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**Lincoln City - Lancaster County**

**PLANNING COMMISSION  
AGENDA**

**PLANNING COMMISSION**

Chris Hove: Chair  
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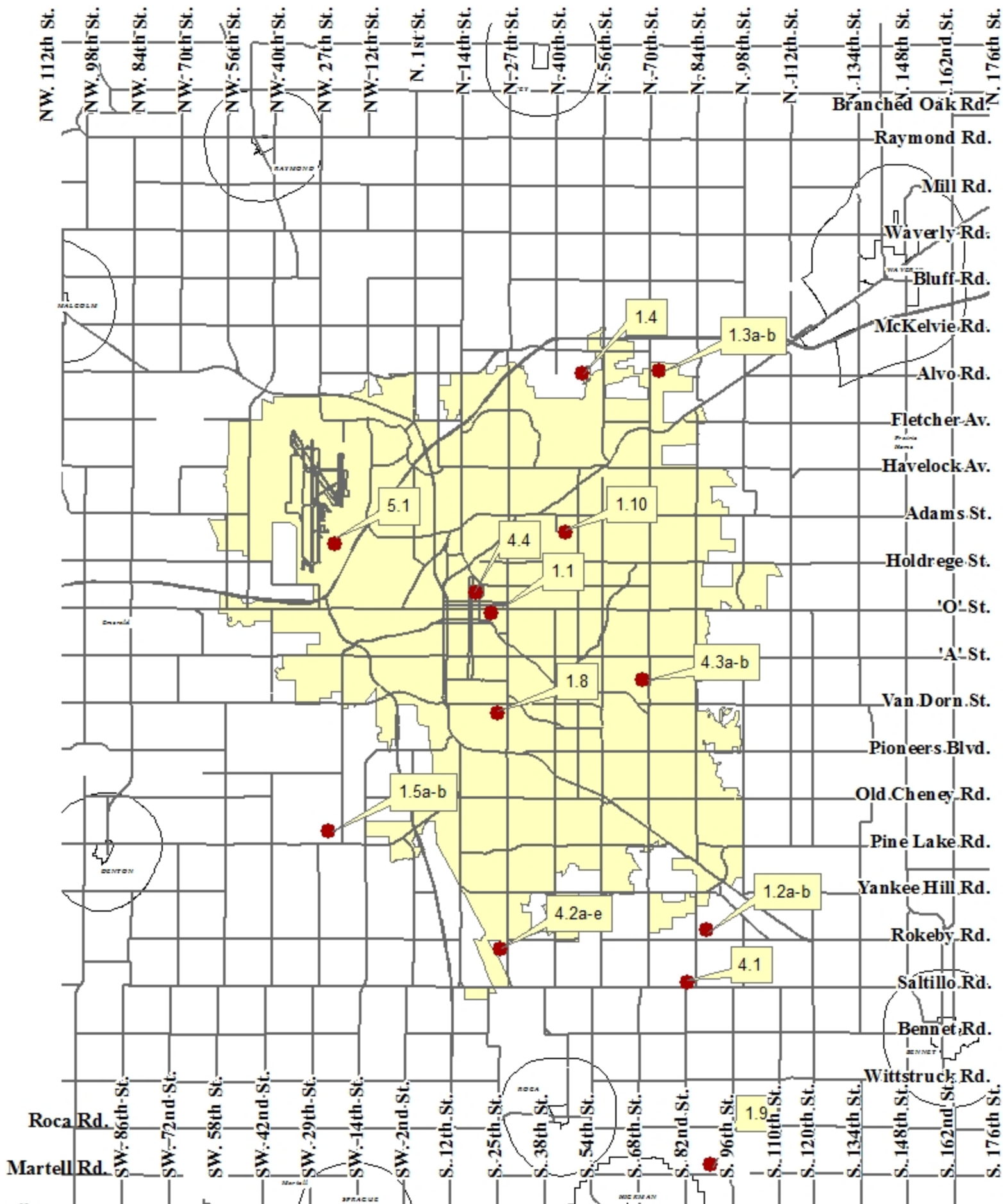
**PLANNING STAFF**

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

**June 21, 2017**

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Planning Commission Agenda Item Map

June 21, 2017



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 21, 2017, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, June 21, 2017, from 11:30 p.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 Alcohol Policy Review/Public Input.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

## **AGENDA**

**WEDNESDAY, JUNE 21, 2017**

Approval of minutes of the regular meeting held June 7, 2017.

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

**COMPREHENSIVE PLAN CONFORMANCE AND RELATED ITEMS:**

- Page  
01
- 1.1 Comprehensive Plan Conformance No. 17009, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan that identifies the "Telegraph District Phase 2 Redevelopment Project". The redevelopment project area includes approximately 16 acres, more or less, consisting of four areas with connecting streetscape within the project, including Telegraph Flats, Telegraph Lofts East, Telegraph Lofts West, and Telegraph Lofts South. The project is generally located between M and O Streets, 20th Street to the Antelope Valley channel, Lincoln, Lancaster County, Nebraska. **Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

Page 17 1.2a Comprehensive Plan Conformance No. 17010, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a request to declare approximately 34.4 acres of land at Jensen Park as surplus, and for the acquisition of approximately 39.76 acres of land, on property generally located at South 84th Street and Yankee Hill Road.

**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

Page 31 1.2b Comprehensive Plan Amendment No. 17003, to amend the Future Land Use Plan of the 2040 Lincoln-Lancaster County Comprehensive Plan by re-designating future land uses in the area of Jensen Park from Urban Density Residential and Industrial to Green Space, and from Open Space to Urban Density Residential and Commercial, on property generally located at South 84th Street and Yankee Hill Road.

**Staff recommendation: Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

#### **COMPREHENSIVE PLAN AMENDMENT AND RELATED CHANGE OF ZONE:**

Page 45 1.3a Comprehensive Plan Amendment No. 17005, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, to change the Future Land Use Plan designation from "Open Space" and "Commercial" to "Industrial" and "Agricultural Stream Corridor", on property generally located at North 70th Street and Arbor Road.

**Staff recommendation: Approval**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

Page 51 1.3b Change of Zone No. 17016, from H-2 (Highway Business District) to I-1 (Industrial District), on property generally located at 7620 North 70<sup>th</sup> Street.

**Staff recommendation: Conditional Approval**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

#### **CHANGES OF ZONE AND RELATED ITEM:**

Page 65 1.4 Change of Zone No. 17011, from AG (Agricultural District) to R-3 (Residential District), for approximately 25.53 acres, more or less, on property generally located at North 49th Street and Alvo Road.

**Staff recommendation: Approval**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

Page 71 1.5a Change of Zone No. 17014, from AG (Agricultural District) to AGR (Agricultural Residential District), on property generally located at SW 25th Street and West Denton Road.

**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

Page 79 1.5b Special Permit No. 17021, for an AGR (Agricultural Residential District) Community Unit Plan, to include 9 acreage lots on approximately 25.12 acres, more or less, on property generally located at SW 25th Street and West Denton Road. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**SPECIAL PERMITS:**

Page 95 1.6 County Special Permit No. 17016, for the addition of 9 single-family lots, each to be approximately 3 acres, more or less, on property generally located SE of the intersection of North 176th Street and Havelock Avenue. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

Page 111 1.7 County Special Permit No. 17018, for the construction of a commercial feedlot on property generally located a 1/2 mile east of 176th Street and Firth Road. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

Page 121 1.8 Special Permit No. 17019, for a special permit for expansion of a nonconforming use, with waivers to the front and side yard setbacks, on property generally located at 2554 Woodsdale Boulevard. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 131 1.9 County Special Permit No. 17020, for an AG (Agricultural District) Community Unit Plan to cluster 6 residential units on 96 acres, more or less, on property generally located at South 96th Street and Martell Road. **\*\*FINAL ACTION\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

**MISCELLANEOUS:**

Page 145 1.10 Street and Alley Vacation No. 17005, to vacate a portion of North 43<sup>rd</sup> Street right-of-way, a portion of Walker Avenue right-of-way, and a portion of the east-west alley located in Block 43, Pitcher and Baldwins Second Addition to University Place, generally located at 2320 N. 43rd Street.  
**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@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 AMENDMENTS AND RELATED ITEMS:**

Page 155 4.1 Comprehensive Plan Amendment No. 17004, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, by changing the Future Land Use Map, Priority Growth Area designations, and Future Service Limit on land generally located between S 70th and S 84th Streets, and Saltillo and Rokeby Roads.

**Staff recommendation: Approval**

**Staff Planner: Andrew Thierolf 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

Page 167 4.2a Comprehensive Plan Amendment No. 17006, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan by revising the boundaries of the Future Land Use Plan Residential, Green Space, and Environmental Resources designation areas, expanding the Future Service Limit, and changing the Future Growth Tier designation from Tier II and Tier I Priority B to Tier I Priority A, on property generally located southwest and southeast of South 27th Street and Rokeby Road.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 175 4.2b Annexation No. 17005, to annex approximately 218.67 acres, more or less, on property generally located southwest and southeast of South 27th Street and Rokeby Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 175 4.2c Change of Zone No. 17012, from AG Agriculture to R-3 Residential, on property generally located southwest of South 27th Street and Rokeby Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 175 4.2d Change of Zone No. 17013, from AG (Agricultural District) to R-3 (Residential District) PUD for a Planned Unit Development for up to 450 dwelling units, and up to 50,000 square feet of commercial floor area, on property generally located at the southeast corner of South 27th Street and Rokeby Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

Page 201 4.2e Special Permit No. 17017, to allow for the development of a community unit plan with up to 79 single-family dwelling units, with a waiver to allow double frontage lots, on property generally located southwest of South 27th Street and Rokeby Road. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

#### **USE PERMIT AND RELATED CHANGE OF ZONE:**

Page 219 4.3a Use Permit No. 17005, to allow for office and residential uses and related improvements with waivers from setback and frontage requirements, on property generally located at 6969 South Street and 2215 South 70th Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

Page 231 4.3b Change of Zone No. 17008, from R-1 (Residential District) to O-3 (Office Park District), on property generally located at 6969 South Street and 2215 South 70th Street.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

#### **MISCELLANEOUS:**

Page 239 4.4 Street and Alley Vacation No. 17006, to vacate a portion of 17th Street right-of-way, generally located at 17th Street, between Vine Street and approximately 300 feet north of R Street.

**Staff recommendation: In Conformance with the Comprehensive Plan**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

### **5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

#### **SPECIAL PERMIT:**

Page 249 5.1 Special Permit No. 17012, to allow for installation of a 100-kilowatt solar energy conversion system, with a waiver to reduce the yard along Interstate 80 from 25 feet to 5 feet, on property generally located at West Lakeshore Drive. **\*\*FINAL ACTION\*\***

**Staff recommendation: Conditional Approval**

**Staff Planner: Andrew Thierolf 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

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

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**Adjournment**

**PENDING LIST:**

**Planning Dept. staff contacts:**

David Cary, <i>Director</i> . . . . .	402-441-6364 . . . . .	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
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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 COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Conformance 17009	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> EADO LLC, et al.
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> None	<b>PROPERTY ADDRESS/LOCATION</b> Generally between M and O, 20 <sup>th</sup> Street to the Antelope Valley Channel

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

Review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan that identifies the Telegraph District Phase 2 Redevelopment Project. The Project includes up to four areas with building and parking improvements and connecting streetscape enhancements generally located south of O Street, east of S 20<sup>th</sup> Street and west of Antelope Creek including M and N Streets.



**JUSTIFICATION FOR RECOMMENDATION**

The project is consistent with Change of Zone No. 16045 Telegraph District PUD, the Comprehensive Plan, Downtown Master Plan, and the Antelope Valley Redevelopment Plan through encouragement of mixed use infill redevelopment with new buildings, associated parking and connecting streetscape enhancements that will strengthen Downtown Lincoln.

**APPLICATION CONTACT**

Wynn Hjermstad, AICP  
(402)441-8211 or  
[whjermstad@lincoln.ne.gov](mailto:whjermstad@lincoln.ne.gov)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The project is consistent with the goals in the Comprehensive Plan; specifically, promoting Downtown Lincoln as a vibrant mixed use neighborhood, focus on new residential reuse, infill, and redevelopment, strengthening the Downtown and support and implementation of the Antelope Valley Redevelopment Plan.

## 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...A major focus for new residential reuse, infill, and redevelopment.

P. 6.1 The primary focus for new dwelling units is the "Greater Downtown" which includes Downtown proper, Antelope Valley, the Haymarket, South Haymarket, Telegraph District and Innovation Campus.

P. 6.3 Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan and the Antelope Valley Redevelopment Plan.

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

## 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 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.

P. 37 A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln.

P. 37 The adopted Antelope Valley redevelopment plan maps the area between 17<sup>th</sup> Street and the new Antelope Creek channel/park as serving a generalized "Mixed Use"...

## ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

P 57 The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable between 17<sup>th</sup> St. and the new Antelope Creek and park. Improvements in the "triangle" bounded by 19<sup>th</sup> St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village" - Haymarket without the history. South of O Street and east of 17<sup>th</sup> Street there is an opportunity to strengthen housing in proximity to the Capitol and other employment centers.

P. 58 Another noteworthy Mixed-Use area is along the west side of the waterway south of "O" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential or mixed-use development.

P. 68 C. Urban Design Principles: 1. Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings.

P. 68 C. Urban Design Principles: 2. Building entrances should be given emphasis or "pride of place", placed on the street to enhance street level activity.

P. 68 C. Urban Design Principles: 5. Streetscapes should be designed as attractive public spaces with ample room for sidewalks and street trees, encouraging pedestrian movement.

P. 68 C. Urban Design Principles: 6. Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance.

P 68 C. Urban Design Principles: 7. Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest.

P 68 C. Urban Design Principles: 12 Include a variety of uses in places that receive the most foot and car traffic to strengthen the most interesting and vital parts of town.

## ANALYSIS

1. This is an amendment to the Antelope Valley Redevelopment Plan that identifies the Telegraph District Phase 2 Redevelopment Project and amends CPC16012 approved in February of 2017 by incorporating more into the 2<sup>nd</sup> phase than previously identified. Previously Phase 2 included two building sub-phase areas (Telegraph Flats and Telegraph Lofts East), whereas now the proposed Project includes four building areas. Total area of the Project, which includes public rights of way, is approximately 16 acres.
2. There are four building areas with connecting streetscape within the project: Telegraph Flats, Telegraph Lofts East, Telegraph Lofts West, and Telegraph Lofts South.
  - a) Telegraph Flats rehabs and reuses the former Fisher Foods campus, creating a mixed-use residential and retail area located southeast of the S. 20<sup>th</sup> Street and N Street intersection.
  - b) Telegraph Lofts East will be a new, approximately 147,870 square foot, four to five story mixed-use building providing for first floor retail/restaurant uses and live/work loft and multi-family housing with upper floors containing about 61 residential units and office space located on the southeast corner of S. 21<sup>st</sup> and N Street.

- c) Telegraph Lofts West is a proposed companion building providing approximately 96 residential units in a five-story building and parking located at the southwest corner of S. 21<sup>st</sup> and N Street.
  - d) Telegraph Lofts South is another proposed mixed use building, located on the northwest corner of S. 21<sup>st</sup> and M Street, including approximately 84 residential units in a four or five story building, retail space and associated parking.
3. The Project Area also includes the City-owned Muny Building and surrounding area, just west of the Antelope Creek channel. The site is encumbered by Land and Water Conservation Funds. As a result, reuse of the building and surrounding area for purposes other than those related to parks and recreation will require a conversion process through the U.S. National Park Service.
  4. The public investment may range from \$5.1 to \$7.1 million. These public investments will leverage the private investments ranging from \$39.8 million to over \$50.0 million. Upon completion of the Telegraph District Phase 2 projects, the assessed value of the property will increase by an estimated \$31 million to \$42 million. This will result in an estimated range of \$5,125,000 to \$7,077,598 in Tax Increment Financing (TIF) over 15 years to help fund public improvements. Thus for every City TIF dollar invested, there will be \$7.04 to \$7.80 of private investment.
  5. The project is consistent with the goals of the Antelope Valley Redevelopment Plan. Specifically, mixed use development and the creation of a distinct subdistrict place with streetscaping and other public space amenities.
  6. The project is consistent with goals in the Comprehensive Plan and Downtown Master Plan; specifically, promoting Downtown Lincoln as a vibrant mixed use neighborhood, focus on new residential reuse, infill, and redevelopment, strengthening the downtown and support and implementation of the Antelope Valley Redevelopment Plan.

**EXISTING ZONING:**

B-4 Lincoln Center Business District

**EXISTING LAND USES:**

Commercial, Light Industrial, Vacant Land, Utility Facility, Public

**SURROUNDING LAND USE AND ZONING:**

North: Commercial, Light Industrial, Vacant; B-4  
 South: Commercial, Light Industrial; B-4, B-3  
 East: Park Land, Public; P  
 West: Commercial, Light Industrial, Parking Lots; B-4

**APPLICATION HISTORY**

1924 The Fisher Foods building (Dairy Building) was built in 1924 for Roberts Sanitary Dairy Company.

May, 1979 This property was rezoned from Light Industrial District (K), Multiple Dwelling District (D), and Commercial District (I) to B-4.

2000 The Antelope Valley Project was a large-scale, multiple agency improvement effort in the core of Lincoln accomplishing flood control, transportation enhancements, and neighborhood

revitalization. The Joint Antelope Valley Authority (JAVA) that oversaw the effort was created by an interlocal agreement approved in 2000.

- Nov 2004 The Antelope Valley Redevelopment Plan was approved to describe and assist in the community revitalization portion of the Antelope Valley Project, which was envisioned to continue beyond the completion of the infrastructure improvements of flood control and transportation. Numerous projects have been initiated under this plan in North Bottoms, Malone/Hawley, and on the east side of downtown, including the Assurity headquarters, Antelope Village housing by NeighborWorks Lincoln, and the Aspen Heights student housing project around 18<sup>th</sup> & P Streets. Other projects are currently underway, including the Telegraph District in the vicinity of 21<sup>st</sup> and N Streets.
- 2016 The first Phase of the Telegraph District Redevelopment was approved in 2016 and is under construction at 21<sup>st</sup> and L, providing office space for Nelnet at 401 S. 21<sup>st</sup> and associated redevelopment at 333 S. 21<sup>st</sup>. ALLO is occupying improved space in the former LT&T Warehouse at 330 S. 21<sup>st</sup> St.
- July, 2016 JAVA completed its work and terminated in July 2016.
- February, 2017 City Council approved Comprehensive Plan Conformance No. 16012 - Amendment to the Antelope Valley Redevelopment Plan to add the Telegraph District Phase 2: Telegraph Flats and Telegraph Loft East Redevelopment Project.
- April, 2017 City Council approved Change of Zone No. 16045 Telegraph District PUD which modified portions of the Zoning Ordinance relating to signs and to Design Standards, modified Design Standards related to design review and to lighting, to foster a distinctive, mixed-use neighborhood within Downtown.

**APPROXIMATE LAND AREA:** 16 acres

Prepared by

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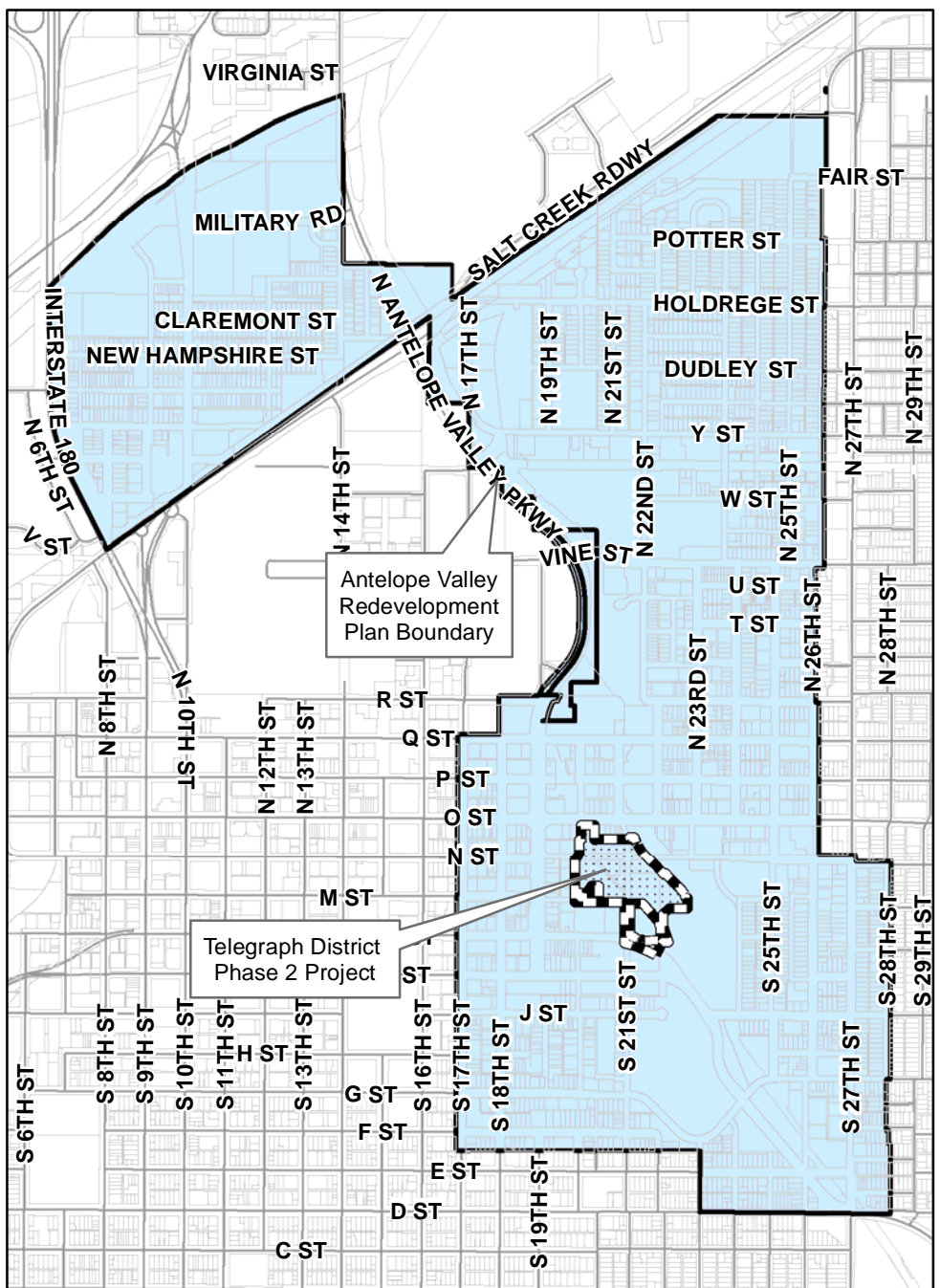
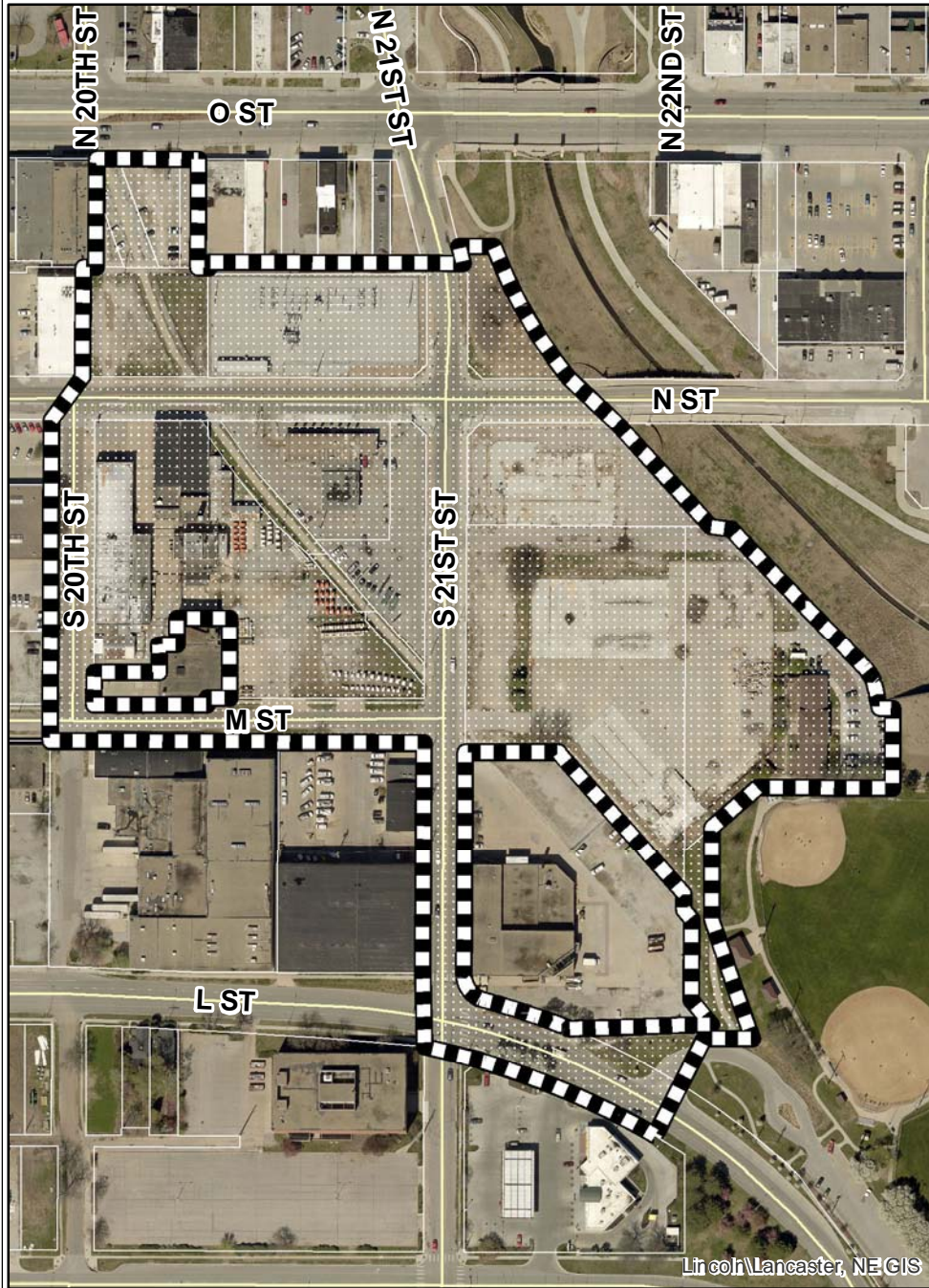
George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

Date: June 8, 2017

Applicant: Urban Development Department  
City of Lincoln  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508

Contact: Wynn Hjermstad, AICP, Community Development Manager  
(402) 441-8211 or [whjermstad@lincoln.ne.gov](mailto:whjermstad@lincoln.ne.gov)

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**Comprehensive Plan Conformance #17009**  
**Antelope Valley Redevelopment Plan Amendment**  
**Telegraph District Phase 2**

m:\plan\arcview\CPCRedevlopmentAreaDrawings.mxd (CPC17009)



Urban Development Department  
555 South 10th Street Suite 205 Lincoln NE 68508  
402-441-7606 [lincoln.ne.gov](http://lincoln.ne.gov)

May 23, 2017

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

Dear David:

Enclosed is an amendment to the *Antelope Valley Redevelopment Plan* that identifies the Telegraph District Phase 2 Redevelopment Project. This project is generally located between M and O streets, 20<sup>th</sup> Street to the Antelope Valley channel. The site is approximately 16 acres. There are four areas with connecting streetscape within the project: Telegraph Flats rehabs and reuses the former Fisher Foods campus, creating a mixed-use residential and retail area. Telegraph Lofts East will be a new, approximately 147,870 square foot, four to five story mixed-use building providing for first floor retail/restaurant uses and live/work loft and multi-family housing with upper floors containing about 61 residential units and office space. Underground parking and off-street surface parking are also included. Telegraph Lofts West is a proposed companion building providing approximately 96 residential units in a five-story building and parking. Telegraph Lofts South is another mixed use building, located on the NW corner of 21<sup>st</sup> and M Street, including approximately 84 residential units in a four or five story building, retail space and associated parking. Streetscape improvements are planned throughout the Phase 2 project area.

