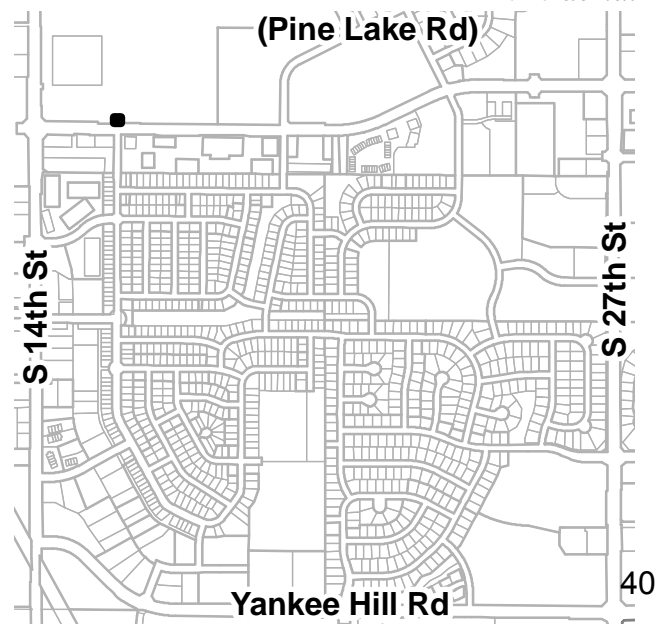


One Square Mile:
Sec.24 T09N R06E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



LEGAL DESCRIPTION RIGHT-OF-WAY VACATION

A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH 16TH STREET RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT "B", COSTCO CENTER ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 16TH STREET; THENCE NORTHERLY ON THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", ON AN ASSUMED BEARING OF N00°24'35"E, A DISTANCE OF 37.00' TO THE NORTHWEST CORNER OF SAID RIGHT-OF-WAY; THENCE S89°35'25"E, ON A SOUTH LINE OF SAID OUTLOT "B", AND ON A SOUTH LINE OF LOT 1, COSTCO CENTER ADDITION, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 66.00' TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY; THENCE S00°24'35"W, ON A WEST LINE OF SAID LOT 1, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 37.00' TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N89°35'25"W, A DISTANCE OF 66.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 2,442.00 SQUARE FEET OR 0.056 ACRES, MORE OR LESS.

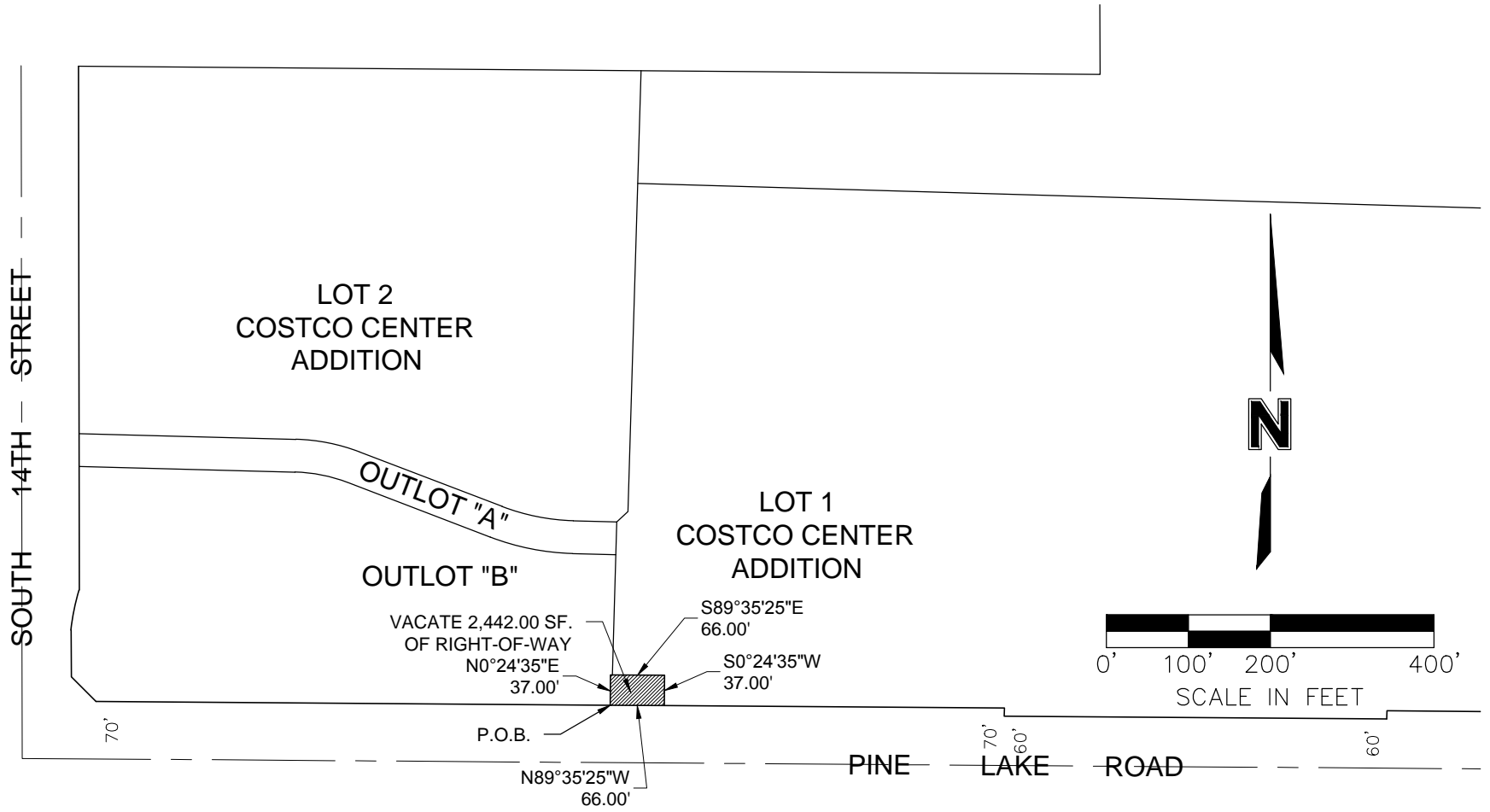
Tuesday, April 4, 2017

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DWG: F:\Projects\015-3421\40-Design\Survey\SRVY\Final Plats\Drawings\015-3421_ROW-VAC.dwg
 DATE: Apr 04, 2017 4:54pm
 XREFS: 015-3421_CCCAFP
 USER: m.johnson
 MICHAEL_JOHNSON_LS_NE

PROJECT NO: 015-3421	RIGHT-OF-WAY VACATION LEGAL DESCRIPTION	MOLSSON ASSOCIATES	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT
DRAWN BY: MRJ			A1	
DATE: APRIL 4TH, 2017				

DWG: F:\Projects\015-3421\40-Design\Survey\SRVY\Final Plots\Drawings\015-3421_ROW-VAC.dwg
 DATE: Apr 04, 2017 4:55pm XREFS: 015-3421_CCCAPP MICHAEL_JOHNSON_LS_NE USER: mjohnson



PROJECT NO:	015-3421
DRAWN BY:	MRJ
DATE:	APRIL 4TH, 2017

RIGHT-OF-WAY VACATION EXHIBIT



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL 402.474.6311
 FAX 402.474.5160

EXHIBIT

B2

Tuesday, February 28, 2017

Mr. David Cary
Planning Director
Planning Department
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

Re: Costco Center
Petition to vacate Public Way
OA project no. 015-3421

Dear David:

Enclosed are a check in the amount of \$206.00 for the application fee, the completed application form, information sheet, ownership and lien holder certificate, and legal description and exhibit for the portion of right-of-way to be vacated. The right-of-way that the owner requests be vacated is located at South 16th Street and Pine Lake Road, in the Northwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M, and more particularly described in the attached Exhibit A.

The property adjacent to the right-of-way being vacated is Lot 92 I.T. The purpose of this request is to allow the existing right-of-way to become a public access and utility easement. Lot 92 I.T. is included in the final plat for Costco Center Addition, which has been submitted to the City and is currently being reviewed. The Owner of this property is Lincoln Memorial Park Cemetery Association, a Nebraska corporation, 6700 South 14th Street, Lincoln, NE 68512, (402) 423-3826. The owners contact person is Ted Johnson, ASLA, President of TJ Design Strategies, Ltd, 2311 W. 22nd Street, Suite 208, Oak Brook, IL 6053, (630)368-0840.

Please contact me if you have any questions, comments or require additional information.

Sincerely,



Michael R. Johnson, R.L.S., (402) 458-5626

Encls. / Attachments

cc: Lincoln Memorial Park Cemetery, Ted Johnson, Brad Marshall, File

Tuesday, February 28, 2017

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PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: *(i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)*

A portion of South 16th Street, See attached legal description and exhibit

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: *(Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.)*

Lot 92 I.T., located in the NW'14 Sec. 24-T9N-R6E
Now known as lot 1 and Outlot "B" Costco Centre Addition.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Black Hills Corp	randy kreifels	1	In Review	Black Hills Energy does not have an issue with this request.	First In Group
Charter Communications	aaron crawford	1	Recommend Approval	Charter has plant running along Pine Lake Road, in the public ROW.	First In Group
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
Law Department	rick peo	1	Recommend Approval	The Law Department has reviewed the Petition to Vacate Public Way submitted for SAV 17003. The ownership set forth in the Petition is correct and the Petition has been properly executed and acknowledged.	First In Group
LES	les reviews	1	Recommend Approval	3/13/2017 No comments.	First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	3-17 Retain utility easement	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	There is a manhole and sanitary sewer located within this proposed vacation. Easements need to be maintained.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	The 24" water main in this area maintains the required 15' easement with this proposed vacation, no additional easement required.	First In Group
Urban Development - Real Estate	michelle backemeyer	1	Recommend Approval	No comment	First In Group

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

- PROJECT #:** Comprehensive Plan Conformance No. 17006
- PROPOSAL:** To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, the City Centre Redevelopment Project Amendment to the Lincoln Center Redevelopment Plan
- LOCATION:** Block 34, Original Lincoln, generally bounded by 9th and 10th Street, P and Q Streets, and adjacent right of way
- LAND AREA:** Approximately 2.07 acres along with adjacent right of way
- CONCLUSION:** The redevelopment project is in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan
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GENERAL INFORMATION:

- EXISTING ZONING:** B-4 Lincoln Center Business District
- EXISTING LAND USES:** Journal-Star Printing Co. facility, City of Lincoln Market Place Garage

SURROUNDING LAND USE AND ZONING:

North:	Light Industrial	B-4
South:	Apartments	B-4
East:	Commercial	B-4
West:	Commercial	B-4

HISTORY:

In 1863, an early settler to Lancaster County, Elder J. M. Young, platted a townsite which he called Lancaster consisting of 12 blocks east-west and eight blocks north-south, encompassing approximately the present area between O (then called Locust St.) and Vine Streets and approximately 5th to 17th Streets.

Some of Lancaster's earliest buildings were on the block between Locust and High Streets, 5th & 6th Streets, which was approximately the location of Lincoln Block 34 (P-Q, 9th-10th).

For most of its early history Block 34 was one of the key commercial locations in Lincoln, with a southern exposure to the open square labeled "Market Square" on the Original

Plat. All of the lots facing Market Square were platted as commercial lots (25'x142'), rather than the more expansive 50'x142' residential lots of most of the city. Small one and two story business buildings occupied the P Street frontage.

In 1880, State Journal Printing Company built a larger 3-story brick structure on the southwest corner of the block, beginning its long tenure as the home of Lincoln's oldest newspaper.

The Lincoln Journal newspaper had added a nondescript annex to the east of the 1880 building. The annex was replaced in 1949-1950 with the first portion of the current Journal-Star building, then replacement of the old building at the corner followed in 1950-1951.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.2 The community continues its commitment to a strong Downtown. A strong, vital Downtown provides a common center for all of Lincoln and Lancaster County and will be a catalyst for future growth. Lplan 2040 acknowledges Downtown's unique role and will guide decisions that will maintain Downtown's vitality and enhance its contribution to the quality of life of all Lincoln and Lancaster County.

p. 1.3 Downtown Lincoln continues to serve as the heart of our community and is an asset for all Nebraska residents.

p. 1.3 Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts.

p. 1.3 Downtown Lincoln is promoted as vibrant mixed use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable and bicycle-friendly environment.

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

p. 2.7 Lincoln will continue to have managed and contiguous growth, including strengthening our Downtown core.

p. 2.8 Mixed use redevelopment, adaptive reuse, and well-designed and approximately-placed infill development, including residential, commercial and retail uses, are encouraged.

p. 5.4 The City should preserve and enhance Downtown's role as...The major office and service employment center.

p. 5.4 The City should preserve and enhance Downtown's role as...A regional retail center geared toward employees, area residents, visitors, and UNL students and staff.

p. 5.4 The City should preserve and enhance Downtown's role as... A major focus for new residential reuse, infill, and redevelopment.

p. 6.3 A major focus for new residential reuse, infill, and redevelopment is in the Greater Downtown Area.

p. 6.3 Strategies for Greater Downtown...Maintain the urban environment, including a mix of land uses with a major focus on residential uses.

p. 6.3 Strategies for Greater Downtown...Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

p. 20 A Mix of Uses: The framework encourages mixed use development wherever feasible. Mixed-use buildings with housing on upper floors support the retail uses on their ground floors, and benefit from nearby transit services.

P. 21 Retail Framework of the Downtown Master Plan identifies P Street at the location as part of the Retail Core.

P. 22 The primary retail core must support a high level of pedestrian activity throughout the day and night, and therefore requires continuous edge-to-edge retail land uses.

P 31 The Housing Framework meets the current and future demands of downtown Lincoln. It brings economic vitality to downtown by fostering 24-hour activity and lively, vibrant streets. Urban dwellers financially help support downtown retail, restaurants and other services.

P. 31 Housing in downtown Lincoln - with its easy access to transit and a variety of other goods, services, and activities - is highly desirable to a new demographic....Key requirements for the Housing Framework including providing: A vertical mix - housing over retail and/or parking, Transit-located within walking distance.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

P III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development.

P III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest.

P III-8 Provide for expansion and new development of office, commercial, residential, retail, child care, and related service activities which will complement the existing activities in use, scale, and quality of materials and service.

P III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas.

P III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown an in the Haymarket.

P III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and lively street.

P III-9 Encourage the development of a vibrant retail presence.

ANALYSIS:

This is a request to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan to create the City Centre Redevelopment Project.

1. The City Centre Redevelopment Project includes the redevelopment of a parcel of land currently owned and occupied by Journal-Star Printing Co generally located at 926 P Street. The project involves the demolition of the existing Journal-Star building, and the construction of an approximately eleven-story mixed-use building. The existing Market Place Garage will remain. Also, the bank building on the northwest corner of 10th & P Streets is not part of the project.
2. The ground floor will consist of approximately 35,000 square feet of retail space, the third and fourth floors will include 89,000 square feet of Class “A” commercial office space, while floors five through eleven (7 floors) will consist of approximately 245 market-rate residential units.
3. Parking will include 100 below-grade parking stalls available for the retail employees and customers and 140 parking stalls on the second floor to serve the tenants of the office space. In addition, the redeveloper envisions being able to use up to 340 parking stalls of the City’s adjacent parking garage to meet the needs of the tenants.
4. The goal of the Project is to enhance Downtown Lincoln as the mixed-use center of the City. The Project will accomplish this goal through development of a structure incorporating a vertical mix of land uses, including highly visible retail space and additional housing that will foster 24-7 activity.
5. The Project will strengthen P Street as a pedestrian-friendly retail corridor between the Downtown central business district and the Haymarket. Further, the Project will improve vistas coming into Downtown Lincoln, particular for incoming traffic on Interstate 180.
6. The estimated total cost to implement the Project is approximately \$92,000,000, which includes approximately \$12,000,000 to \$14,000,000 in public financing through tax increment financing.
7. The Urban Design Committee will tentatively review this project at their May 2 meeting.
8. The project is consistent with the Lincoln Center Redevelopment Plan which intends to support high-density, private sector mixed-use development in the Lincoln Center Redevelopment Area.

- 9. The project is consistent with the 2005 Lincoln Downtown Master Plan, which indicates that P Street should be a center for retail activity and should offer a pedestrian-friendly connection between Tower Square and the Haymarket. Redevelopment of the Project Site into a mixed-use building with retail uses fronting P and Q Streets is also consistent with the 2005 Downtown Master Plan Future Land Use Framework.

- 10. The project is consistent with the Lincoln-Lancaster County 2040 Comprehensive Plan. One of the goals of the Plan is to promote downtown Lincoln as a vibrant mixed-use neighborhood, offering choices for residential lifestyles and daily needs commerce in a walkable environment. The Plan also emphasizes enhancement of entryways to the City of Lincoln when development occurs adjacent to those corridors and encourages development of connectivity between developing or existing neighborhoods and commercial centers.

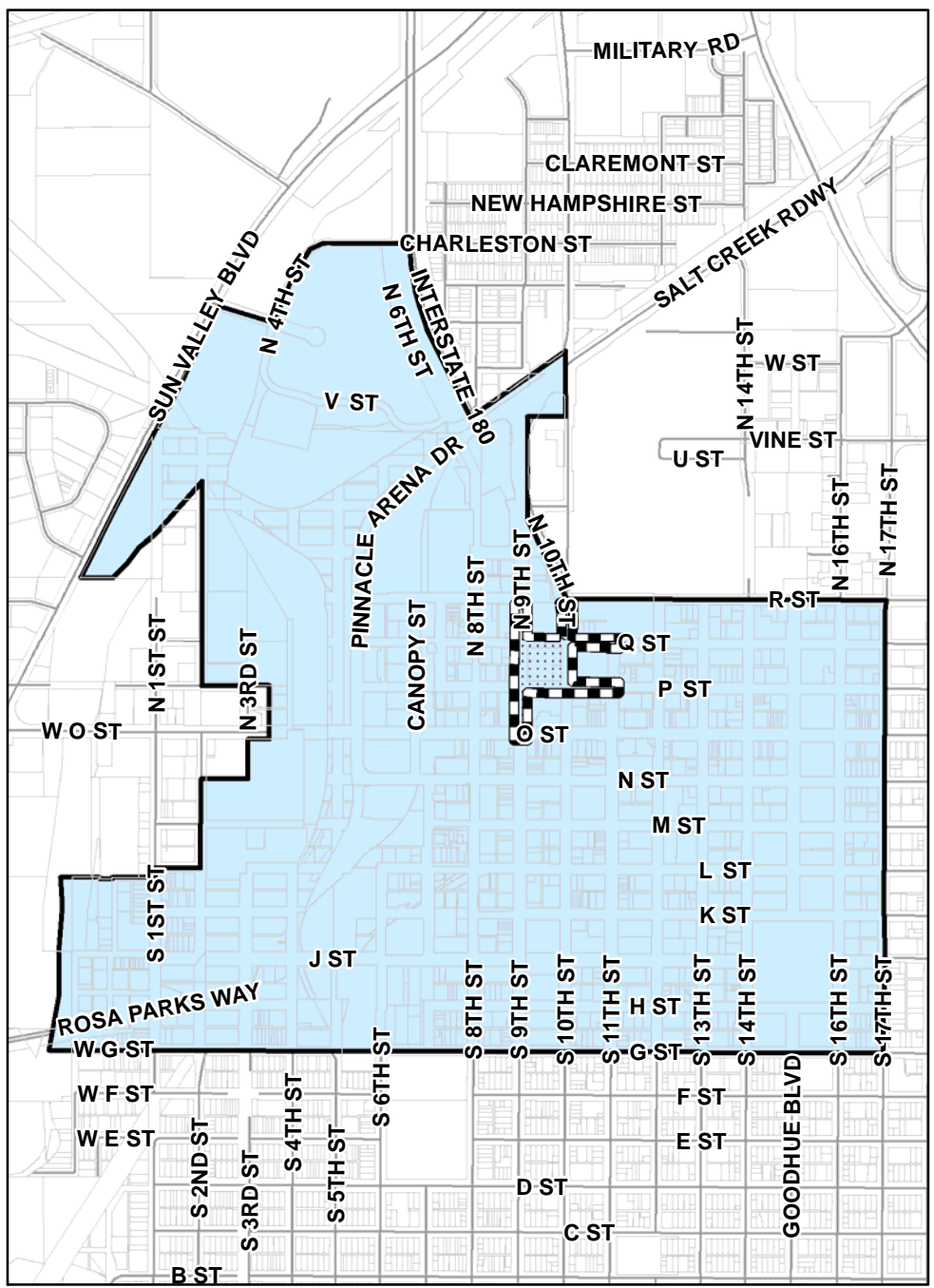
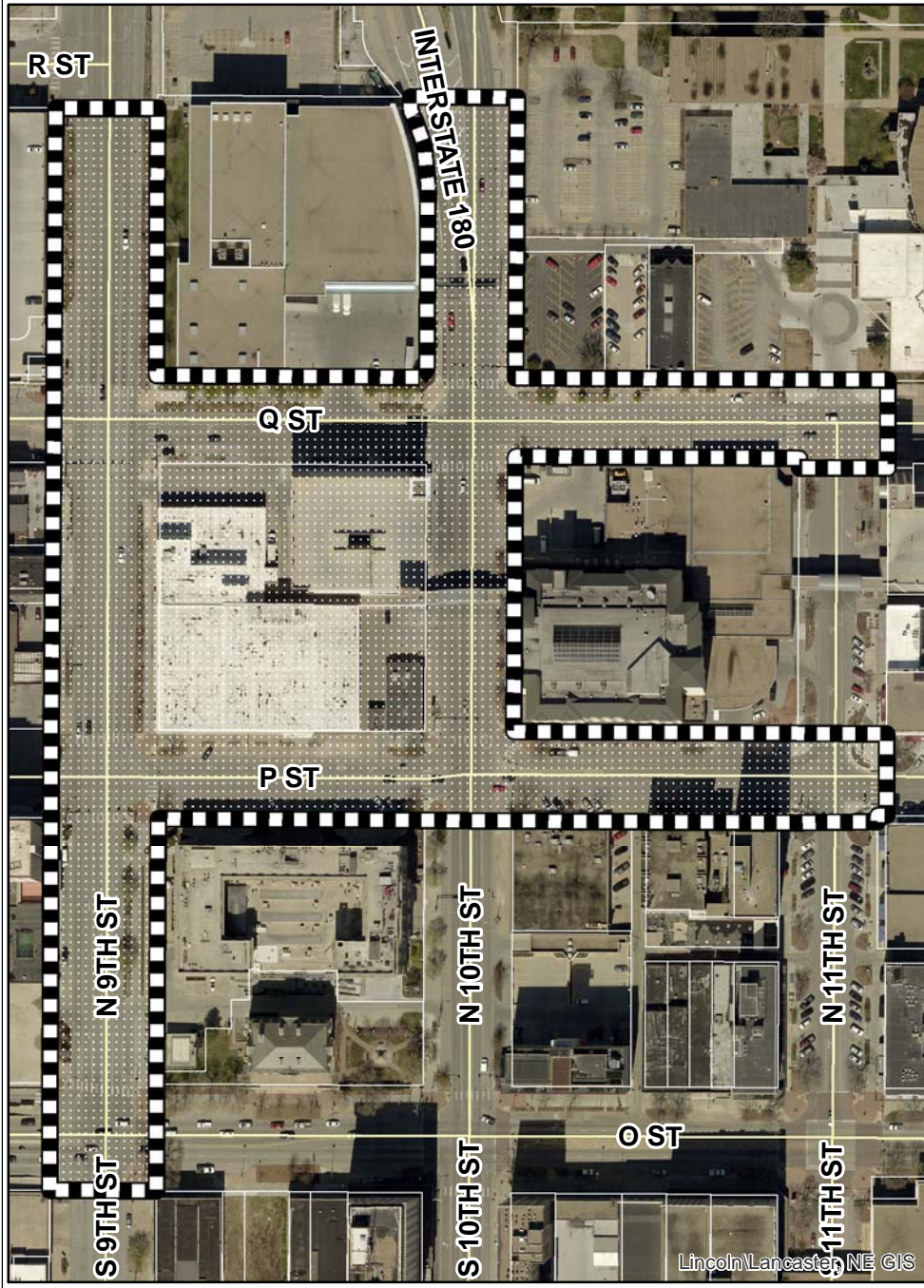
Prepared by

George Wesselhoft, Planner
(402-441-6366, gwesselhoft@lincoln.ne.gov) March 30, 2017

APPLICANT: Urban Development Department-City of Lincoln
555 S. 10th Street
Suite 205
Lincoln, NE 68508

CONTACT: Hallie Salem
555 S. 10th Street
Suite 205
Lincoln, NE 68508

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2016 aerial



Comprehensive Plan Conformance #17006

Lincoln Center Redevelopment Area
City Centre Project

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

March 15, 2017

Paul Barnes
Long Range Planning Manager
Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Paul:

Please find the proposed City Centre Redevelopment Project amendment application attached, which proposes to amend the Lincoln Redevelopment Plan to create a new project area.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the April 12, 2017 public hearing. We request that the amendment also be scheduled at City Council for introduction on April 24, 2017 and public hearing on May 1, 2017.

If you have any questions about the plan amendment or schedule, please contact me at 441.7866 or hsalem@lincoln.ne.gov.

Best Regards,

A handwritten signature in black ink, appearing to read "Hallie Salem".

Hallie Salem
Manager – Downtown Redevelopment

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16015

PROPOSAL: Request by the Home Builders Association of Lincoln (HBAL) to amend Chapter 27.59 of the Lincoln Municipal Code relating to airport zoning to revise the height permit regulations and the Airport Zoning Map.

CONCLUSION: The proposed changes are in conformance with State airport zoning regulations and the 2040 Comprehensive Plan and should not have a negative impact on the operations of the Airport nor a significant negative impact on properties within the airport overlay districts. These changes will reduce the overall areas affected by airport height permitting requirements and streamline the height permit process for the development community while maintaining sufficient protection against airport hazards.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

ASSOCIATED APPLICATIONS: Text Amendment No. 16016 (County Version)

HISTORY:

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

Mar 2016 Text Amendments No. 16001 and 16002 were approved by the City Council to revise the City Airport Zoning Chapter and Article 18 of the County Zoning Ordinance to be in conformance with LB140.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.19 - Existing Airports and Airfields

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

P. 10.39 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State.

P. 10.71 - Airports and Airfields

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

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.
- Continue to enforce zoning restrictions for building and structure height in the approach and turning zones.

ANALYSIS:

1. This text amendment will change Chapter 27.59 of the City Zoning Ordinance, Airport Zoning Regulations. The Lincoln Airport Zoning Map will also be amended to reflect these changes and will be adopted by reference as part of this text amendment. The related Text Amendment #16016 is proceeding concurrently to similarly amend Article 18 of the County Zoning Regulations.
2. The proposed amendment was created through a collaborative process between the Homebuilders Association of Lincoln, the Lincoln Airport Authority, the Planning Department, the Building & Safety Department, and the City and County Attorneys' Offices. The drafting process involved many meetings over the course of about a year.

All of the parties involved made compromises towards reaching an agreed-upon version that would not only continue necessary protection for aircraft approaches, but also help improve the complex approval process from the perspective of homebuilders and developers. An almost complete agreement on the text amendment was reached, with the exception of one point related to referencing FAA regulations that the Airport Authority has requested, which is not supported by the City departments and homebuilders (please see the discussion at the end of this Analysis section).

The version proposed with this amendment and its County Zoning counterpart (TX16015 and TX16016) represent those changes that were agreed upon by all of those participating in the discussion.

3. Land uses in a large area around the Lincoln Airport are regulated in many ways. There are various levels of review in which the City works with the Airport Authority to protect the Airport from potential hazards posed by nearby development and the effects of aircraft noise including the following:

1.	Lincoln/ Lancaster County Comprehensive Plan	In coordination with the Airport Authority, appropriate land use designations are made in large areas surrounding the Airport and under flight paths. The goals of the Comprehensive Plan discusses the importance of the Airport for the regional transportation system. The Plan also stresses that the Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. Taken together, these two major forms of regulation ensure compatibility with airport operations and minimize negative impacts on surrounding residents.
2.	Zoning designation of property	In coordination with the Airport Authority, proposed zoning changes for land in areas surrounding the Airport are reviewed for appropriateness and compatibility with airport operations and flight paths, along with consideration of the goals of the Comprehensive Plan.
3.	Review and restrictions as part of a Preliminary Plat, CUP, PUD, Use Permit or other zoning application	In coordination with the Airport Authority, specific site plans and land uses are reviewed for proposed uses, site elevations, and building heights relative to the underlying and overlay zoning and airport regulations. The Airport Authority has opportunity to comment on these larger-scale developments as they are proposed and amended.
4.	Height restrictions of each zoning district	Each zoning district has a height limit for all structures. In the AG district and most residential districts the limit is 35 feet. Commercial districts vary from 30 to 55 feet, with I-1 having a 75 foot limit and the Downtown the tallest overall height allowed (up to 275 feet in the downtown core).
5.	Chapter 27.58 - Airport Environs Noise District regulations on allowed land uses surrounding the Airport	Additional regulations restrict land uses based on the adopted airport noise contours. These regulations are in addition to the underlying zoning, and prohibit sensitive land uses or require sound insulation based on the established noise levels.

6.	Chapter 27.59 - Airport Zoning Regulations restricting height of buildings in relation to runways (Article 18 in County Zoning)	Additional regulations restrict height based on the proximity to the Airport runways. These regulations supersede the height allowed in the underlying zoning, with the goal of preventing structures that would pose a hazard to aircraft flight paths. A Height Permit is required and reviewed by Building & Safety and the Airport Authority at the time of building permit for certain areas and structures within the airport hazard area.
7.	Special permits for specific uses such as broadcast towers or cellular towers	In coordination with the Airport Authority, a special permit can be granted for taller structures, such as broadcast or cellular towers, if the height will not interfere with the airport operations.
8.	Avigation Easements are required as part of final plat process or zoning actions identified above	The Airport Authority prepares Avigation Easements where needed for the land owner to sign, acknowledging the potential for aircraft noise and overflight, and are required by the City as part of a final plat approval or other types of applications.
9.	Building permit review for conformance with approved plans and zoning regulations listed above	The Building & Safety Department reviews building permits based on the zoning and adopted plans to ensure compliance of individual building plans.

This comprehensive list of review processes and regulations is intended to demonstrate that extensive and thorough protections for the Airport relative to surrounding land use and height of structures exist today and would continue to remain intact into the future with the proposed text amendments. The Airport is a valuable asset to the community that has been well-protected and integrated for decades into Lincoln’s comprehensive planning and review processes.

- 4. The primary text changes to Chapter 27.59 include the following, as shown on the attached draft Ordinance:

- A. **Reducing the “Shaded Area”, which reflects elevations where height permits are mandatory for all structures.**

The Shaded Area on the Airport Zoning Map represents areas of higher elevation where new structures might pose a concern for the Airport. Currently, the Shaded Area is defined as any area of elevation 1248’ above mean sea level. Any structure constructed in the Shaded Area is required to have an approved height permit regardless of the proposed structure height. The height permit process takes place at the time of building permit review.

With this text amendment, the Shaded Area would be defined based on the closest runway end elevation, rather than 1248’ across the board. This

change customizes the Shaded Area based on varying runway end elevations. Specifically, the Shaded Area would now be defined as those areas within 4 miles of any runway end with elevations that are 75 feet or more above the closest runway end elevation. The result of the change is a smaller Shaded Area overall and hence a reduction in the areas where a height permit is required.

The main reduction in the Shaded Area would take place in areas northeast of the Airport, but there would also be reductions in several other areas. A new definition for “Shaded Area” would also be added reflecting this change.

(See attached Exhibit 1 illustrating the areas to be removed from the Shaded Area in the orange box).

B. Allow areas to be removed from the “Shaded Area” based on certified grading plans.

The current Shaded Area is intended to reflect areas of 1248' elevation or greater. However, as areas are graded for development, the topography changes and the Shaded Area is no longer accurate in many instances. A new provision is proposed that would allow the Shaded Area to be revised administratively for accuracy based on certified grading plans associated with a final plat, Community Unit Plan, Planned Unit Development, Use Permit, or other approved plan. Certification of the grading plan would be done by a surveyor after grading is completed. Developers may then demonstrate that some or all areas of their development have been graded down such that they are outside the Shaded Area and do not require a height permit.

C. Allow a single blanket height permit to cover all proposed structures within a residentially-zoned plat or addition.

Currently, each individual structure including individual homes within a subdivision must apply for separate height permits based on the addresses. This is a burdensome and unnecessary requirement for large residential subdivisions including many lots and homes. In an effort to streamline the height permit process for developers and homebuilders, the proposed amendment would allow a single blanket height permit to be approved for all proposed structures within a residentially-zoned plat. A notation would be added on the approved plan denoting the area covered under the blanket height permit. Homebuilders only need to pay one height permit fee (currently \$412.00) rather than a fee for each house.

D. Exempt certain single and two-family structures from the post-construction elevation certification requirement.

Currently, a survey must be conducted on any structure requiring a height permit after the structure is constructed to verify that it was built as approved and does not violate the airport zoning maximum height. Each individual structure, such as multiple new houses in a subdivision, must be surveyed individually. The cost for the individual surveys can be substantial and burdensome on homebuilders and homeowners. It was determined that individual surveys are unnecessary given most houses in a subdivision are constructed at approximately the same height and don't constitute a hazard to the Airport. In addition, a review was conducted of state and federal regulation and guidance as well as several other local zoning ordinances in the region, and none recommended or required a post-construction elevation survey.

It is proposed to exempt single family and two-family dwellings requiring a height permit from the elevation certification requirement under the following circumstances:

- 1) The dwellings are located in a zoning district, Community Unit Plan, or Planned Unit Development where the maximum permitted zoning height is 35 feet or less; and
- 2) The ground elevation of the proposed structures will be no more than 100 feet above the nearest runway end elevation.

Under the above circumstances, the dwellings should pose no threat to airport or aircraft operations because a sufficient buffer distance between the top of the structure and the maximum airport zoning height will be present to account for any appurtenances or unapproved roofline changes on most homes. A typical two-story home has a zoning height of 28-32 (to the mid-point of the ridge line) and 36-38 feet to the top of the roof. Vents and other appurtenances typically add another 2-5 feet.

Under this scenario, there would be an approximate 12-15 foot buffer at a minimum between the top of the roof and the maximum airport zoning height in the majority of the airport hazard area, even if the house was constructed at the full 100 feet in elevation above the runway end.

(See attached Exhibit 1 illustrating the elevation certification exemption in the green box).

E. Adopting the revised Lincoln Airport Zoning Map.

The Airport Zoning Map has been revised to reflect the reduced Shaded Area and to add maximum structure elevations permitted in the various airport hazard zones and Shaded Areas for easier reference.

5. These changes should primarily have a positive impact for the development and homebuilding interests as well as home buyers, as the process and cost of height permitting will be significantly reduced, and additional permitting fees are often passed on to home buyers in the cost of the home.
6. The proposed text amendment is in conformance with the 2040 Comprehensive Plan and the City and County Zoning Ordinances.
7. The proposed changes will reduce the areas of the City affected by airport height permitting, and streamline the process for applicants, while continuing to protect the Airport from structures that posing a hazard to airport operations. The substantial and continuing regulatory and review process for potential airport hazards as part of the revised Airport Zoning Chapter as well as land use regulations based on noise levels in the Airport Environs Chapter provide more than sufficient protections to airport and aircraft operations and approach procedures on a local level.
8. The Text Amendment No. 17004 was submitted by the Lincoln Airport Authority (LAA) in response to this text amendment sponsored by HBAL. The only difference between the two versions relates to a new section proposed by LAA regarding Code of Federal Regulations (CFR) Part 77 Notice of Construction requirements to the Federal Aviation Administration (FAA).
9. Part 77 requires notice of proposed construction be submitted to the FAA under certain circumstances. If applicable, information regarding proposed construction and site elevation is submitted to FAA and a determination letter is issued stating whether the proposal is considered a hazard to air navigation.

Part 77 requirements are part of the Federal code and thus, must be followed for all applicable construction regardless of whether the requirements are referenced in local zoning codes. The LAA's proposed new section would tie issuance of an FAA determination as to whether Part 77 applies to approval of building permits. If Part 77 applies, the applicant would need to submit a copy of their review paperwork submitted to FAA before the building permit can be issued. It would also require those applicants who receive a letter of "Determination of Hazard to Air Navigation" to meet with the LAA on possible revisions to the construction plan that would minimize the hazard or effect on approach procedures.

10. The HBAL and City are not in support of the LAA's proposed text for the following reasons:

- a. The Part 77 language represents a new restriction in the building permit process that is burdensome on applicants and has previously been unnecessary to have in the code. The City already has multiple stages of review to prevent hazards and obstructions to aircraft operation. The building permit stage is also not appropriate for the Part 77 review. It would be more efficient and appropriate for the LAA to review for Part 77 at the earlier preliminary plat review stage, whenever possible, as part of the Community Unit Plan, Planned Unit Development, or Use Permit review. In this way, applicants could be notified earlier of potential Part 77 submittal requirements and the burden of review would not be placed on the Building & Safety Department.

One of the requirements in the LAA's proposed language would require that applicants for any construction determined by FAA to have an adverse effect on approach or departure procedures must meet with the Airport Authority to discuss potential changes to the construction plan. Again, it would be far better for this discussion to take place early in the project planning stages rather than at the building permit stage where potential issues could be identified and a compromise reached. Neither the Airport Authority nor FAA could force the applicant to revise their proposed construction, if a building permit has been issued. Therefore, the requirement to meet with the Airport is unnecessary and lacks the capability for enforcement resulting from the meeting.

- b. Adding the Part 77 requirement to the building permit process will add extra Building & Safety staff time for permit reviews. Building & Safety staff will have to explain to each homeowner or builder about Part 77 process and how to get a determination using the online tool. It will be City staff, rather than the Airport Authority, having to work with confused or frustrated property owners, and will add time and cost to our process in terms of staffing.
- c. In a review of airport zoning regulations in other cities in the region, none have Part 77 language that goes as far as the proposed language in terms of requiring applicants to meet with the Airport to discuss revisions to their proposed construction. Some cities referenced Part 77 to make applicants aware of the federal provision. Others tied approval of building permits to issuance of the FAA determination letter, if applicable. However, several other cities did not reference Part 77 at all in their code, and that option is the preference and recommendation of the City departments relative to this topic.