Please forward the plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Plan Amendment should be on the June 21, 2017 agenda.

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

Sincerely,

A handwritten signature in black ink that reads "Wynn S. Hjermstad".

Wynn S. Hjermstad, AICP  
Community Development Manager

Cc: David Landis, Director, Urban Development Department

enc.

**T. Telegraph District Phase 2: Telegraph Flats & Telegraph Lofts**

**1. Project Area Description**

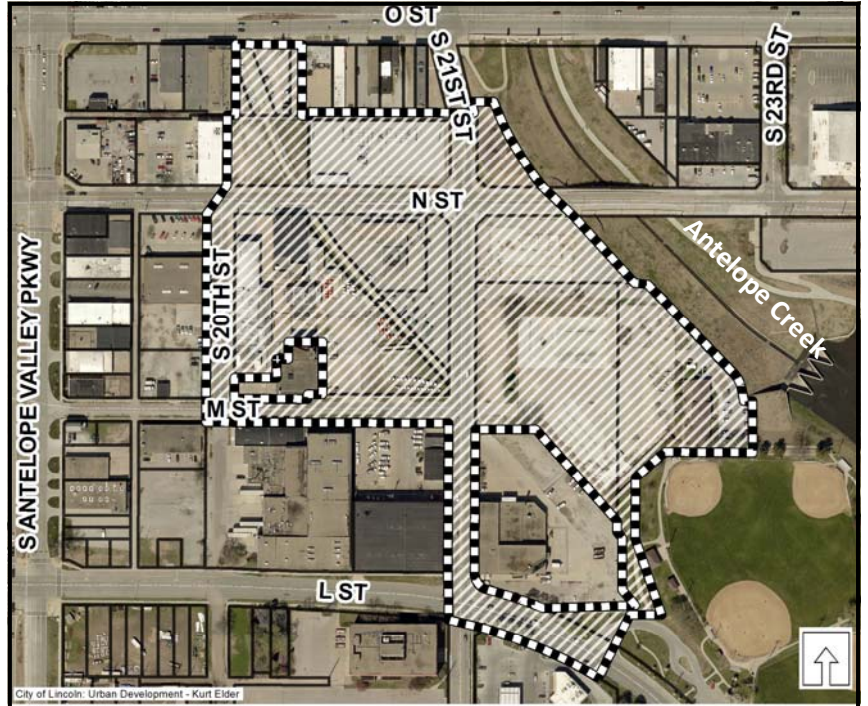
Telegraph District Phase 2 will include up to four areas with connecting streetscape enhancements:

- *Telegraph Flats* which includes up to three existing buildings located southeast of the S. 20<sup>th</sup> Street and N Street intersection and a surface parking area located directly north across N Street.
- *Telegraph Lofts East* which will include a new building constructed on the southeast corner of S. 21<sup>st</sup> & N Street.
- *Telegraph Lofts West* which will include a new building constructed on the southwest corner of S. 21<sup>st</sup> & N Street.
- *Telegraph Lofts South* which will include a new building constructed on the northwest corner of S. 21<sup>st</sup> and M Street.

The Project Area also includes the City-owned Muny Building and surrounding area, just west of the Antelope Creek channel. Total area of the Project, including public right-of-way, is approximately 16 acres. See maps, above & right.

**Telegraph Flats**

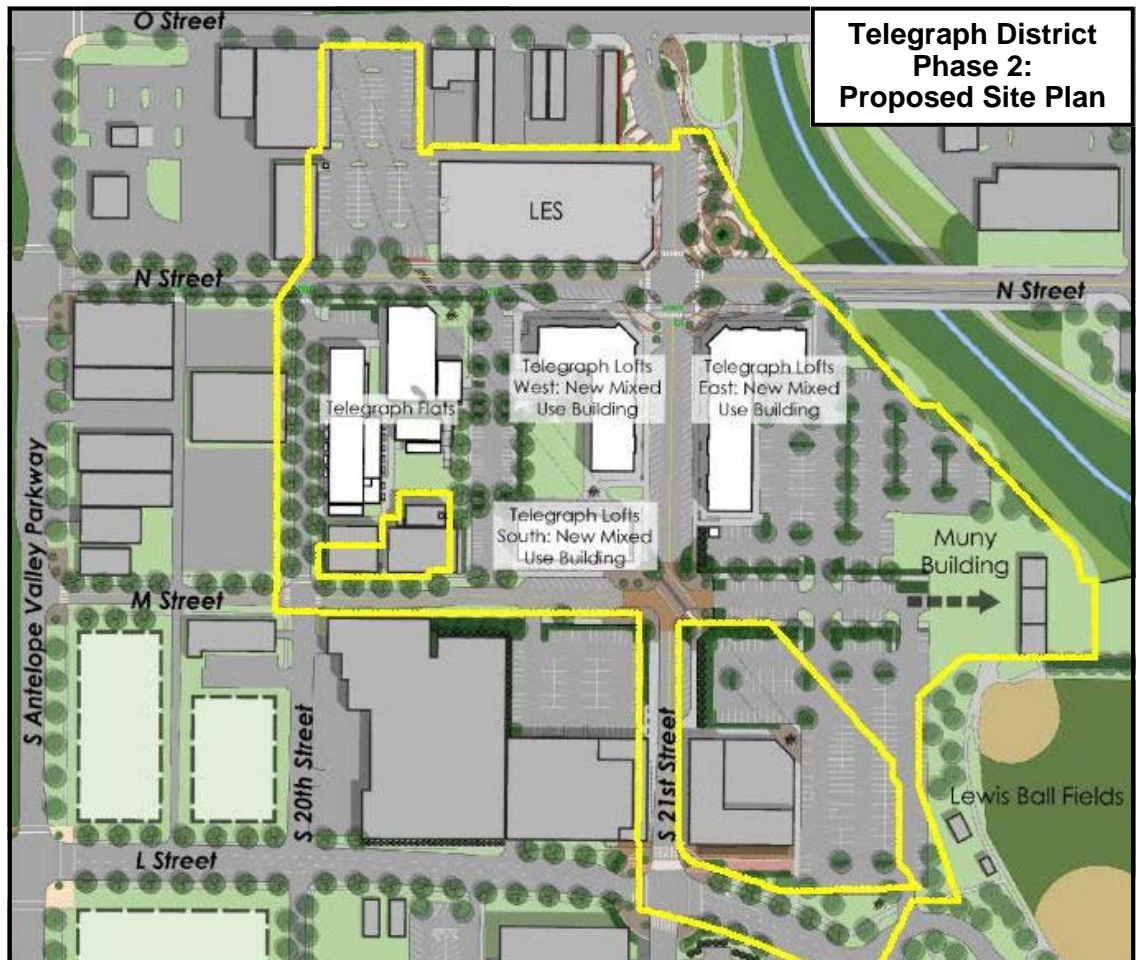
The former Fisher Foods industrial campus will be re-adapted and renovated into a new urban mixed-use neighborhood called Tele-



City of Lincoln: Urban Development - Kurt Elder

**Telegraph District Phase II: Project Area, Context & Boundaries**

Project Area Boundary



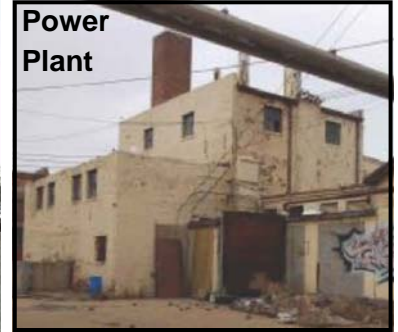
**Telegraph District Phase 2: Proposed Site Plan**



**Towel Building**



**Dairy Building**



**Power Plant**

graph Flats. The "Fisher Foods" building (or the Dairy Building) on South 20<sup>th</sup> Street has a rich history. It was built in 1924 for Roberts Sanitary Dairy Company by J. R. Roberts who began delivering milk in Lincoln in 1906 from his herd of 60 dairy cows. He soon built a processing plant at 16th & N, then moved to this larger facility at 20<sup>th</sup> & N in 1924, as well as opening plants in Sioux City and Omaha. J. R. Roberts' father, Artemas, designed the 20<sup>th</sup> Street building at age 82. He was one of the earliest architects in Lincoln, arriving in 1870 and working here until his semi-retirement to Florida around 1907. He occasionally did projects for his sons in Lincoln until his death in 1944 at 102 years of age. Roberts Dairy became a division of Prairie Farms-Hiland Dairy in 1981, a year after Fisher Foods bought the Lincoln property from Roberts Dairy. Fisher Foods manufactured dehydrated soups at the facility.

The Project Area will include all of the Telegraph Flats campus except for the southern portion along M Street which will be redeveloped in a later phase. The Telegraph Flats area will include renovation of three existing buildings along with a building expansion:

- The red brick Towel Building along N Street will be renovated into approximately four residential dwelling units and first floor retail uses.
- The yellow brick Dairy Building will be renovated and expanded into approximately 57 residen-

tial dwelling units and first floor retail uses. The southern section and east addition of the Dairy building is in total disrepair and needs to be demolished. In its place, a new L-shape building expansion will be added to the south and east of the Dairy Building and stair step from two stories to three stories in height.

A proposed four-foot vacation of S. 20<sup>th</sup> Street along the west side of the Dairy Building will allow for the construction of residential stairway connections and balconies.

- The Power Plant Building will be renovated to provide amenities to the residents, including indoor and outdoor social areas, patios, commons, and open spaces.



**Rendering of Telegraph Flats,**

**Rendering of the west elevation of renovated Dairy Building**



**Rendering of Telegraph Lofts East  
on SE corner of 21st & N**



**Telegraph Lofts East**

A new building containing approximately 147,870 square feet, four to five stories high is proposed for the southeast corner of S. 21<sup>st</sup> & N Street. The vacant corner was formerly an automotive dealership and human service center. The vacant lots to the south were previously used by the City’s Parks and Recreation Department for a general maintenance building, a community forestry maintenance building, a shops building yard and a fueling station; all of which have been relocated.

The new building, along with a potential comple-

mentary companion building across S. 21<sup>st</sup> Street to the west, will help form a center focus point for the Telegraph District. Telegraph Lofts East will be designed to enforce the aesthetic character of the District. The first floor will be designed to include approximately 25,250 square feet of retail/restaurant uses as well as live/work loft and multi-family housing, with an elevated continuous covered porch dock adjacent to S. 21<sup>st</sup> Street. Upper floors will contain approximately 37,920 square feet comprised of office space and approximately 61 residential units. The new building will include both underground parking and off-street surface parking.

**Rendering looking SSW at 21st & N**



**Telegraph Lofts West**

This proposed footprint is currently a car wash facility. If the parcel on which the car wash is located were combined with the City-owned property immediately to its east and south, the property could be transformed into approximately 19,743 square feet of retail and 96 residential units in a five-story building with a lower level parking garage yielding approximately 45 parking spaces and associated off-street surface parking. Along with the Telegraph Lofts East, this complementary building could help create a central focal point for the Telegraph District at the intersection of N and S. 21<sup>st</sup> Street. Telegraph Lofts West will be designed to enforce the aesthetic character of the District.

**Telegraph Lofts South**

Another mixed use building is proposed at the northwest corner of S. 21<sup>st</sup> and M Street. The new building would contain approximately 17,308 square feet of retail and 84 residential units in a four or five story building with a lower level parking garage yielding approximately 39 parking spaces and associated off-street surface parking. Again, the building design will include durable brick masonry and complement the aesthetics of the Telegraph District.

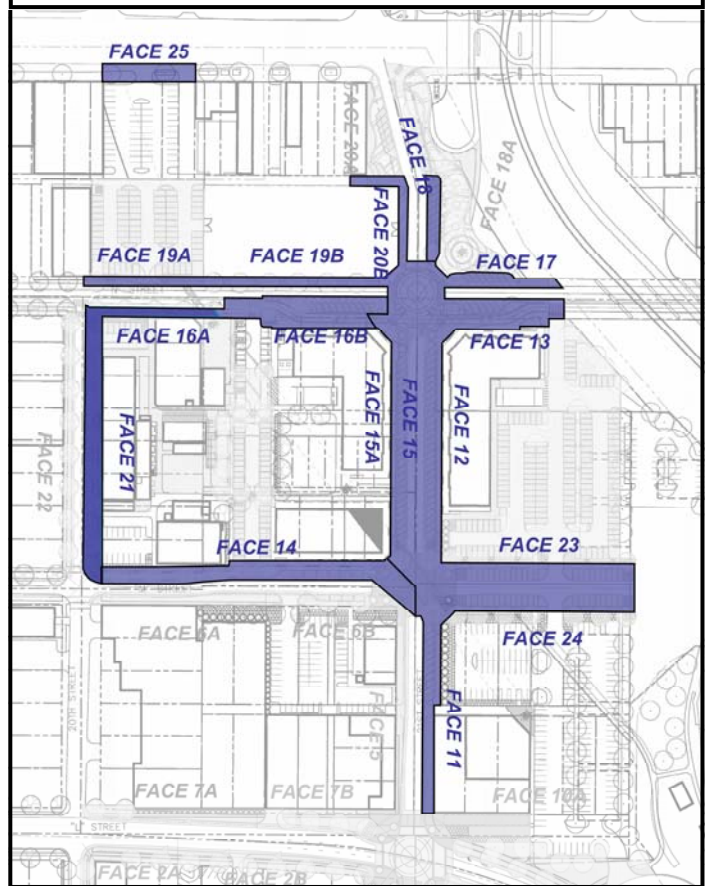
**Streetscape Improvements**

Subject to available funds, the Telegraph Flats, Telegraph Lofts East and Telegraph Lofts West (and/or South) will be connected and abut new and renovated streetscape improvements constructed throughout the Project Area, including: sidewalks, utilities, additional on-street parking, curb lines, brick pavers, street lighting, pedestrian lighting, planters and planting areas, District identification and logo markers and banners, bioswales, stormwater improvements, a bike share station and other related public improvements and infrastructure. The Project’s streetscape improvements will cover approximately 4,350 linear feet (0.8 of a mile).

An enhanced screen wall is planned for the LES substation located on the northwest corner of S. 21<sup>st</sup> & N Street. The northeast corner segments of the enhanced screen wall may be designed to carry forward artistic aspects of the Constellation Studio’s east façade building wall.

The enhanced streetscape improvements and the enhancements on the northeast corner of 21<sup>st</sup> & N Street, will complement Union Plaza while creating a sense of

**Block faces receiving streetscape improvements**



place for the Telegraph District.

S. 20<sup>th</sup> Street right of way in the Project Area will be reconstructed to enhance the streetscape and shift all on-street parallel parking to the east side of the street. The streetscape improvements will add on street parking on the east and west sides of S. 21<sup>st</sup> Street and the north and south side of N Street. A small segment of the N Street Cycle Track will be realigned to accommodate the additional on-street angle parking and pedestrian bump-out nodes near the intersection of S. 21<sup>st</sup> and N Streets.

**Muny Building**

Located adjacent to the Antelope Valley channel, the Muny Building was designated as a Lincoln Landmark in 2014 and is potentially eligible for listing on the National Register of Historic Places. The building is the former bath house of Muny Pool south of 23<sup>rd</sup> and N Streets, and was built in 1921 in conjunction with the Municipal (or Antelope) Pool. The pool was closed in 1972 and the basin was filled in. Around 2007, the Lincoln Parks & Recreation Department completed a rehabilitation of the bath house for offices.

The bath house was evaluated as not eligible for the National Register as part of the Antelope Valley Major Investment Study in 1998, on the basis of the loss of integrity due to the removal of the pool. However, the subsequent improvements to the building and its setting prompted its re-evaluation. The building's integrity and scale are compared to the few other surviving Lincoln parks buildings of similar era (Auld Pavilion

of 1915, Ager Building of 1936, and Pioneers Park Golf Club House of 1937). The pool building has significance in the history of race relations in Lincoln as the surviving element of the venue of civil rights efforts to integrate the pool, especially for African American residents who lived immediately north of the pool on Monroe Avenue. It is likely the building could be successfully nominated to the National Register, which would add to its existing protection as a Lincoln Landmark.

The Lincoln Parks and Recreation Department relocated and consolidated offices in 2017, with only a small portion of the Muni Building retained for a Parks and Recreation Department office. The site is encumbered by Land and Water Conservation Funds. As a result, reuse of the building and surrounding area for purposes other than those related to parks and recreation will require a conversion process through the U.S. National Park Service, a bureau of the United States Department of the Interior.

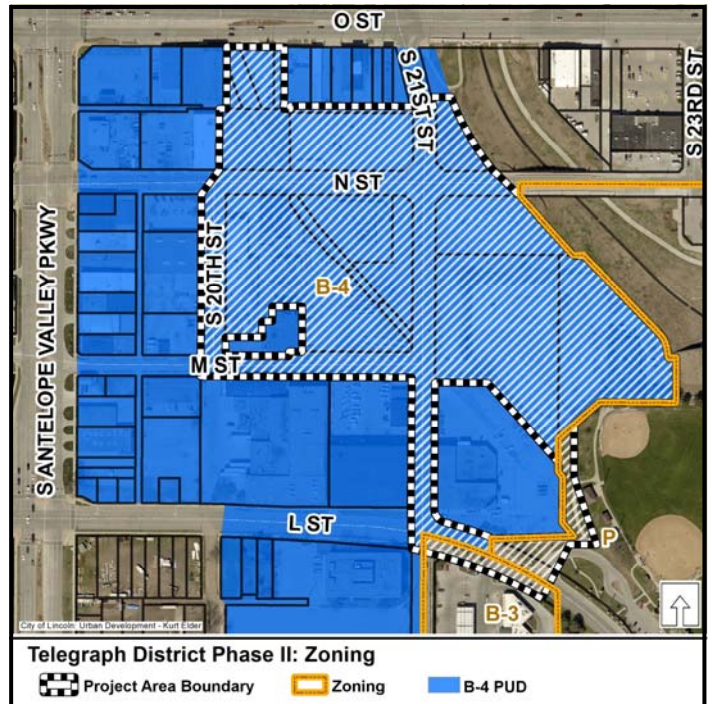
**Zoning, Design Standards and Land Use:**

The site is zoned B-4 Lincoln Center Business District Planned Unit Development (PUD) which includes modifications to the Downtown Design Standards. As illustrated in *Existing Zoning* (above, right), the site is completely surrounded by the B-4 District PUD with the exception of a small portion of P-Public zoning on the Lewis Ballfield area.

The Lincoln Downtown Design Standards, as amended in the PUD, will apply to the Telegraph



Rendering looking E from 21st & M, toward Muni Bldg.



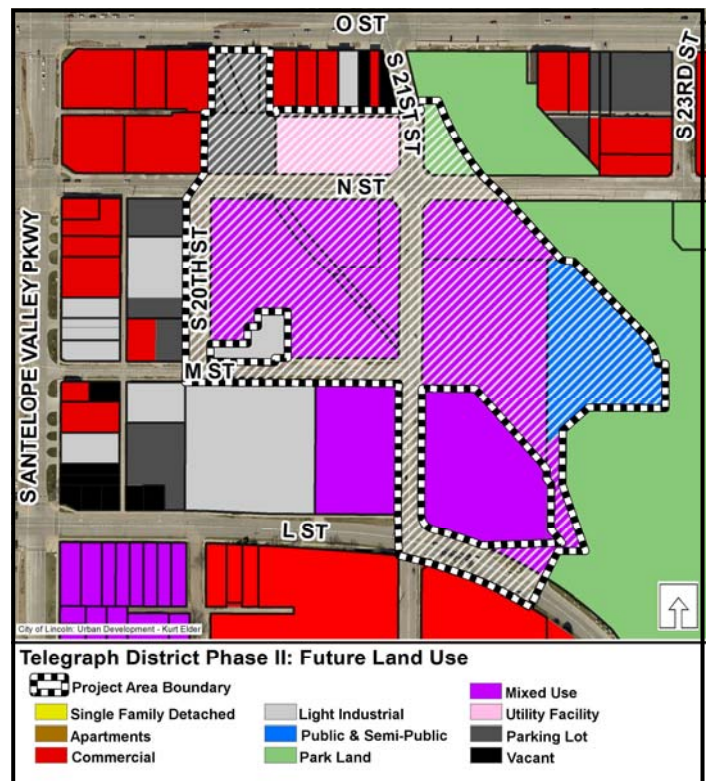
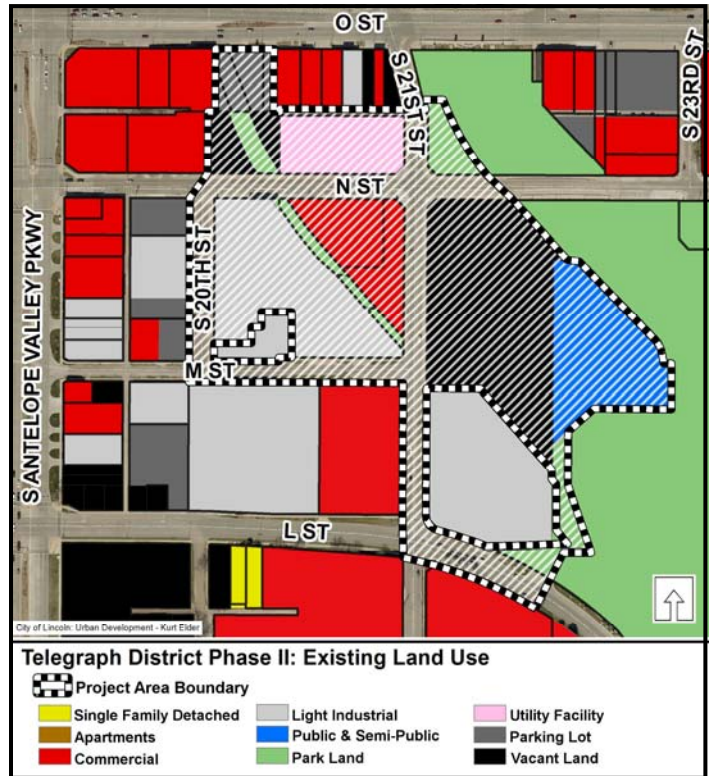
District with additional design standards for new buildings constructed within the boundaries of the PUD to include:

- Durable brick masonry for the first 20 feet above street level,
- Articulation of long facades with windows, entrances, ornaments, and/or variations in the parapet and/or roofline, and
- Review of all new structures by the Urban Design Committee.

Land uses adjacent to the four projects are mostly commercial, industrial and/or parking lots. See *Existing Land Use* (right).

**2. Statutory Elements**

- *Property Acquisition, Demolition, and Disposal:* No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the projects. The existing buildings proposed for renovation and rehabilitation will require extensive internal and external demolition, including asbestos removal and environmental remediation.
- *Population Density:* The proposed development within the Project Area will contain a minimum of 200 or more residential units which will result in a significant increase in population density.
- *Land Coverage:* Land coverage and building density will increase slightly with construction of Telegraph Lofts East on a parcel which is currently vacant. However, three buildings previously on the project site were demolished so future land coverage will not be as great as recent past land coverage, see *Future Land Use* (right).
- *Traffic Flow, Street Layouts, and Street Grades:* The City's Public Works and Utilities Department has indicated that the proposed Telegraph District Phase 2 projects are not likely to result in a significant increase in traffic and no turn lanes will be required.
- *Parking:* The Telegraph Flats project will include approximately 80 off-street surface parking spaces abutting the Towel, Dairy and Power Plant buildings as well as an improved surface parking lot (approximately 65 stalls) across N Street to the north. Telegraph Lofts East will have approximately 65 parking stalls underneath the building and over 200 off-street surface parking stalls located southeast of the building. Additional on-street angle parking will be added along S. 21<sup>st</sup> Street and N Street.
- *Zoning, Building Code, and Ordinances:* Current zoning is B-4 with no re-zoning required. Applicable building codes will be met and, to the degree possible, so will downtown design standards.



**3. Financing and Cost Benefit Analysis**

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

- *Tax Revenues:* The public investment may range from \$5.1 to \$7.1 million. These public investments will leverage the private investments ranging from \$39.8 million to over \$50.0 million. Upon completion of the Telegraph District Phase 2 projects, the assessed value of the property will increase by an estimated \$31 million to 42 million. This will result in an estimated range of \$5,125,000 to \$7,077,598 in Tax Increment Financing (TIF) over 15 years to help fund public improvements. Thus for every City TIF dollar invested, there will be \$7.04 to \$7.80 of private investment.

The Urban Development Department believes that the public improvements and enhancements proposed in this plan amendment would not occur “but for” the Tax Increment Financing generated by private redevelopment within the Project Area. Each Phase 2 project would not be achievable to the extent shown without TIF.

- *Public Infrastructure and Community Public Service Needs Impacts:* It is not anticipated that Telegraph District Phase 2 projects will have an adverse impact on existing public infrastructure or City services. In fact, the new streetscape improvements include updated water lines, sidewalks, curb and gutters, on-street parking stalls, stormwater improvements, street lights, pedestrian lighting, and pedestrian crossings.

In the future, to accommodate construction of Telegraph Lofts West and/or Telegraph Lofts South, portions of a 42 inch sanitary sewer main will need to be rerouted from its current location paralleling the former Rock Island Railroad right of way. A new water main will need to be constructed in the M Street right-of-way between 20<sup>th</sup> and 21<sup>st</sup> to accommodate the buildings to be constructed within the Project Area and to encourage further redevelopment. Except for the M Street water line between S. 20<sup>th</sup> and 21<sup>st</sup> Streets, these improvements will be made without expending utility funds or City general funds.

- *Employment Within & Outside the Redevelopment Project Area:* Telegraph District Phase 2 projects will not have any adverse impact on employment within or outside the Project Area. New retail and commercial businesses in the Project Area will increase employment in the area.
- *Other Impacts:* The reuse and renovation of the Fisher Food complex into Telegraph Flats and the new construction of the three potential Telegraph Lofts redevelopment projects will revitalize the area by bringing new residential opportunities to the southeast portion of downtown. The current dilapidated and blighted area will become a vibrant, mixed-use district while maintaining the historic character of the area. Streetscape improvements will tie the overall area together and create a walkable neighborhood linked to Phase 1 of the Telegraph District. The entire District will change from a blighted area with vacant buildings to a desirable, walkable neighborhood close to traditional downtown, bike trails and Union Plaza Park. One or more bike share stations will be implemented in the Telegraph District, which will add transportation and recreational opportunities to the District and the community at large.

The proposed improvements will retain and create new jobs, increase business and expand the tax base without adverse effect on either public or private entities. There will be a temporary material tax shift because of the use of Tax Increment Financing, but there will also be significant personal property tax and other municipal revenue generated for the immediate benefit of the community. Phase 2 projects will facilitate the redevelopment of underutilized buildings without the incurrence of significant public cost.

The proposed improvements will create tax and other public revenue for the City and other local taxing jurisdictions. While the use of Tax Increment Financing will defer receipt of a majority of new ad valorem real property taxes generated by improvements, Telegraph District Phase 2 projects will include a substantial amount of personal property that will be on the property tax rolls upon its acquisition and installation. The personal property will generate immediate tax growth to all local taxing jurisdictions. In addition to

new personal property tax revenues, the sub-phases will also contribute to municipal revenues through impact fees, excise taxes, fees, licenses, sales taxes, and other taxes that occur and are paid in the course of normal operation of a business.

Phase 2 projects should have a positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment projects. The improvements are not anticipated to impose a burden or have a negative impact on other local area employers, but should increase the need for services and products from existing businesses.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Conformance #17010 Jensen Park Land Surplus Declaration and Property Acquisition	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> City of Lincoln
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Comprehensive Plan Amendment #17003	<b>PROPERTY ADDRESS/LOCATION</b> South 84 <sup>th</sup> Street and Yankee Hill Road

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

The City has entered into an agreement with the owner of land east of Jensen Park for a land exchange. The agreement allows the City to exchange 34.4 acres of land located at the south end of the park for 39.76 acres of land located east of the park. The City-owned land at the south end of the park is located near a drainage where sanitary sewer is anticipated to be extended in the near future. However, this is not the case for the property east of the park. Because of topography, the land to the east of the park can only be served with sanitary sewer service if a sewer line is extended up the drainageway running from southwest to northeast across the park. Given sanitary sewer is not needed for the park, it is unlikely it will ever be constructed. As a result, the land east of the park is more suitable as park/open space, and the land to the south is more appropriate for residential development.

This request seeks to find conformance with Comprehensive Plan to declare the 34.4 acres of land south of the park as surplus, and to acquire the 39.76 acres for park purposes, so that the land exchange can occur.

**JUSTIFICATION FOR RECOMMENDATION**

The City is exchanging 34.4 acres of publically-owned land for 39.76 acres of privately-owned land. The exchange allows for private land with little development potential to be set aside as park/open space, while positioning a portion of the park land which will be able to be served by the full range of city services for future development. The land exchange is appropriate and allows for a more efficient use of the land involved.



**APPLICATION CONTACT**  
Michelle Backemeyer, 402-441-8616 or at  
mbackemeyer@lincoln.ne.gov

**STAFF CONTACT**  
Brian Will, 402-441-6362, or at  
bwill@lincoln.ne.gov

## COMPATIBILITY WITH THE COMPREHENSIVE PLAN

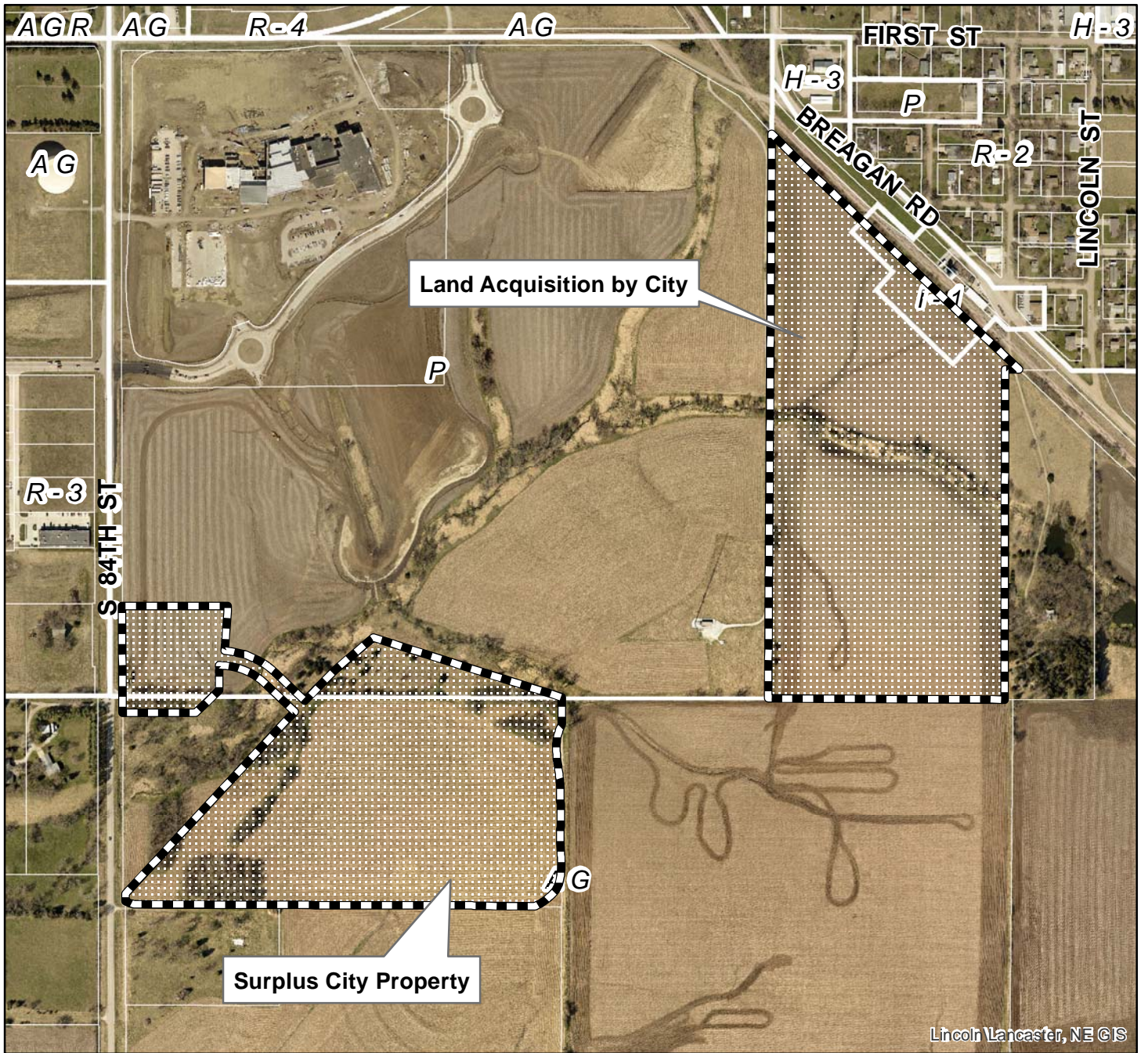
This request is associated with Comprehensive Plan Amendment #17003 which proposes to revise the Future Land Use Map to mirror this request. Specifically, the amendment proposes to change the Green Space designation over the 34.4 acres of surplus property to Urban Density and Commercial. It also re-designates the 39.76 acres of land to be acquired from Urban Density Residential and Industrial to Green Space.

## ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 34.4 acres of land, and the acquisition of 39.76 acres of land.
2. The City is entering into an agreement with the owner of land adjacent to Jensen Park on the east. The agreement will allow for a land exchange between the City and the land owner, where the City will acquire 39.76 acres of land in exchange for 34.4 acres of park land.
3. A portion of the northwest corner of Jensen Park site has recently been developed with a new joint middle school/YMCA facility. The remainder of the Jensen Park site remains as open space, to be developed in the future as a regional City park.
4. The property to be exchanged is shown on the attached Exhibit A. The land labeled as the Talcott Property consists of Lots 35 and 35 I.T. for a total of approximately 39.76 acres, and is to be exchanged for the 34.4 acres labeled as City Property (Parcel 2).
5. Discussion of the land exchange started several years ago. As development between Yankee Hill and Rokeby Roads, from South 70<sup>th</sup> to South 84<sup>th</sup> Streets has progressed, the path of city sanitary sewer has become clearer. Projecting the path of that sewer and future development in the area that can be served by it led to the initial discussion of a land exchange.
6. For Lots 35 and 36 (to be acquired by the City) to be served by sanitary sewer, a sewer line must be extended through Jensen Park following the drainage that extends from southwest to northeast through the site. The existing school and YMCA site are already served by sewer to the north and will not make use of a sewer line through the park. The future development of the remainder of the park site as a regional city park will not require sewer service, and therefore will not require the extension of a sewer line. This means that a sewer line extended to serve Lots 35 and 36 across the park site would be at the owner's expense, but would not economically feasible.
7. The 34.4 acre park land site however, is adjacent to the drainage where a sanitary sewer can be extended to connect with City's system further to the west. Given the land can be served with sanitary sewer, the land has future development potential with access to the full range of city services.
8. Extension of the park to the east makes for a more rectangular-shaped park. This shape is better suited for the development of future facilities such as ball and soccer fields.
9. The surplus property is shaped the way it is so the drainageway that extends through the area can be left as open space and part of the larger park. However, this leaves the 30-acre surplus tract with no access to South 84th Street. The panhandle and four-acre tract near the ½ access point will allow for a street and a small commercial center. This helps add value for the future 4-acre commercial property to help offset the cost of building a street to cross the drainage.

It is advantageous to allow a small commercial center at this location. It can help finance the street connection to the future residential area, and helps build the internal street network in this area. It also allows the drainageway to remain intact and part of the park, resulting in an amenity for the general public. It can also perhaps provide goods and services convenient to park visitors.



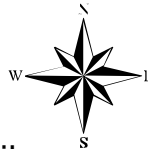


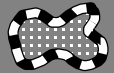


**Comp Plan Conformance #: CPC17010**  
**Surplus Property & Land Acquisition**  
**S 84th St & Yankee Hill Rd**

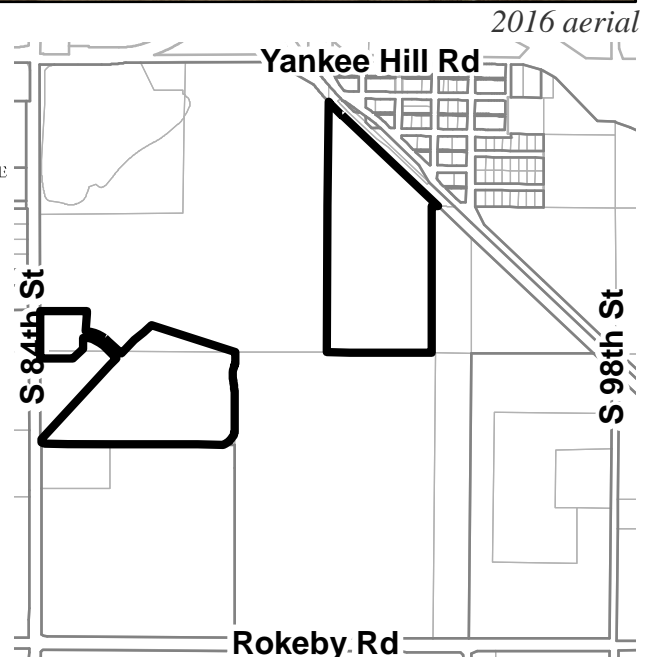
**Zoning:**

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

One Square Mile:  
 Sec.26 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





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

May 24, 2017

David Cary, Director  
City of Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus approximately 34.40 acres of Jensen Park near 84<sup>th</sup> & Yankee Woods Drive. This property is part of a planned project wherein this property will be traded for approximately 39.76 acres located adjacent to and directly east of Jensen Park. Along with the request to declare this property surplus is also a request to find comp plan conformance for the purchase of the property east of Jensen Park that is involved in the trade.

There has been no other opposition to the sale of the property by any other departments or public agencies other than the request to retain easements and right of way as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the June 21, 2017, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michelle R. Backemeyer".

Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

Attachments

interoffice  
MEMORANDUM

to:

from: Michelle Backemeyer, Housing Rehab and Real Estate Division

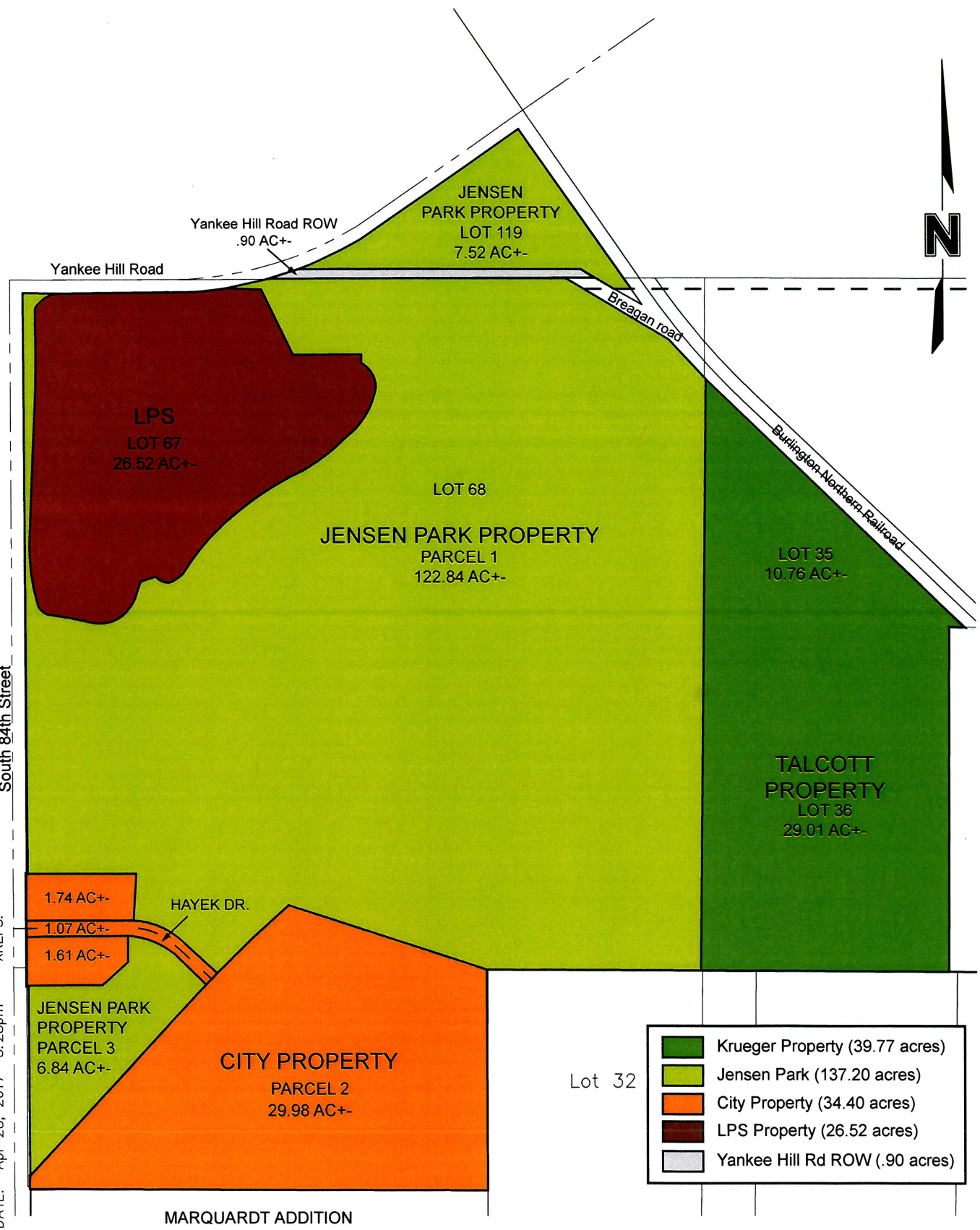
subject: Declaration of Surplus Property - 84th & Yankee Woods Drive

date: May 19, 2017

This memorandum is to notify you that the Urban Development and Parks and Recreation Departments intend to request the declaration of surplus property in Jensen Park at approximately 84th & Yankee Woods Drive, as shown on the attached Exhibits. The property is part of planned project wherein this property will be traded for property located adjacent and directly east of Jensen Park. The area to be surplused is approximately 34.40 acres in size, and the legal description is a portion of Lot 68 I.T. located in the Northwest Quarter of Section 26, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. A more precise legal description is described in one of the attached Exhibits.

If you have questions, please contact Michelle Backemeyer at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov) or 441-8617 or Nicole Fleck-Tooze in the Parks and Recreation Department at [ntooze@lincoln.ne.gov](mailto:ntooze@lincoln.ne.gov) or 441-8263.

DWG: F:\Projects\2015\20150027\Landplanning\Survey\EXHIBIT.dwg  
 DATE: Apr 28, 2017 3:28pm  
 USER: CDG Admin Assistant  
 XREFS:



MARQUARDT ADDITION

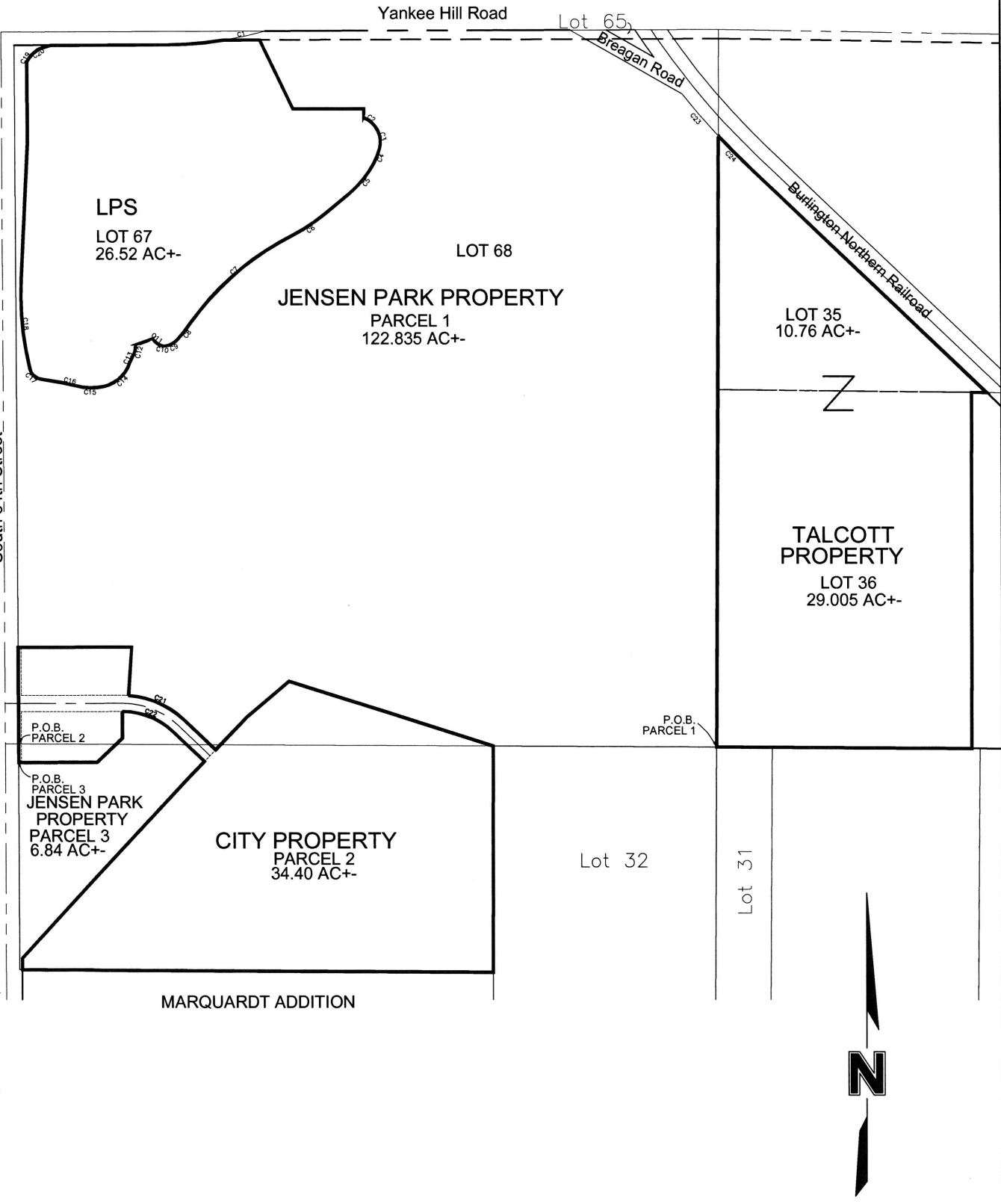
drawn by: jds  
 checked by: mte  
 project no.: -  
 date: 05/05/2017

## JENSEN PARK PARCELS LINCOLN, NEBRASKA

  
 Civil Design Group, Inc.  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com  
 CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT  
**A**

DWG: F:\Projects\2015\20150027\Landplanning\Survey\EXHIBIT.dwg  
 DATE: Jan 27, 2016 3:14pm  
 USER: Darrick R  
 XREFS: South 84th Street



drawn by: jds  
 checked by: -  
 project no.: -  
 date: 1/27/2015

**JENSEN PARK  
 PARCELS  
 LINCOLN, NEBRASKA**

**C** Civil Design Group, Inc.  
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EXHIBIT  
**1**

A portion of Lot 68, Irregular Tract located in the West Half of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'29" E, for a distance of 50.00 feet to the Point of Beginning, said point being located on the Easterly 50.00 foot Right-of-Way line of South 84th Street and the West line of said Lot 68, Irregular Tract; thence N 00°08'16" W on the West line of said Lot 68, Irregular Tract and on the Easterly 50.00 foot Right-of-Way line of said South 84th Street for a distance of 360.10 feet; thence N 89°51'44" E, for a distance of 426.39 feet; thence S 03°51'23" W, for a distance of 181.24 feet; thence on a curve to the right with an arc length of 229.32', a radius of 330.00', a chord bearing of S 66°14'08" E, for a chord length of 224.74'; thence S 46°19'40" E, for a distance of 162.17 feet; thence N 43°40'20" E, for a distance of 170.00 feet; thence N 49°54'08" E, for a distance of 206.00 feet; thence S 72°22'54" E, for a distance of 797.50 feet to the Northwest corner of Lot 32, Irregular Tract; thence S 00°07'25" W on the West line of said Lot 32, Irregular Tract, for a distance of 841.42 feet to the Northeast corner of Lot 2, Marquardt Addition; thence N 89°41'49" W on the North line of Lot 1 and Lot 2, Marquardt Addition, for a distance of 1757.75 feet to the Northwest corner of Lot 1, Marquardt Addition, said point being 60.00 feet East of the West line of the Southwest Quarter of said Section 26; thence N 00°07'31" W on a line 60.00 feet East of and parallel to the West line of the Southwest Quarter of said Section 26, for a distance of 42.50 feet; thence N 42°57'50" E, for a distance of 916.23 feet; thence N 43°40'20" E, for a distance of 85.00 feet; thence N 46°19'40" W, a distance of 162.17 feet; thence on a curve to the left with an arc length of 206.45', a radius of 270.00', a chord bearing of N 68°13'58" W, for a chord length of 201.46 feet; thence S 00°08'16" E, for a distance of 100.00 feet; thence S 46°25'41" W, for a distance of 130.90 feet; thence S 89°51'44" W, for a distance of 295.74 feet; thence N 00°07'31" W on the West line of said Lot 68, Irregular Tract and on the Easterly 50.00 foot Right-of-Way line of said South 84<sup>th</sup> Street, for a distance of 69.90 feet to the Point of Beginning, containing a calculated area of 34.40 acres, more or less.

## Parks & Recreation Advisory Board Action Item Fact Sheet

Meeting Date: May 11, 2017

**Request:** Recommendation regarding reconfiguring Jensen Park by exchanging 34 acres of parkland on the south side of the park for 40 acres of contiguous land east of the park owned by the Talcotts/Krueger Development Company, as shown on the attached map.

**Discussion:** Rick Krueger initially approached the City during the negotiation of the sale of land to Lincoln Public Schools for Moore Middle School. At that time, mutual benefits were identified, appraisals were completed for the land to be exchanged, and the majority of the details of an agreement were negotiated. The proposal was also reviewed with PRAB subcommittee members. However, the agreement was not finalized, primarily because this area was still on the fringes of City growth and development efforts were concentrated west of 84<sup>th</sup> Street. Since that time, the school and YMCA have been completed on the southeast corner of 84<sup>th</sup> Street and Yankee Hill Road, and improvements to Yankee Hill Road from 70<sup>th</sup> to Highway 2 are scheduled to be completed this year. The developer and the Parks Department are both ready to proceed with the agreement and the land exchange.

This land exchange has significant benefits for both the public and private sector. Those include:

- Greater useable park area and an additional 6 acres of parkland
- Improved park layout, with 9-10 more useable park acres and potential for 3-7 more soccer fields than options available without the land swap
- Lower grading costs
- More efficient layout and land use for private development
- Elimination of the need for a public street connection through the park from Yankee Hill Road to serve development to the east
- Elimination of the need for a ¾-mile sewer connection through the park

The Parks and Recreation Department is in the process of obtaining quitclaim deeds and disclaimers of interest in real estate from Dale Jensen and Karen Seaton (formerly Karen Jensen), who donated funds for the park. Dale Jensen and Karen Seaton provided quitclaim deeds for the transfer of land to Lincoln Public Schools. The Department has been in contact with Mr. Jensen who has expressed enthusiastic support for this land exchange and offered to coordinate the paperwork with Ms. Seaton.

As part of the terms of the agreement, the City would exchange 30 acres of City land appraised at residential value plus 3.25 acres appraised at O-3 Office value, and would agree to O-3 zoning of the 3.25 acres along 84<sup>th</sup> Street (subject to LPS consent based on the City's agreement with LPS). Rick Krueger would agree to no restaurants in the area zoned O-3. Krueger would exchange 40 acres of land appraised at residential value to the east of the park. In addition, Krueger would build the future Hayek Drive roadway in the southwest portion of the park, including a required drainage crossing at an estimated cost of about \$500,000, make a \$100,000 contribution toward the property value difference, and make a charitable contribution for playground improvements in the south end of the park to be developed when the adjacent lots are platted (with naming rights for the playground). The City would additionally grant a stormwater easement on approximately 6.5

acres of linear drainageway east of 84<sup>th</sup> Street to accommodate a portion of the regional stormwater detention requirements for Krueger and the Rokeby Road Coalition in conformance with an approved watershed master plan. Below is a table showing the quantified values of the City and the developer:

<b>CITY AND DEVELOPER CONTRIBUTIONS</b>	<b>CITY</b>	<b>DEVELOPER</b>
Roadway/drainage crossing in SW portion of park paid by developer		\$506,000.00
Value of Krueger's 39.76 acres		\$963,360.00
Value of City's 34.40 acres	\$1,217,932.50	
Krueger contribution toward property value difference		\$100,000.00
Krueger charitable contribution for playground improvements		\$30,000.00
<b>Total</b>	<b>\$1,217,932.50</b>	<b>\$1,599,360.00</b>
<i>Difference</i>		<b>\$381,427.50</b>

**Conformance with Adopted Plans and Guidelines:** The City/County Comprehensive Plan identifies the Jensen Park site as a future Community Park. Strategies identified in the Plan for Community Parks include focusing on the development and maintenance of sports fields and associated day use facilities, establishing youth baseball/softball complexes, selecting sites that allow for multiple functions such as stormwater management, and providing buffering from adjacent residential area to minimize traffic and noise – all of which are facilitated by the greater useable park area that this land exchange offers.

**Staff Recommendation:** Recommendation to declare 34 acres on the south side of the park as surplus to be transferred to Krueger Development Company in exchange for the acquisition of 40 acres of land adjacent to the east side of the park and other considerations outlined above as part of a comprehensive land exchange agreement to reconfigure Jensen Park.

**Committee Discussion and Recommendation:** Approval.

**Committee:** Fees & Facilities

**Chair:** Justin Carlson, Chair 402-261-6328

**Date:** \_\_\_\_\_

**Parks & Recreation Advisory Board Action:**

## MINUTES

*Parks & Recreation Advisory Board Meeting*  
Parks and Recreation Conference Room, 3140 N Street~Suite 300  
Thursday, May 11, 2017 ~ 4:00 p.m.