11. As an alternative to LAA's proposed amendment, the HBAL and City are not opposed to adding text in the Airport Zoning chapter simply notifying applicants that Part 77 regulation may apply, and that issuance of the height permit does not satisfy the requirements of Part 77. The City could also add notification of the Part 77 process to the airport height permit to help notify property owners of its existence.

Prepared by:
Rachel Jones, Planner
(402) 441-7603 or rjones@lincoln.ne.gov

DATE: April 4, 2017

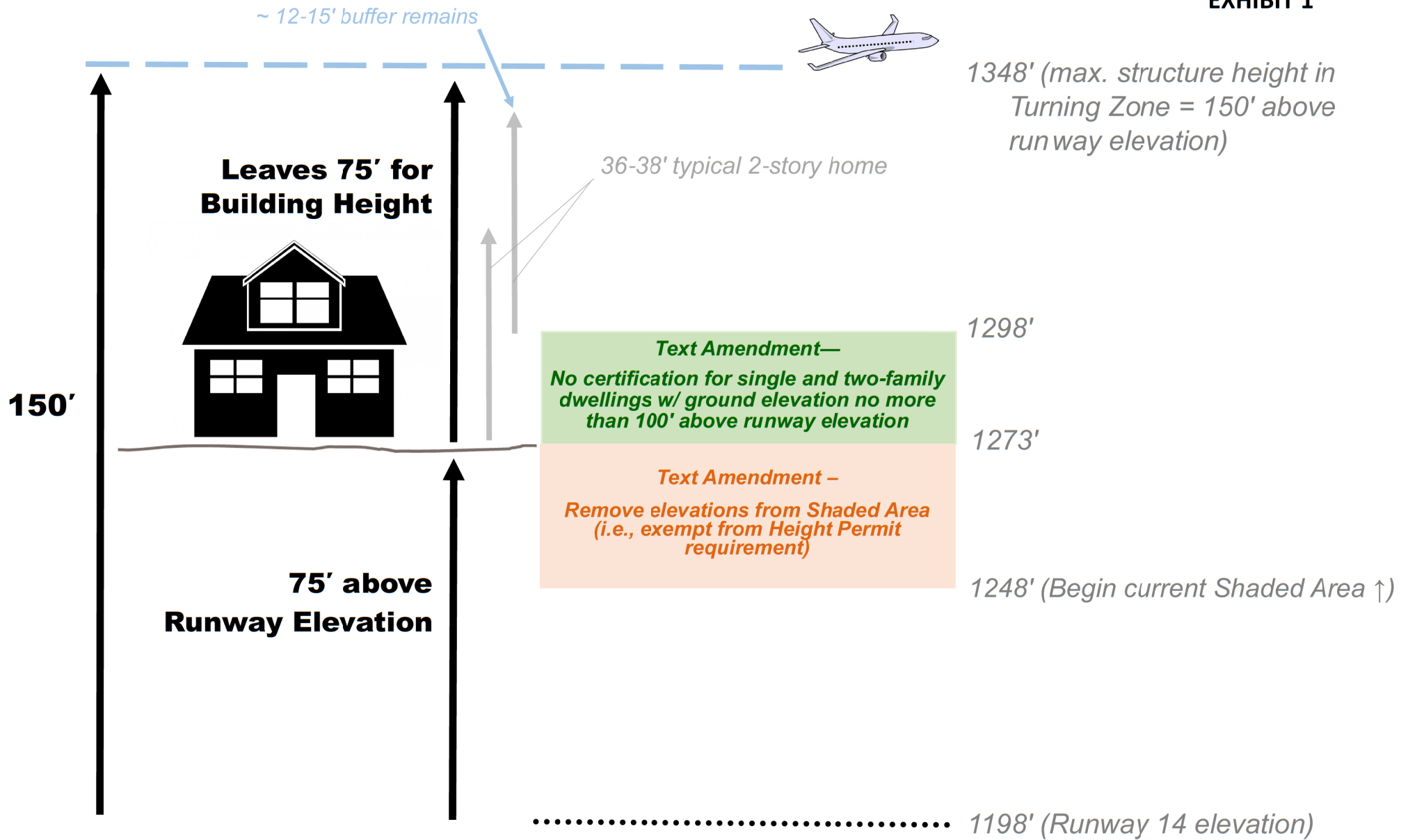
APPLICANT: Home Builders Association of Lincoln
6100 S. 58th Street, Suite C
Lincoln, NE 68516

OWNER: N/A

CONTACT: Michaela Harrison
Home Builders Association of Lincoln
6100 S. 58th Street, Suite C
Lincoln, NE 68516

F:\DevReview\TX\16000\TX16015 Airport Zoning CITY (HBAL version).rkj.wpd

EXHIBIT 1



17-

Introduce: 00-00-17

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.59 of the Lincoln Municipal Code
 2 relating to Airport Zoning Regulations by amending Section 27.59.010 to add a definition for
 3 “Shaded Areas”; by amending Section 27.59.060 to modify requirements for height permits; by
 4 adding a new section numbered 27.59.065 to provide exceptions to required height permits;
 5 adopting a revised Lincoln Airport Zoning Map; and repealing Section 27.59.010 and Section
 6 27.59.060 as hitherto existing.

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

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

10 **27.59.010 Definitions.**

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

12 **Airport** shall mean the Lincoln ~~a~~Airport, located in Sections 4, 5, 6, 7, 8, 9, 17 and 18,
 13 Township 10 North and Sections 31 and 32, Township 11 North, Range 6 East of the Sixth
 14 Principal Meridian, Lancaster County, Nebraska.

15 **Airport hazard** shall mean any structure or tree or use of land that penetrates any
 16 approach, operation, transition, or turning zone.

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

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

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

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

3 **Instrument runway** shall mean an existing runway with precision or nonprecision
4 instrument approaches as developed and published by the Federal Aviation Administration or an
5 existing or proposed runway with future precision or nonprecision instrument approaches reflected
6 on the airport layout plan.

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

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

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

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

16 **Runway** shall mean a defined area at the Airport that is prepared for the landing and takeoff
17 of aircraft along its length. For purposes of Chapter 27.59, only instrument runways as defined
18 herein shall be included within the term “runway”.

19 **Shaded Area** shall mean those hatched mark areas on the Lincoln Airport Zoning Map
20 representing areas within 4 miles from the end of a runway having elevations that are 75 feet or
21 more above the elevation on the nearest runway end.

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

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

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

3 **27.59.060 Permit Required; Procedure; Certification; Exception.**

4 (a) Except as provided in ~~subparagraph (b)~~ Section 27.59.065, it shall be unlawful to
5 erect, construct, reconstruct, repair, or establish any structure or appurtenance thereto of any kind
6 or character within the boundary of the Airport Hazard Area of the Airport without first obtaining
7 a height permit from the Building Official. A height permit shall not be issued for any structure
8 or appurtenance thereto that exceeds the height restrictions set forth in Section 27.59.040.

9 ~~(b) — No height permit shall be required within the turning zones, or that part of the~~
10 ~~approach zones located more than seven thousand seven hundred feet from the end of the runway,~~
11 ~~for construction of any proposed structure that will be no higher than seventy-five feet above the~~
12 ~~elevation of the natural ground at the location of the proposed construction, except for construction~~
13 ~~in those specifically "shaded" areas (elevation 1,248 ft. A.M.S.L. or higher) indicated on the~~
14 ~~Lincoln Airport Zoning Map that are within four miles from the end of a runway. Structures or~~
15 ~~buildings proposed to be constructed within such "shaded" areas on said map shall require~~
16 ~~certification as to elevation. No certification as to elevation or a height permit shall be required for~~
17 ~~proposed accessory structures or accessory buildings to dwelling units when said proposed~~
18 ~~accessory structures or accessory buildings or any attachment thereto do not exceed the elevation~~
19 ~~of said dwelling unit.~~

20 ~~(e)~~ Application for a height permit as required under the provisions of this chapter shall
21 be made upon a form which is available in the office of the Building Official. The application shall
22 indicate the location, ground elevation with reference to the elevation at the closest point on a
23 runway, and the height of the proposed structure. Said elevation shall be certified to by a land
24 surveyor, registered by the State of Nebraska, which certificate must accompany said application.

1 (c) An application for a height permit may include all of the area and proposed
2 structures within a plat or addition that is residentially zoned and has an elevation of not more than
3 100 feet above the elevation on the nearest existing or proposed runway end, and, if the
4 requirements of this Chapter as to height restrictions are met, a blanket height permit may be issued
5 for all of such area and structures. A notation shall be included upon the plat, community unit
6 plan, or other appropriate document of approval reflecting the fact that the area is the subject of a
7 blanket height permit;

8 (d) Upon completion and prior to operating or occupying any structure or dwelling
9 requiring a height permit, including each structure covered by a blanket height permit, the
10 applicant, owner of the structure, or agent thereof shall submit to the Building Official shall require
11 a registered professional a surveyor, certified by a registered professional surveyor verifying the
12 to verify the actual height and location of such the structure or building. The certification shall be
13 submitted to the Building Official at the point of final construction of the structure or building and
14 prior to operation or occupying the structure or building. Such information shall be recorded and
15 maintained by the Building Official.

16 (e) No post-construction certification shall be required for a single or two family
17 dwelling meeting all of the following criteria: (i) it is located within the Shaded Area; (ii) it is
18 located within a zoning district, community unit plan, or planned unit development where the
19 maximum permitted height is 35 feet or less; and (iii) the area in which the structure is located has
20 an elevation, as shown on the height permit, of not more than 100 feet above the elevation on the
21 nearest existing or proposed runway end. The Building Official will confirm, as required by
22 Chapter 27.77 of this Title, that each such single or two family dwelling complies with the
23 applicable height restrictions of the underlying zoning district before issuance of a Certificate of
24 Occupancy or a Certificate of Compliance.

1 Section 3. That Chapter 27.59 of the Lincoln Municipal Code be amended by
2 adding a new section numbered 27.59.065 to read as follows:

3 **27.59.065 Permit Required; Exceptions; Removal of Portions of Shaded Area; Accessory**
4 **Structure**

5
6 (a) No height permit shall be required for construction of any proposed structure that
7 will be no higher than seventy-five feet above the elevation of the ground at the location of the
8 proposed construction:

9 (i) Within the turning zones, or that part of the approach zones located more than seven
10 thousand seven hundred feet from the end of the runway, except for construction in the
11 Shaded Area; or

12 (ii) Within any portion of the Shaded Area for which (1) a grading plan has been filed
13 with the Building Official or Planning Department, and a copy sent to the Airport Engineer,
14 certified as to elevation by a registered professional surveyor, establishing that all of such
15 area presently has or will have, upon completion of the grading, an elevation that is lower
16 than 75 feet above the nearest existing or proposed runway end and (2) a certification from
17 a registered professional surveyor has been received, certifying that the grading has been
18 completed and that the area has an elevation that is lower than 75 feet above the nearest
19 existing or proposed runway end. Upon receipt of said certification, following completion
20 of the grading, a notation shall be included by the Planning Director upon the plat,
21 community unit plan, or other appropriate document of approval reflecting the fact that the
22 subject area meets the requirements of this subsection.

23 (b) The Planning Director shall amend the Lincoln Airport Zoning Map to remove from
24 the Shaded Area any portion thereof that has met all the requirements of subsection (a)(ii) above.
25 Notice of the Planning Director’s administrative amendment to the Lincoln Airport Zoning Map

1 shall be posted on the Planning Departments webpage and included in the Planning Director’s
2 weekly report to the City Clerk of Administrative Permits and Administrative Amendments under
3 Section 27.81.022.

4 (c) No height permit shall be required for any proposed accessory structure when the
5 proposed accessory structure or any attachment thereto does not exceed the elevation of the main
6 structure.

7 Section 4. That the Lincoln Airport Zoning Map dated August 12, 2015, as most
8 recently amended by Section 13 of Ordinance No. 20304 be superseded and the Lincoln Airport
9 Zoning Map dated February 15, 2017, a copy of which is attached hereto, is hereby adopted by
10 reference into Chapter 27 and shall constitute the Lincoln Airport Zoning Map referred to in
11 Chapter 27 and in Section 27.050.020 of the Lincoln Municipal Code.

12 Section 5. That Section 27.59.010 and 27.59.060 of the Lincoln Municipal Code
13 as hitherto existing be and the same are hereby repealed.

14 Section 6. That this ordinance shall take effect and be in force from and after
15 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
16 City, according to law.

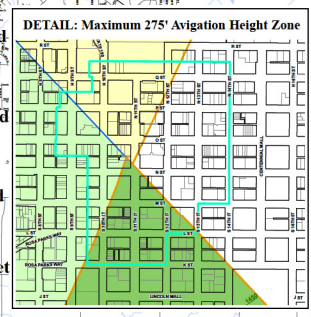
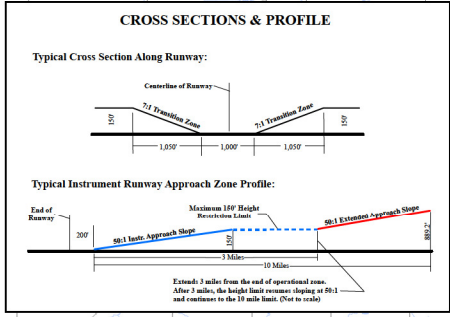
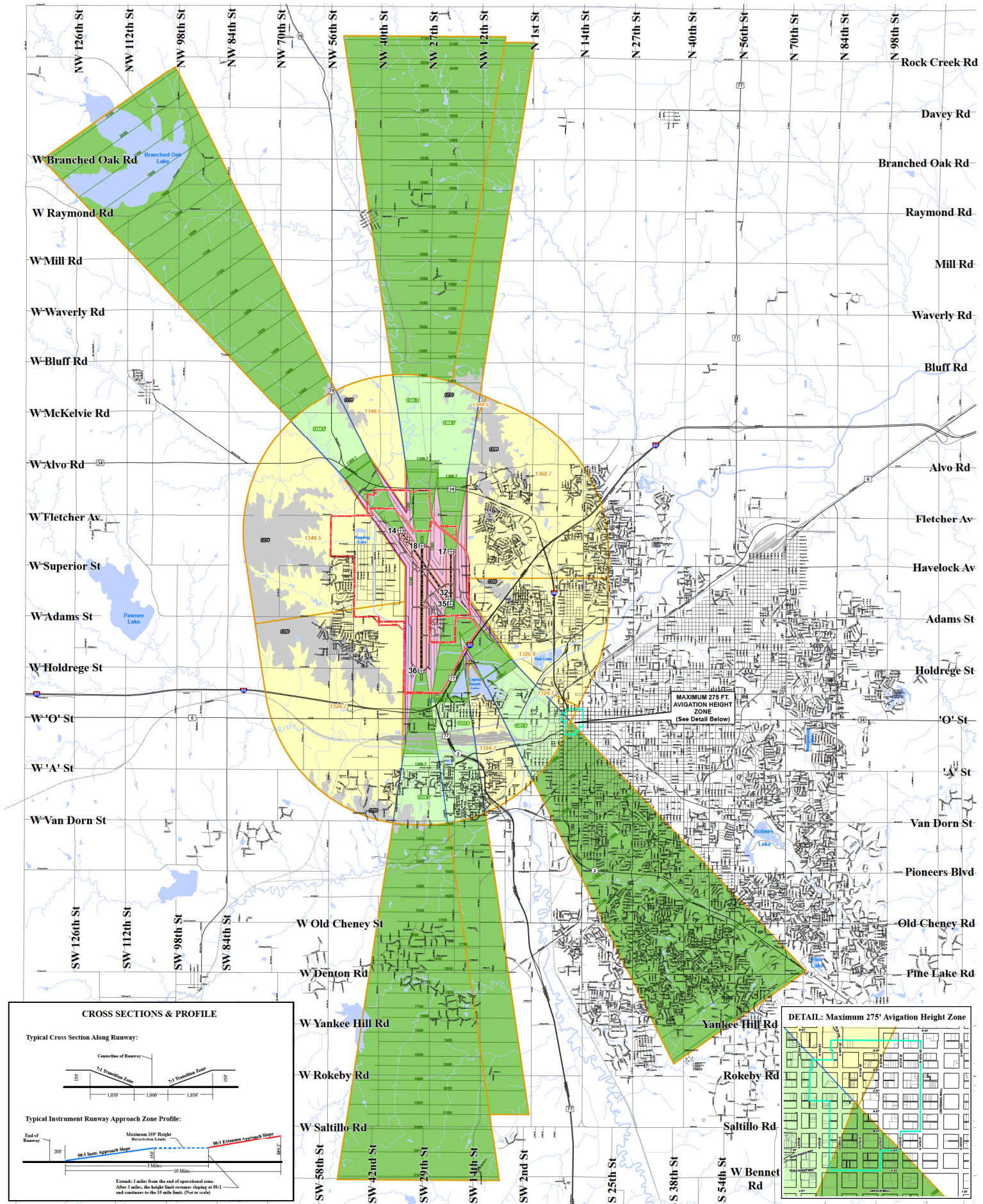
Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017:

Mayor



LINCOLN AIRPORT ZONING MAP

- OPERATION ZONE
- TRANSITION ZONE
- APPROACH ZONE (50:1 Slope)
- APPROACH ZONE (150' Max Ht.)
- TURNING ZONE
- SHADED AREA (Less than 75 ft Clearance)
- OUTER HAZARD AREA BOUNDARY
- AVIGATION ZONE BOUNDARY (275' Max Ht.)
- AIRPORT BOUNDARY
- RUNWAY CENTERLINE

Runway 14: Lat: 40 52 02.297 Long: 96 40 10.837 Elevation: 1,198.7 ft.
 Runway 32: Lat: 40 50 32.265 Long: 96 40 08.331 Elevation: 1,174.7 ft.
 Runway 17: Lat: 40 51 40.831 Long: 96 40 02.112 Elevation: 1,218.7 ft.
 Runway 36: Lat: 40 50 47.476 Long: 96 40 03.000 Elevation: 1,173.9 ft.
 Runway 18: Lat: 40 51 46.769 Long: 96 40 03.933 Elevation: 1,179.1 ft.
 Runway 34: Lat: 40 49 59.303 Long: 96 41 42.857 Elevation: 1,179.1 ft.

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2000, all project submittals are required to utilize NAVD 1988 vertical datum. Approach Zone extends 10 miles from the Operation Zone.

Plotted: February 15, 2017

LINCOLN-LANCASTER COUNTY
 PLANNING DEPARTMENT
PTS
 714
 https://gis.lincplanning.com/arcgis/rest/services/MapServer/0/arcgis/rest/info

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- PRESIDENT ELECT**
Bo Jones
- 1ST VICE PRESIDENT**
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Greg Shinaut
Bob Stephens

March 15, 2017

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

RE: Amendments to L.M.C. Chapter 27.59 relating to Airport Zoning Regulations

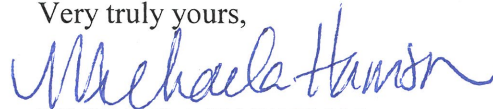
Dear David:

The Home Builders Association of Lincoln (“HBAL”) is requesting amendments to L.M.C. Chapter 27.59 relating to the Airport Zoning Regulations. Our community is continuing to grow and a significant part of this growth is occurring within areas that are impacted by the Airport Zoning Regulations. HBAL is proposing amendments to Chapter 27.59 that will help facilitate residential development. Specifically, the proposed amendments will provide the ability to obtain blanket height permits and carve out areas where post-construction certification will not be required for single family and two family structures if certain criteria are met.

Enclosed please find a City Application Form, the proposed text amendments to Chapter 27.59, and a check for the application fee in the amount of \$412 made payable to the City of Lincoln.

HBAL and developer representatives have had the opportunity over the past several months to meet with the City and also legal counsel and representatives from the Airport Authority to discuss the proposed amendments, and are looking forward to continuing dialog with these parties. If you have any questions regarding the above, please feel free to contact me at the number listed above or DaNay Kalkowski at 402-435-6000.

Very truly yours,



MICHAELA HARRISON
Executive Vice President

Enclosures

cc (via email): Justin Johnson
Bo Jones
DaNay Kalkowski
Mike Eckert

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 16016

PROPOSAL: Request by the Planning Department to amend Article 18 of the County Zoning Ordinance relating to airport zoning to revise the height permit regulations and the Airport Zoning Map.

CONCLUSION: The proposed changes are in conformance with State airport zoning regulations and the 2040 Comprehensive Plan and should not have a negative impact on the operations of the Airport nor a significant negative impact on properties within the airport overlay districts. These changes will reduce the overall areas affected by airport height permitting requirements and streamline the height permit process for the development community while maintaining sufficient protection against airport hazards.

RECOMMENDATION:

Approval

ASSOCIATED APPLICATIONS: Text Amendment No. 16015 (City Version)

HISTORY:

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

Mar 2016 Text Amendments No. 16001 and 16002 were approved by the City Council to revise the City Airport Zoning Chapter and Article 18 of the County Zoning Ordinance to be in conformance with LB140.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.19 - Existing Airports and Airfields

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

P. 10.39 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State.

P. 10.71 - Airports and Airfields

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

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.
- Continue to enforce zoning restrictions for building and structure height in the approach and turning zones.

ANALYSIS:

1. This text amendment will change Article 18 of the County Zoning Ordinance, Special Height and Use Near Airports. The Lincoln Airport Zoning Map will also be amended to reflect these changes and will be adopted by reference as part of this text amendment. The related Text Amendment #16015 is proceeding concurrently to similarly amend Chapter 27.59 of the City Zoning Ordinance.
2. The proposed amendment was created through a collaborative process between the Homebuilders Association of Lincoln (HBAL), the Lincoln Airport Authority (LAA), the Planning Department, the Building & Safety Department, and the City and County Attorneys' Offices. The drafting process involved many meetings over the course of about a year.

All of the parties involved made compromises towards reaching an agreed-upon version that would not only continue necessary protection for aircraft approaches, but also help improve the complex approval process from the perspective of homebuilders and developers. An almost complete agreement on the text amendment was reached, with the exception of one point related to referencing FAA regulations that the LAA has requested, which is not supported by the City departments and homebuilders. The LAA does not recommend that the section relating to FAA regulations be added in the County Zoning Ordinance, so there is only one County Zoning amendment, which accompanies the HBAL-sponsored text amendment.

The version proposed with this amendment and its City Zoning counterpart (TX16016 and TX16015) represent those changes that were agreed upon by all of those participating in the discussion.

3. Land uses in a large area around the Lincoln Airport are regulated in many ways. There are various levels of review in which the City works with the Airport Authority to protect the Airport from potential hazards posed by nearby development and the effects of aircraft noise including the following:

1.	Lincoln/ Lancaster County Comprehensive Plan	In coordination with the Airport Authority, appropriate land use designations are made in large areas surrounding the Airport and under flight paths. The goals of the Comprehensive Plan discusses the importance of the Airport for the regional transportation system. The Plan also stresses that the Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. Taken together, these two major forms of regulation ensure compatibility with airport operations and minimize negative impacts on surrounding residents.
2.	Zoning designation of property	In coordination with the Airport Authority, proposed zoning changes for land in areas surrounding the Airport are reviewed for appropriateness and compatibility with airport operations and flight paths, along with consideration of the goals of the Comprehensive Plan.
3.	Review and restrictions as part of a Preliminary Plat, CUP, PUD, Use Permit or other zoning application	In coordination with the Airport Authority, specific site plans and land uses are reviewed for proposed uses, site elevations, and building heights relative to the underlying and overlay zoning and airport regulations. The Airport Authority has opportunity to comment on these larger-scale developments as they are proposed and amended.
4.	Height restrictions of each zoning district	Each zoning district has a height limit for all structures. In the AG district and most residential districts the limit is 35 feet. Commercial districts vary from 30 to 55 feet, with I-1 having a 75 foot limit and the Downtown the tallest overall height allowed (up to 275 feet in the downtown core).
5.	Chapter 27.58 - Airport Environs Noise District regulations on allowed land uses surrounding the Airport	Additional regulations restrict land uses based on the adopted airport noise contours. These regulations are in addition to the underlying zoning, and prohibit sensitive land uses or require sound insulation based on the established noise levels.

6.	Chapter 27.59 - Airport Zoning Regulations restricting height of buildings in relation to runways (Article 18 in County Zoning)	Additional regulations restrict height based on the proximity to the Airport runways. These regulations supersede the height allowed in the underlying zoning, with the goal of preventing structures that would pose a hazard to aircraft flight paths. A Height Permit is required and reviewed by Building & Safety and the Airport Authority at the time of building permit for certain areas and structures within the airport hazard area.
7.	Special permits for specific uses such as broadcast towers or cellular towers	In coordination with the Airport Authority, a special permit can be granted for taller structures, such as broadcast or cellular towers, if the height will not interfere with the airport operations.
8.	Avigation Easements are required as part of final plat process or zoning actions identified above	The Airport Authority prepares Avigation Easements where needed for the land owner to sign, acknowledging the potential for aircraft noise and overflight, and are required by the City as part of a final plat approval or other types of applications.
9.	Building permit review for conformance with approved plans and zoning regulations listed above	The Building & Safety Department reviews building permits based on the zoning and adopted plans to ensure compliance of individual building plans.

This comprehensive list of review processes and regulations is intended to demonstrate that extensive and thorough protections for the Airport relative to surrounding land use and height of structures exist today and would continue to remain intact into the future with the proposed text amendments. The Airport is a valuable asset to the community that has been well-protected and integrated for decades into Lincoln’s comprehensive planning and review processes.

- 4. The primary text changes to Chapter 27.59 include the following, as shown on the attached draft Ordinance:

- A. Reducing the “Shaded Area”, which reflects elevations where height permits are mandatory for all structures.**

The Shaded Area on the Airport Zoning Map represents areas of higher elevation where new structures might pose a concern for the Airport. Currently, the Shaded Area is defined as any area of elevation 1248’ above mean sea level. Any structure constructed in the Shaded Area is required to have an approved height permit regardless of the proposed structure height. The height permit process takes place at the time of building permit review.

With this text amendment, the Shaded Area would be defined based on the closest runway end elevation, rather than 1248’ across the board. This

change customizes the Shaded Area based on varying runway end elevations. Specifically, the Shaded Area would now be defined as those areas within 4 miles of any runway end with elevations that are 75 feet or more above the closest runway end elevation. The result of the change is a smaller Shaded Area overall and hence a reduction in the areas where a height permit is required.

The main reduction in the Shaded Area would take place in areas northeast of the airport, but there would also be reductions in several other areas. A new definition for “Shaded Area” would also be added reflecting this change.

(See attached Exhibit 1 illustrating the areas to be removed from the Shaded Area in the orange box).

B. Allow areas to be removed from the “Shaded Area” based on certified grading plans.

The current Shaded Area is intended to reflect areas of 1248' elevation or greater. However, as areas are graded for development, the topography changes and the Shaded Area is no longer accurate in many instances. A new provision is proposed that would allow the Shaded Area to be revised administratively for accuracy based on certified grading plans associated with a final plat, Community Unit Plan, Planned Unit Development, Use Permit, or other approved plan. Certification of the grading plan would be done by a surveyor after grading is completed. Developers may then demonstrate that some or all areas of their development have been graded down such that they are outside the Shaded Area and do not require a height permit.

C. Allow a single blanket height permit to cover all proposed structures within a residentially-zoned plat or addition.

Currently, each individual structure including individual homes within a subdivision must apply for separate height permits based on the addresses. This is a burdensome and unnecessary requirement for large residential subdivisions including many lots and homes. In an effort to streamline the height permit process for developers and homebuilders, the proposed amendment would allow a single blanket height permit to be approved for all proposed structures within a residentially-zoned plat. A notation would be added on the approved plan denoting the area covered under the blanket height permit. Homebuilders only need to pay one height permit fee (currently \$412.00) rather than a fee for each house.

D. Exempt certain single and two-family structures from the post-construction elevation certification requirement.

Currently, a survey must be conducted on any structure requiring a height permit after the structure is constructed to verify that it was built as approved and does not violate the airport zoning maximum height. Each individual structure, such as multiple new houses in a subdivision, must be surveyed individually. The cost for the individual surveys can be substantial and burdensome on homebuilders and homeowners. It was determined that individual surveys are unnecessary given most houses in a subdivision are constructed at approximately the same height and don't constitute a hazard to the Airport. In addition, a review was conducted of state and federal regulation and guidance as well as several other local zoning ordinances in the region, and none recommended or required a post-construction elevation survey.

It is proposed to exempt single family and two-family dwellings requiring a height permit from the elevation certification requirement under the following circumstances:

- 1) The dwellings are located in a zoning district, Community Unit Plan, or Planned Unit Development where the maximum permitted zoning height is 35 feet or less; and
- 2) The ground elevation of the proposed structures will be no more than 100 feet above the nearest runway end elevation.

Under the above circumstances, the dwellings should pose no threat to airport or aircraft operations because a sufficient buffer distance between the top of the structure and the maximum airport zoning height will be present to account for any appurtenances or unapproved roofline changes on most homes. A typical two-story home has a zoning height of 28-32 (to the mid-point of the ridge line) and 36-38 feet to the top of the roof. Vents and other appurtenances typically add another 2-5 feet.

Under this scenario, there would be an approximate 12-15 foot buffer at a minimum between the top of the roof and the maximum airport zoning height in the majority of the airport hazard area, even if the house was constructed at the full 100 feet in elevation above the runway end.

(See attached Exhibit 1 illustrating the elevation certification exemption in the green box).

E. Adopting the revised Lincoln Airport Zoning Map.

The Airport Zoning Map has been revised to reflect the reduced Shaded Area and to add maximum structure elevations permitted in the various airport hazard zones and Shaded Areas for easier reference.

5. These changes should primarily have a positive impact for the development and homebuilding interests as well as home buyers, as the process and cost of height permitting will be significantly reduced, and additional permitting fees are often passed on to home buyers in the cost of the home.
6. The proposed text amendment is in conformance with the 2040 Comprehensive Plan and the City and County Zoning Ordinances.
7. The proposed changes will reduce the areas of the City affected by airport height permitting, and streamline the process for applicants, while continuing to protect the airport from structures that posing a hazard to airport operations. The substantial and continuing regulatory and review process for potential airport hazards as part of the revised Airport Zoning Chapter as well as land use regulations based on noise levels in the Airport Environs Chapter provide more than sufficient protections to airport and aircraft operations and approach procedures on a local level.

Prepared by:
Rachel Jones, Planner
(402) 441-7603 or rjones@lincoln.ne.gov

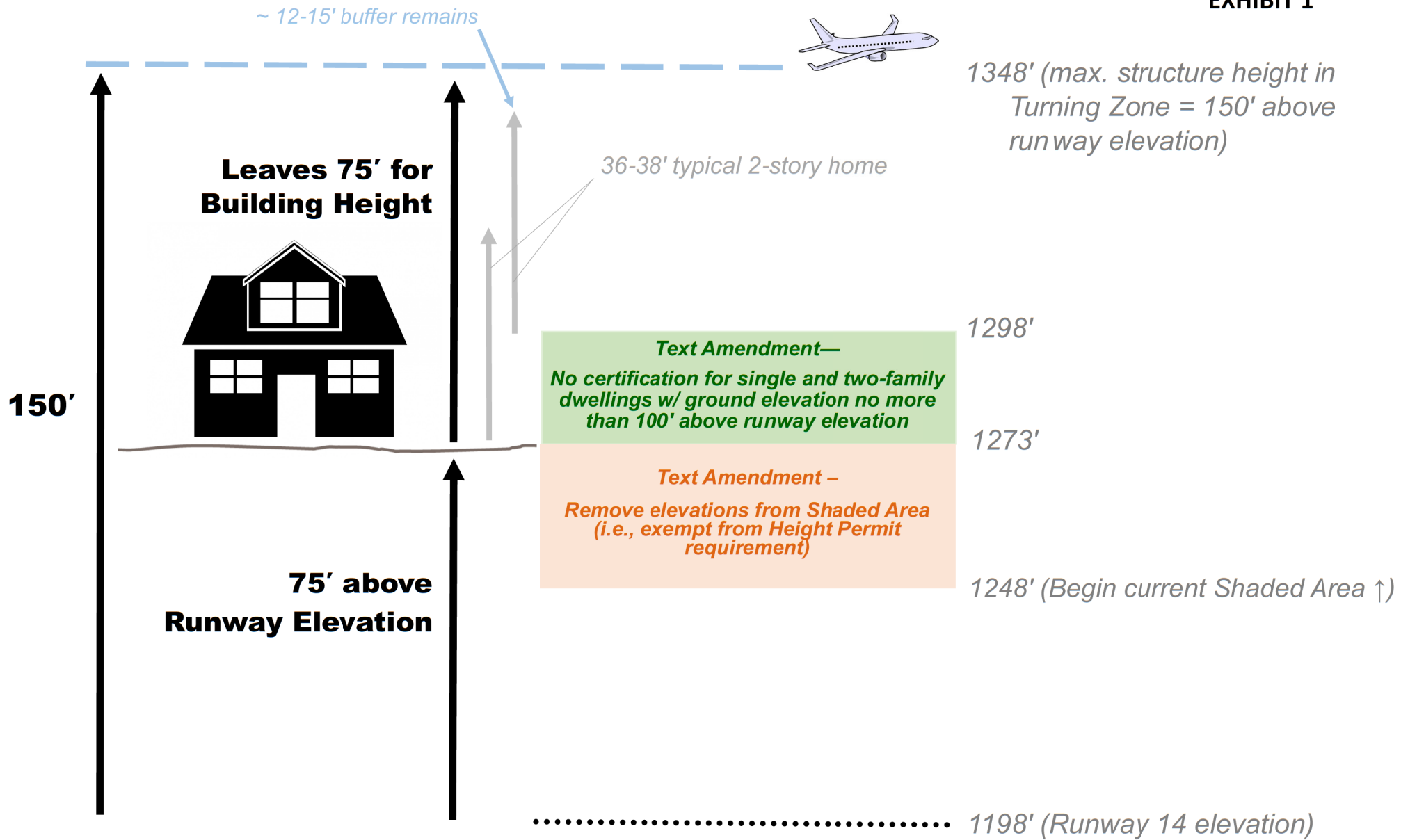
DATE: April 4, 2017

APPLICANT/CONTACT: Lincoln-Lancaster County Planning Department
Rachel Jones
555 S. 10th Street
Lincoln, NE 68508

OWNER: N/A

F:\DevReview\TX\16000\TX16016 Airport Zoning COUNTY (HBAL version).rkj.wpd

EXHIBIT 1



ARTICLE 18
SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

18.002 Definitions

As used in this Article unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

Shaded Area shall mean those hatched mark areas on the Lincoln Airport Zoning Map representing areas within 4 miles from the end of a runway having elevations that are 75 feet or more above the elevation on the nearest runway end.

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

Tree means any object of natural growth.

18.006 Permit Required; Procedure; Certification; Exception

(a) Except as provided in ~~subparagraph (b)~~ Section 18.006a, it shall be unlawful to erect, construct, reconstruct, repair, or establish any structure or appurtenances thereto of any kind or character within the boundary of the Airport Hazard Area of the Airport without first obtaining a height permit from the Building Official. A height permit shall not be issued for any structure or appurtenances thereto that exceeds the height restrictions set forth in Section 18.005.

~~(b) No height permit shall be required within the turning zones, or that part of the approach zones located more than 7700 feet from the end of the runway, for construction of any proposed~~

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

~~(e)~~ Application for a height permit as required under the provisions of this Article shall be made upon a form which is available in the office of the Building Official. The application shall indicate the location, ground elevation with reference to the elevation at the closest point on a runway, and the height of the proposed structure. Said elevation shall be certified by a land surveyor, registered by the State of Nebraska, which certificate must accompany said application.

~~(c) An application for a height permit may include all of the area and proposed structures within a plat or addition that is residentially zoned, and, if the requirements of this Article as to height restrictions are met, a blanket height permit may be issued for all of such area and structures. A notation shall be included upon the plat, community unit plan, or other appropriate document of approval, reflecting the fact that the area is the subject of a blanket height permit.~~

~~(d) Upon completion of, and prior to operating or occupying, any structure or building requiring a height permit, including each structure covered by a blanket height permit, the applicant, owner of the structure, or agent thereof, shall submit to the Building Official shall require a registered professional a surveyor, certified by a registered professional surveyor verifying the to verify the actual height and location of anythe structure or building. The certification shall be submitted to the Building Official at the point of final construction of the structure or building, but prior to operation and occupying the structure or building. Such information shall be recorded and maintained by the Building Official.~~

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

~~(f) No post-construction certification shall be required for a single family or two family dwelling meeting all of the following criteria:~~

~~(i) it is located within the Shaded Area;~~

~~(ii) it is located within a zoning district, community unit plan, or planned unit development where the maximum permitted height is 35 feet or less; and~~

~~(iii) the area in which the structure is located has an elevation, as shown on the height permit, of not more than 100 feet above the elevation on the nearest existing or proposed runway end.~~

~~As required by Article 20 of this Resolution, the Building Official will confirm that each such single family or two family dwelling complies with the applicable height restrictions of the underlying zoning district before issuing a Certificate of Occupancy or a Certificate of Completion.~~

~~18.006a Permit Required; Exceptions; Removal of Portions of Shaded Area; Accessory Structure~~

~~(a) No height permit shall be required for construction of any proposed structure that will be no higher than seventy-five feet above the elevation of the ground at the location of the proposed construction:~~

(i) Within the turning zoning, or that part of the approach zones located more than seven thousand seven hundred feet from the end of the runway, except for construction in the Shaded Area; or