### Members Present:

Bradley Brandt	Justin Carlson	Roy Christensen	Jim Crook	Peter Levitov
Justine Linscott	Sherrie Nelson	Anne Pagel	Bob Ripley	Deb Schorr
Jeff Schwebke	Joe Tidball	Kathi Wieskamp		

### Members Absent:

Hannah Cass	Susan Deitchler	Vacancy (Todd Fitzgerald)
-------------	-----------------	---------------------------

### Staff Members Present:

Lynn Johnson, Director	JJ Yost, Planning & Construction Manager
Jerry Shorney, Assistant Director	Nicole Fleck-Tooze, Spec. Projects Admin.
Holly Lewis, Assistant Director	Christie Dionisopoulos, Foundation Director
Angela Chesnut, Executive Secretary	

**Call to Order & Recognition of 'Open Meetings Act':** As per law, Chairperson Brad Brandt announced that the Board follows the regulations of the Open Meetings Act, and called the meeting to order at 4:00 p.m. Roll was called by Angela Chesnut.

**APPROVAL OF MINUTES:** A motion was made by Roy Christensen and seconded by Sherrie Nelson to approve the minutes of the February 9, 2017 meeting as presented. Upon roll call vote members voted as follows: **"Yes": Brad Brandt, Roy Christensen, Jim Crook, Peter Levitov, Justine Linscott, Sherrie Nelson, Anne Pagel, Deb Schorr, Jeff Schwebke, Joe Tidball, Kathi Wieskamp. "Abstain": Justin Carlson, Bob Ripley. "No": None. Motion carried.**

### **PUBLIC COMMENTS FOR ITEMS NOT LISTED ON THE AGENDA:**

None.

### **COMMITTEE REPORTS:**

- **Futures Committee – Jeff Schwebke (Chair) 261-6328**

\* Jeff Schwebke reported that the Committee recently discussed drone racing in parks with a goal to possibly identify a park location that drone racing might take place. Equestrian trails in Pioneers Park was also briefly discussed at the recent meeting. Lynn Johnson provided an update regarding the equestrian trails with communication from one of the nearby stable property owners who has now filed a tort claim with the City. With that, staff will be working with the City Law Department before moving forward with additional discussion.

- **Golf Report – Sherrie Nelson (Chair) 416-0137**

\* The March and April golf reports were included in Board member packets for review. Sherrie Nelson also noted that all four courses are in beautiful condition and that the maintenance staff have done a phenomenal job of preparing the courses for spring.

\* Wade Foreman was introduced as the newly promoted Golf Business Coordinator. Mr. Foreman discussed operations revenue, expenses, and rounds projections. A 10-year facilities plan has begun in order to identify and prioritize CIP projects.

- **Executive Committee – Anne Pagel (Chair) 570-9194**

- \* Christie Dionisopoulos remarked on the recent L Magazine cover and article regarding Parks & Recreation and the Lincoln Parks Foundation, noting the numerous comments that have been received about the major impact both have on the community.

- \* Discussed the Chief Standing Bear sculpture, with sculptor Ben Victor, recently at Jayne Snyder Trail Center. Over 2,000 people visited Ben and the sculpture. The sculpture will be placed on Centennial Mall when completed.

- \* Open house and dedication of Woods Tennis Center will be held on Wednesday, June 17<sup>th</sup>. Board members are encouraged to attend and view the new facility.

- \* Received two checks from an individual today - \$1,000 for trees, and \$1,000 for support of the Foundation's work.

- \* Next Foundation campaign will be for dog runs. Two new dog runs will be created, with the Parks CIP providing funds for the simple basics, with the campaign to provide enhancements. The campaign is just getting underway, with a kick-off planned later in the month.

- **Fees & Facilities Committee – Justin Carlson (Chair) 261-6328**

- \* Nicole Fleck-Tooze provided an overview regarding reconfiguration of Jensen Park with an exchange of approximately 34 acres of parkland on the south side of the park, for 40 acres of land owned by Talcotts/Krueger Development Company on the east side of the park. Staff input suggested that this would be a positive exchange for the Parks & Recreation Department, as well as for the development company. Questions and additional information were addressed, and a conceptual layout was reviewed. Upon potential approval by the Parks & Recreation Advisory Board, the recommendation would then be presented to the City-County Planning Commission and ultimately the Lincoln City Council. A motion was made by Justin Carlson and seconded by Bob Ripley to approve the recommendation to declare 34 acres on the south side of the park as surplus to be transferred to Krueger Development Company in exchange for the acquisition of 40 acres of land adjacent to the east side of the park as presented. Upon roll call vote members voted as follows: **“Yes”**: **Brad Brandt, Justin Carlson, Jim Crook, Peter Levitov, Justine Linscott, Sherrie Nelson, Anne Pagel, Bob Ripley, Deb Schorr, Jeff Schwebke, Joe Tidball, Kathi Wieskamp.** **“Abstain”**: Roy Christensen. **“No”**: None. **Motion carried.**

### **STAFF REPORT:**

Lynn Johnson and JJ Yost provided updates to current and upcoming projects:

- \* Irvingdale-Stransky-Rudge Master Plan – A public open house was held to review the master plan and answer questions, which was well attended. The final draft of the master plan will be ready for PRAB discussion and recommendation at the June meeting.

- \* Wilderness Park Strategic Planning – The recent strategic planning process has been completed with a draft report being prepared. The report will be presented to the Futures Committee with the intent of discussion and recommendation by the full Board at the June meeting.

- \* 10-Year Facilities Plan – The plan is updated every two years, with the 2017 update currently underway. Each Parks district is being reviewed and revised as needed including trail projects and Golf courses in each quadrant, with Board presentation in the fall.

\* Taylor Park – Playground renovation discussions are being planned with a committee to include one or two representatives from each of the neighborhood associations and civic groups in the area. Design plans and master plan implementation will be reviewed with the committee in selection of equipment and design tweaks. Beginning construction is potentially planned for later this summer. Susan Deitchler has volunteered to represent the Parks & Recreation Advisory Board on the committee.

\* Chief Standing Bear Monument – Placement will be on Centennial Mall in time for the Nebraska Sesquicentennial celebration. The sculpture is being donated by Don Miller Campbell.

**ANNOUNCEMENTS:**

Wake up the Beds at Sunken Gardens will take place on Saturday, May 13<sup>th</sup>. Staff and volunteers will plant approximately 5,000 to 7,000 plants that morning.

Party on the Plaza at Union Plaza will be held on Saturday, May 20<sup>th</sup>, beginning at 4:00 p.m., with a theme of fitness.

Meeting adjourned at 5:00 p.m.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Amendment #17003 Jensen Park Land Exchange	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> City of Lincoln Milton Talcott/Krueger Development
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Comprehensive Plan Conformance #17010	<b>PROPERTY ADDRESS/LOCATION</b> S 84 <sup>th</sup> Street St and Yankee Hill Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to amend the Future Land Use Map of the Comprehensive Plan to reflect the proposed land exchange between the City of Lincoln and Milton Talcott/Krueger Development.

The land to be acquired by the City is currently designated for Urban Density Residential and Commercial land uses, but is being changed to Green Space to reflect the proposed future park use.

The park land to be sold as surplus is designated as Green Space, but is being changed to Urban Density Residential and Commercial.

The changes reflect the outcome of the proposed land exchange per CPC#17010.



**JUSTIFICATION FOR RECOMMENDATION**

This is associated with CPC#17010 for the Jensen Park land exchange for declaration of surplus property and property acquisition. The proposed land exchange between the City of Lincoln and Milton Talcott/Krueger Development results in more efficient use of land in this area, allowing land that can be served by City utilities to be designated for development, and setting aside land that likely won't be served by city services as open/green space.

This amendment updates the Comprehensive Plan to reflect the land uses proposed by the land exchange. The proposed changes to the land use map are consistent with the goals of the Comprehensive Plan and will facilitate the proposed land exchange.

**APPLICATION CONTACT, STAFF CONTACT**

Nicole Fleck-Tooze  
(402) 441-8263  
[ntooze@lincoln.ne.gov](mailto:ntooze@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan designates all the publicly-owned land in and around Jensen Park as Green Space to represent the future regional park to be developed there. The land use designations will not correspond to the intended uses unless the Future Land Use Map is amended to reflect the changes that will result from the proposed land exchange. This amendment correctly designates the land use for the areas involved to facilitate the exchange.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

**Green Space** - Public 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. (pg 12.4)

**Urban Residential** - Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (pg 12.4)

**Commercial** - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district. (pg 12.4)

## ANALYSIS

1. This amendment is associated with CPC#17010 which requests that the surplus of approximately 34.4 acres of land, and the acquisition of 39.76 acres of land be found in conformance with the Comprehensive Plan. This request only seeks the changes necessary to update the Future Land Use Map to reflect the proposed land exchange between the City and Talcott.
2. The City is entering into an agreement with the owner of land adjacent to Jensen Park on the east. The agreement will allow for a land exchange between the City and the land owner, where the City will acquire 39.76 acres of land in exchange for 34.4 acres of park land.
3. As noted in the report for CPC#17010, for Lots 35 and 36 owned by Talcott to be served by sanitary sewer, a sewer line must be extended through Jensen Park following the drainage that extends from southwest to northeast through the site. The existing school and YMCA site are already served by sewer to the north and will not make use of a sewer line through the park. The future development of the remainder of the park site as a regional city park will not require sewer service, and therefore will not require the extension of a sewer line. A sewer line extended to serve Lots 35 and 36 across the park site would be at the owner's expense, and not economically feasible.
4. The 34.4 acre park land site however, is adjacent to the drainage where a sanitary sewer can be extended to connect with the City's system further to the west. Given the land can be served with sanitary sewer, the land has future development potential with access to the full range of city services.
5. This amendment involves designating the private land that the City is acquiring from Urban Density Residential and Commercial to Green Space, and designating the surplus public land as Urban Density Residential and Commercial from Green Space.
6. There is a rough equivalency between both the amount of land being exchanged between the parties, and the amount of land being re-designated within the same land use categories. That is, the amount of land designated for Green Space, Urban Density Residential, and Commercial land uses will be essentially be the same after the re-designation.
7. The approximate 30 acres being re-designated to Urban Residential will need access to South 84<sup>th</sup> Street to develop. The land is located near the ½ mile access point onto South 84<sup>th</sup> Street, but a drainage must be crossed. The ½ mile access point will also be used as a main entrance point into the park. The request includes designating approximately 4 acres of commercial area near the ½ mile access point to allow for a small commercial center. It is intended that the added value of the future commercial property will help off-set the cost of building a street to cross the drainage, and perhaps provide goods and services useful to park visitors.
8. This request was considered by the Parks and Recreation Advisory Board at their May 11, 2017 meeting. The Board voted unanimously to recommend approval, a copy of the fact sheet and minutes are attached.

9. The associated request results in a better park site due to its location and ability to help the layout of the ball fields. It also allows for the development potential of a portion of the publically-owned land to be realized, all resulting in a more efficient of land in the area. This request complies with the Comprehensive Plan.

**EXISTING LAND USE & ZONING:**

Undeveloped farmland and green/open space

AG, P, I-1

**LEGAL DESCRIPTION:** Lots 35 and 36 Irregular Tracts, and a portion of Lot 68, I.T, all located in the N1/2 of Section 26-9-7, Lincoln, Lancaster County, Nebraska. The portion of Lot 68 I.T. is more particularly described in the attached legal description.

**PROPOSED AMENDMENT:**

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

Amend the Lincoln/Lancaster County Future Land Use plan as shown on the attached Proposed Land Use Change map prepared by the Planning Department.

Prepared by

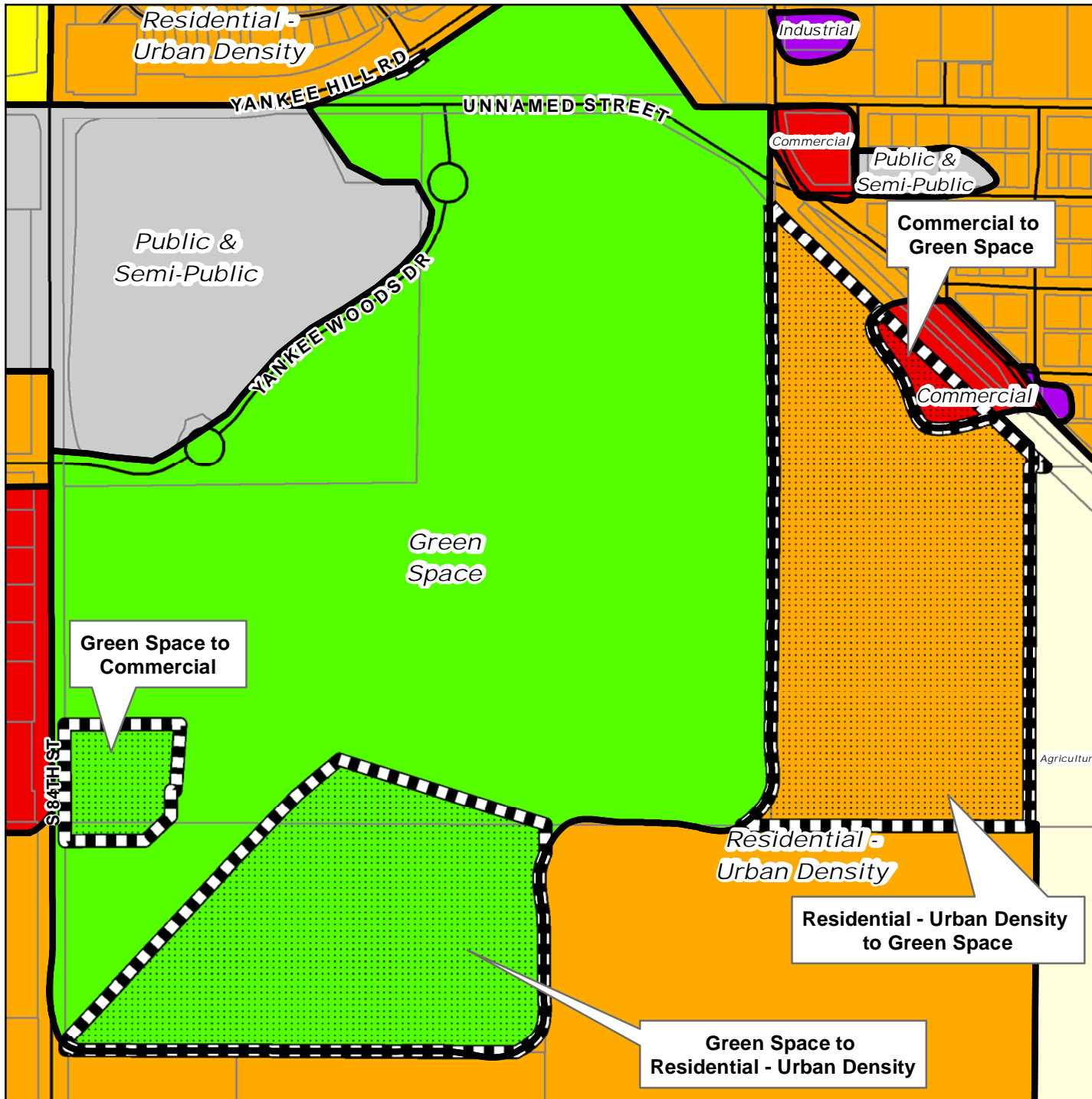
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Brian Will  
(402) 441- 6362  
or [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
June 8, 2017

Applicant      David Cary  
                    Planning Director  
                    City of Lincoln  
                    555 South 10<sup>th</sup> Street  
                    Lincoln, NE 605058

Contact:        Brian Will  
                    City of Lincoln  
                    555 South 10<sup>th</sup> Street  
                    Lincoln, NE 68508  
                    402-441-6362



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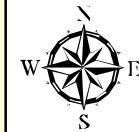


CPA # 17003  
 Jensen Park  
 S 84th St & Yankee Hill Rd

## Proposed Land Use Change

**Legend**

-  Area of Amendment
-  Ownership Parcels



LINCOLN - LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 Information Technology Services  
 303 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.2491 Fax: 402.441.6377



f:\its\gis\arcview\CompPlanAmendment.mxd  
 (CPA17003)

May 24, 2017

David Cary, Director  
City of Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus approximately 34.40 acres of Jensen Park near 84<sup>th</sup> & Yankee Woods Drive. This property is part of a planned project wherein this property will be traded for approximately 39.76 acres located adjacent to and directly east of Jensen Park. Along with the request to declare this property surplus is also a request to find comp plan conformance for the purchase of the property east of Jensen Park that is involved in the trade.

There has been no other opposition to the sale of the property by any other departments or public agencies other than the request to retain easements and right of way as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the June 21, 2017, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,

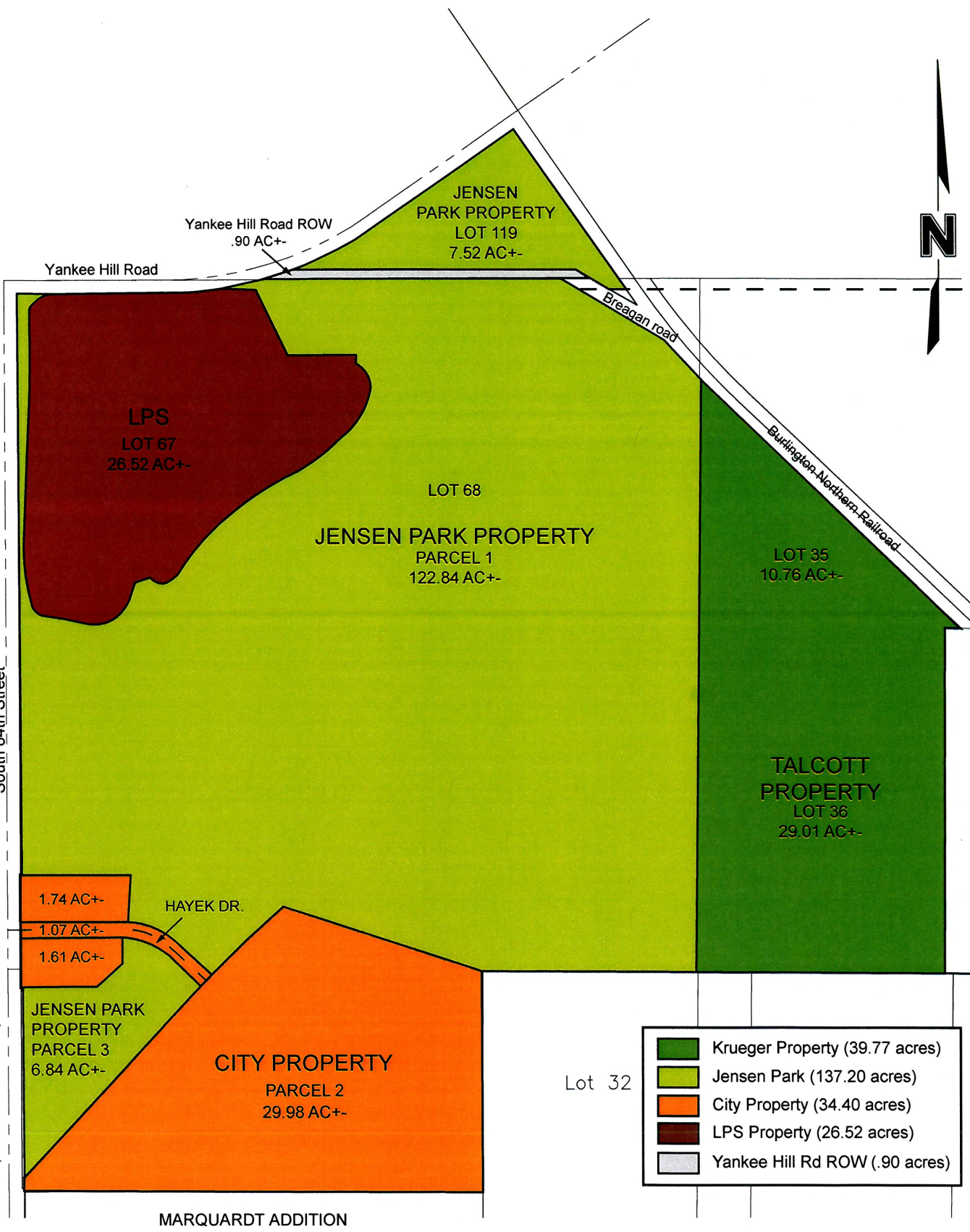


Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

Attachments

DWG: F:\Projects\2015\20150027\Landplanning\Survey\EXHIBIT.dwg USER: CDG Admin Assistant  
 DATE: Apr 28, 2017 3:28pm XREFS: South 84th Street



MARQUARDT ADDITION

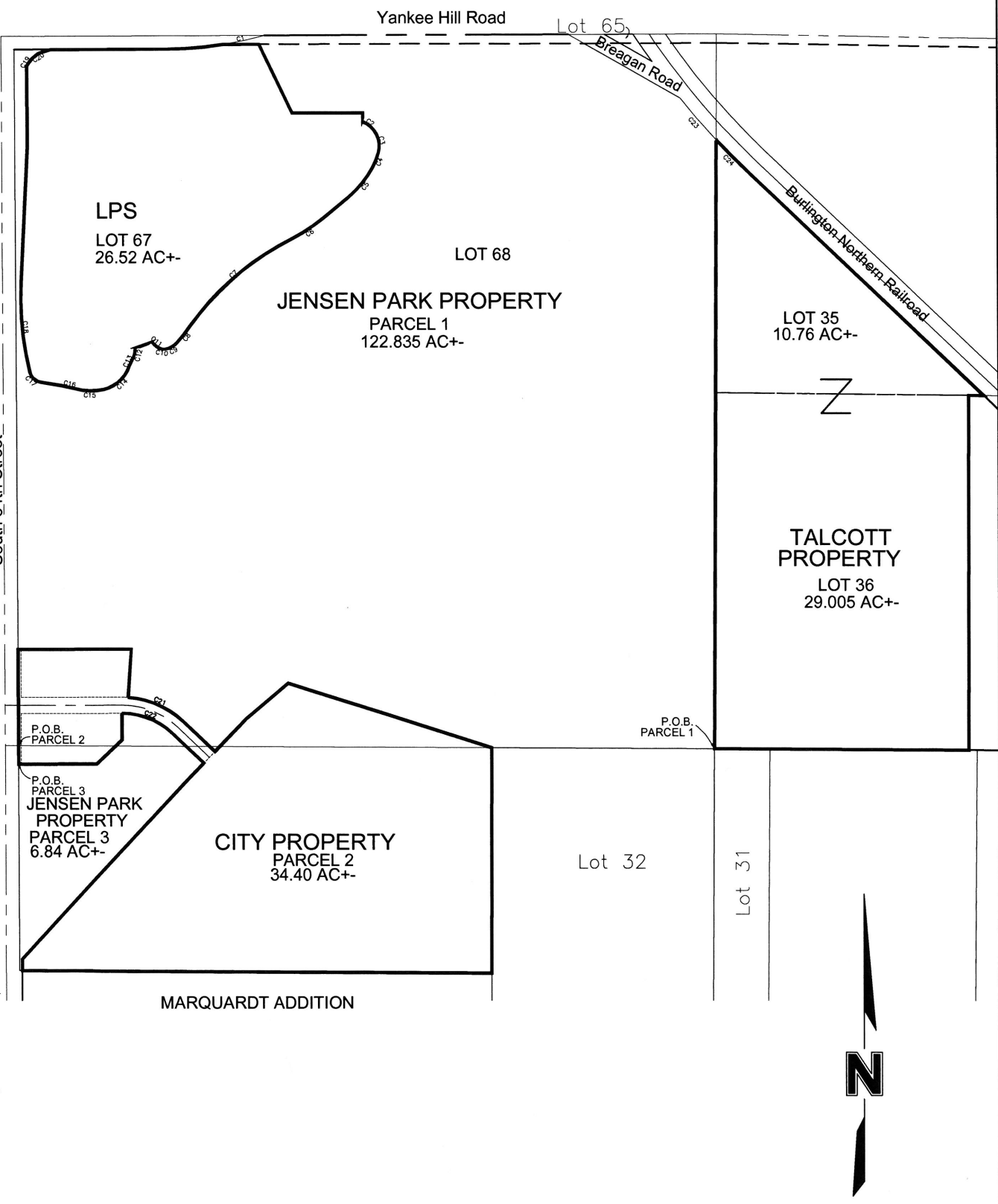
drawn by: jds  
 checked by: mte  
 project no.: -  
 date: 05/05/2017

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EXHIBIT  
**A**

DWG: F:\Projects\2015\20150027\Landplanning\Survey\EXHIBIT.dwg  
 DATE: Jan 27, 2016 3:14pm  
 USER: Darrick R  
 XREFS: South 84th Street



drawn by: jds  
 checked by: -  
 project no.: -  
 date: 1/27/2015

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EXHIBIT  
**1**

A portion of Lot 68, Irregular Tract located in the West Half of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'29" E, for a distance of 50.00 feet to the Point of Beginning, said point being located on the Easterly 50.00 foot Right-of-Way line of South 84th Street and the West line of said Lot 68, Irregular Tract; thence N 00°08'16" W on the West line of said Lot 68, Irregular Tract and on the Easterly 50.00 foot Right-of-Way line of said South 84th Street for a distance of 360.10 feet; thence N 89°51'44" E, for a distance of 426.39 feet; thence S 03°51'23" W, for a distance of 181.24 feet; thence on a curve to the right with an arc length of 229.32', a radius of 330.00', a chord bearing of S 66°14'08" E, for a chord length of 224.74'; thence S 46°19'40" E, for a distance of 162.17 feet; thence N 43°40'20" E, for a distance of 170.00 feet; thence N 49°54'08" E, for a distance of 206.00 feet; thence S 72°22'54" E, for a distance of 797.50 feet to the Northwest corner of Lot 32, Irregular Tract; thence S 00°07'25" W on the West line of said Lot 32, Irregular Tract, for a distance of 841.42 feet to the Northeast corner of Lot 2, Marquardt Addition; thence N 89°41'49" W on the North line of Lot 1 and Lot 2, Marquardt Addition, for a distance of 1757.75 feet to the Northwest corner of Lot 1, Marquardt Addition, said point being 60.00 feet East of the West line of the Southwest Quarter of said Section 26; thence N 00°07'31" W on a line 60.00 feet East of and parallel to the West line of the Southwest Quarter of said Section 26, for a distance of 42.50 feet; thence N 42°57'50" E, for a distance of 916.23 feet; thence N 43°40'20" E, for a distance of 85.00 feet; thence N 46°19'40" W, a distance of 162.17 feet; thence on a curve to the left with an arc length of 206.45', a radius of 270.00', a chord bearing of N 68°13'58" W, for a chord length of 201.46 feet; thence S 00°08'16" E, for a distance of 100.00 feet; thence S 46°25'41" W, for a distance of 130.90 feet; thence S 89°51'44" W, for a distance of 295.74 feet; thence N 00°07'31" W on the West line of said Lot 68, Irregular Tract and on the Easterly 50.00 foot Right-of-Way line of said South 84<sup>th</sup> Street, for a distance of 69.90 feet to the Point of Beginning, containing a calculated area of 34.40 acres, more or less.

## Parks & Recreation Advisory Board Action Item Fact Sheet

Meeting Date: May 11, 2017

**Request:** Recommendation regarding reconfiguring Jensen Park by exchanging 34 acres of parkland on the south side of the park for 40 acres of contiguous land east of the park owned by the Talcotts/Krueger Development Company, as shown on the attached map.

**Discussion:** Rick Krueger initially approached the City during the negotiation of the sale of land to Lincoln Public Schools for Moore Middle School. At that time, mutual benefits were identified, appraisals were completed for the land to be exchanged, and the majority of the details of an agreement were negotiated. The proposal was also reviewed with PRAB subcommittee members. However, the agreement was not finalized, primarily because this area was still on the fringes of City growth and development efforts were concentrated west of 84<sup>th</sup> Street. Since that time, the school and YMCA have been completed on the southeast corner of 84<sup>th</sup> Street and Yankee Hill Road, and improvements to Yankee Hill Road from 70<sup>th</sup> to Highway 2 are scheduled to be completed this year. The developer and the Parks Department are both ready to proceed with the agreement and the land exchange.

This land exchange has significant benefits for both the public and private sector. Those include:

- Greater useable park area and an additional 6 acres of parkland
- Improved park layout, with 9-10 more useable park acres and potential for 3-7 more soccer fields than options available without the land swap
- Lower grading costs
- More efficient layout and land use for private development
- Elimination of the need for a public street connection through the park from Yankee Hill Road to serve development to the east
- Elimination of the need for a ¾-mile sewer connection through the park

The Parks and Recreation Department is in the process of obtaining quitclaim deeds and disclaimers of interest in real estate from Dale Jensen and Karen Seaton (formerly Karen Jensen), who donated funds for the park. Dale Jensen and Karen Seaton provided quitclaim deeds for the transfer of land to Lincoln Public Schools. The Department has been in contact with Mr. Jensen who has expressed enthusiastic support for this land exchange and offered to coordinate the paperwork with Ms. Seaton.

As part of the terms of the agreement, the City would exchange 30 acres of City land appraised at residential value plus 3.25 acres appraised at O-3 Office value, and would agree to O-3 zoning of the 3.25 acres along 84<sup>th</sup> Street (subject to LPS consent based on the City's agreement with LPS). Rick Krueger would agree to no restaurants in the area zoned O-3. Krueger would exchange 40 acres of land appraised at residential value to the east of the park. In addition, Krueger would build the future Hayek Drive roadway in the southwest portion of the park, including a required drainage crossing at an estimated cost of about \$500,000, make a \$100,000 contribution toward the property value difference, and make a charitable contribution for playground improvements in the south end of the park to be developed when the adjacent lots are platted (with naming rights for the playground). The City would additionally grant a stormwater easement on approximately 6.5

acres of linear drainageway east of 84<sup>th</sup> Street to accommodate a portion of the regional stormwater detention requirements for Krueger and the Rokeby Road Coalition in conformance with an approved watershed master plan. Below is a table showing the quantified values of the City and the developer:

<b>CITY AND DEVELOPER CONTRIBUTIONS</b>	<b>CITY</b>	<b>DEVELOPER</b>
Roadway/drainage crossing in SW portion of park paid by developer		\$506,000.00
Value of Krueger's 39.76 acres		\$963,360.00
Value of City's 34.40 acres	\$1,217,932.50	
Krueger contribution toward property value difference		\$100,000.00
Krueger charitable contribution for playground improvements		\$30,000.00
<b>Total</b>	<b>\$1,217,932.50</b>	<b>\$1,599,360.00</b>
<i>Difference</i>		<b>\$381,427.50</b>

**Conformance with Adopted Plans and Guidelines:** The City/County Comprehensive Plan identifies the Jensen Park site as a future Community Park. Strategies identified in the Plan for Community Parks include focusing on the development and maintenance of sports fields and associated day use facilities, establishing youth baseball/softball complexes, selecting sites that allow for multiple functions such as stormwater management, and providing buffering from adjacent residential area to minimize traffic and noise – all of which are facilitated by the greater useable park area that this land exchange offers.

**Staff Recommendation:** Recommendation to declare 34 acres on the south side of the park as surplus to be transferred to Krueger Development Company in exchange for the acquisition of 40 acres of land adjacent to the east side of the park and other considerations outlined above as part of a comprehensive land exchange agreement to reconfigure Jensen Park.

**Committee Discussion and Recommendation:** Approval.

**Committee:** Fees & Facilities

**Chair:** Justin Carlson, Chair 402-261-6328

**Date:** \_\_\_\_\_

**Parks & Recreation Advisory Board Action:**

## MINUTES

*Parks & Recreation Advisory Board Meeting*  
Parks and Recreation Conference Room, 3140 N Street~Suite 300  
Thursday, May 11, 2017 ~ 4:00 p.m.

### Members Present:

Bradley Brandt	Justin Carlson	Roy Christensen	Jim Crook	Peter Levitov
Justine Linscott	Sherrie Nelson	Anne Pagel	Bob Ripley	Deb Schorr
Jeff Schwebke	Joe Tidball	Kathi Wieskamp		

### Members Absent:

Hannah Cass	Susan Deitchler	Vacancy (Todd Fitzgerald)
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### Staff Members Present:

Lynn Johnson, Director	JJ Yost, Planning & Construction Manager
Jerry Shorney, Assistant Director	Nicole Fleck-Tooze, Spec. Projects Admin.
Holly Lewis, Assistant Director	Christie Dionisopoulos, Foundation Director
Angela Chesnut, Executive Secretary	

**Call to Order & Recognition of 'Open Meetings Act':** As per law, Chairperson Brad Brandt announced that the Board follows the regulations of the Open Meetings Act, and called the meeting to order at 4:00 p.m. Roll was called by Angela Chesnut.

**APPROVAL OF MINUTES:** A motion was made by Roy Christensen and seconded by Sherrie Nelson to approve the minutes of the February 9, 2017 meeting as presented. Upon roll call vote members voted as follows: "Yes": **Brad Brandt, Roy Christensen, Jim Crook, Peter Levitov, Justine Linscott, Sherrie Nelson, Anne Pagel, Deb Schorr, Jeff Schwebke, Joe Tidball, Kathi Wieskamp.** "Abstain": Justin Carlson, Bob Ripley. "No": None. Motion carried.

### **PUBLIC COMMENTS FOR ITEMS NOT LISTED ON THE AGENDA:**

None.

### **COMMITTEE REPORTS:**

- **Futures Committee – Jeff Schwebke (Chair) 261-6328**

\* Jeff Schwebke reported that the Committee recently discussed drone racing in parks with a goal to possibly identify a park location that drone racing might take place. Equestrian trails in Pioneers Park was also briefly discussed at the recent meeting. Lynn Johnson provided an update regarding the equestrian trails with communication from one of the nearby stable property owners who has now filed a tort claim with the City. With that, staff will be working with the City Law Department before moving forward with additional discussion.

- **Golf Report – Sherrie Nelson (Chair) 416-0137**

\* The March and April golf reports were included in Board member packets for review. Sherrie Nelson also noted that all four courses are in beautiful condition and that the maintenance staff have done a phenomenal job of preparing the courses for spring.

\* Wade Foreman was introduced as the newly promoted Golf Business Coordinator. Mr. Foreman discussed operations revenue, expenses, and rounds projections. A 10-year facilities plan has begun in order to identify and prioritize CIP projects.

- **Executive Committee – Anne Pagel (Chair) 570-9194**

- \* Christie Dionisopoulos remarked on the recent L Magazine cover and article regarding Parks & Recreation and the Lincoln Parks Foundation, noting the numerous comments that have been received about the major impact both have on the community.

- \* Discussed the Chief Standing Bear sculpture, with sculptor Ben Victor, recently at Jayne Snyder Trail Center. Over 2,000 people visited Ben and the sculpture. The sculpture will be placed on Centennial Mall when completed.

- \* Open house and dedication of Woods Tennis Center will be held on Wednesday, June 17<sup>th</sup>. Board members are encouraged to attend and view the new facility.

- \* Received two checks from an individual today - \$1,000 for trees, and \$1,000 for support of the Foundation's work.

- \* Next Foundation campaign will be for dog runs. Two new dog runs will be created, with the Parks CIP providing funds for the simple basics, with the campaign to provide enhancements. The campaign is just getting underway, with a kick-off planned later in the month.

- **Fees & Facilities Committee – Justin Carlson (Chair) 261-6328**

- \* Nicole Fleck-Tooze provided an overview regarding reconfiguration of Jensen Park with an exchange of approximately 34 acres of parkland on the south side of the park, for 40 acres of land owned by Talcotts/Krueger Development Company on the east side of the park. Staff input suggested that this would be a positive exchange for the Parks & Recreation Department, as well as for the development company. Questions and additional information were addressed, and a conceptual layout was reviewed. Upon potential approval by the Parks & Recreation Advisory Board, the recommendation would then be presented to the City-County Planning Commission and ultimately the Lincoln City Council. A motion was made by Justin Carlson and seconded by Bob Ripley to approve the recommendation to declare 34 acres on the south side of the park as surplus to be transferred to Krueger Development Company in exchange for the acquisition of 40 acres of land adjacent to the east side of the park as presented. Upon roll call vote members voted as follows: **“Yes”**: **Brad Brandt, Justin Carlson, Jim Crook, Peter Levitov, Justine Linscott, Sherrie Nelson, Anne Pagel, Bob Ripley, Deb Schorr, Jeff Schwebke, Joe Tidball, Kathi Wieskamp.** **“Abstain”**: Roy Christensen. **“No”**: None. **Motion carried.**

### **STAFF REPORT:**

Lynn Johnson and JJ Yost provided updates to current and upcoming projects:

- \* Irvingdale-Stransky-Rudge Master Plan – A public open house was held to review the master plan and answer questions, which was well attended. The final draft of the master plan will be ready for PRAB discussion and recommendation at the June meeting.

- \* Wilderness Park Strategic Planning – The recent strategic planning process has been completed with a draft report being prepared. The report will be presented to the Futures Committee with the intent of discussion and recommendation by the full Board at the June meeting.

- \* 10-Year Facilities Plan – The plan is updated every two years, with the 2017 update currently underway. Each Parks district is being reviewed and revised as needed including trail projects and Golf courses in each quadrant, with Board presentation in the fall.

\* Taylor Park – Playground renovation discussions are being planned with a committee to include one or two representatives from each of the neighborhood associations and civic groups in the area. Design plans and master plan implementation will be reviewed with the committee in selection of equipment and design tweaks. Beginning construction is potentially planned for later this summer. Susan Deitchler has volunteered to represent the Parks & Recreation Advisory Board on the committee.

\* Chief Standing Bear Monument – Placement will be on Centennial Mall in time for the Nebraska Sesquicentennial celebration. The sculpture is being donated by Don Miller Campbell.

**ANNOUNCEMENTS:**

Wake up the Beds at Sunken Gardens will take place on Saturday, May 13<sup>th</sup>. Staff and volunteers will plant approximately 5,000 to 7,000 plants that morning.

Party on the Plaza at Union Plaza will be held on Saturday, May 20<sup>th</sup>, beginning at 4:00 p.m., with a theme of fitness.

Meeting adjourned at 5:00 p.m.



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Amendment #17005 North 70 <sup>th</sup> Project	<b>FINAL ACTION?</b> No	<b>DEVELOPER</b> Almond Opportunity, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Change of Zone #17016	<b>PROPERTY ADDRESS/LOCATION</b> 7620 N 70 <sup>th</sup> Street

**RECOMMENDATION: APPROVAL OF THE PROPOSED AMENDMENT**

**BRIEF SUMMARY OF REQUEST**

This is a request to change the Future Land Use map for the Abbott Sports Complex site and undeveloped land to the north. The changes are summarized below:

- Remove approximately 80 acres of Green Space and change to Industrial.
- Remove approximately 50 acres of Commercial and change to Industrial.
- Remove approximately 60 acres of Green Space and change to Agricultural Stream Corridor.



**JUSTIFICATION FOR RECOMMENDATION**

Industrial uses are appropriate for this site. N 70<sup>th</sup> Street north of Cornhusker Highway is almost entirely surrounded by existing or future industrial uses. Industrial land is identified to the north and west of the site, and the wastewater treatment plant is to the south across Salt Creek.

**APPLICATION CONTACT**

See Staff Contact

**STAFF CONTACT**

Andrew Thierolf  
(402) 441- 6371  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan notes that industrial development should be on sites with adequate road capacity, compatible with existing or planned residential uses, and outside of critical habitat areas. This site is located along N 70<sup>th</sup> Street and within ¼ mile of the N 56<sup>th</sup> Street / Interstate 80 interchange. There are no planned or existing residential developments located nearby. The floodway area of the site would remain as Environmental Resources, and per the zoning agreement associated with Change of Zone No. 17016 that area would not be developed with buildings. The proposed area is within the 2040 Future Service Limit, Tier I Priority B.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Page 3.3 - **Seek early identification of areas to be preserved** - While planning for future growth is integral to LPlan 2040, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas that are most valued as part of the Greenprint Challenge. This principle supports the notion of “getting ahead of the game” by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses.

P. 5.5-5.6 - Commercial and Industrial Development Strategies

- It is the policy that Commercial and Industrial Centers in Lancaster County be located:
  - Within the City of Lincoln or incorporated villages.
  - Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
  - Where urban services and infrastructure are available or planned for in the near term.
  - In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
  - In areas compatible with existing or planned residential uses.
  - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
  - In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
  - In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

P. 5.16 - LPlan 2040 foresees the demand for nearly 1,400 acres of additional industrial property over the planning period.

P. 5.16 - The City’s policy is to site Industrial Centers in the land use plan in advance in order to ensure public safety and adequate infrastructure. The Lincoln/Lancaster County Health Department should be involved in all siting of new industrial centers to ensure the public’s health and safety.

## ANALYSIS

1. The Comprehensive Plan currently designates the following future land uses: Green Space, Environmental Resources, and Commercial. The request is to change a majority of the Green Space and Commercial areas to Industrial, with a small portion changing to Agricultural Stream Corridor.
2. A description of each land use is below along with an explanation of the proposed change.

**Green Space.** *Public 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.*

A majority of the site is currently designated as Green Space. This includes much of the existing Abbott Sports Complex and adjacent land to the north. The site was designated as green space to reflect the use as a sports complex. The site is proposed to be redeveloped for commercial industrial uses so Green Space is no longer an appropriate designation.

**Commercial.** *Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.*

An existing Commercial designation area is located directly north of the Green Space designation at N 70<sup>th</sup> Street and Arbor Road. The purpose of the Commercial designation was to provide a transition between the Industrial area further north and the sports complex to the south. Once the sports complex is redeveloped into industrial uses there is no longer a need for a Commercial transition area. The Commercial area currently includes a parcel in the H-3 Highway Commercial district that is being used for contractor services. The area also includes two farmsteads in AG zoning. This amendment does not change the existing zoning, and these existing uses would not be impacted. The Industrial designation would provide more flexibility for future redevelopment of the site.

**Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.**

Discussion of the Industrial designation can be found later in this Analysis.

**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.**

This portion of the site is in the 100 year floodplain and likely several decades from developing. It is within the 2040 Future Service Limit but is currently over ½ mile from any existing utilities. If the site develops into a larger industrial development this area could be used as parking or an open space amenity.

**Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.**

This area would remain unchanged. The zoning agreement associated with Change of Zone No. 17016 would prohibit development of buildings in the floodway.

3. The Comprehensive Plan includes a variety of redevelopment strategies for Industrial sites that are relevant to this proposed amendment.

It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Within the City of Lincoln or incorporated villages. This site is within the Future Service Limit. The portion included in the associated Change of Zone No. 17016 is within City Limits.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning). The floodway would remain within the Environmental Resources designated area. Portions of the proposed Industrial area that include 100 year floodplain will need to comply with floodplain regulations when they are redeveloped.
- Where urban services and infrastructure are available or planned for in the near term. This site is within the Future Service Limit.
- In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan. This site is located along an arterial and ¼ mile from an Interstate 80 interchange.
- In areas compatible with existing or planned residential uses. The only residential uses in the area are a few scattered farmsteads.

**EXISTING LAND USE & ZONING:**

Sports Complex, Contractor Services, Agriculture, Residential

H-2 Highway Business, H-3 Highway Commercial, AG Agriculture

**SURROUNDING LAND USE & ZONING**

North: Agriculture	AG Agriculture
South: Salt Creek, Sewer Treatment Plant	P Public, AG
East: Agriculture	AG
West: Agriculture, Rock Crusher	I-1 Industrial, I-2 Industrial Park

## HISTORY

- 1977 The site was shown as Agriculture/Industrial Reserve on the Future Land Use Map associated with the 1977 Comprehensive Plan.
- 1985 The site was outside the planning area for the 1985 Comprehensive Plan, but the surrounding area to the south was shown as Industrial and Public on the Future Land Use Map (reflecting the location of the Sewer Treatment Plant).
- 1992 Abbott Sports Complex approved.
- 1994 A majority of the site was shown as Parks/Open Space on the Future Land Use Map to reflect the newly-developed Abbott Sports Complex.

**APPROXIMATE LAND AREA:** 190 acres total  
130 acres of Industrial (Proposed)  
60 acres of Agricultural Stream Corridor (Proposed)

**LEGAL DESCRIPTION:** Lots 47, 48, 50, 57, 59, 60, and 61, located in the South 1/2 of Section 27-11-7

Prepared by

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Andrew Thierolf, Planner  
(402) 441- 6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

June 12, 2017

**Applicant:** City of Lincoln

**Contact:** Andrew Thierolf  
Lincoln-Lancaster County Planning Department  
555 S 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

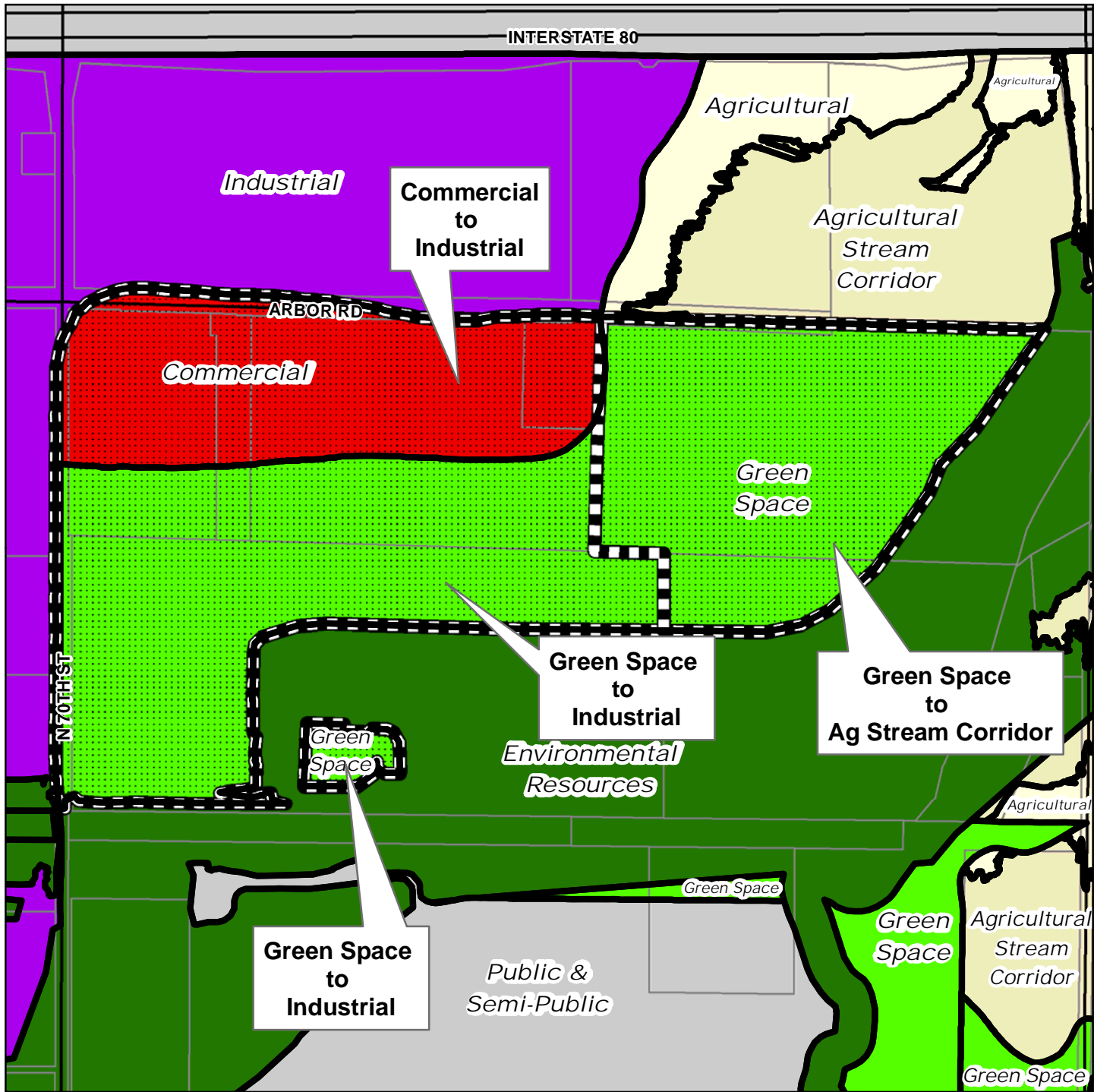
**Owner:** Lincoln Sports Foundation, Inc.  
PO Box 81407  
Lincoln, NE 68501

Monte & Lisa Froehlich  
129 N 10<sup>th</sup> Street  
Lincoln, NE 68508

Daniel Scully Revocable Trust  
9145 Pioneer Court  
Lincoln, NE 68520

Ronald Vajgrt & Connie Hansen  
7701 Arbor Road  
Lincoln, NE 68517



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CPA # 17005  
 N 70th Project  
 N 70th St & Arbor Rd

## Proposed Land Use Change

**Legend**

-  Area of Amendment
-  Ownership Parcels


  
 LINCOLN - LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 Information Technology Services  
 303 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.7491 Fax: 402.441.6377

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 (CPA17005)



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Change of Zone #17016 North 70 <sup>th</sup> Project	<b>FINAL ACTION?</b> No	<b>DEVELOPER</b> Almond Opportunity, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Comprehensive Plan Amendment #17005	<b>PROPERTY ADDRESS/LOCATION</b> 7620 N 70 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from H-2 Highway Business to I-1 Industrial for 31 acres. The applicant is requesting to redevelop the Abbott Sports Complex for commercial and industrial uses. The first phase is to convert the existing 92,000 square-foot building for industrial use. Future phases could involve redevelopment of the outdoor sports facilities and other buildings. An additional change of zone, along with a preliminary plat, would be required before additional phases can begin.



**JUSTIFICATION FOR RECOMMENDATION**

Industrial uses are appropriate for this site. N 70<sup>th</sup> Street north of Cornhusker Highway is almost entirely occupied by existing or future industrial uses. I-1 and I-2 zoning is adjacent to this site on the west, the wastewater treatment plant is to the south, and areas to the north and east are identified as future industrial. Per the zoning agreement, recreational uses would remain 300 feet away from the I-1 district until those areas are redeveloped.

**APPLICATION CONTACT**  
Andrew Willis, Cline Williams  
(402) 474-6900  
[awillis@clinewilliams.com](mailto:awillis@clinewilliams.com)

**STAFF CONTACT**  
Andrew Thierolf  
(402) 441- 6371  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This change of zone is associated with Comprehensive Plan Amendment No. 17005. The suitability of industrial for this site is discussed in more detail in that staff report. With approval of Comprehensive Plan Amendment No. 17005 this site would be within the Industrial future land use designation, which is appropriate for I-1 zoning.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - With approval of Comprehensive Plan Amendment No. 07005 this site would be shown as Industrial on the 2040 Lincoln Area Future Land Use Plan. It is currently shown as Green Space to reflect its use as a recreational facility.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses.

P. 5.5-5.6 - Commercial and Industrial Development Strategies

- It is the policy that Commercial and Industrial Centers in Lancaster County be located:
  - Within the City of Lincoln or incorporated villages.
  - Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
  - Where urban services and infrastructure are available or planned for in the near term.
  - In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
  - In areas compatible with existing or planned residential uses.
  - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
  - In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
  - In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

P. 5.16 - LPlan 2040 foresees the demand for nearly 1,400 acres of additional industrial property over the planning period.

P. 5.16 - The City's policy is to site Industrial Centers in the land use plan in advance in order to ensure public safety and adequate infrastructure. The Lincoln/Lancaster County Health Department should be involved in all siting of new industrial centers to ensure the public's health and safety.

## ANALYSIS

1. This is a request for a change of zone for 31 acres from H-2 Highway Business to I-1 Industrial. The area is currently home to the Abbott Sport Complex. The applicant proposes to redevelop the sports complex into an industrial site.
2. Phase one of the redevelopment project includes conversion of the existing 92,000 square-foot building into an industrial facility. The surrounding recreation fields and other buildings may eventually be redeveloped into a larger commercial and industrial facility with future phases. Prior to redevelopment the facilities might continue to be used for recreation purposes.
3. Comprehensive Plan Amendment No. 17005 is associated with this application. That amendment would change the future land use of this area from Green Space to Industrial.
4. This change of zone is appropriate only with a zoning agreement that addresses several issues regarding the redevelopment. The agreement includes three primary elements, discussed below.
  - a. Construction of new buildings may not occur without approval of a preliminary plat. This change of zone would authorize conversion of the existing 92,000 square-foot building into an industrial facility. A preliminary plat is necessary to determine the location of utility and street connections, grading and drainage, and any other issues that may need to be addressed as this site develops into a larger commercial and industrial complex. The remaining portions of the new I-1 area could be used for low impact industrial uses such as outdoor storage prior to approval of a preliminary plat.
  - b. No youth recreational activities may occur within 300 feet of I-1 zoning. Pages 5.16-5.18 in the Comprehensive Plan note that industrial uses should be separated from residential uses. This also includes other uses with vulnerable populations such as daycares. Approximately the eastern two-thirds of the site, including the tennis courts, are more than 300 feet from the proposed I-1 zoning, so those could remain in use as youth recreational facilities until the site is further developed.

- c. No buildings or storage may be placed in the floodway. This is the general policy per the floodplain regulations, but it is being added to the zoning agreement for clarification. Only a small portion of the change of zone area is within the floodway; this would primarily apply to the future development area.
- 5. A zoning agreement was approved for the site in 2005. The zoning agreement addressed the amount of fill that could be placed in the floodplain. The allowed fill locations were based on the existing and proposed recreational facilities at the time. The fill locations identified in the previous zoning agreement were only shown on the eastern part of the site, east of this change of zone application area. The existing zoning agreement will need to be addressed prior to further redevelopment of the site.
- 6. In 2002 the western half of the sports complex was rezoned from AG Agriculture to H-2 Highway Business. The purpose of the change of zone was to allow for uses such as flea markets, wedding receptions, and trade shows. These uses are prohibited as part of the recreational facilities special permit in AG, but are allowed in H-2. The applicant originally requested I-1, but the Health Department had concerns about allowing I-1 zoning due a school that was temporarily located on the site at the time. The site no longer contains a school. The eastern half of the sports complex was rezoned from AG to H-2 in 2005 with the zoning agreement discussed above.
- 7. Most of the change of zone area is within the floodplain; however, the existing 92,000 square-foot building is not in the floodplain. Conversion of that building would not have a substantial effect on the floodplain. Per the zoning agreement, any new buildings would require a preliminary plat, which would include a plan to address impacts on the floodplain.
- 8. The area is located within City Limits and has access to all utilities.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Recreational Facility, H-2 Highway Business

**SURROUNDING LAND USE & ZONING**

North: Agriculture	AG Agriculture
South: Treatment Plant	AG, P Public
East: Recreational Facility	H-2 Highway Business
West: Vacant, Agriculture	I-1 Industrial, I-2 Industrial Park

**APPLICATION HISTORY**

December 1992	Annexation No. 92013 approved for the Abbott Sports Complex.  Change of Zone No. 3383 from AG to H-2 approved for the western half of the Abbott Sports Complex.
October 2005	Change of Zone No. 05050 from AG to H-2 approved for the eastern half of the Abbott Sports Complex. This change of zone included a zoning agreement for the entire H-2 area that limited the amount of fill that could be placed on the site.