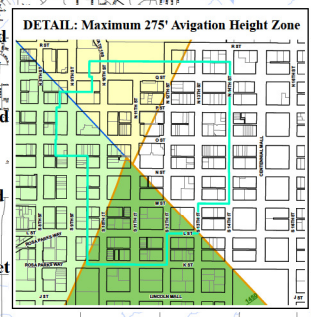
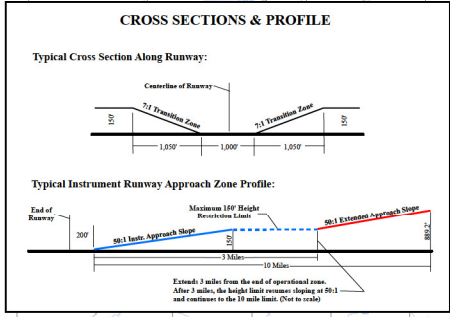
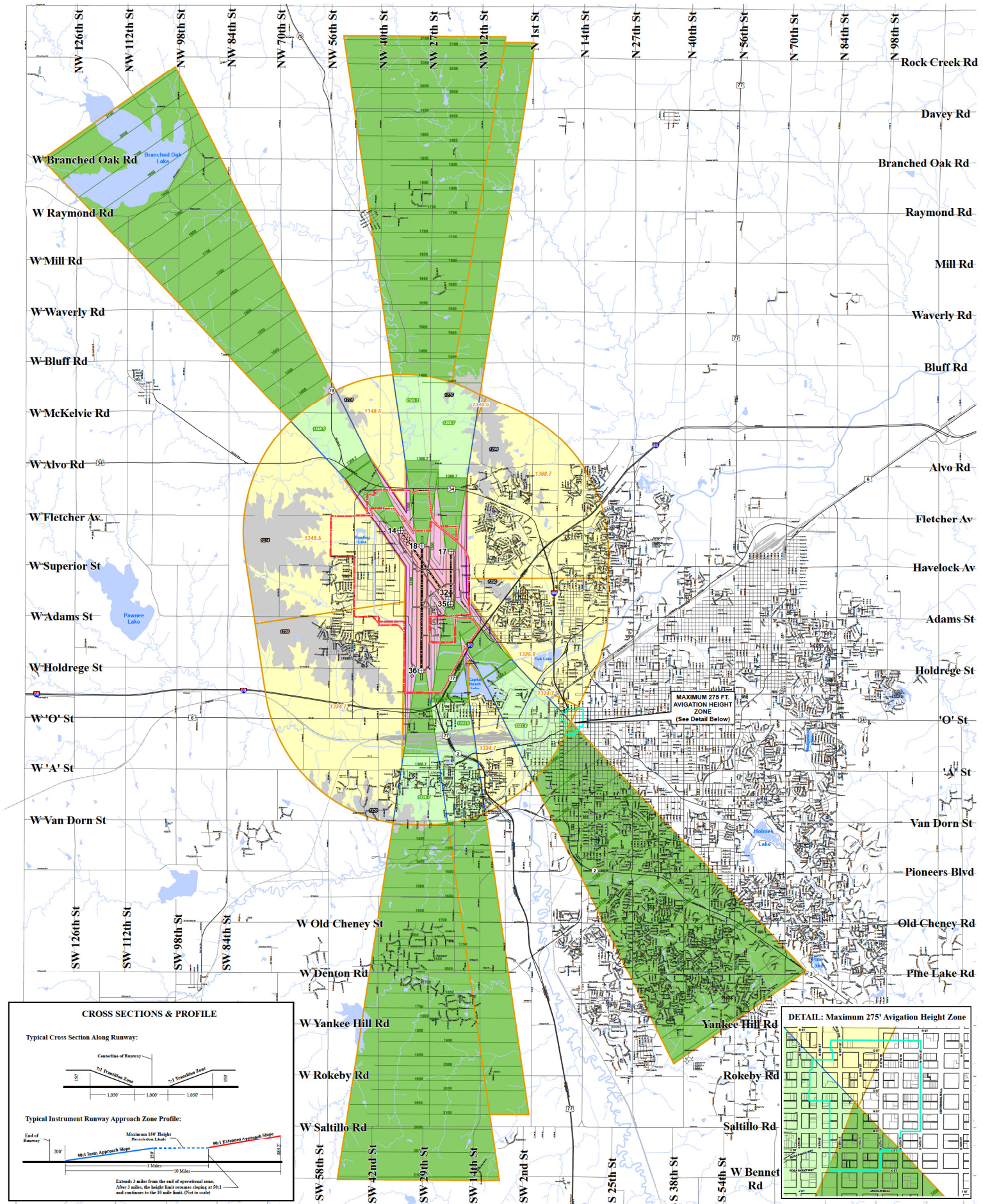
(ii) Within any portion of the Shaded Area for which:

(1) a grading plan has been filed with the Building Official or Planning Department, and a copy sent to the Airport Engineer, certified as to elevation by a registered professional surveyor, establishing that all of such area presently has or will have, upon completion of the grading, an elevation that is lower than 75 feet above the nearest existing or proposed runway end; and

(2) a certification from a registered professional surveyor has been received, certifying that the grading has been completed and that the area has an elevation that is lower than 75 feet above the nearest existing or proposed runway end. Upon receipt of said certification, following completion of the grading, a notation shall be included by the Planning Director upon the plat, community unit plan, or other appropriate document of approval, reflecting the fact that the subject area meets the requirements of this subsection.

(b) The Planning Director shall amend the Lincoln Airport Zoning Map to remove from the Shaded Area any portion thereof that has met all the requirements of subsection (a)(ii) above. Notice of the Planning Director's administrative amendment to the Lincoln Airport Zoning Map shall be posted on the Planning Department's webpage and included in a written report to the County Clerk.

(c) No height permit shall be required for any proposed accessory structure when the proposed accessory structure or any attachment thereto does not exceed the elevation of the main structure.



LINCOLN AIRPORT ZONING MAP

- OPERATION ZONE
- TRANSITION ZONE
- APPROACH ZONE (50:1 Slope)
- APPROACH ZONE (150' Max Ht.)
- TURNING ZONE
- SHADED AREA (Less than 75 ft Clearance)
- OUTER HAZARD AREA BOUNDARY
- AVIGATION ZONE BOUNDARY (275' Max Ht.)
- AIRPORT BOUNDARY
- RUNWAY CENTERLINE

Runway 14: Lat: 40 52 02.297 Long: 96 40 10.833 Elevation: 1,198.7 ft.	Runway 32: Lat: 40 50 32.265 Long: 96 40 08.331 Elevation: 1,174.7 ft.
Runway 17: Lat: 40 51 40.831 Long: 96 40 02.112 Elevation: 1,218.7 ft.	Runway 35: Lat: 40 50 47.476 Long: 96 40 03.000 Elevation: 1,173.9 ft.
Runway 18: Lat: 40 51 46.769 Long: 96 40 49.933 Elevation: 1,170.1 ft.	Runway 36: Lat: 40 49 59.303 Long: 96 41 42.857 Elevation: 1,174.9 ft.

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2000, all project submittals are required to utilize NAVD 1988 vertical datum. Approach Zone extends 10 miles from the Operation Zone.

Plotted: February 15, 2017

LINCOLN-LANCASTER COUNTY
PLANNING DEPARTMENT
PTS
84
https://giswebserver/AppInfo/Ezoning/Default.aspx

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

PROJECT #: Text Amendment No. 17004

PROPOSAL: Request by the Lincoln Airport Authority to amend Chapter 27.59 of the Lincoln Municipal Code relating to airport zoning to revise the height permit regulations and adding a new section related to FAA notification under Part 77 of the Federal code.

CONCLUSION: The proposed changes are in conformance with the State airport zoning regulations and 2040 Comprehensive Plan and should not have a significant negative impact on properties within the airport overlay districts. These changes will reduce the overall areas affected by airport height permitting requirements and streamline the height permit process for the development community while maintaining sufficient protection against airport hazards.

All changes in this amendment are the same as in TX16015 and were agreed to by all parties involved, with the exception of a proposed new Section 27.59.067 requested by the Airport Authority related to notification of FAA for purposes of Part 77. That section should not be included in the ordinance for a number of reasons, primarily that it goes beyond the scope of what has historically been necessary for airport zoning review, and is not typical of other cities in the region. It constitutes a new and unnecessary requirement tied to the building and height permit approval process. The building permit phase, being the last phase in the development process, is also too late for addressing Part 77 concerns and review should be incorporated into existing review processes at the preliminary plat phase. The current regulations restricting development contained in Chapters 27.58 and 27.59 of the City Zoning Ordinance and Article 18 of the County Zoning Ordinance provide sufficient safety and protection for aircraft operations.

RECOMMENDATION:

Denial

All other changes except for the proposed Section 27.59.067 related to FAA regulations are agreed to by the Lincoln Airport Authority and are also contained in TX16015, which is recommended for approval.

GENERAL INFORMATION:

HISTORY:

- May 2013 State bill LB140 to amend provisions of the Airport Zoning Act was passed by the Nebraska Legislature.
- Mar 2016 Text Amendments No. 16001 and 16002 were approved by the City Council to revise the City Airport Zoning Chapter and Article 18 of the County Zoning Ordinance to be in conformance with LB140.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.19 - Existing Airports and Airfields

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

P. 10.39 - Airport and Airfields - 2040 Needs

The Lincoln Airport will continue to be the principal airport facility serving the Lincoln Metropolitan Area, Lancaster County, and a significant portion of the region in the southeast area of the State.

P. 10.71 - Airports and Airfields

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

Strategies:

- Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour lines.
- Continue to enforce zoning restrictions for building and structure height in the approach and turning zones.

ANALYSIS:

1. This text amendment will change Chapter 27.59 of the City Zoning Ordinance, Airport Zoning Regulations. The Lincoln Airport Zoning Map will also be amended to reflect these changes and would be adopted by reference as part of this text amendment.
2. This amendment proposes identical changes to TX16015 and TX16016 submitted by the Home Builders Association of Lincoln and the Planning Department,

respectively, with the exception that this version would also add a new section tying building permit approval to notification of the FAA according to Part 77 of the Federal code (please see the discussion at the end of this Analysis section).

3. The majority of this proposed amendment was created through a collaborative process between the Home Builders Association of Lincoln, the Lincoln Airport Authority, the Planning Department, the Building & Safety Department, and the City and County Attorneys' Offices. The drafting process involved many meetings over the course of about a year.

All of the parties involved made compromises towards reaching an agreed-upon version that would not only continue necessary protection for aircraft approaches, but also help improve the complex approval process from the perspective of homebuilders and developers. An almost complete agreement on the text amendment was reached, with the exception of one point related to referencing FAA regulation that the Airport Authority has requested and included in this competing version of the amendment. The FAA section is opposed by the City departments and homebuilders (please see the discussion at the end of this Analysis section).

4. Land uses in a large area around the Lincoln Airport are regulated in many ways. There are various levels of review in which the City works with the Airport Authority to protect the Airport from potential hazards posed by nearby development and the effects of aircraft noise including the following:

1.	Lincoln/ Lancaster County Comprehensive Plan	In coordination with the Airport Authority, appropriate land use designations are made in large areas surrounding the Airport and under flight paths. The goals of the Comprehensive Plan discusses the importance of the Airport for the regional transportation system. The Plan also stresses that the Airport Environs Noise District and Airport Zoning Regulations have been established to ensure a balance between airport operations and the surrounding land uses. Taken together, these two major forms of regulation ensure compatibility with airport operations and minimize negative impacts on surrounding residents.
2.	Zoning designation of property	In coordination with the Airport Authority, proposed zoning changes for land in areas surrounding the Airport are reviewed for appropriateness and compatibility with airport operations and flight paths, along with consideration of the goals of the Comprehensive Plan.

3.	Review and restrictions as part of a Preliminary Plat, CUP, PUD, Use Permit or other zoning application	In coordination with the Airport Authority, specific site plans and land uses are reviewed for proposed uses, site elevations, and building heights relative to the underlying and overlay zoning and airport regulations. The Airport Authority has opportunity to comment on these larger-scale developments as they are proposed and amended.
4.	Height restrictions of each zoning district	Each zoning district has a height limit for all structures. In the AG district and most residential districts the limit is 35 feet. Commercial districts vary from 30 to 55 feet, with I-1 having a 75 foot limit and the Downtown the tallest overall height allowed (up to 275 feet in the downtown core).
5.	Chapter 27.58 - Airport Environs Noise District regulations on allowed land uses surrounding the Airport	Additional regulations restrict land uses based on the adopted airport noise contours. These regulations are in addition to the underlying zoning, and prohibit sensitive land uses or require sound insulation based on the established noise levels.
6.	Chapter 27.59 - Airport Zoning Regulations restricting height of buildings in relation to runways (Article 18 in County Zoning)	Additional regulations restrict height based on the proximity to the Airport runways. These regulations supersede the height allowed in the underlying zoning, with the goal of preventing structures that would pose a hazard to aircraft flight paths. A Height Permit is required and reviewed by Building & Safety and the Airport Authority at the time of building permit for certain areas and structures within the airport hazard area.
7.	Special permits for specific uses such as broadcast towers or cellular towers	In coordination with the Airport Authority, a special permit can be granted for taller structures, such as broadcast or cellular towers, if the height will not interfere with the airport operations.
8.	Avigation Easements are required as part of final plat process or zoning actions identified above	The Airport Authority prepares Avigation Easements where needed for the land owner to sign, acknowledging the potential for aircraft noise and overflight, and are required by the City as part of a final plat approval or other types of applications.
9.	Building permit review for conformance with approved plans and zoning regulations listed above	The Building & Safety Department reviews building permits based on the zoning and adopted plans to ensure compliance of individual building plans.

This comprehensive list of review processes and regulations is intended to demonstrate that extensive and thorough protections for the Airport relative to surrounding land use and height of structures exist today and would continue to remain intact into the future with the proposed text amendments. The Airport is a valuable asset to the community that has been well-protected and integrated for

decades into Lincoln’s comprehensive planning and review processes. To this point, no specific reference to any Federal regulations has been tied into the local review processes or requested to be added into the local code, until this amendment now submitted by the Airport Authority.

5. The primary text changes to Chapter 27.59 include the following, as shown on the attached draft Ordinance:

A. Reducing the “Shaded Area”, which reflects elevations where height permits are mandatory for all structures.

The Shaded Area on the Airport Zoning Map represents areas of higher elevation where new structures might pose a concern for the Airport. Currently, the Shaded Area is defined as any area of elevation 1248’ above mean sea level. Any structure constructed in the Shaded Area is required to have an approved height permit regardless of the proposed structure height. The height permit process takes place at the time of building permit review.

With this text amendment, the Shaded Area would be defined based on the closest runway end elevation, rather than 1248’ across the board. This change customizes the Shaded Area based on varying runway end elevations. Specifically, the Shaded Area would now be defined as those areas within 4 miles of any runway end with elevations that are 75 feet or more above the closest runway end elevation. The result of the change is a smaller Shaded Area overall and hence a reduction in the areas where a height permit is required.

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a surveyor after grading is completed. Developers may then demonstrate that some or all areas of their development have been graded down such that they are outside the Shaded Area and do not require a height permit.

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6. These changes should primarily have a positive impact for the development and homebuilding interests as well as home buyers, as the process and cost of height permitting will be significantly reduced, and additional permitting fees are often passed on to home buyers in the cost of the home.
7. The proposed text amendment is in conformance with the 2040 Comprehensive Plan and the City and County Zoning Ordinances.
8. The proposed changes will reduce the areas of the City affected by airport height permitting, and streamline the process for applicants, while continuing to protect the airport from structures that posing a hazard to airport operations. The substantial and continuing regulatory and review process for potential airport hazards as part of the revised Airport Zoning Chapter as well as land use regulations based on noise levels in the Airport Environs Chapter provide more than sufficient protections to airport and aircraft operations and approach procedures on a local level.
9. This Text Amendment No. 17004 was submitted by the Lincoln Airport Authority (LAA) in response to Text Amendment No. 16015 sponsored by the Home Builders Association of Lincoln (HBAL). The only difference between the two versions relates

to a new section proposed by LAA regarding Code of Federal Regulations (CFR) Part 77 Notice of Construction requirements to the Federal Aviation Administration (FAA).

10. Part 77 requires notice of proposed construction be submitted to the FAA under certain circumstances. If applicable, information regarding proposed construction and site elevation is submitted to FAA and a determination letter is issued stating whether the proposal is considered a hazard to air navigation.

Part 77 requirements are part of the Federal code and thus, must be followed for all applicable construction regardless of whether the requirements are referenced in local zoning codes. The LAA's proposed new section would tie issuance of an FAA determination as to whether Part 77 applies to approval of building permits. If Part 77 applies, the applicant would need to submit a copy of their review paperwork submitted to FAA before the building permit can be issued. It would also require those applicants who receive a letter of "Determination of Hazard to Air Navigation" to meet with the LAA on possible revisions to the construction plan that would minimize the hazard or effect on approach procedures.

11. The HBAL and City are not in support of the LAA's proposed text for the following reasons:

- a. The Part 77 language represents a new restriction in the building permit process that is burdensome on applicants and has previously been unnecessary to have in the code. The City already has multiple stages of review to prevent hazards and obstructions to aircraft operation. The building permit stage is also not appropriate for the Part 77 review. It would be more efficient and appropriate for the LAA to review for Part 77 at the earlier preliminary plat review stage, whenever possible, as part of the Community Unit Plan, Planned Unit Development, or Use Permit review. In this way, applicants could be notified earlier of potential Part 77 submittal requirements and the burden of review would not be placed on the Building & Safety Department.

One of the requirements in the LAA's proposed language would require that applicants for any construction determined by FAA to have an adverse effect on approach or departure procedures must meet with the Airport Authority to discuss potential changes to the construction plan. Again, it would be far better for this discussion to take place early in the project planning stages rather than at the building permit stage where potential issues could be identified and a compromise reached. Neither the Airport Authority nor FAA could force the applicant to revise their proposed construction, if a building permit has been issued. Therefore, the requirement to meet with the Airport

is unnecessary and lacks the capability for enforcement resulting from the meeting.

- b. Adding the Part 77 requirement to the building permit process will add extra Building & Safety staff time for permit reviews. Building & Safety staff will have to explain to each homeowner or builder about Part 77 process and how to get a determination using the online tool. It will be City staff, rather than the Airport Authority, having to work with confused or frustrated property owners, and will adds time and cost to our process in terms of staffing.
 - c. In a review of airport zoning regulations in other cities in the region, none have Part 77 language that goes as far as the proposed language in terms of requiring applicants to meet with the Airport to discuss revisions to their proposed construction. Some cities referenced Part 77 to make applicants aware of the federal provision. Others tied approval of building permits to issuance of the FAA determination letter, if applicable. However, several other cities did not reference Part 77 at all in their code, and that option is the preference and recommendation of the City departments relative to this topic.
12. As an alternative to LAA's proposed amendment, the HBAL and City are not opposed to adding text in the Airport Zoning chapter simply notifying applicants that Part 77 regulation may apply, and that issuance of the height permit does not satisfy the requirements of Part 77. The City could also add notification of the Part 77 process to the airport height permit to help notify property owners of its existence.