**APPROXIMATE LAND AREA:** 31 acres, more or less

**LEGAL DESCRIPTION:**

Part of Lot 48, of Irregular Tracts, located in the south half of Section 27, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 48; thence north 00°02'15" east (bearings referenced to Lancaster Low Distortion Coordinate System) for 1430.20 feet to the northwest corner of said Lot 48; thence south 88°13'10" east for 949.82 feet on the north line of said Lot 48; thence south 00°01'08" west for 1411.76 feet to the south line of said Lot 48; thence north 89°19'55" west for 949.89 feet to the point of beginning.

Prepared by

---

Andrew Thierolf, Planner  
(402) 441- 6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

June 12, 2017

Applicant: Almond Opportunity, LLC  
129 N 10<sup>th</sup> Street, Capitol Hall  
Lincoln, NE 68508

Contact: Andrew Willis  
Cline Williams  
233 S 13<sup>th</sup> Street, Suite 1900  
Lincoln, NE 68510

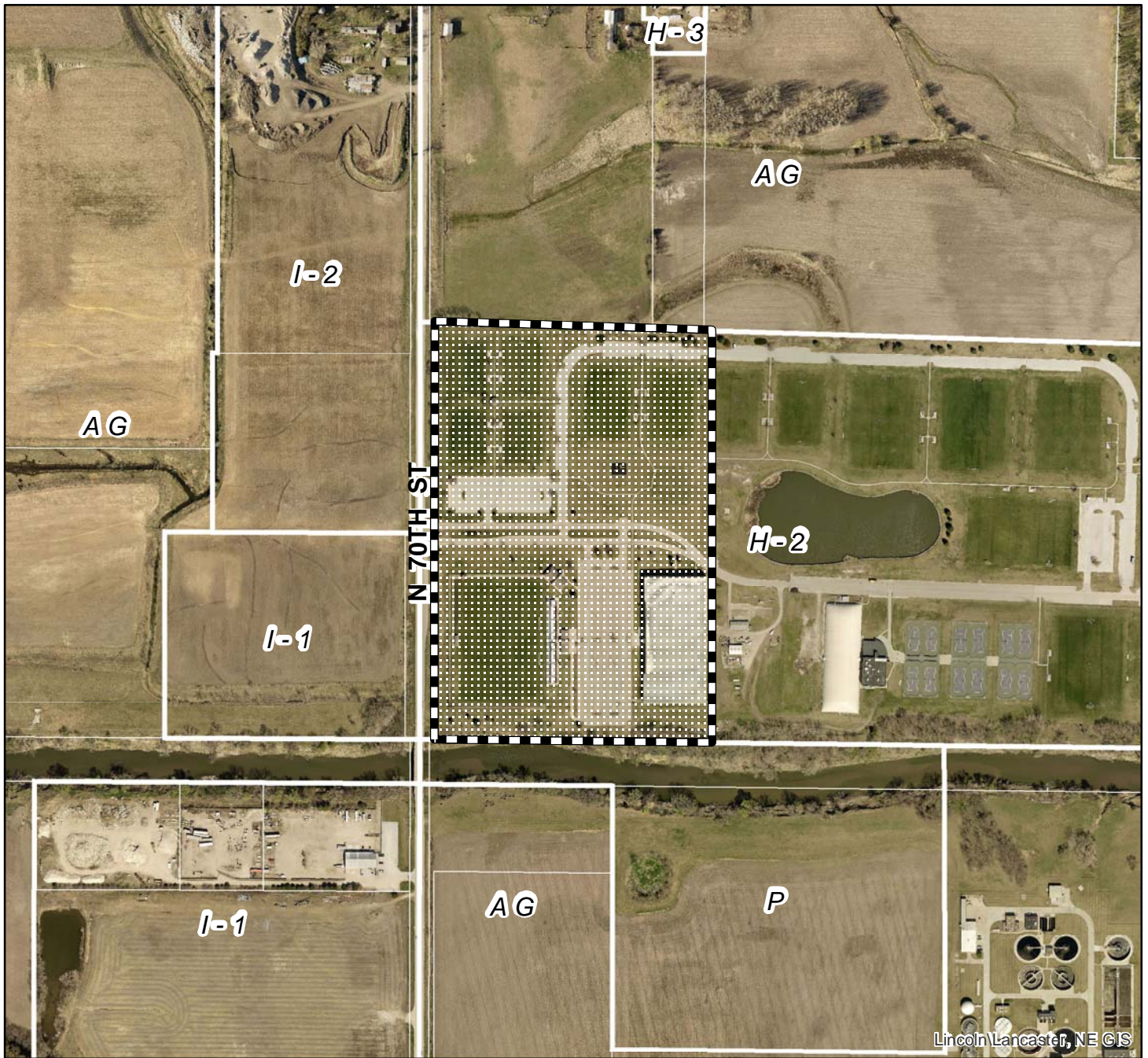
Owner: Lincoln Sports Foundation, Inc.  
PO Box 81407  
Lincoln, NE 68501

\\FILSRV01\Planning\DevReview\CZ\17000\CZ17016 North 70th Project.adt.docx

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #17016

### Site Specific Conditions:

1. The Developer signs a zoning agreement before the City Council approves the change of zone.
2. The City Council approves associated request:
  - 2.1 Comprehensive Plan Amendment No. 17005



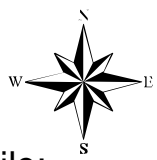
2016 aerial

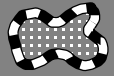


**Change of Zone #: CZ17016 (H-2 to I-1)  
N 70th St & Arbor Rd**

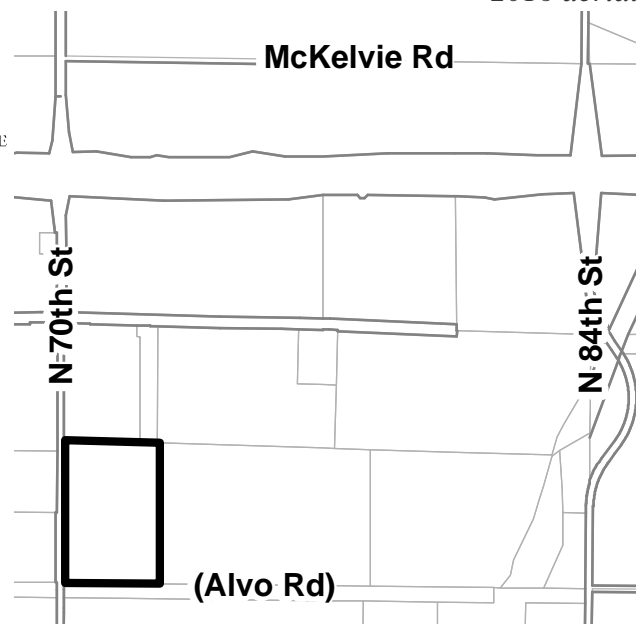
**Zoning:**

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

One Square Mile:  
Sec.27 T11N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



ZONING EXHIBIT

LEGAL DESCRIPTION

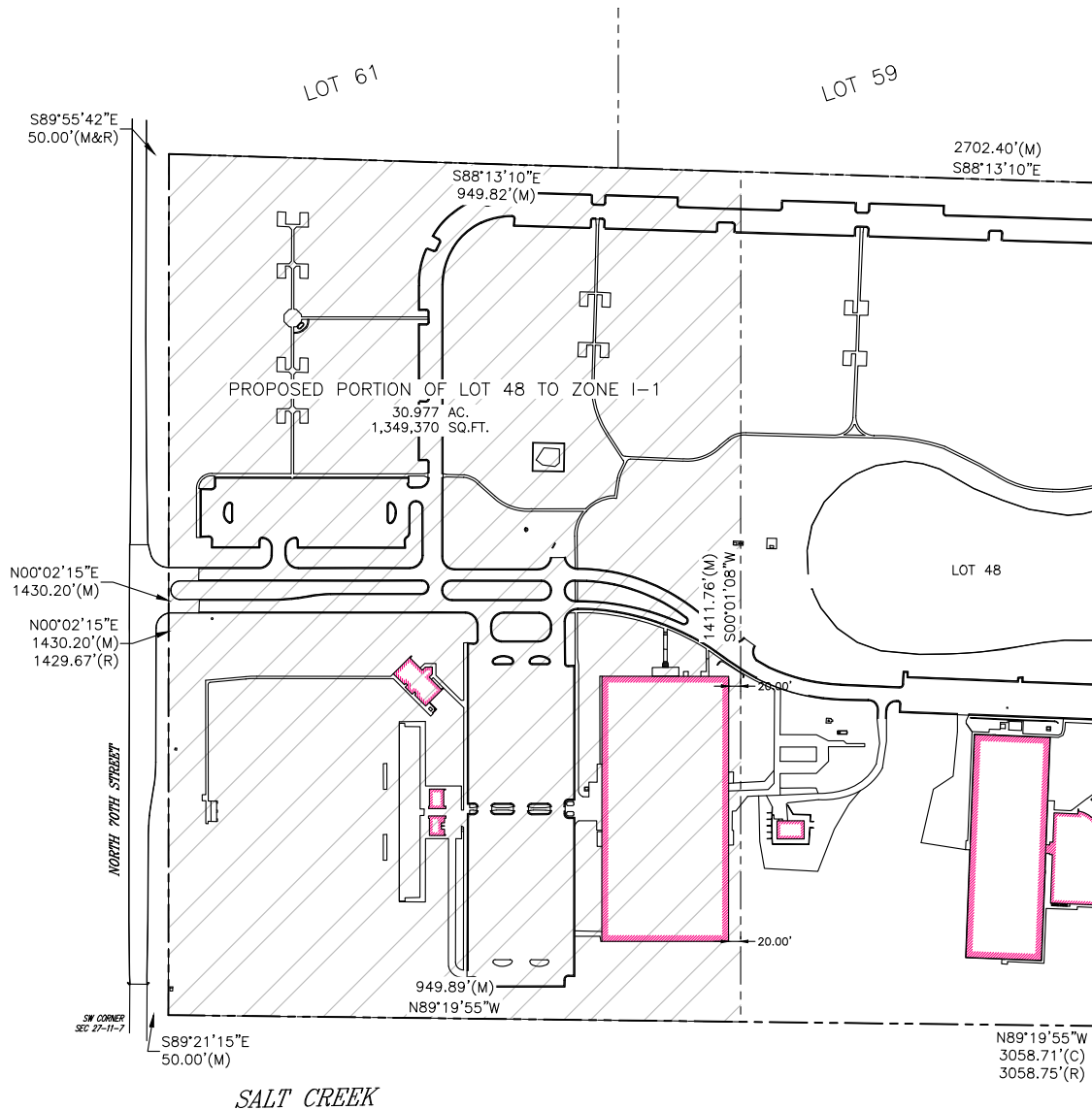
PART OF LOT 48, OF IRREGULAR TRACTS, LOCATED IN THE SOUTH HALF OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 48;  
 THENCE NORTH 00°02'15" EAST (BEARINGS REFERENCED TO LANCASTER LOW DISTORTION COORDINATE SYSTEM) FOR 1430.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 48;  
 THENCE SOUTH 88°13'10" EAST FOR 949.82 FEET ON THE NORTH LINE OF SAID LOT 48;  
 THENCE SOUTH 00°01'08" WEST FOR 1411.76 FEET TO THE SOUTH LINE OF SAID LOT 48;  
 THENCE NORTH 89°19'55" WEST FOR 949.89 FEET TO THE POINT OF BEGINNING.  
 CONTAINS 1,349,370 SQUARE FEET OR 30.977 ACRES



LEGEND

- PROPERTY LINE
- - - LOT LINE
- BUILDING
- M MEASURED DIMENSIONS
- R RECORD DIMENSIONS



14710 West Dodge Road, Suite 100 402.496.2498 | P  
 Omaha, Nebraska 68154-2027 402.496.2730 | F  
[www.LRA-Inc.com](http://www.LRA-Inc.com)

DRAWN BY	DESIGNED BY	REVIEWED BY	PROJECT - TASK NUMBER	DATE	BOOK AND PAGE	REVISIONS
CTM		TLW	01M1710.45	06/01/2017		

L:\Survey\171045 US Properties - Abbott Sports Complex\DRAWINGS\171045-ZONING DWG.dwg, 6/6/2017 11:00:04 AM, TODD T. MILLER, LAMP RYNEARSON & ASSOCIATES

ZONING EXHIBIT

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

ATTORNEYS AT LAW  
ESTABLISHED 1857

233 SOUTH 13<sup>TH</sup> STREET  
1900 U.S. BANK BUILDING  
LINCOLN, NEBRASKA 68508-2095  
(402) 474-6900 • FAX (402) 474-5393

www.clinewilliams.com

June 6, 2017

L. BRUCE WRIGHT  
JAMES M. BAUSCH  
ROBERT J. ROUTH  
DAVID R. BUNTAIN  
STEPHEN H. NELSEN  
DANIEL R. STOGSDILL  
SCOTT D. KELLY  
TERRY R. WITTLER  
MARK A. CHRISTENSEN  
RICHARD P. GARDEN, JR.  
SHAWN D. RENNER  
JOHN C. MILES  
THOMAS C. HUSTON  
DON R. JANSSEN  
SUSAN K. SAPP  
KEVIN J. SCHNEIDER  
GARY R. BATENHORST  
JILL GOSSIN JENSEN  
JOHN C. HEWITT  
ROCHELLE A. MULLEN  
TRENTEN P. BAUSCH  
MICHAEL C. PALLESEN  
RICHARD P. JEFFRIES  
TRACY A. OLDEMEYER  
PAMELA EPP OLSEN  
TRENT R. SIDDER  
ANDRE R. BARRY  
DAVID J. ROUTH  
JASON R. YUNGTUM  
MEGAN S. WRIGHT

THERESA D. KOLLER  
AUSTIN L. MCKILLIP  
KEITH T. PETERS  
ANDREW R. WILLIS  
TARA A. STINGLEY  
SEAN D. WHITE  
MICHELLE L. SITORIUS  
JONATHAN J. PAPIK  
RENEE A. EVELAND  
HENRY L. WIEDRICH  
ADAM W. BARNEY  
GREGORY S. FRAYSER  
KARA J. RONNAU  
TRAVIS W. TETTENBORN  
HEATHER A. CARVER  
SHANNON E. FALLON  
KATHERINE M. KOCK  
KATIE A. JOSEPH  
LILY A. CARR  
MARK A. GRIMES  
JORDAN R. HASAN  
JOHN F. ZIMMER, V  
MICHAEL L. SHOLES

DONALD E. BURT  
STEPHEN E. GEHRING  
MICHAEL C. MUELLER (RETIRED)

FREDRIC H. KAUFFMAN 1939-2016

**VIA EMAIL: [atheirolf@lincoln.ne.gov](mailto:atheirolf@lincoln.ne.gov)**

Andrew Thierolf  
Lincoln Lancaster County Planning Department  
585 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: North 70<sup>th</sup> Project – CZ17016 Amendment to Application for Change of Zone  
Our File No.: 5414.008

Dear Andrew:

On behalf of the applicant, Almond Opportunity, LLC, I hereby submit this request to amend the Change of Zone application filed for the North 70<sup>th</sup> Project that is designated CZ17016. The applicant desires to amend the legal description for the Change of Zone application, which would reduce the area requested for the change of zone. The Proposed amendments to Change of Zone application CZ17016 are as follows:

1. Amended legal description:

Part of Lot 48, of Irregular Tracts, located in the south half of Section 27, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 48; thence north 00°02'15" east (bearings referenced to Lancaster Low Distortion Coordinate System) for 1430.20 feet to the northwest corner of said Lot 48; thence south 88°13'10" east for 949.82 feet on the north line of said Lot 48; thence south 00°01'08" west for 1411.76 feet to the south line of said Lot 48; thence north 89°19'55" west for 949.89 feet to the point of beginning.

2. Amended number of acres:

STERLING RIDGE  
12910 PIERCE STREET, SUITE 200  
OMAHA, NE 68144-1105  
(402) 397-1700

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

NORTHERN HEIGHTS PROFESSIONAL PLAZA  
416 VALLEY VIEW DRIVE, SUITE 304  
SCOTTSBLUFF, NE 69361  
(308) 635-1020

215 MATHEWS STREET  
SUITE 300  
FORT COLLINS, CO 80524  
(970) 221-2637

Andrew Thierolf  
June 6, 2017  
Page 2

The new legal description contains 1,349,370 square feet or  
30.977 acres.

I attach an Exhibit to this letter depicting the area proposed for the change of  
zone.

Please let me know if you need any additional information to amend the  
Change of Zone application as requested herein. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Willis", written in a cursive style.

Andrew R. Willis  
For the Firm

Enclosure

4848-3651-4634, v. 1

## **DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT**

This Development and Conditional Zoning Agreement is hereby made and entered into this this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between Lincoln Sports Foundation, Inc., a Nebraska non-profit company (“Owner”), and the City of Lincoln, Nebraska, a municipal corporation (“City”).

### **RECITALS**

#### **I.**

Owner is the owner of Lot 48 Irregular Tract, located in Section 27, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska (“Lot 48”).

#### **II.**

Owner has submitted an application for a Change of Zone (CZ17016) to rezone a portion of Lot 48 more particularly described on Exhibit A attached hereto (hereinafter the “Property”) from H-2 Highway Business District to I-1 Industrial District in order to construct an industrial park/warehouse development.

### III.

Owner has represented to the City that, in consideration of the City rezoning the Property to I-1 Industrial District, the Owner will enter into an agreement with the City to address both the development of the Property under I-1 Industrial District zoning and development of the remaining portion of Lot 48 under H-2 Highway Business District zoning as provided in paragraph 2 below.

### IV.

Subject to the terms of this Agreement, the Owner's use the Property for industrial park/warehouse development under the proposed Change of Zone from H-2 Highway Business District to I-1 Industrial District would be compatible with the surrounding neighborhood.

### V.

The City desires the Owner to enter into this Agreement to be assured that Owner will develop the Property and the remaining portion of Lot 48 zoned H-2 as represented should the Property be rezoned to I-1 Industrial District.

NOW THEREFORE, in consideration of the above Recitals and the following terms and conditions, the parties agree as follows:

1. The City agrees to grant Owner's petition to change the zoning map from H-2 Highway Business District to I-1 Industrial District on the Property.

2. In consideration of the City rezoning the Property to I-1 Industrial District, the Owner agrees that:

(a) Any youth recreational uses located on the remaining portion of Lot 48 shall be at least 300 feet from the I-1 district.

(b) In the event Owner desires to further develop any portion of Lot 48 with new buildings, Owner shall submit a preliminary plat with the City and comply with any and all applicable zoning and subdivision requirements.

(c) That the current access to Lot 48, including the access to the Property, is subject to change at such time as the remaining portion of Lot 48 is further developed.

(d) That no buildings or storage on any portion of Lot 48, including the Property, will be located in the floodway.

(e) That the Owner will comply with all conditions of development of the East ½ of Lot 48 applicable to the Property and the remaining portion of Lot 48, zoned H-2, pursuant to the Development and Conditional Zoning Agreement between the parties dated November 3, 2005.

3. This Agreement is binding upon the parties herein and their respective successors and assigns.

4. This Agreement, when executed by the parties herein, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by Owner.

IN WITNESS WHEREOF, the parties herein place their signatures on the day and year set forth above.

**Lincoln Sports Foundation, Inc.,**  
a Nebraska non-profit corporation

By: \_\_\_\_\_  
President

ATTEST:

**City of Lincoln, Nebraska**  
a municipal corporation

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, President of Lincoln Sports Foundation, Inc., a Nebraska non-profit corporation.

\_\_\_\_\_  
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.

\_\_\_\_\_  
Notary Public

**DESCRIPTION OF PROPERTY TO BE  
REZONED FROM H-2 TO I-1**

That part of Lot 48, of Irregular Tracts, located in the south half of Section 27, Township 11 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, described as follows:

Beginning at the southwest corner of said Lot 48; thence north 00 degrees 02 minutes 15 seconds east (bearings referenced to Lancaster Low Distortion Coordinate System) for 1,430.20 feet to the northwest corner of said Lot 48; thence south 88 degrees 13 minutes 10 seconds east for 949.82 feet on the north line of said Lot 48; thence south 00 degrees 01 minutes 08 seconds west for 1,411.76 feet to the south line of said Lot 48; thence north 89 degrees 19 minutes 55 seconds west for 949.89 feet to the point of beginning.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #17011 Northbank Junction	FINAL ACTION? No	DEVELOPER/OWNER Roger H. Schwisow Revocable Trust
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N 49 <sup>th</sup> Street & Alvo Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from AG Agriculture to R-3 Residential for approximately 25.53 acres. The application area is within Northbank Junction (Preliminary Plat No. 03004) originally approved in 2004. On the preliminary plat this area is shown for 43 residential lots and an outlet for detention and open space. This area is located within Lincoln City Limits.



**JUSTIFICATION FOR RECOMMENDATION**

This request is consistent with the approved Northbank Junction preliminary plat.

**APPLICATION CONTACT**

Marcia Kinning, REGA Engineering  
402-484-7342  
[marcia@regaeng.com](mailto:marcia@regaeng.com)

**STAFF CONTACT**

Andrew Thierolf  
(402) 441-6371  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The area is shown as urban residential on the Future Land Use Map and is currently located within City Limits.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 12.3 - This site is shown as future urban residential on the 2040 Lincoln Area Future Land Use Plan.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Make available a safe residential dwelling for all citizens.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

**ANALYSIS**

1. This request is for a change of zone from AG Agriculture to R-3 Residential on approximately 25.53 acres. The change of zone is necessary to continue development of the previously-approved Northbank Junction preliminary plat.
2. The Northbank Junction preliminary plat shows the application area for 43 residential lots and an outlot for open space and detention. These uses are appropriate for the R-3 zoning district. The developed residential portions of Northbank Junction are in the R-3 zoning district.
3. The Future Land Use Map shows this area as future urban residential. R-3 is a common zoning district for urban residential uses.
4. The area is already within City Limits so an associated annexation is not necessary. If this change of zone is approved the developer can submit a final plat to create buildable residential lots.

**EXISTING LAND USE & ZONING:** Vacant/Open Space, AG Agriculture

**SURROUNDING LAND USE & ZONING**

North:	Urban Residential	R-3 Residential
South:	Environmental Resources	P Public
East:	Urban Residential	R-3 Residential
West:	Environmental Resources	AG Agriculture

**APPLICATION HISTORY**

April 2004 Northbank Junction (Preliminary Plat No. 03004) is approved. The plat included 214 acres with 391 residential lots, 11 commercial lots, and eight outlots.

December 2015 Area of this application annexed with Final Plat No. 15107, Northbank Preserve 2<sup>nd</sup> Addition.

**APPROXIMATE LAND AREA:** 25.53 acres

**LEGAL DESCRIPTION:** Outlot A, Outlot D, and Outlot E, Northbank Preserve 2nd Addition, located in the NE and SE 1/4 of Section 32-11-7, Lincoln, Lancaster County, Nebraska

Prepared by

---

Andrew Thierolf, Planner  
 (402) 441-6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

June 12, 2017

Applicant/  
Contact: Marcia Kinning  
REGA Engineering Group  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512

Owner: Roger H. Schwisow Revocable Trust  
1354 Pelican Bay Place  
Lincoln, NE 68528

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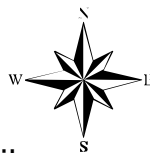
**Change of Zone #: CZ17011 (AG to R-3)  
Northbank Junction  
N 49th St & Alvo Rd**

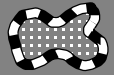


**Zoning:**

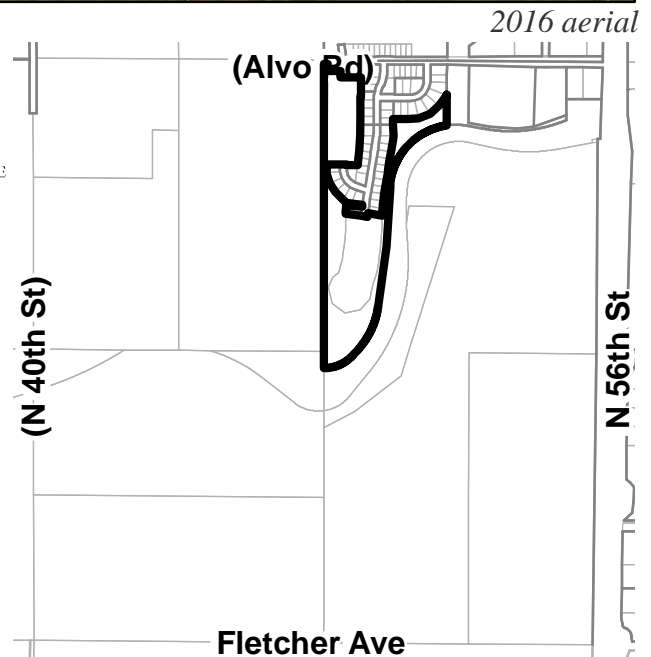
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

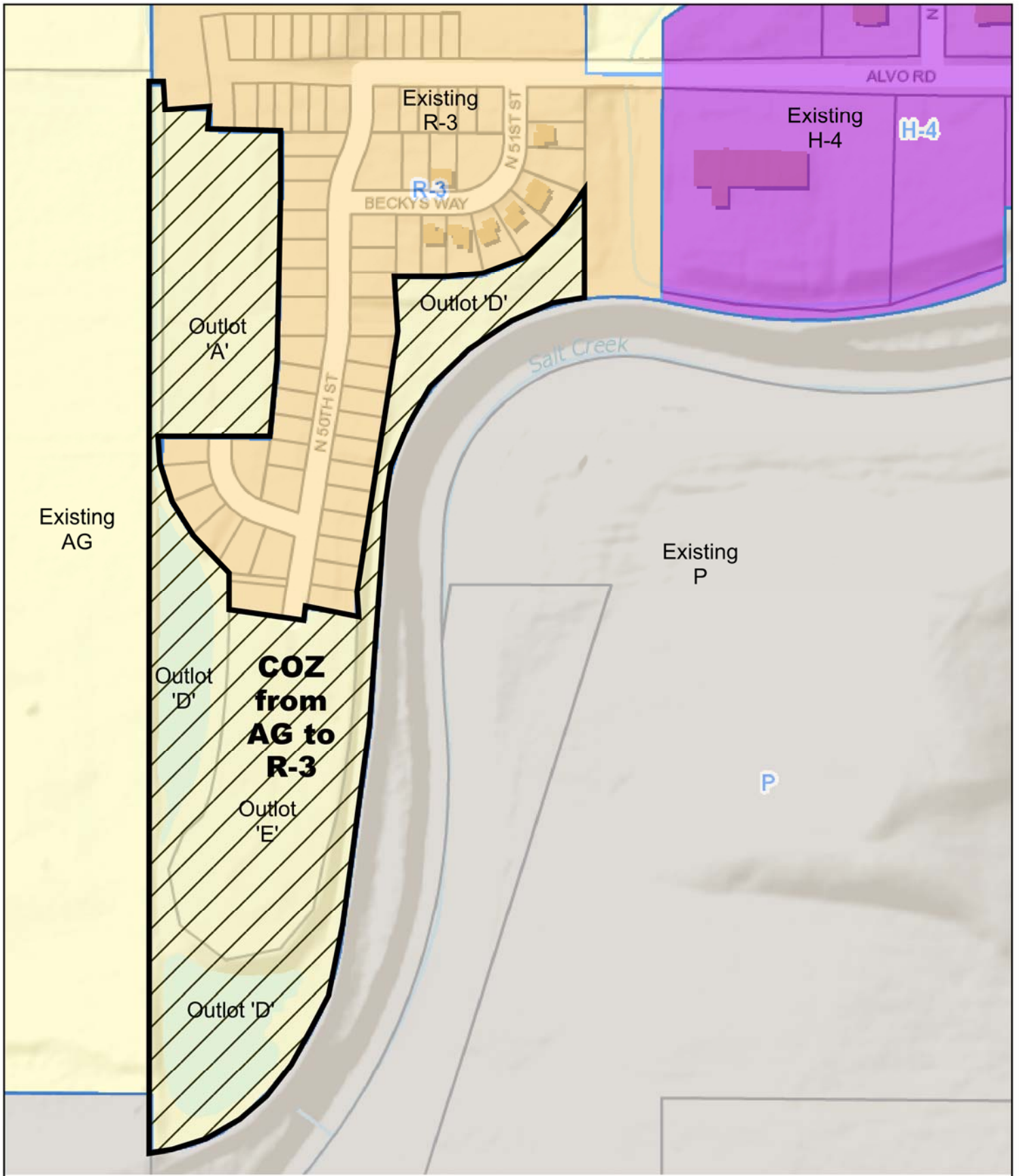
PDF: F:\Boards\PC\Internet\out\

One Square Mile:  
Sec.32 T11N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**Lancaster County/City of Lincoln GIS Map**

**CHANGE OF ZONE**

**from AG to R-3**

**Outlots 'A', 'E' & 'D', Northbank Preserve 2nd Addition**

Printed: May 26, 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](mailto:ags@lincoln.ne.gov) and you will be directed to the appropriate department.