DATE: April 4, 2017

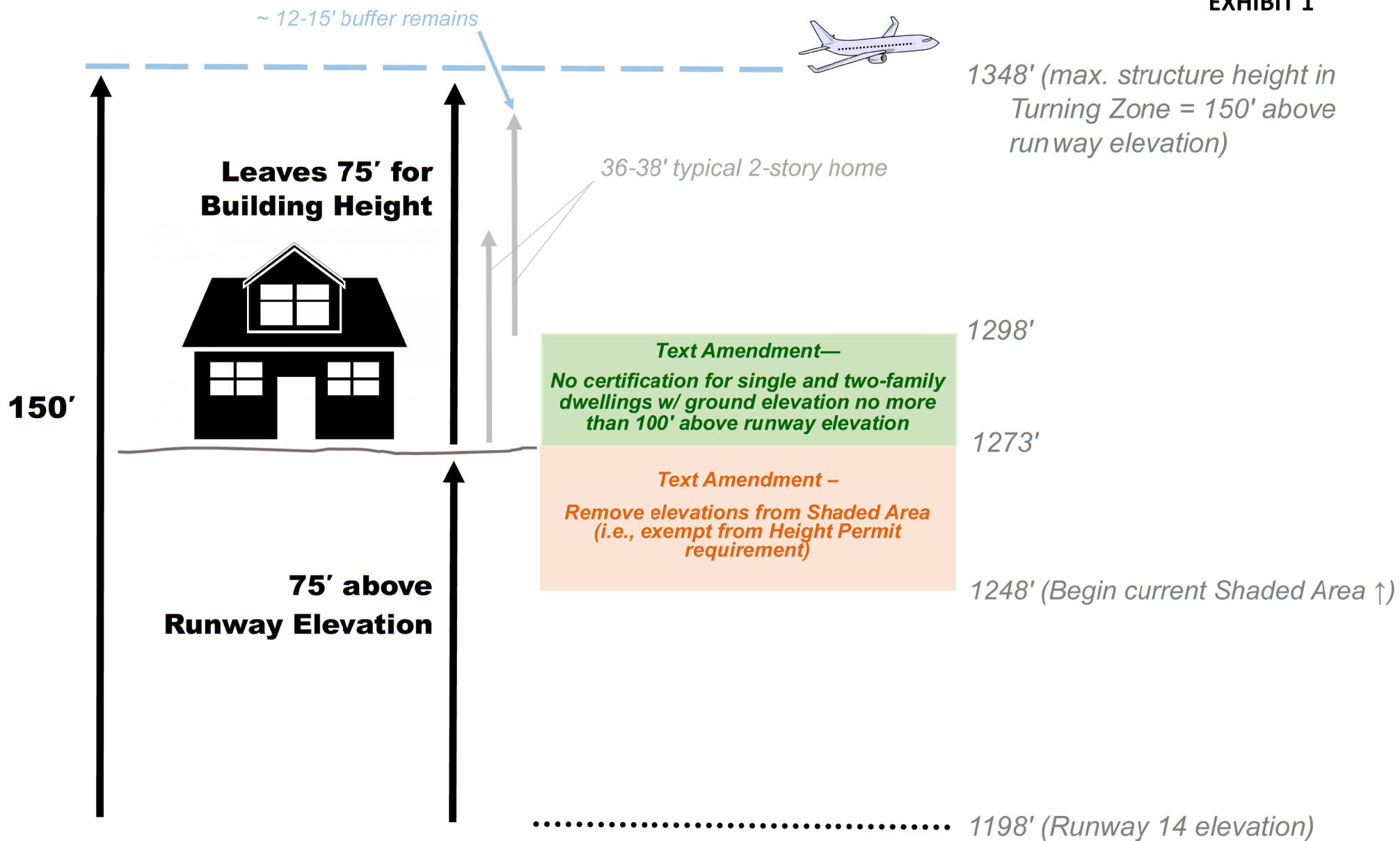
APPLICANT: Airport Authority of the City of Lincoln
2400 West Adams Street
Lincoln, NE 68524

OWNER: N/A

CONTACT: Bill Austin
1248 O Street, Suite 600
Lincoln, NE 68508

F:\DevReview\TX\17000\TX17004 Airport Zoning CITY (LAA version).rkj.wpd

EXHIBIT 1



17-

Introduce: 00-00-17

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.59 of the Lincoln Municipal Code
 2 relating to Airport Zoning Regulations by amending Section 27.59.010 to add definitions for
 3 “Shaded Areas” and “FAA”; by amending Section 27.59.060 to modify requirements for height
 4 permits; by adding a new section numbered 27.59.065 to provide exceptions to required height
 5 permits; adding a new section numbered 27.59.067 regarding notice to FAA of certain
 6 construction; adopting a revised Lincoln Airport Zoning Map; and repealing Section 27.59.010
 7 and Section 27.59.060 as hitherto existing.

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

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

11 **27.59.010 Definitions.**

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

13 **Airport** shall mean the Lincoln ~~a~~Airport, located in Sections 4, 5, 6, 7, 8, 9, 17 and 18,
 14 Township 10 North and Sections 31 and 32, Township 11 North, Range 6 East of the Sixth
 15 Principal Meridian, Lancaster County, Nebraska.

16 **Airport hazard** shall mean any structure or tree or use of land that penetrates any
17 approach, operation, transition, or turning zone.

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

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

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

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

5 **FAA shall mean the United States Department of Transportation, Federal Aviation**
6 **Administration or any successor agency.**

7 **Instrument runway** shall mean an existing runway with precision or nonprecision
8 instrument approaches as developed and published by the Federal Aviation Administration or an
9 existing or proposed runway with future precision or nonprecision instrument approaches reflected
10 on the airport layout plan.

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

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

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

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

20 **Runway** shall mean a defined area at the Airport that is prepared for the landing and takeoff
21 of aircraft along its length. For purposes of Chapter 27.59, only instrument runways as defined
22 herein shall be included within the term “runway”.

1 **Shaded Area** shall mean those hatched mark areas on the Lincoln Airport Zoning Map
2 representing areas within 4 miles from the end of a runway having elevations that are 75 feet or
3 more above the elevation on the nearest runway end.

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

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

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

9 **27.59.060 Permit Required; Procedure; Certification; Exception.**

10 (a) Except as provided in ~~subparagraph (b)~~ Section 27.59.065, it shall be unlawful to
11 erect, construct, reconstruct, repair, or establish any structure or appurtenance thereto of any kind
12 or character within the boundary of the Airport Hazard Area of the Airport without first obtaining
13 a height permit from the Building Official. A height permit shall not be issued for any structure
14 or appurtenance thereto that exceeds the height restrictions set forth in Section 27.59.040.

15 ~~(b) — No height permit shall be required within the turning zones, or that part of the~~
16 ~~approach zones located more than seven thousand seven hundred feet from the end of the runway,~~
17 ~~for construction of any proposed structure that will be no higher than seventy five feet above the~~
18 ~~elevation of the natural ground at the location of the proposed construction, except for construction~~
19 ~~in those specifically "shaded" areas (elevation 1,248 ft. A.M.S.L. or higher) indicated on the~~
20 ~~Lincoln Airport Zoning Map that are within four miles from the end of a runway. Structures or~~
21 ~~buildings proposed to be constructed within such "shaded" areas on said map shall require~~
22 ~~certification as to elevation. No certification as to elevation or a height permit shall be required for~~
23 ~~proposed accessory structures or accessory buildings to dwelling units when said proposed~~

1 ~~accessory structures or accessory buildings or any attachment thereto do not exceed the elevation~~
2 ~~of said dwelling unit.~~

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

8 (c) An application for a height permit may include all of the area and proposed
9 structures within a plat or addition that is residentially zoned and has an elevation of not more than
10 100 feet above the elevation on the nearest existing or proposed runway end, and, if the
11 requirements of this Chapter as to height restrictions are met, a blanket height permit may be issued
12 for all of such area and structures. A notation shall be included upon the plat, community unit
13 plan, or other appropriate document of approval reflecting the fact that the area is the subject of a
14 blanket height permit;

15 (d) Upon completion and prior to operating or occupying any structure ~~or dwelling~~
16 requiring a height permit, including each structure covered by a blanket height permit, the
17 applicant, owner of the structure, or agent thereof shall submit to the Building Official shall require
18 a registered professional a surveyor, certified by a registered professional surveyor verifying the
19 to verify the actual height and location of such the structure or building. The certification shall be
20 submitted to the Building Official at the point of final construction of the structure or building and
21 prior to operation or occupying the structure or building. Such information shall be recorded and
22 maintained by the Building Official.

23 (e) No post-construction certification shall be required for a single or two family
24 dwelling meeting all of the following criteria: (i) it is located within the Shaded Area; (ii) it is

1 located within a zoning district, community unit plan, or planned unit development where the
2 maximum permitted height is 35 feet or less; and (iii) the area in which the structure is located has
3 an elevation, as shown on the height permit, of not more than 100 feet above the elevation on the
4 nearest existing or proposed runway end. The Building Official will confirm, as required by
5 Chapter 27.77 of this Title, that each such single or two family dwelling complies with the
6 applicable height restrictions of the underlying zoning district before issuance of a Certificate of
7 Occupancy or a Certificate of Compliance.

8 Section 3. That Chapter 27.59 of the Lincoln Municipal Code be amended by
9 adding a new section numbered 27.59.065 to read as follows:

10 **27.59.065 Permit Required; Exceptions; Removal of Portions of Shaded Area; Accessory**
11 **Structure**

12
13 (a) No height permit shall be required for construction of any proposed structure that
14 will be no higher than seventy-five feet above the elevation of the ground at the location of the
15 proposed construction:

16 (i) Within the turning zones, or that part of the approach zones located more than seven
17 thousand seven hundred feet from the end of the runway, except for construction in the
18 Shaded Area; or

19 (ii) Within any portion of the Shaded Area for which (1) a grading plan has been filed
20 with the Building Official or Planning Department, and a copy sent to the Airport Engineer,
21 certified as to elevation by a registered professional surveyor, establishing that all of such
22 area presently has or will have, upon completion of the grading, an elevation that is lower
23 than 75 feet above the nearest existing or proposed runway end and (2) a certification from
24 a registered professional surveyor has been received, certifying that the grading has been
25 completed and that the area has an elevation that is lower than 75 feet above the nearest

1 existing or proposed runway end. Upon receipt of said certification, following completion
2 of the grading, a notation shall be included by the Planning Director upon the plat,
3 community unit plan, or other appropriate document of approval reflecting the fact that the
4 subject area meets the requirements of this subsection.

5 (b) The Planning Director shall amend the Lincoln Airport Zoning Map to remove from
6 the Shaded Area any portion thereof that has met all the requirements of subsection (a)(ii) above.
7 Notice of the Planning Director’s administrative amendment to the Lincoln Airport Zoning Map
8 shall be posted on the Planning Departments webpage and included in the Planning Director’s
9 weekly report to the City Clerk of Administrative Permits and Administrative Amendments under
10 Section 27.81.022.

11 (c) No height permit shall be required for any proposed accessory structure when the
12 proposed accessory structure or any attachment thereto does not exceed the elevation of the main
13 structure.

14 Section 4. That Chapter 27.59 of the Lincoln Municipal Code be amended by
15 adding a new section numbered 27.59.067 to read as follows:

16 **27.59.067 Construction or alteration requiring FAA notice.**

17 Any person proposing to construct or alter an improvement, or proposing to develop
18 properties for future construction of an improvement, that will be:

19 (a) more than 200 feet in height above the ground level at its site; or

20 (b) of greater height than the imaginary surface extending outward and upward at a
21 slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest
22 runway of the Airport must file notice with the FAA Administrator on FAA Form 7460-1 “Notice
23 of Proposed Construction or Alteration” as required by 14 CFR Part 77, or any similar regulation
24 or statute that may later be enacted in replacement thereof. Any applicant for a city permit to

1 construct or alter an improvement, or to develop properties for future construction of an
2 improvement that is within a horizontal distance of 20,000 feet from the nearest point of the nearest
3 runway of the Airport shall, as part of the permitting process, provide a determination, using the
4 FAA Notice Criteria Tool, of “FAA Notice Criteria Not Exceeded” or, if notice is required, a copy
5 of the Form 7460-1 as submitted to the FAA.

6 A copy of any determination received shall be provided to the Airport Authority of the City
7 of Lincoln. If the FAA issues either a “Determination of Hazard to Air Navigation,” or a
8 “Determination of No Hazard to Air Navigation” with conditions that have a material and adverse
9 effect on aircraft approach or departure procedures (existing or proposed) or other airport
10 operations, but the improvement otherwise meets the requirements of this chapter, such person
11 shall, prior to any further construction or development of the improvement, meet and confer with
12 the Airport Authority on possible revisions to the improvement that will minimize or eliminate the
13 hazard and/or the effect on the aircraft approach or departure procedures or other airport
14 operations.

15 Section 5. That the Lincoln Airport Zoning Map dated August 12, 2015, as most
16 recently amended by Section 13 of Ordinance No. 20304 be superseded and the Lincoln Airport
17 Zoning Map dated February 15, 2017, a copy of which is attached hereto, is hereby adopted by
18 reference into Chapter 27 and shall constitute the Lincoln Airport Zoning Map referred to in
19 Chapter 27 and in Section 27.050.020 of the Lincoln Municipal Code.

20 Section 6. That Section 27.59.010 and 27.59.060 of the Lincoln Municipal Code
21 as hitherto existing be and the same are hereby repealed.

22 Section 7. That this ordinance shall take effect and be in force from and after
23 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
24 City, according to law.

1

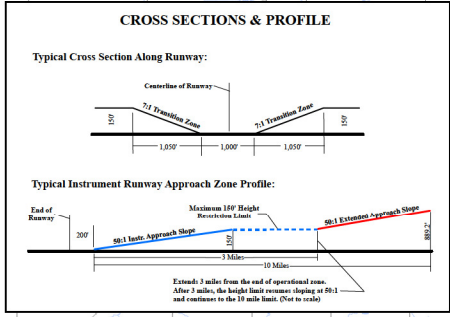
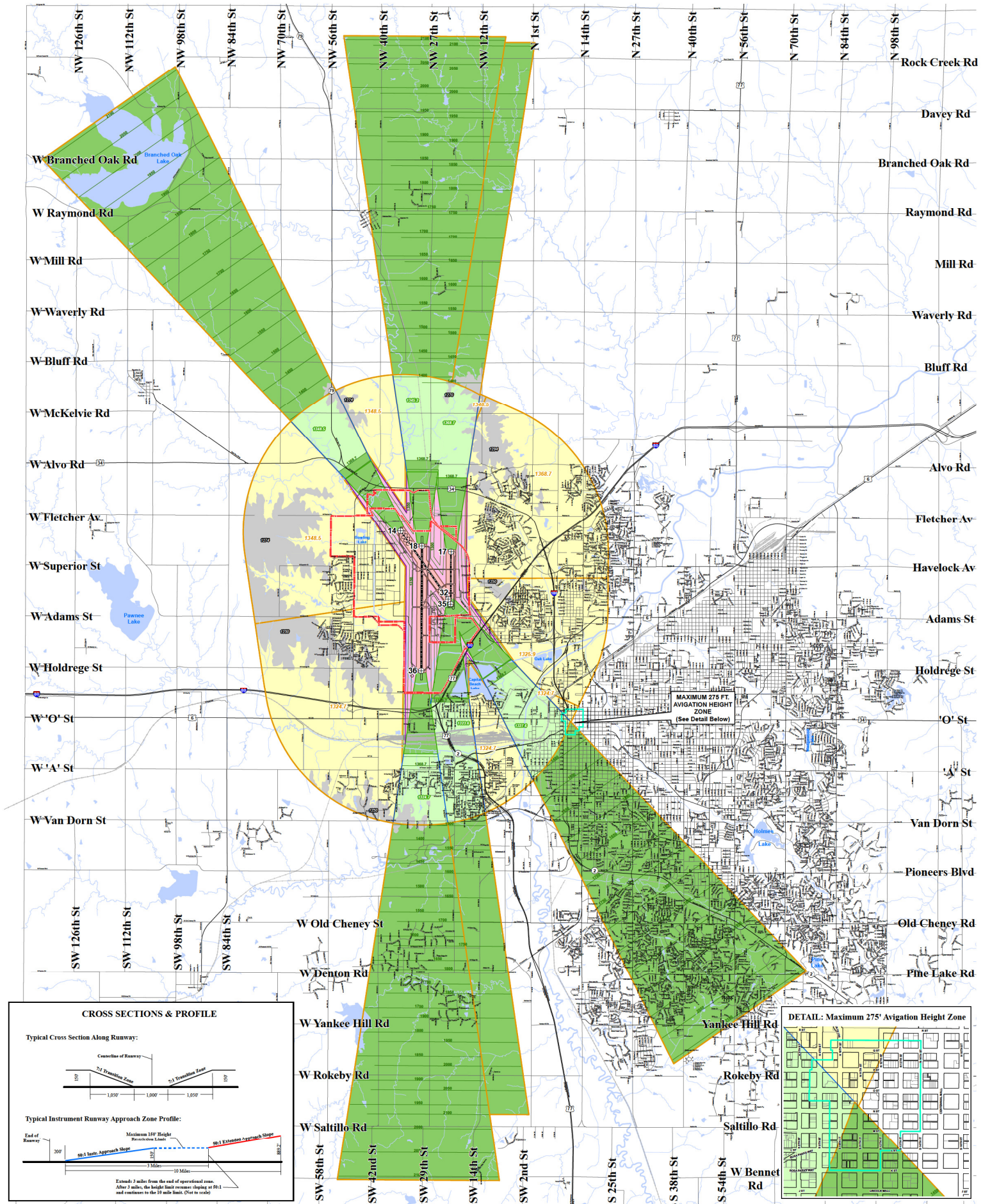
Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017:

Mayor



LINCOLN AIRPORT ZONING MAP

- OPERATION ZONE
- TRANSITION ZONE
- APPROACH ZONE (50:1 Slope)
- APPROACH ZONE (150' Max Ht.)
- TURNING ZONE
- SHADED AREA (Less than 75 ft Clearance)
- OUTER HAZARD AREA BOUNDARY
- AVIGATION ZONE BOUNDARY (275' Max Ht.)
- AIRPORT BOUNDARY
- RUNWAY CENTERLINE

Runway 14: Lat: 40 52 02.297 Long: 96 40 10.837 Elevation: 1,195.2 ft.
 Runway 32: Lat: 40 50 32.265 Long: 96 40 08.331 Elevation: 1,174.7 ft.
 Runway 17: Lat: 40 51 40.831 Long: 96 40 02.112 Elevation: 1,218.7 ft.
 Runway 36: Lat: 40 50 47.476 Long: 96 40 03.060 Elevation: 1,173.9 ft.
 Runway 18: Lat: 40 51 46.769 Long: 96 40 59.303 Elevation: 1,179.1 ft.
 Runway 34: Lat: 40 49 59.303 Long: 96 41 42.857 Elevation: 1,174.7 ft.

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2000, all project submittals are required to utilize NAVD 1988 vertical datum. Approach Zone extends 10 miles from the Operation Zone.

Plotted: February 15, 2017

LINCOLN-LANCASTER COUNTY
 PLANNING DEPARTMENT
PTS 103
 1030 S. 10th St., Lincoln, NE 68502
 Phone: 402.477.1030
 Fax: 402.477.1031
<http://planning.lincplanning.com/Portals/0/Files/airport.mxd>



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STEPHEN S. GEALY
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DALLAS D. JONES
JILL GRADWOHL SCHROEDER
DAVID A. DUDLEY
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JARROD S. BOITNOTT
TIMOTHY E. CLARKE*
ANDREW M. LOUDON
CHRISTINA L. BALL**
JENNY L. PANKO
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JARROD P. CROUSE
ANDREA D. SNOWDEN
PAUL T. BARTA*
COLIN A. MUES*

TORREY J. GERDES*
BRETT E. EBERT
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EMILY R. MOTTO*
AMANDA M. PHILLIPS*
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ANN K. POST
KARA E. BROSTROM

OF COUNSEL:
PETER W. KATT
W. SCOTT DAVIS
WALTER E. ZINK II
DONALD R. WITT
ROBERT T. GRIMIT

ALSO ADMITTED IN:
*IOWA
**KANSAS

March 15, 2017

Mr. David Cary, Planning Director
City of Lincoln Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Proposed Change of Zone—Chapter 27.59

Dear Mr. Cary:

I am submitting herewith an Application for a change of zone, an application fee in the sum of \$412.00, and a proposed text change. This proposal would amend Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning regulations to include definitions of “Shaded Areas” and “FAA” to modify the requirements for height permits within airport hazard areas as established by the City of Lincoln Zoning Code, to provide certain significant exceptions to the requirement that height permits be obtained, and to provide a new section regarding assurance that an FAA notification requirement regarding construction near Airport is being complied with.