# REGA

ENGINEERING  
GROUP, INC.

File No. 171131  
May 23, 2017

Mr. David Cary  
Director of Planning  
Andrew Thierolf, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: NORTHBANK JUNCTION  
CHANGE OF ZONE FROM 'AG' TO 'R-3'  
N. 49<sup>th</sup> Street & Alvo Road

Dear David,

On behalf of Roger H. Schwisow Revocable Trust, we are submitting a change of zone requesting existing AG zoned property, which is included within the Preliminary Plat #03004 of Northbank Junction, to be changed to R-3 zoning. The change of zone includes Outlot 'A' and Outlot 'E', Northbank Preserve 2<sup>nd</sup> Addition and consists of 12.33 acres.

A final plat that includes Outlot 'A', Northbank Preserve 2<sup>nd</sup> Addition will be submitted to the Planning Department shortly. As specified with the approved preliminary plat, the total number of lots that can be final platted is 115 lots; until such time as a second access from the development is created.

Please contact me if you have any questions or need additional information for review and scheduling onto the public hearing of the Planning Commission.

Sincerely,



Marcia L. Kinning  
Cc: Roger Schwisow  
Enclosures: Application  
Application Fee COZ \$988.00  
COZ Exhibit  
Legal Description

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Change of Zone #17014 Pester Ridge Estates 1 <sup>st</sup> Addition	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> Wayne and Laura Pester
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Special Permit #17021	<b>PROPERTY ADDRESS/LOCATION</b> SW. 27 <sup>th</sup> Street and West Denton Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from AG Agricultural to AGR Agricultural Residential on approximately 25 acres. The developer is requesting the change of zone to allow the development of the parcel into 9 lots.



**JUSTIFICATION FOR RECOMMENDATION**

The change of zone is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The area surrounding this site is zoned AGR and as acreage lots. The site is shown as low density residential in the Comprehensive Plan.

**APPLICATION CONTACT**

Wayne & Laura Pester, 402-440-0560  
[pesterme@neb.rr.com](mailto:pesterme@neb.rr.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed AGR Agricultural Residential zoning is compatible with the surrounding land use. The area is shown for Low-Density Residential in the 2040 Lancaster County Future Land Use Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Residential -Low Density on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Lincoln and Lancaster County: One Community Vision Statements:

- An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.
- Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.

P. 2.7- Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development – thus limiting potential conflicts between farms and acreages.

P. 2.7- Ensure that acreage and rural development preserve and protect environmentally sensitive areas, and maximize the preservation of our nonrenewable resources, such as land and fossil fuels. (P. 2.7)

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural land and natural resource purposes. However it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses.

P.7.12- New acreage development is not encouraged in the Map 1.3: Growth Tiers with Priority Areas for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development.

P. 7.12- All proposals for acreages should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development.

P. 7.12- Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity.

P. 7.12- Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres).

P. 7.12- Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service.

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

A considerable supply of acreage lots has been platted in recent years in this manner.

P. 12.3 - this site is in Tier 3 in the 2040 Priority Growth Areas.

## ANALYSIS

1. This request is for a change of zone from AG to AGR on 25.12 acres. There is AGR zoning to the north, south and west.

2. The area of the requested change of zone is shown as Future Low Density Residential in the 2040 Future Land Use Map in the Lincoln-Lancaster County Comprehensive Plan.
3. The 2040 Comprehensive Plan on page 7.12 recommends that proposed acreage developments be evaluated based on the following factors:
  - A) **Paved Roads;** Jacs Lane is a paved county road from SW 29<sup>th</sup> Street to this property. Jacs Lane is gravel adjacent the proposed development. SW 25<sup>th</sup> Street is a county gravel road.
  - B) **Water Quality and Quantity;** Each lot will have a private well.
  - C) **Soil Conditions;** This parcel is not prime farmland.
  - D) **On-site Wastewater Management;** A community waste lagoon is proposed.
  - E) **Availability of Emergency Services;** The Lancaster County Sheriff and Southwest Rural Fire would provide emergency services. This is an area with numerous nearby acreage development already adequately served by both agencies.
  - F) **Existing Acreages;** There are acreage developments to the north, south and west of this site. There are no acreage developments immediately adjacent this site to the east, but there is an acreage development approximately 1,700 feet to the east, across S. Coddington Avenue.
4. The Comprehensive Plan encourages acreages to be grouped together into specific areas. There are existing acreages to the north, south and west. The applicant's property and the two parcels to the east are all shown for low-density residential in the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural Farm ground and one dwelling

**SURROUNDING LAND USE & ZONING**

North: AGR Agricultural Residential	Pester Ridge Estates acreage development
South: AGR Agricultural Residential	Cardwell Woods acreage development
East: AG Agricultural	Farm ground and 2 dwellings.
West: AGR Agricultural Residential	Twin Pines Addition acreage development

**APPLICATION HISTORY:**

October 23, 1989 Pester Ridge Estates Preliminary Plat was approved by City Council.

**APPROXIMATE LAND AREA:** 25.12 acres, more or less

**LEGAL DESCRIPTION:** Lot 79 Irregular Tract, located in the SW ¼ of Section 16, Township 9 North, Range 6 East, Lancaster County, Nebraska.

Prepared by

---

Tom Cajka, Planner  
 (402) 441-5662 or tcajka@lincoln.ne.gov

Date: June 8, 2017

Applicant: Wayne and Laura Pester  
 PO Box 23053  
 Lincoln, NE 68542

Contact: Mike Eckert  
Civil Design group  
8535 Executive Woods Drive, Suite 200  
Lincoln, NE 68512  
402-434-8494  
meckert@civildg.com

Owner: Same as applicant

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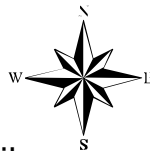
2016 aerial

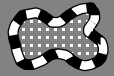


**Change of Zone #: CZ17014 (AG to AGR)  
& Special Permit #: SP17021  
Pester Ridge Estates 1st Addition  
SW 27th St & W Denton Rd**

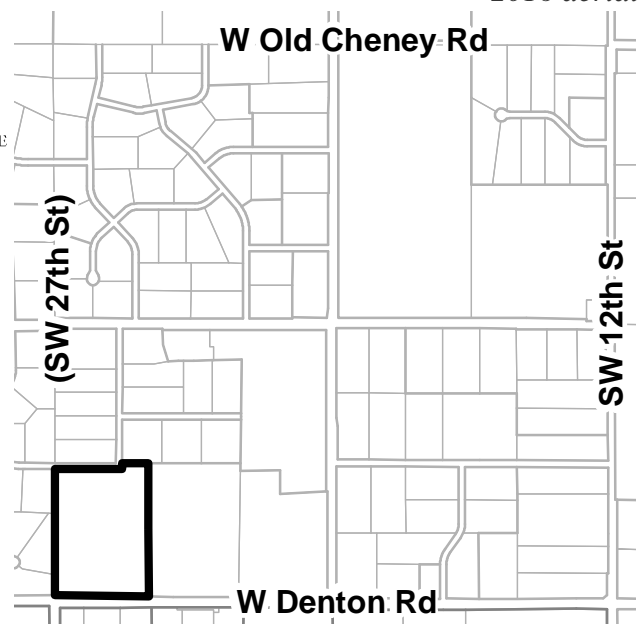
**Zoning:**

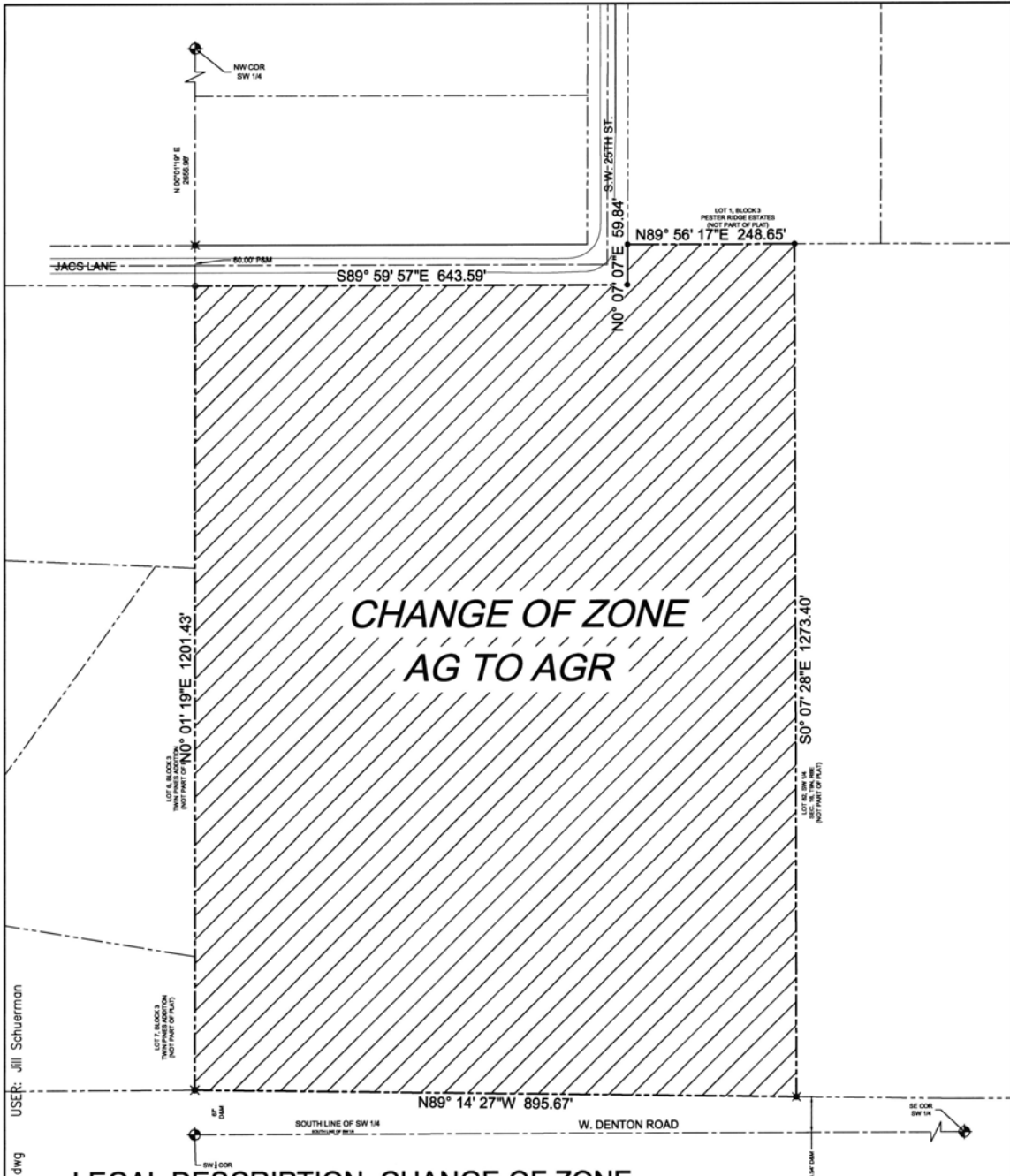
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:  
Sec. 16 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





USER: Jill Schuerman

F:\Projects\2014\20140263\Landplanning\Exhibit\140263\_coz.dwg  
 DATE: May 23, 2017 9:34am  
 XREFS: 140263 Xbase

**LEGAL DESCRIPTION: CHANGE OF ZONE**

A legal description of Lot 79 of Irregular Tracts, located in the Southwest Quarter of Section 16, Township 9 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of said Lot 79, said point being on the Northerly Right-of-way Line of West Denton Road, said point also being on the West Line of the Southwest Quarter, Thence Northerly on the West Line of Lot 79 and the West Line of the Southwest Quarter on an assumed bearing of N 00°01'19" E for a distance of 1201.43' to the Northwest Corner of Lot 79, said point being on the South Line of Jacs Lane, said point also being the Southwest Corner of "Pester Ridge Estates"; Thence S 89°59'57" E on the line common to Lot 79, the South Right-of-way Line of Jacs Lane and the South Line of "Pester Ridge Estates" for a distance of 643.59' to a point of intersection with the East Right-of-way Line of S.W. 25th Street; Thence N 00°07'07" E on the Line common to Lot 79, the East Right-of-way Line of S.W. 25th Street and the Southerly Line of "Pester Ridge Estates" for a distance of 59.84' to the Southwest Corner of Lot 1, Block 3 "Pester Ridge Estates"; Thence N 89°56'17" E on the Line common to Lot 79 and the South Line of Lot 1, Block 3 "Pester Ridge Estates" for a distance of 248.65' to the Northeast Corner of Lot 79; Thence S 00°07'28" E on the Line common to Lot 79 and Lot 82 of Irregular Tracts for a distance of 1273.40' to the Southeast Corner of Lot 79, said point also being on the Northerly Right-of-way Line of West Denton Road; Thence N 89°14'27" W on the South Line of Lot 79 and the Northerly Right-of-way Line of West Denton Road for a distance of 895.67' to the Point of Beginning, and having a calculated area of 25.12 acres more or less.

Subject to any and all easements and restrictions of record.

drawn by: jds  
 checked by: -  
 project no.: 2014-0263  
 date: 05/23/2017

**CHANGE OF ZONE EXHIBIT  
 PESTER RIDGE ESTATES  
 1ST ADD.  
 LINCOLN, NEBRASKA**

**C** Civil Design Group, Inc.  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com

CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT  
**1**



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

www.civildg.com

June 12, 2017

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Application for Change of Zone from AG to AGR and associated AGR Community Unit Plan (CUP) for Pester Ridge 1<sup>st</sup> Addition, Generally Located at S.W. 25<sup>th</sup> Street & W. Denton Road. CDG Project No. 2014-0263**

Dear Mr. Cary:

On behalf of Wayne & Laura Pester we submit the enclosed application for a Change of Zone from AG to AGR and associated AGR CUP for 9 acreage lots clustered on 25.12 acres of land located at S.W. 25<sup>th</sup> Street and W. Denton Road. The change of zone to AGR is consistent with the surrounding land use pattern and the 2040 Comprehensive Plan. S.W. 25<sup>th</sup> Street will be constructed as part of the platting process and a future roadway is shown to demonstrate feasible adherence to build-thru standards under urbanization. We are requesting waivers of the lot area, front, rear and side yard setbacks to accommodate the 1 acre lots that are allowed with a community sewer system. Accordingly, we also requesting a waiver to minimum AGR lot area for them to be less than one acre.

Extensive discussion with Planning Staff have led to the layout of these 9 lots including the accommodation of the existing home site and the build thru layout. With this application, we submit the following items:

Applications for a CUP & Change of Zone  
CUP Fee of \$4,283.00  
Change of Zone Fee of \$988.00  
Plan Sets uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

*Mike Eckert*  
*JDS*

Mike Eckert, AICP

cc: Wayne & Laura Pester

/Volumes/share/F/Projects/2014/20140263/Landplanning/Doc/14-0263 Prelim Plat app 06-8-17.doc



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17021, Pester Ridge Estates 1 <sup>st</sup> Addition	FINAL ACTION? Yes	DEVELOPER/OWNER Wayne and Laura Pester
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS Change of Zone #17014	PROPERTY ADDRESS/LOCATION Sw. 27 <sup>th</sup> Street and West Denton Road

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit for a Community Unit Plan with Build Through for 9 lots with waivers to front, rear and side yard setbacks and lot area.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed development is compatible with the surrounding land use. There are acreage developments with AGR zoning on three sides of this site. The waivers are reasonable for lots of one acre or less.

**APPLICATION CONTACT**

Mike Eckert, Civil Design Group  
[meckert@civildg.com](mailto:meckert@civildg.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The area of application is shown for Low-Density Residential in the 2040 Lancaster County Future Land Use Plan. The development meets the goals of the comprehensive plan for acreage developments.

**WAIVERS**

- |  |                    |
|--|--------------------|
| 1. Reduce front yard setback from 50 feet to 30 feet.  | Recommend Approval |
| 2. Reduce rear yard setback from 50 feet to 30 feet.   | Recommend Approval |
| 3. Reduce side yard setback from 15 feet to 7.5 feet.  | Recommend Approval |
| 4. Reduce minimum lot area from 3 acres to 0.75 acres. | Recommend Approval |

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Residential -Low Density on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Lincoln and Lancaster County: One Community Vision Statements:

- An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.
- Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.

P. 2.7- Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development – thus limiting potential conflicts between farms and acreages.

P. 2.7- Ensure that acreage and rural development preserve and protect environmentally sensitive areas, and maximize the preservation of our nonrenewable resources, such as land and fossil fuels. (P. 2.7)

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural land and natural resource purposes. However it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses.

P.7.12- New acreage development is not encouraged in the Map 1.3: Growth Tiers with Priority Areas for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development.

P. 7.12- All proposals for acreages should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development.

P. 7.12- Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity.

P. 7.12- Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres).

P. 7.12- Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service.

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

A considerable supply of acreage lots has been platted in recent years in this manner.

P. 12.3 - this site is in Tier 3 in the 2040 Priority Growth Areas.

## ANALYSIS

1. This is a request for a special permit for a Community Unit Plan with Build Through (BTA) to cluster 8 lots in the northern portion of the parcel and have one lot for the existing house. The site is located north of SW. 27<sup>th</sup> Street

and West Denton Road. Associated with this application is Change of Zone #17041 from AG-Agricultural to AGR-Agricultural Residential.

2. The proposed site plan for the CUP is to allow up to 9 lots/dwelling units. Required to meet BTA standards, the plan shows how the urban reserve component can be further subdivided at such time as the property is annexed and can be served by the full range of City services. The acreage component is situated so that the area around it can develop with urban sized lots and not impact the acreage lots.
3. The development will utilize a community wastewater system. The wastewater system must be approved by the Nebraska Department of Environmental Quality. City standard sewer mains shall be installed in the acreage development component.
4. Each lot will have individual water wells. Lincoln-Lancaster County Health Department has reviewed the well information submitted by the applicant. Their conclusion is that it appears that there is adequate quantity of groundwater for this development.
5. The extension of SW. 25<sup>th</sup> Street is proposed as a public street with a gravel surface. Gravel roads are permitted in the County.
6. The applicant has requested waivers to the front, side and rear yard setback. The proposed setbacks are appropriate for lots of .75 to 1 acre in size. The proposed front yard setback of 30' is the same as the R-1 District. The proposed rear yard setback of 30' is 10' more than the R-1 District and the proposed side yard of 7.5' is 2.5' less than the R-1 District.
7. The applicant has requested a waiver to minimum lot size. The minimum lot size in AGR is 3 acres. The proposed lots are either one acre or three-fourths acre. Lots one acre or less are encouraged for Community Unit Plans with Build Through. This prevents the need to show how the lot would further subdivide in the future.
8. There are acreage developments with AGR zoning to the north, south and west of this development. On the east side of S. Coddington Avenue is another acreage development with AGR zoning.
9. This site is within the 3-mile extra territorial jurisdiction (ETJ) of Lincoln and is in Tier III. Build Through is required for developments within Lincoln's ETJ. The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Residential Low-Density.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural Farm ground and one dwelling

**SURROUNDING LAND USE & ZONING**

North: AGR Agricultural Residential	Pester Ridge Estates acreage development
South: AGR Agricultural Residential	Cardwell Woods acreage development
East: AG Agricultural	Farm ground and 2 dwellings.
West: AGR Agricultural Residential	Twin Pines Addition acreage development

**APPLICATION HISTORY:**

October 23, 1989 Pester Ridge Estates Preliminary Plat was approved by City Council.

**APPROXIMATE LAND AREA:** 25.12 acres, more or less

**LEGAL DESCRIPTION:** Lot 79 Irregular Tract, located in the SW ¼ of Section 16, Township 9 North, Range 6 East, Lancaster County, Nebraska.

Prepared by

---

Tom Cajka, Planner  
(402) 441-5662 or tcajka@lincoln.ne.gov

Date: June 9, 2017

Applicant: Wayne and Laura Pester  
PO Box 23053  
Lincoln, NE 68542

Contact: Mike Eckert  
Civil Design Group  
8535 Executive Woods Drive, Suite 200  
Lincoln, NE 68512  
402-434-8494  
meckert@civildg.com

Owner: Same as applicant

F:\DevReview\SP\17000\SP17021 Pester Ridge Estates 1st.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17021

Per Section 27.63.320 this approval permits a Community Unit Plan for 9 dwelling units with waivers to front yard setback, side yard setback, rear yard setback and lot area.

### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone #17014
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Delete Notes 4, 9, 10, 11, 12, 14, 15, 18 and 20 from the General Notes.
  - 2.2 Add Lot Area to the waiver list and delete Detention for AGR lots and Stormwater Detention.
  - 2.3 Show detention on the drainage plan.
  - 2.4 Under General Notes add that the Owner of Lot 1, Block 3 shall relinquish access to West Denton Road once Outlot A is further subdivided after annexation.
  - 2.5 Show the location of the lagoon on Sheet 1.
  - 2.6 Move the street name Pesterosa Lane to the east of SW 25<sup>th</sup> Street and move the street name on the cul-de-sac so it is readable.
  - 2.7 Show an outlet for the sanitary sewer for Lots 1 and 2 to the cul-de-sac and revise the lot layout for Block 1 to provide a proper future urban sanitary sewer service to the satisfaction of Planning Department and Public Works and Utilities Department.
  - 2.8 Remove all setback lines and notes from the future lots.
  - 2.9 On Sheet 7 revise the typical rural cross section by changing asphalt section to gravel and deleting Note #2.
  - 2.10 In the title change Community Unit Plan # to Special Permit # and delete Change of Zone #.
  - 2.11 Show the utility easements requested by Lincoln Electric System.
  - 2.12 Make corrections to the satisfaction of the County Engineer.
3. Before a final plat is approved provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

**ADD THESE PARAGRAPHS IF PERMIT IS IN LIEU OF A PRELIMINARY PLAT and if appropriate:**

4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

**If a community wastewater system and/or community water system is proposed, the final plat cannot be approved until documentation that the community wastewater system and community water system necessary to serve every lot in the final plat has been completed and approved by the appropriate agency.**

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

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

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the *Community Unit Plan*.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

*to submit to all potential purchasers of lots, a copy of the ground water report.*

to notify all potential purchasers of lots .... that said lots are subject to future subdivision and additional future urban residential development as shown on the final plat when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Lots have been annexed; and ©) the Lots have been rezoned to a district allowing for higher urban density.

to notify all potential purchasers of lots that Outlot A shown and identified on the final plat as " Reserved for Future Platting to Urban Density " is subject to future urban residential development having a density of approximately .... dwellings when (a) the sanitary sewer and water mains have been extended to serve the final plat; (b) the Outlot has been annexed; and c) the Outlot has been rezoned to a district allowing for higher urban density.

that Outlot A may be subdivided to the density of approximately 17 dwellings when the sanitary sewer and water are extended to serve Outlot A and Outlot A is annexed and rezoned

to install water mains to serve Lots 1-5, Block 1; Lots 1-3, Block 2 and Lot1, Block3 at Permittees own cost and expense within twelve (12) months following annexation of said Lots into the City of Lincoln, unless a water district is created by the City Council for the water mains and water mains are finally ordered constructed within six (6) months following said annexation

to install all other infrastructure for conversion of Outlot A at Permittee's own cost and expense when said Lots are replatted as buildable lots unless a special improvement district is created by the City Council for the installation of infrastructure improvements and the improvements are finally ordered constructed. Permittee understands that a special assessment district for the installation of a local public street and for the installation of public ornamental lights may not be finally ordered constructed by the City Council until a petition signed by the owners of record title, representing a majority of feet frontage of property directly abutting upon the street or streets to be improved shall be presented and filed with the City Clerk petitioning therefor. Permittee agrees that in the event a street or streets within the final plat are embraced within a street paving district, and/or ornamental lighting district, Permittee shall, within thirty (30) days following creation of the district, petition the City Council to order the final construction of said street paving and/or ornamental lighting.

in the event any infrastructure improvements including but not limited to water mains, street paving, sidewalks, street trees, stormwater and ornamental street lights are ordered constructed pursuant to a special assessment district Permittee (1) agrees and consents that the cost thereof shall be assessed and levied together with assessment and equalization costs, against the benefitted properties in Pester Ridge Estates 1<sup>st</sup> Addition, waiving all objections to the sufficiency of the petitions therefor, to the proceedings creating said districts, to the making of the assessments and to the equalization thereof; and (2) agrees to pay to the City of Lincoln said costs as thus assessed and levied against said property.

to and hereby waives, as against the City of Lincoln, any and all damages and any claim or right of action for any and all damages, of every nature, which may accrue to Permittee, or which may result to Permittee's property or interest therein, by reason of said infrastructure improvements or the construction thereof.

not to protest annexation of the property within Pester Ridge Estates 1<sup>st</sup> Addition into the City of Lincoln.

that the obligations of Permittee as subdivider under a BTA Subdivision Agreement shall constitute a covenant running with the land and shall be binding on Permittee and Permittees, administrators, successors and assigns.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

## COUNTY ENGINEER COMMENTS

Upon review, this office would offer the following comments for "PESTER RIDGE ESTATES 1ST ADDITION" C.U.P. Special Permit SP17021 (V1) submittal dated 5-25-2017 in the SW ¼ of Section 16, T9N, R6E located at SW 27th Street and West Denton Road.