By way of background, as you know, Chapter 27.59 of the Lincoln Municipal Code was adopted with the purpose of preventing the creation of hazards to aviation in those areas designated as an airport hazard area including approach zones, operational zones, turning zones, and transition zones.

For years, construction in certain “shaded areas” have required height permits, notwithstanding that they would otherwise fall outside of the criteria for that requirement. That was predicated upon a bright line rule that properties at an elevation of 1,248 feet AMSL or higher would necessarily require the permit, notwithstanding the fact that the proposed structure would not exceed 75 feet. This has been creating some difficulty for developers who are now developing around and north of Lincoln Airport.

Over the past six to eight months, the Airport Authority and the Planning Department have been working on revisions to Chapters 27.59 to ameliorate the concerns of developers. Much of this ordinance represents the work of the City Planning Department and Airport Authority, together with input from the Home Builders Association of Lincoln which does the following things:

- Recognizes that properties may be “graded out” of the “Shaded Areas” by reducing their elevation.

OMAHA OFFICE
ONE PACIFIC PLACE

1125 S. 103RD STREET SUITE 400 OMAHA, NE 68124
PHONE 402.934.5468

LINCOLN MAIN OFFICE
WELLS FARGO CENTER

1248 O STREET SUITE 600 LINCOLN, NE 68508
PHONE 402.475.1075 · FAX 402.475.9515

SYRACUSE OFFICE

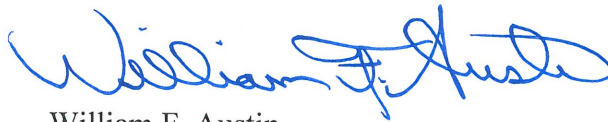
920 12TH STREET SYRACUSE, NE 68446
PHONE 402.269.3200 **104-A**

- By keying the requirement for a height permit to the nearest airport end, (some of which are higher than the height used to establish the prior bright line rule); and
- By making specific exceptions for single family and two family dwellings, the height of which is precluded by zoning from exceeding 35 feet, from post construction certificates.
- Allows for “blanket” permits and provides that no permit shall be needed for accessory structures that do not exceed the elevation of the main structure.

Finally, the Airport Authority has requested the inclusion of a provision that would assure compliance with 14 CFR, Part 77 under which the FAA requires notice if a structure is to exceed an imaginary plane from the runway extending upwards at a ratio of 100 vertical to 1 foot horizontal. This is simply a notice requirement and is neither intended to delay development nor in any way prevent it. If the notice to the FAA results in a determination by the FAA that there is an airport hazard or that the structure might affect approach or departure procedures or otherwise interfere with airport operations, the Airport Authority is simply requesting an opportunity to discuss methods to mitigate the problem with the developer.

If you need anything further to process this application, please feel free to contact me.

Sincerely,



William F. Austin
For the Firm
waustin@baylorevnen.com

WFA/ljd
Enclosures

cc: Jon Large, Deputy Director

1603591

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2017 PLANNING COMMISSION MEETING

PROJECT #: Use Permit No. 15002A
Highlands Apartments

PROPOSAL: To expand the area of the existing use permit and add 120 multi-family dwelling units

LOCATION: NW 12th Street and Isaac Drive

LAND AREA: 17.2 acres (expansion area is 12.2 acres)

EXISTING ZONING: O-3 Office Park

CONCLUSION: Multi-family housing is a permitted use in the O-3 district. Due to revisions in the grading and drainage plan changes to the site plan may be required. With the conditions of approval this expansion of an existing multi-family complex is appropriate for the site. This proposal conforms to the Comprehensive Plan and is compatible with the Zoning Ordinance.

RECOMMENDATION:	Conditional Approval
------------------------	-----------------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 4, Highlands Coalition 4th Addition, Outlot I, Highlands Coalition Addition

EXISTING LAND USE: Vacant, Multi-Family Residential

SURROUNDING LAND USE AND ZONING:

North:	Highlands Golf Course	P Public
South:	Vacant	O-3 Office Park
East:	Church, Single-Family Residential	R-3 Residential
West:	Highlands Golf Course	P Public

HISTORY:

March 1993 Change of Zone No. 2738 to change the area of this expanded use permit application to O-3 Office Park district.

November 1995 Preliminary Plat No. 95014 approved for Highlands Business Park.

January 2004 Comprehensive Plan Conformance No. 03011 approved to declare the northern portion of the use permit site as surplus.

Change of Zone No. 3425 approved to change the zoning from P to O-3 Office Park on northern portion of the use permit site.

March 2015 Use Permit No. 15002 approved for 120 multi-family units.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 12.3 This site is shown as Residential and Commercial on the 2040 Lincoln Area Future Land Use Plan.

P. 6.1 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots. The remaining 4,000 dwelling units are anticipated to be located primarily in Mixed Use Redevelopment Nodes and Corridors including existing commercial centers and along major transportation corridors.

P. 7.4 Strategies for Neighborhoods and Housing

- Encourage preservation or restoration of natural resources within or adjacent to development.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.

P. 7.4-7.8 Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

UTILITIES:

Water is available at the north end of the use permit boundary. The developer will extend water service to the proposed expansion area. Sewer is available on site.

TOPOGRAPHY:

The site is generally flat, with some steep slopes along the western and southern borders of the use permit.

TRAFFIC ANALYSIS:

NW 12th Street is a minor arterial.

PUBLIC SERVICE:

Lincoln Fire and Rescue has a nearby station on NW 1st Street. A bus route is located along NW 12th with a stop just north of the use permit.

ALTERNATIVE USES:

A variety of commercial uses would be permitted in the O-3 Office Park district.

ANALYSIS:

1. Use Permit No. 15002 for the Highlands Apartments was approved in March 2015. That use permit included 120 multi-family units. This is a request to expand the existing apartment complex to add 120 additional multi-family units, for an overall total of 240 units in the use permit. The use permit boundary would be expanded by approximately 12.2 acres to accommodate the new apartment units, for a total use permit size of 17 acres.
2. The site is currently zoned O-3 Office Park. The district requires that a use permit be approved prior to any development. Residential is a permitted use in the O-3 district.
3. The density shown is less than the allowed density. The O-3 district allows multi-family dwellings at a density of one unit per 1,500 square feet of lot area. With 17.2 acres the maximum density for this use permit is 499 units.
4. Three waivers were previously approved that would also apply to the expanded use permit area.

27.72.030(a) - Increase maximum height from 35 feet to 40 feet.

The maximum height in the O-3 district for residential uses is 35 feet, and the maximum height for non-residential uses is 45 feet. The site immediately south of this site is zoned O-3 and currently vacant. It's possible that the site to the south could have a use with a height of 45 feet. The existing apartments in the use permit have been constructed with a maximum height of 40 feet per the previously-approved waiver. There would be no negative impact if the new apartments are built to the same 40-foot height of the existing apartments.

27.67.020 - Reduce required parking from 2 stalls per unit to 1.5 stalls per unit.

The original use permit had 202 parking stalls for 120 units (1.7 stalls per unit). The proposed expansion area shows 372 parking stalls for the new 120 units (3.1 stalls per unit). The previously-approved parking waiver still applies but is not needed for the proposed units.

There are an additional 18 parking stalls in the southeast corner of the original use permit area that are shown on the plan but don't appear in the parking calculations. The parking count should be updated to include these stalls.

27.67.030(g) - Allow tandem parking, with required parking spaces stacked front-to-back, one vehicle deep.

The buildings include first-floor garages. Each dwelling unit that utilizes a garage also has access to a parking stall in front of the garage door. This effectively allows two parking stalls stacked in tandem for dwelling units that utilize a garage.

Tandem parking can create a challenge for guest parking, as the stall in front of the garage would be used specifically by the resident of that unit. In addition, residents in a unit with two vehicles may not want to park tandem because it could create scheduling challenges to ensure that one car isn't blocked into the garage.

The southern three buildings only show nine non-tandem parking stalls. Per 27.67.040(f), two-family units with limited on-street parking are required to provide one guest parking stall for every two units. The same standard can be used as a guideline for the apartment units on this site. The southern three buildings have 36 units and should show 18 non-tandem parking stalls. The remaining portion of the complex shows adequate non-tandem parking stalls.

5. The site is identified as commercial on the Future Land Use map. The Comprehensive Plan notes that residential uses may occur in commercial areas. The site has many nearby amenities that make it appropriate for residential development. A bus route is located along NW 12th Street with a stop just north of the use permit boundary. Fredstrom Elementary is located approximately one-half mile to the north. Recreational amenities include Highlands Park next to the school, Highlands Golf Course, and the Highlands Trail along the east side of NW 12th Street.
6. NW 12th Street is a minor arterial so both access points require right turn lanes per the Access Management Policy. The requirement may be waived by the Public Works and Utilities Department if the applicant provides a traffic study demonstrating that physical conditions or low turning movements negate the need for turn lanes. The applicant has not submitted deviation requests as of the time of this staff report. The new southern access point will be a right-in-right-out once NW 12th Street is at full build-out with a median. Several large employers are located nearby.
7. The site plan must show a sidewalk system for the entire complex. There are currently no provisions for sidewalks leading to the entryways of buildings. There should be at least one sidewalk connection to NW 12th Street in the north part of the new expansion area and one connection in the south part. These connections should be part of an interconnected system of sidewalks for the whole complex.

8. Watershed Management requires several significant revisions to the grading and drainage plan. These revisions may require alterations to the site layout including the possible removal of a building. Their comments are attached in the Agency Review Report.
9. General Note 3 on the site plan states that the grading plan is conceptual. This note must be removed because the grading plan is not conceptual. The plan must be exact so that detention can be verified.
10. General Note 12 on the site plan states that an existing detention basin will be utilized until all the apartment buildings are constructed. This note must be removed because grading, including detention, must be completed before building permits can be issued.
11. Four buildings on the western end of the site are proposed to be built in areas with existing slopes that would be filled. A soils report is required prior to building permit to verify that the locations will be suitable for construction.
12. The site is within the Airport Environs District and will require an Aviation Easement. Height permits will be required at time of building permit, and the owner must file a notice of construction with the Federal Aviation Administration (FAA) per Title 14 CFR Part 77.

CONDITIONS OF APPROVAL:

This approval permits 240 dwelling units with previously-approved waivers to height, parking ratio, and tandem parking.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below upon approval before receiving building permits:
 - 1.1 Revise the grading and drainage plan to the satisfaction of Watershed Management.
 - 1.2 Include the 18 parking stalls in the southeast corner of the existing use permit boundary in the parking count table.
 - 1.3 In the unit breakdown table provide totals for each lot in terms of dwelling units, beds, and parking stalls.

- 1.4 Show 9 additional non-tandem parking stalls for the three buildings on the south.
 - 1.5 Show a sidewalk system for the entire complex. Include at least two pedestrian connections to the sidewalk along NW 12th Street: one on the north end of the new area and one on the south end.
 - 1.6 Add note that a soils report must be obtained prior to issuance of a building permit for any buildings on existing slopes that will be filled.
 - 1.7 Remove General Notes 3 and 12.
 - 1.8 Verify scale on the site plan.
 - 1.9 Show right turn lanes on NW 12th street for both access points or receive an approved deviation request from the Public Works and Utilities Department.
 - 1.10 Verify location of sanitary and storm sewers in south end of site on Sheets 3 and 4.
 - 1.11 Remove the note regarding the 40-foot side yard setback in the northwest corner of the site.
 - 1.12 Perimeter utility easements can be removed from the site plan. Blanket easements will be required with the final plat.
2. Prior to the issuance of a building permit:
- 2.1 The final plat for Highlands Coalition 5th Addition must be approved.
 - 2.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.3 Provide documentation that an avigation and noise easement to the Lincoln Airport Authority that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.
 - 2.4 A soils report must be completed in the areas where existing slopes are being filled to the satisfaction of the Public Works and Utilities Department.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction is to substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to 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 must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate 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, 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.
 - 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Andrew Thierolf, AICP; 402-441-6371; athierolf@lincoln.ne.gov
Planner

April 3, 2017

Use Permit #15002A
Highlands Apartments

**APPLICANT/
OWNER:** TR Novac LLC
5649 S 31st Street
Lincoln, NE 68516

CONTACT: Jake Vasa
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508

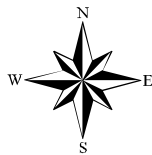
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Lincoln/Lancaster, NE GIS

2016 aerial

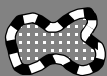


Use Permit #: UP15002A
Highland Apartments
NW 12th St & W Highlands Blvd

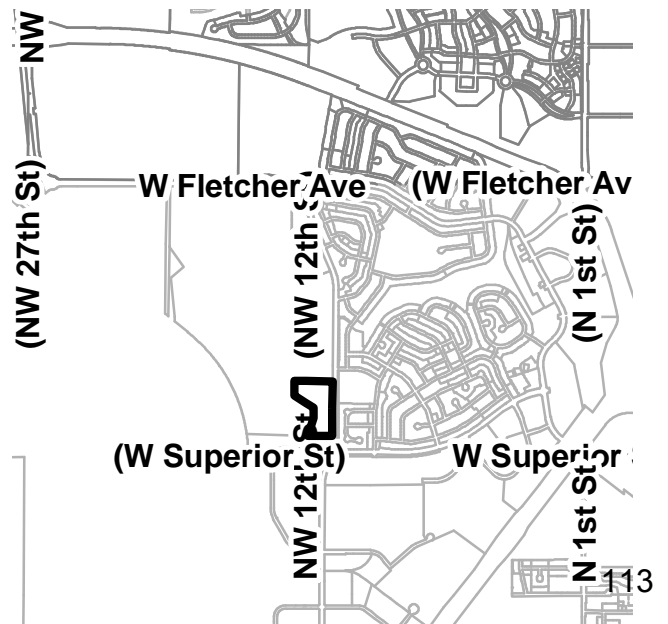


Two Square Miles:
 Sec.04 T10N R06E
 Sec.03 T10N R06E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



GENERAL NOTES

1. PARKING IS CONCEPTUAL AND WILL BE DETERMINED AT TIME OF BUILDING PERMIT.
2. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
3. DETENTION CELL CONFIGURATION SHOWN ON GRADING PLAN IS CONCEPTUAL AND WILL BE DESIGNED IN ACCORDANCE WITH DRAINAGE ANALYSIS.
4. THE EXISTING ZONING IS CURRENTLY ZONE O-3.
5. SIDEWALKS WILL BE CONSTRUCTED ALONG THE WEST SIDE OF NW 12TH STREET.
6. DIRECT VEHICULAR ACCESS TO NW 12TH STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THIS PLAN.
7. ALL DRIVES SHALL BE A MINIMUM 24 FEET WIDE UNLESS OTHERWISE NOTED.
8. ALL ELEVATIONS ARE TO CITY OF LINCOLN DATUM.
9. ALL YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, EAVES, CANOPIES, PATIOS, DOOR SWINGS, WINDOW SWINGS, AIR CONDITIONER UNITS, ETC. AND OTHER BUILDING PROJECTIONS FROM ENCROACHING INTO THE SETBACKS. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
10. THE MAXIMUM BUILDING HEIGHT SHALL BE ALLOWED UP TO 40'.
11. PARKING SPACES LOCATED ON A DRIVEWAY APPROACH TO A GARAGE SHALL COUNT TOWARD REQUIRED PARKING.
12. EXISTING DETENTION BASIN WILL BE UTILIZED UNTIL ALL APARTMENT COMPLEXES ARE CONSTRUCTED.
13. THE SITE WILL HAVE ONE OWNER THAT WILL BE RESPONSIBLE FOR MANAGING THE PROPERTY AND MAINTAINING ALL DETENTION AND WATER QUALITY FACILITIES.

PARKING CALCULATIONS

HIGHLANDS COALITION 4TH ADDITION, LOT 2

SURFACE PARKING STALLS: 58

GARAGE STALLS: 84

TANDEM PARKING IN GARAGE DRIVES: 60

TOTAL STALLS: 202

HIGHLANDS COALITION 5TH ADDITION, LOT 1

SURFACE PARKING STALLS: 86

GARAGE STALLS: 146

TANDEM PARKING IN GARAGE DRIVES: 140

TOTAL STALLS: 372

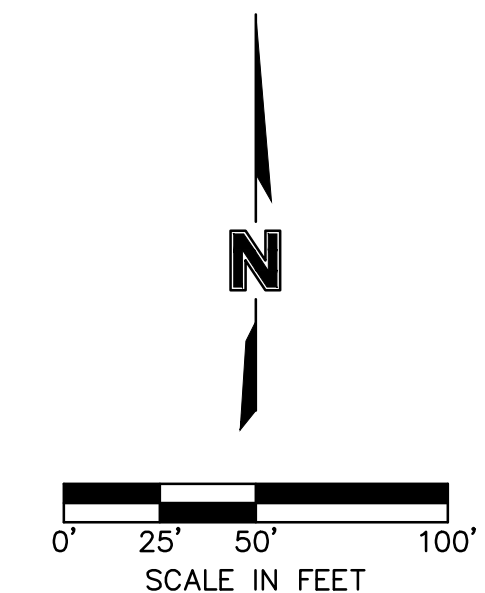
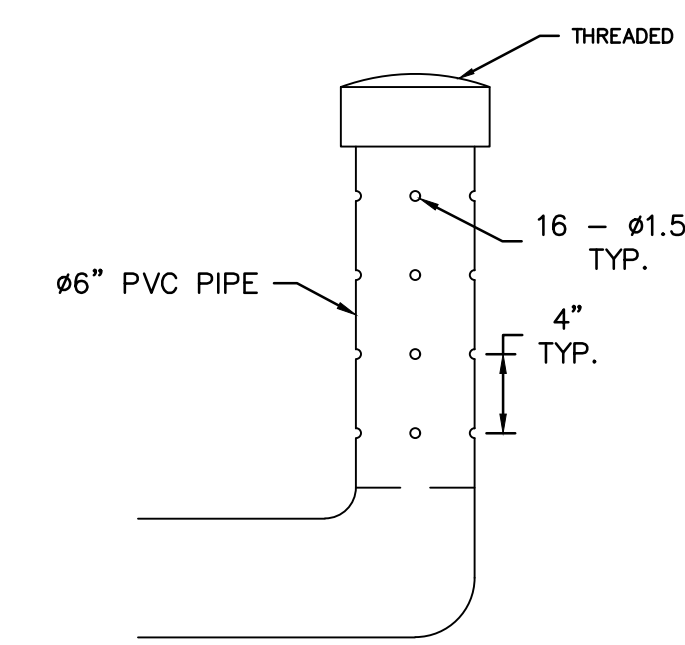
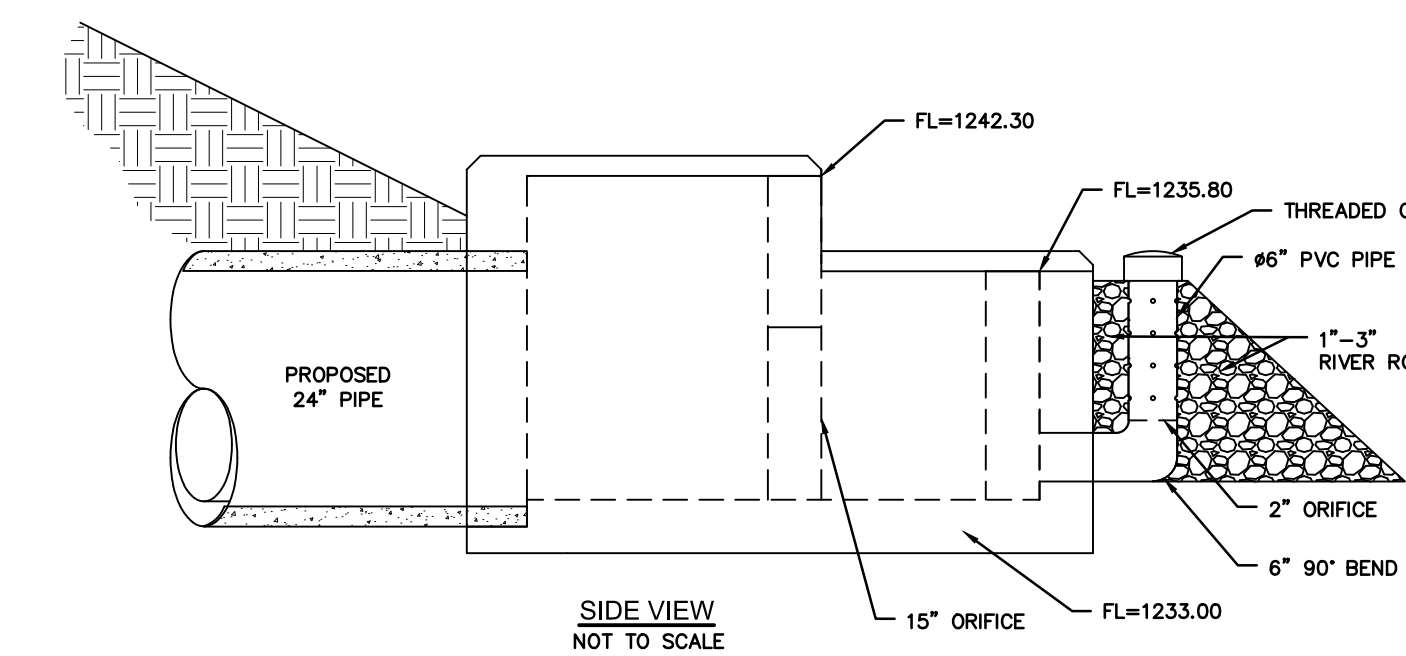
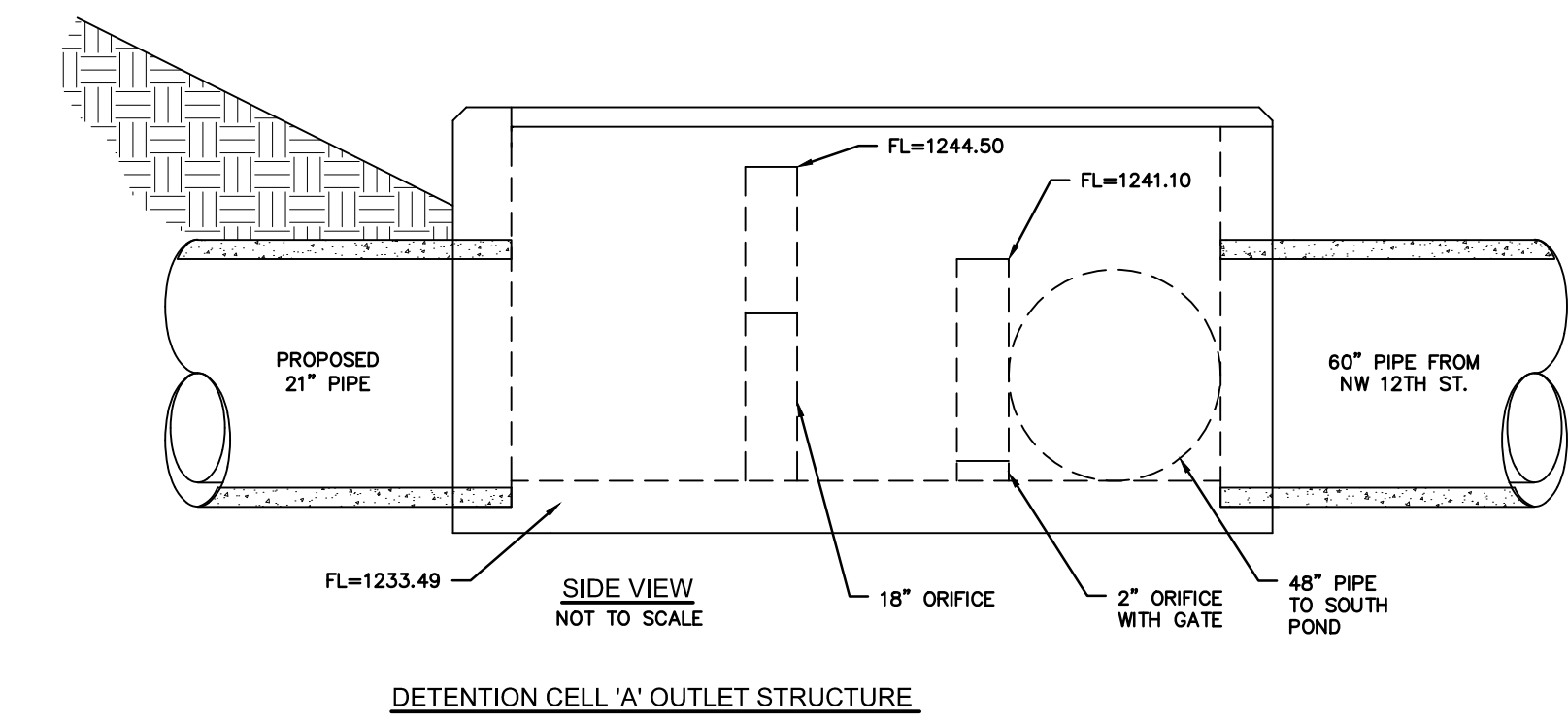
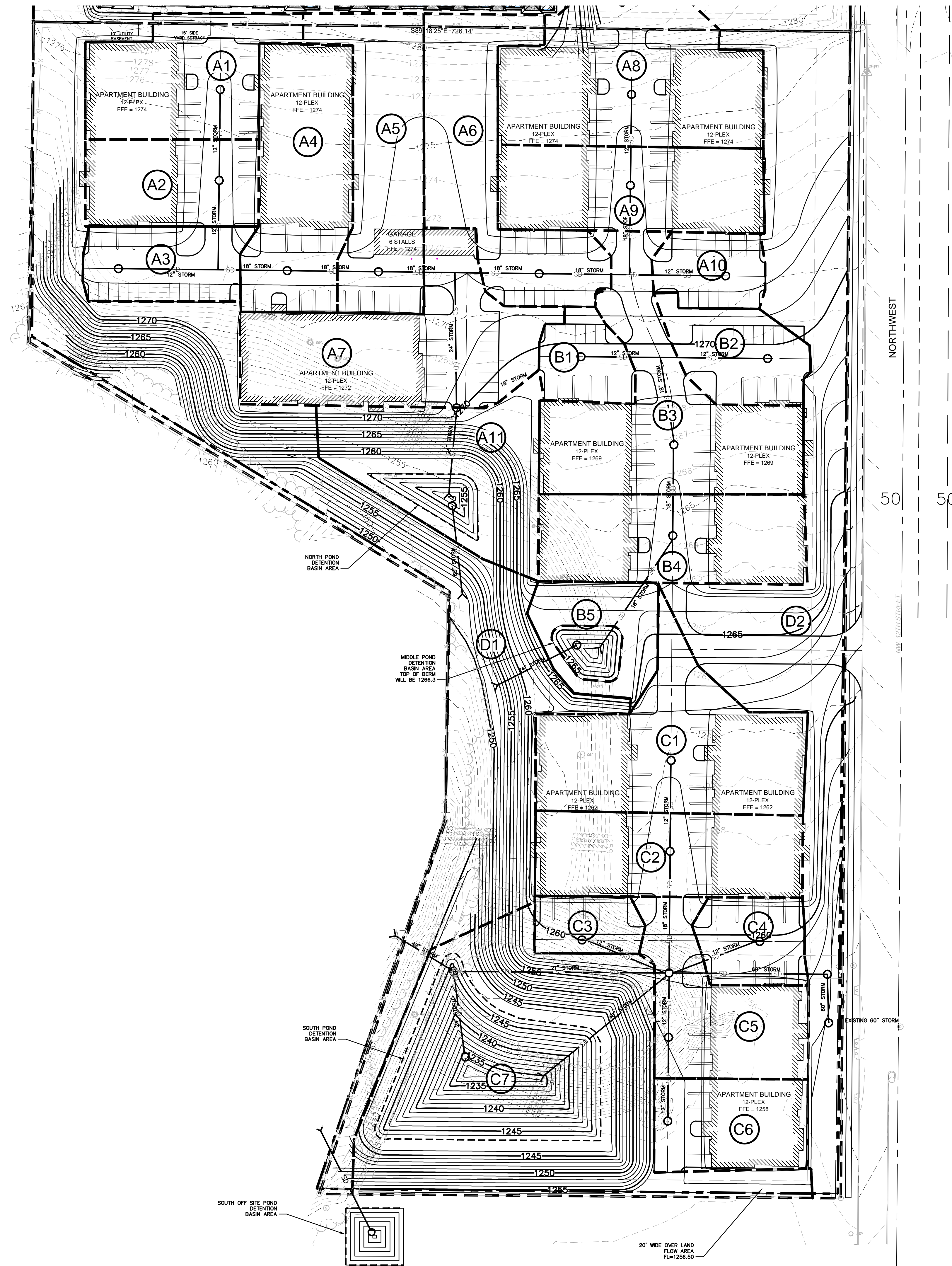
OWNER & DEVELOPER
 TR NOVAK, JIM TOMASEK 5724
 CULWELLS RD
 LINCOLN, NE, 68516
 PHONE: (402) 483-1130

ENGINEER & PREPARER
 OLSSON ASSOCIATES
 601 P STREET
 LINCOLN, NE, 68508
 PHONE: (402) 474-6311

HIGHLANDS APARTMENTS USE PERMIT GRADING AND DRAINAGE PLAN

LEGEND

- BUILDING
- BACK OF CURB
- LOT LINE
- PARKING STRIPE
- ROAD CENTERLINE
- STORM SEWER
- SIDEWALK
- DRAINAGE AREA
- FENCE
- AREA INLET
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR



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 150119_STDPO

OLSSON ASSOCIATES

601 P Street, Suite 200
 P.O. Box 84808
 Lincoln, NE 68508

TEL: 402.474.6311
 FAX: 402.474.5760
 www.olssonassociates.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

2015

GRADING AND DRAINAGE PLAN

HIGHLAND APARTMENTS
 USE PERMIT

LINCOLN, NEBRASKA

SHEET
 4 of 6

February 15, 2017

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

Re: Highland Apartments
NW 12th Street & Isaac Drive
Use Permit
Olsson Project No. 016-3198

Dear Mr. Cary,

We are submitting this application for an amendment for a Use Permit for the Highland Apartments development on behalf of TR Novak LLC., the owner of this project.

The existing Highland Apartments Use Permit is being proposed to include an additional 12.23 acres to the south of the existing Use Permit boundary, to permit multiple-family dwellings (apartments) in the existing zoned O-3 area.

The site plan includes ten (10) 12-plex apartment buildings for a total of 120 dwelling units on 12.23 acres.

The developer is proposing to meet the new storm water quality standards (Title 28, Section 28.03) for the area.

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

1. Site Plan
2. City Application Form – Use permit
3. Application fees in the amount of \$3,005.95

Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff.

We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Highland Apartments development. If you require further information or have any questions, please do not hesitate to contact me at jvasa@olssonassociates.com or (402) 474-5611.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jake Vasa', is written over a light blue horizontal line.

Jake Vasa, P.E.

cc (via email): Jim Tomsek, TR Novak LLC

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Airport Authority	jon large	1	In Review	27.58 - The proposal area is within the Airport Environs District and an Avigation Easement will be required. 27.59 - The proposal area is inside of a Turning Zone and will need to meet the requirements of the chapter. -The proposal area is within the "shaded" area and will require height permits. FAA Part 77 - Based on our preliminary review of the proposal's distance from the nearest runway, the current ground elevations, the maximum proposed building heights and the notice requirements of Title 14 CFR Part 77, we believe that a notice of this proposed construction should be filed with the FAA. Information on making this notice can be found at https://oeaaa.faa.gov/oeaaa/external/portal.jsp	First In Group
County Health	chris schroeder	1	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
LES	les reviews	1	Corrections Required	2/28/17 Blanket Easement excluding Building envelopes cover entire area. No need for perimeter easements. SLS	First In Group
		2	Corrections Required	3/23/17 Request revised easements from 1st review again. Utility comments missed from 1st review. JG Keep blanket easement comments. Remove perimeter easements. SLS	Individual
Lincoln Police Department	sgt randy clark	1	Recommend Approval		First In Group
Public Works - Engineering Services	bob simmering	1	Recommend Approval	2-17 NW12 is Minor Arterial with minimum access spacing of 660'. This layout meets that standard. AMP indicates that the median break is allowed at 1/4 mile therefore the proposed access would be limited to RIRO at build out of NW 12th. Minor arterials access points require right turn lanes; requirement may be waived with approved deviation request supported by a traffic study proving that physical conditions or low turning movements negate the need.	First In Group

Current Project - Agency Review Report

		2	Recommend Approval	3-30 Need EO for water main construction.	Individual
Public Works - Watershed Management	Tim	2	Corrections Required	<p>There are still inconsistencies between the Grading Plan and Drainage Report and major issues with both that show there is not enough room for detention on this site with the layout as shown. To address these issues and meet the City's requirement for detention, it is likely that the site plan will need to be revised and one or more buildings will need to be eliminated. Below is a list of specific issues that need to be addressed. See Site Plan, Grading Plan, and Drainage Report for detailed Markups.</p> <p>1. South Detention Pond:</p> <ul style="list-style-type: none"> A. The grading plan shows less storage area than what is shown in the HydroCAD model. Revise the model and the grading plan to be consistent with each other. B. The west outside side slope of this pond needs to be 4:1. Revise the grading plan to meet this requirement. C. The report is stating the bottom of the South Pond is at 1231.7, which is lower than the existing grade at the outlet (~1234). Grade the detention pond so that the outlet is not submerged. This means it should not be any lower than the existing pond. D. The diversion structure for this pond is unacceptable on a City storm system. Remove this and revise the model to accurately reflect this change. <p>2. South Offsite Detention Pond:</p> <ul style="list-style-type: none"> A. This pond physically will not work as shown. How will flow get to the pond? Currently most of the South area get to the existing detention pond via the storm drainage system in NW 12th St. Show how all the flow from the South area will get to this pond, or revise the detention of the South Pond to accept this flow as the existing detention pond does currently. B. This pond is listed as being 9 ft deep in the model, but only 6 ft deep in the grading plan. Revise the model and the grading plan to be consistent with each other. C. Who is responsible for building this detention pond? Since it is offsite, there needs to be an agreement with the neighboring property owner that this pond will be built once the existing detention is removed, and build whatever diversion is needed to get the flow from the South area to the detention pond. D. This detention pond needs to be in an easement dedicated for detention and storm drainage and a designated maintenance access easement from the ROW. This easement needs to be filed and recorded before any Building Permits can be approved, and a note needs to be added to the plans stating this requirement. <p>3. Middle Pond:</p> <ul style="list-style-type: none"> A. Side slopes on outside of the pond need to be 4:1. Revise the grading plan to meet this requirement. B. The outlet pipe is being shown halfway up the hill at elevation 1260.90. This will most likely cause erosion issue in the future. Revise the outlet elevation to be at the bottom of the slope. C. The pre-development subarea sheet flows off the site to the west. The proposed condition changes this from sheet flow to concentrated flow, which will most likely lead to erosion issues in the future. Show rip rap protection at the outlet to prevent erosion. D. Show a detail of the outlet structure on the grading plan. And show how this outlet structure and the inlet pipe will fit in the bottom of the detention pond. 	Individual

Current Project - Agency Review Report

				<p>4. North Pond:</p> <p>A. The outlet pipe is being shown halfway up the hill at elevation 1252.90. This will most likely cause erosion issue in the future. Revise the outlet elevation to be at the bottom of the slope.</p> <p>B. The pre-development subarea sheet flows off the site to the west. The proposed condition changes this from sheet flow to concentrated flow, which will most likely lead to erosion issues in the future. Show rip rap protection at the outlet to prevent erosion.</p> <p>C. Show a detail of the outlet structure on the grading plan. And show how this outlet structure and the inlet pipe will fit in the bottom of the detention pond.</p> <p>5. Existing 60" Storm Pipe:</p> <p>A. Need a 30' wide storm easement centered on the proposed 60" storm pipe. This easement will need to be shown on the Final Plat as well. And the 60" storm pipe needs to be at least 15' from the edge of any building. Note, this may create a conflict with the existing sewer line, and will need to be carefully thought through.</p> <p>B. The site plan shows a building blocking the existing overland flow path from the sump in NW 12th St. to the existing detention pond. Show how the 100-year overland flow will get from the sump to the proposed detention pond, showing the actual grading and the depth and extents of the 100-year flow. Also, need to show the depth and extends of the 100-year sump ponding and verify that it doesn't inundate the adjacent building. Once the depth of the sump and overland flow is determined, set the minimum opening elevation for the adjacent building at 1 ft above that elevation.</p> <p>6. The detention calculations attempt to address the requirement of the total post-development flow not exceeding the total pre-development flow, but it does not address the requirement that the post-development flows at each discharge point not exceed the pre-development flows. It looks like the flows from the North detention, Middle detention and the West Drains Offsite area combine at the same point, increasing offsite flows from the pre-development. This discharge point is also changing from sheet flow in the pre-development condition to concentrated flow in the post-development, which will lead to erosion issues. Show that the post-development flows at each discharge point are less than the pre-development flows, and provide erosion protection at the areas where the post-development flows are not concentrated instead of sheet flow.</p> <p>7. Show the water quality volume capacity calculations for each pond. Currently, only the total required volume calculation is shown, but not the capacity calculations.</p> <p>8. All detention ponds need to be in an easement dedicated for detention and storm drainage and have a designated maintenance access easement from the ROW. The maintenance access needs to be at least 15' wide and no greater than a 4:1 slope. All easements will need to be shown on the Final Plat as well.</p> <p>9. Set the minimum opening elevation for all buildings 1 ft above the 100-year elevation of the closest detention pond (See Markups in Grading Plan for details.)</p> <p>10. Remove Notes 3 & 12 on the Site Plan. Detention needs to be shown accurately in the Grading Plan, not conceptual. And all the grading, including the detention needs to be completed before any Building Permits can be approved.</p>	
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Current Project - Agency Review Report

				<p>11. Because of the large amounts of fill in the areas of the buildings, a soils report will need to be provided before Building Permits can be approved. See the Grading Plan markups for specific locations. Add a note to the plans stating this requirement.</p> <p>12. Because major changes are required, future revisions may be subject to additional comments and changes.</p>	
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	Sanitary sewer crosses the property and easements will need to be retained, with not building occurring within them. Looks to be laid out with that in mind.	Individual
		2	Recommend Approval		Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	Water is available in NW 12th St south of Isaac Dr. to serve this development.	First In Group
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group