1. Need to correct the labeling of the SW corner of the SW ¼ of section 16 (9-6).
2. Need to list monument material at corners found and/or set.
3. Need to list section corner reference ties for all section corners, quarter corners or quarter-quarter corners found or set.
4. At the NW corner of Lot 1, Block 3 curve C1 is labeled but there is no corresponding curve data listed.
5. Add a General Note regarding the type of road surface material proposed and note that the developer is required to provide all testing related to improvement installation in compliance with Lancaster County design standards and Lancaster County Engineering Department shall be notified prior to improvement installation for inspections and shall receive reports of all testing results.
6. Add a General Note that reads, "The developer shall install survey control monument boxes per City of Lincoln standards at all centerline control points after acceptance and approval of the pavement".
7. Add a General Note that reads, "Grading shall extend around all cul-de-sacs. The developer shall notify all purchasers that ditches may not be filled in".
8. Add a General Note that reads, "Each lot shall be limited to only one (1) driveway access".
9. Add a General Note that reads, "Direct vehicular access to W. Denton Road is hereby relinquished except for the one existing residential access for lot 1, Block 3 as shown".
10. Dimension the existing road right-of-way width for Jacs Lane and SW 25th Street in adjacent Pester Ridge Addition.
11. Sheet 5 of 7: The accounting of impervious areas in the Curve Number calculations appears to be inconsistent. Basin B1 includes 'Residential Districts ½ acre' but does not include 'Impervious areas, roofs and driveways' in Weighted CN calculations for Phase 1 post-development drainage plans, whereas Basin A1 includes both categories.
12. Sheet 5 of 7: Basin A1 shows contours indicating a drainage path through a number of the residential lots, beginning with Lot 3 and draining southwest. Drainage should follow roadway right-of-way and easements.
13. Sheet 3 of 7: The length of Culvert A1 is shown as both 57 feet and 65 feet.
14. Sheet 5 of 7: Culvert A1 appears to be for the Build-Thru phase and not current Phase 1 post-development.

15. Sheet 5 of 7: Basin A and Basin B both show higher post-development discharges; the plans note that “detention requirements have been waived for now.” We assume this refers to Phase 1, and not for the build-thru. Please define “for now”.



Lincoln Lancaster, NE GIS

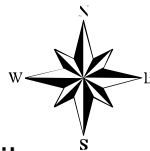
2016 aerial

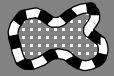


**Change of Zone #: CZ17014 (AG to AGR)  
& Special Permit #: SP17021  
Pester Ridge Estates 1st Addition  
SW 27th St & W Denton Rd**

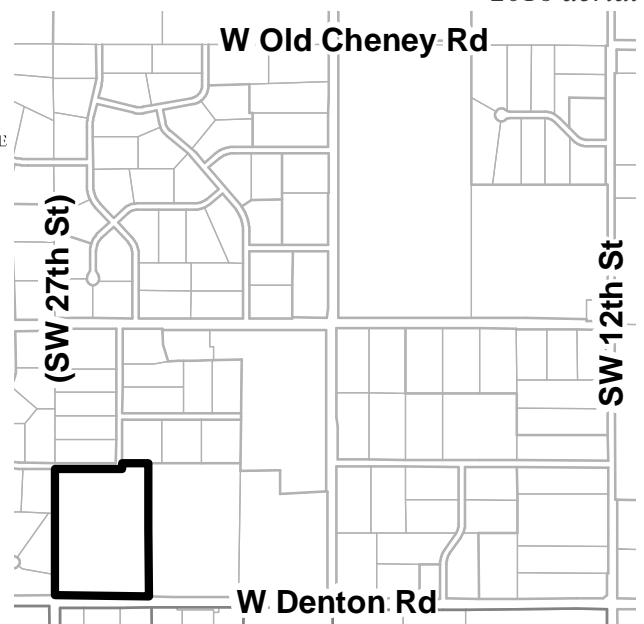
**Zoning:**

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

One Square Mile:  
Sec. 16 T09N R06E

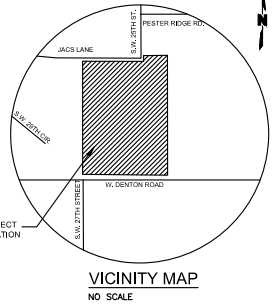
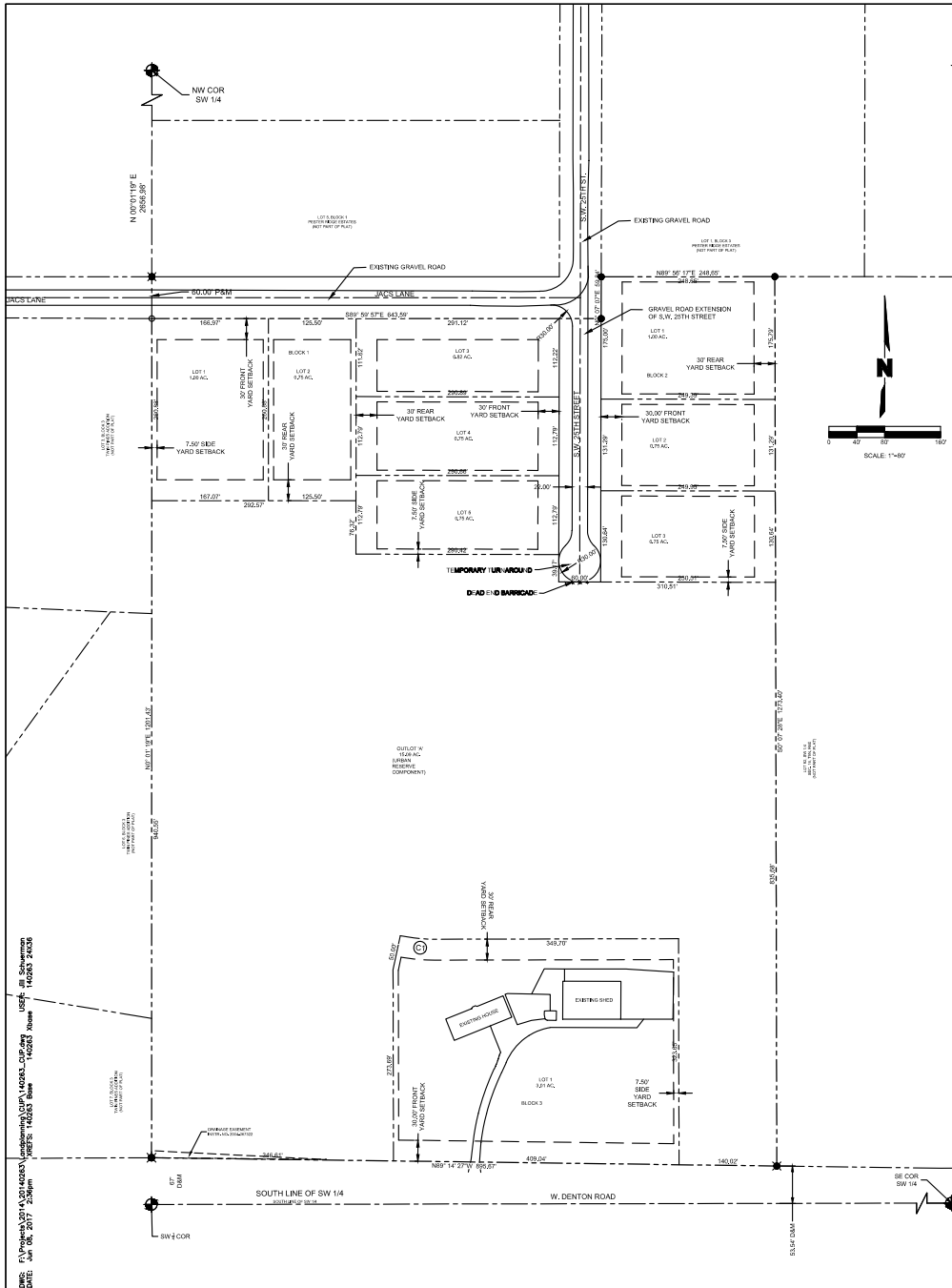


	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# PESTER RIDGE ESTATES 1ST ADDITION

## COMMUNITY UNIT PLAN



### LEGAL DESCRIPTION:

A legal description of Lot 79 of Irregular Tracts, located in the Southwest Quarter of Section 16, Township 9 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of said Lot 79, said point being on the Northern Right-of-way Line of West Denton Road, said point also being on the West Line of the Southwest Quarter, Thence Northerly on the West Line of Lot 79 and the West Line of the Southwest Quarter on an assumed bearing of N 00°01'19" E, for a distance of 123.43' to the Northwest Corner of Lot 79, said point being on the South Line of Jacs Lane, said point also being the Southwest Corner of "Pester Ridge Estates"; Thence S 89°59'57" E on the line common to Lot 79, the South Right-of-way Line of Jacs Lane and the South Line of "Pester Ridge Estates" for a distance of 543.59' to a point of intersection with the East Right-of-way Line of S.W. 25th Street; Thence N 00°07'07" E on the line common to Lot 79, the East Right-of-way Line of S.W. 25th Street and the Southern Line of "Pester Ridge Estates" for a distance of 59.64' to the Southwest Corner of Lot 1, Block 3 "Pester Ridge Estates"; Thence N 89°56'17" E on the line common to Lot 79 and the South Line of Lot 1, Block 3 "Pester Ridge Estates" for a distance of 346.57' to the Northwest Corner of Lot 79; Thence S 00°07'28" E on the line common to Lot 79 and Lot 82 of Irregular Tracts for a distance of 1273.40' to the Southwest Corner of Lot 79, said point also being on the Northern Right-of-way Line of West Denton Road; Thence N 89°14'27" W on the South Line of Lot 79 and the Northern Right-of-way Line of West Denton Road for a distance of 855.67' to the Point of Beginning, and having a calculated area of 25.12 acres more or less.

Subject to any and all easements and restrictions of record.

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Marc J. Riphart LS #999  
Allied Surveying & Mapping, Inc.

### GENERAL NOTES:

1. THIS COMMUNITY UNIT PLAN CONTAINS 25-12 ACRES MORE OR LESS.
2. THIS COMMUNITY UNIT PLAN PERMITS 9 SINGLE FAMILY LOTS AND 1 OUTLOT. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
3. THE CURRENT ZONING IS AGR AND THE PROPOSED ZONING IS AGR WITH A C.U.P. WITH BUILT THRU OVERLAY WITH BONUS DENSITY FOR THE URBAN PRESERVE COMPONENT AND COMMUNITY SEWER SYSTEM.
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER AGR ZONING.
5. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WATER WELLS FOR POTABLE WATER SUPPLY. WELL PERMITS WILL BE REQUIRED FOR ALL WELLS LOCATED WITHIN THE SUBDIVISION.
6. THE DEVELOPER / OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
7. THE DEVELOPER PROPOSES THE USE OF A COMMUNITY WASTE WATER SYSTEM. WASTE WATER SYSTEMS SHALL BE APPROVED BY A PERMIT FROM THE STATE - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY.
8. DEVELOPERS SHALL INSTALL STREET IDENTIFICATION SIGNS, STOP SIGNS AND NO OUTLET SIGNS AS REQUIRED. DEVELOPER SHALL BE RESPONSIBLE FOR INSTALLING STREET SIGNS.
9. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
10. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
11. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
12. FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
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15. PROVISIONS BY THE DEVELOPER SHOULD BE MADE FOR RETAINING AS MUCH TREE MASS AS POSSIBLE.
16. PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLATS FOR CULVERT PIPES THAT EXTEND PASS THE RIGHT-OF-WAY.
17. ALL CULVERTS SHALL HAVE A FLARED-END SECTION OR CONCRETE HEADWALL ON THE INLET END.
18. THIS COMMUNITY UNIT PLAN IS DESIGNED FOR FUTURE PLATING OF THE URBAN RESERVE LOTS OF OUTLOT 'A'. TO A DENSITY OF APPROXIMATELY 18 DWELLING UNITS.
19. A WRITTEN AGREEMENT SHALL BE PROVIDED FOR THE FUTURE CONVERSION OF LOTS TO A HIGHER DENSITY INCLUDING THINKS OF ANNEXTION, FUNDING OF INFRASTRUCTURE COST, AND AGREEMENT TO PETITION FOR SPECIAL ASSESSMENT DISTRICTS.
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### AGR DENSITY CALCULATION

25.12 ACRES x 0.27 = 6.78  
20% BONUS URBAN RESERVE COMPONENT = 1.38  
20% BONUS COMMUNITY SEWER SYSTEM = 1.38  
9.5 UNITS

### WAIVERS

1. FRONT YARD SETBACK - FROM 50' TO 30'
2. REAR YARD SETBACK - FROM 50' OR 20% OF DEPTH TO 30'
3. SIDE YARD SETBACK - FROM 15' TO 7.5'

### LEGEND

- LIMITS OF COMMUNITY UNIT PLAN
- AGR LOT LINES
- PROPOSED SETBACK
- PROPOSED UTILITY EASEMENT

### SHEET INDEX:

SITE PLAN	1
BUILT THRU SITE PLAN	2
GRADING & DRAINAGE PLAN	3
FINAL PRE DEVELOPMENT PLAN	4
FINAL PRE DEVELOPMENT PLAN	5
PRELIMINARY WATER MAIN AND DRAINAGE	6
PRELIMINARY PAVING PROFILES	7

### OWNER & DEVELOPER:

WAYNE & LAURA PESTER  
P.O. BOX 2363  
2600 W. DENTON ROAD  
LINCOLN, NE 68542  
402-525-7091

### ENGINEER:

CIVIL DESIGN GROUP, INC.  
8535 EXECUTIVE WOODS DRIVE, SUITE 200  
LINCOLN, NE 68512  
(402)434-8494

### SURVEYOR:

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CONSULTING ENGINEERING AND SURVEYING  
CIVIL DESIGN SITE DEVELOPMENT, PLANNING AND ZONING

REVISIONS	DATE	DESCRIPTION

SITE PLAN

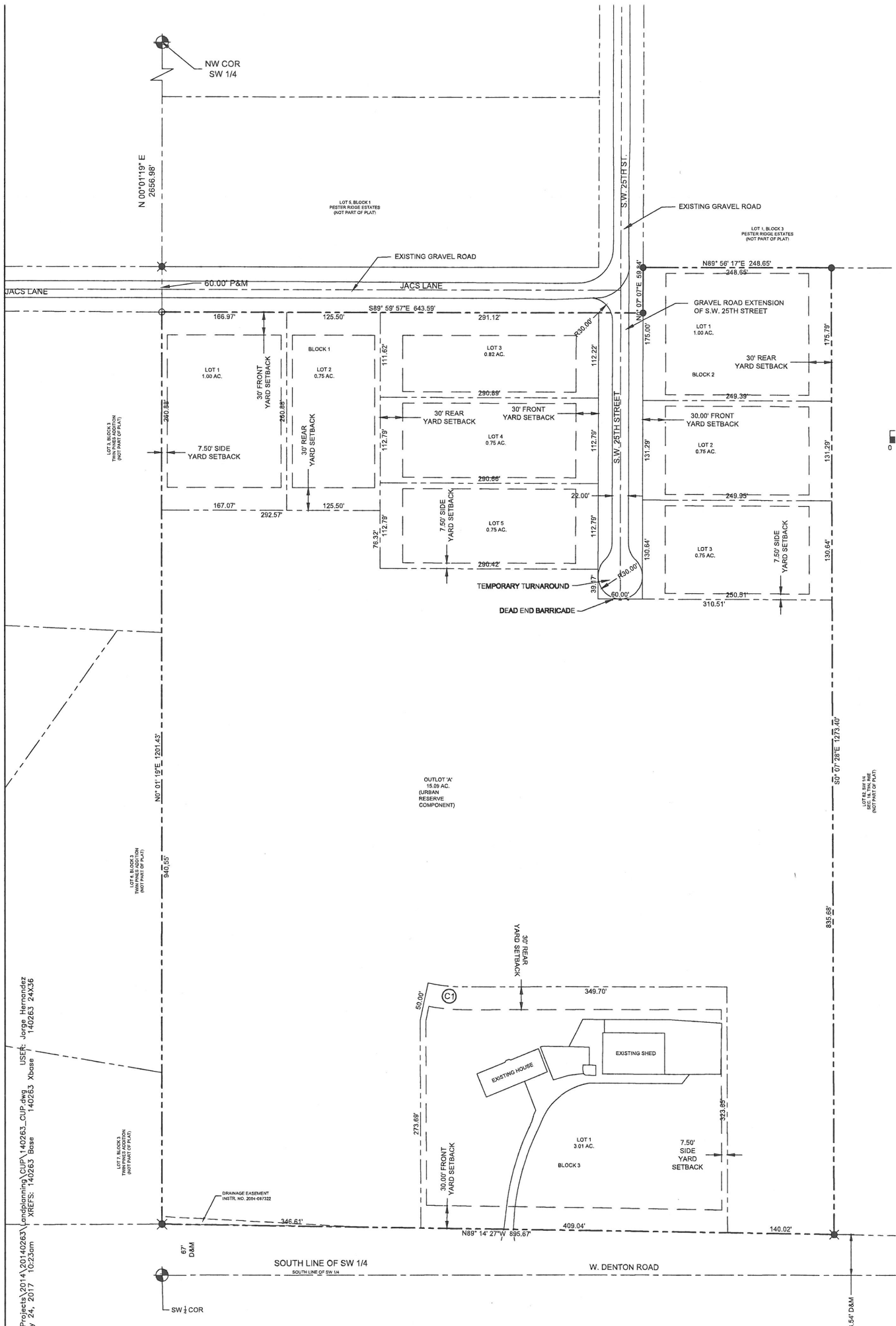
PESTER RIDGE ESTATES 1ST ADDITION  
COMMUNITY UNIT PLAN # \_\_\_\_\_ & CHANGE OF ZONE # \_\_\_\_\_

LINCOLN, NEBRASKA

2017

Drawn by:	js
Checked by:	js
Approved by:	js
Project no.:	2014-0263
Drawing no.:	
Date:	05/24/2017

SHEET  
1 OF 7



F:\Projects\2014\20140263\Landplanning\01P\140263\_C01P.dwg User: Jorge Hernandez  
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 2: E: May 24, 2017 10:23am

# COMMUNITY UNIT PLAN

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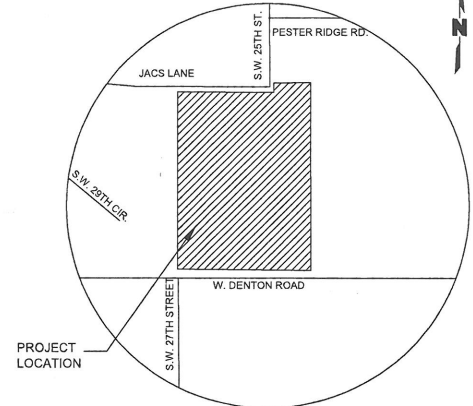
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Marc J. Raphael  
Allied Surveying & Mapping, Inc.

LS #695

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## VICINITY MAP

NO SCALE



## AGR DENSITY CALCULATION

$$25.12 \text{ ACRES} \times 0.27 = 6.78$$

$$20\% \text{ BONUS URBAN RESERVE COMPONENT} = 1.36$$

$$20\% \text{ BONUS COMMUNITY SEWER SYSTEM} = 1.36$$

$$\hline 9.5 \text{ UNITS}$$

## WAIVERS

- FRONT YARD SETBACK - FROM 50' TO 30'
- REAR YARD SETBACK - FROM 50' OR 20% OF DEPTH TO 30'
- SIDE YARD SETBACK - FROM 15' TO 7.5'
- DETENTION FOR AGR LOTS.
- STORM WATER DETENTION

## LEGEND

-----	LIMITS OF COMMUNITY UNIT PLAN
-----	AGR LOT LINES
-----	PROPOSED SETBACK
-----	PROPOSED UTILITY EASEMENT

## SHEET INDEX:

SITE PLAN	1
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PHASE I-POST DEVELOPED DRAINAGE PLAN	5
PRELIMINARY SANITARY SEWER PLAN AND PROFILE	6
PRELIMINARY PAVING PROFILES	7

## OWNER & DEVELOPER:

WAYNE & LAURA PESTER  
P.O. BOX 23053  
2600 W. DENTON ROAD  
LINCOLN, NE 68542  
402-423-7091

## ENGINEER:

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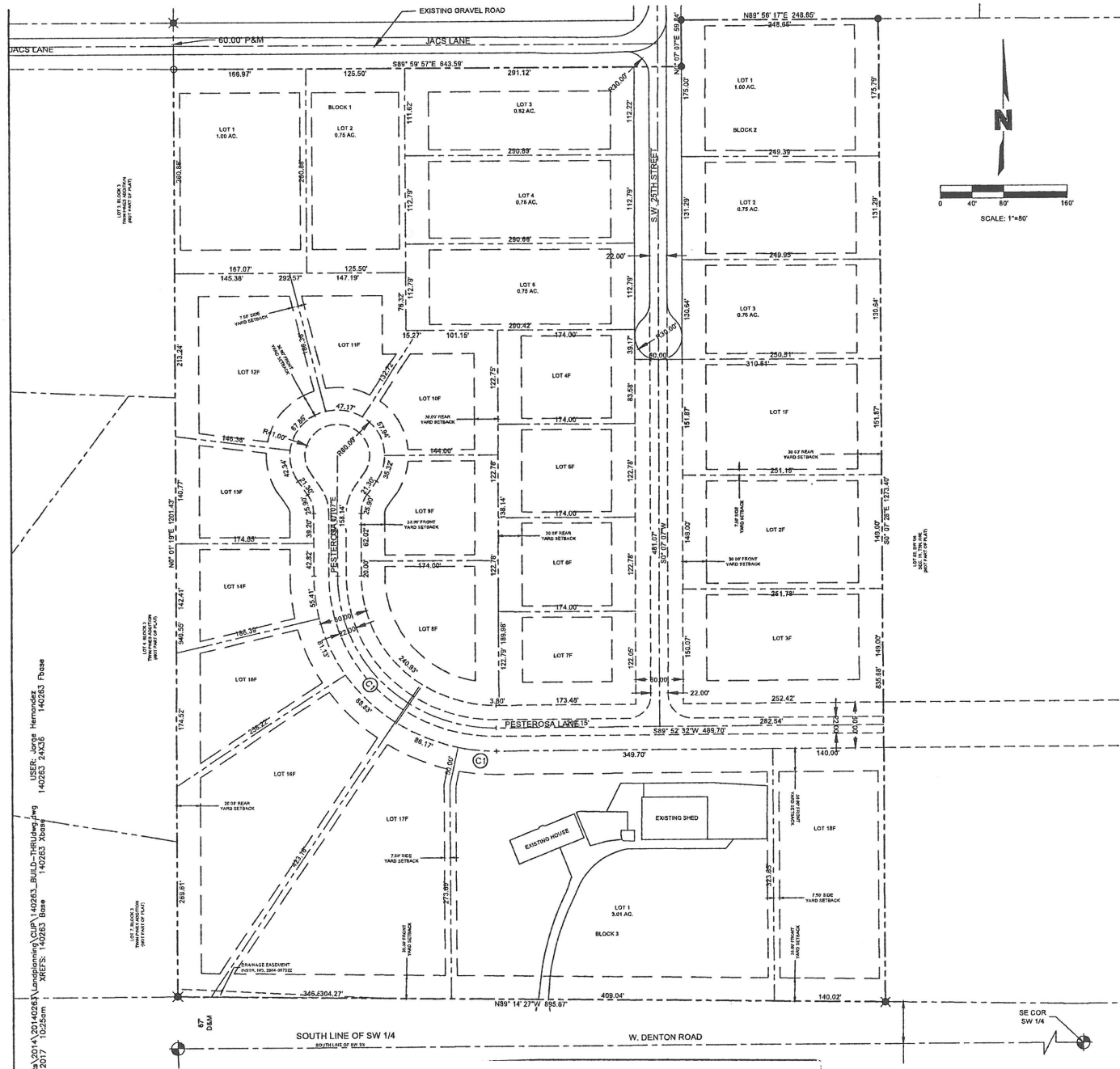
## SURVEYOR:

ALLIED SURVEYING & MAPPING  
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LINCOLN, NE 68512  
(402)464-2686

REVISIONS

drawn  
check  
approved  
projected  
drawn  
date:





**BUILD-THRU SITE PLAN**

**PESTER RIDGE ESTATES 1ST ADDITION**  
**COMMUNITY UNIT PLAN # \_\_\_\_\_ & CHANGE OF ZONE # \_\_\_\_\_**



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

www.civildg.com

June 12, 2017

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Application for Change of Zone from AG to AGR and associated AGR Community Unit Plan (CUP) for Pester Ridge 1<sup>st</sup> Addition, Generally Located at S.W. 25<sup>th</sup> Street & W. Denton Road. CDG Project No. 2014-0263**

Dear Mr. Cary:

On behalf of Wayne & Laura Pester we submit the enclosed application for a Change of Zone from AG to AGR and associated AGR CUP for 9 acreage lots clustered on 25.12 acres of land located at S.W. 25<sup>th</sup> Street and W. Denton Road. The change of zone to AGR is consistent with the surrounding land use pattern and the 2040 Comprehensive Plan. S.W. 25<sup>th</sup> Street will be constructed as part of the platting process and a future roadway is shown to demonstrate feasible adherence to build-thru standards under urbanization. We are requesting waivers of the lot area, front, rear and side yard setbacks to accommodate the 1 acre lots that are allowed with a community sewer system. Accordingly, we also requesting a waiver to minimum AGR lot area for them to be less than one acre.

Extensive discussion with Planning Staff have led to the layout of these 9 lots including the accommodation of the existing home site and the build thru layout. With this application, we submit the following items:

Applications for a CUP & Change of Zone  
CUP Fee of \$4,283.00  
Change of Zone Fee of \$988.00  
Plan Sets uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

*Mike Eckert*  
*JDS*

Mike Eckert, AICP

cc: Wayne & Laura Pester

/Volumes/share/F/Projects/2014/20140263/Landplanning/Doc/14-0263 Prelim Plat app 06-8-17.doc

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

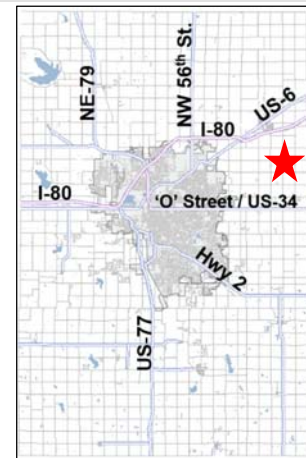
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17016, Native Grass Estates	FINAL ACTION? Yes	DEVELOPER/OWNER Jason Miller
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N. 176 <sup>th</sup> Street and Havelock Avenue

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Community Unit Plan to develop 9 dwelling units on approximately 150 acres. The lots will be served by Cass County Rural Water District #2 and by individual waste water systems. All of the lots, except Lots 1 and 2, Block 1, will take access off of interior public roads. The applicant is requesting a waiver to block length and a waiver to allow Lots 1 and 2 to access a County section line road.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal meets the intent of a rural cluster subdivision under the AG zoning. The waiver to block length is typical of rural subdivisions with large lots. The waiver to allow direct access to N. 176<sup>th</sup> Street for Lots 1 and 2 is supportive due to the creek isolating this area from the remainder of the parcel.

**APPLICATION CONTACT**

Tim Gergen, 402-477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposal is in conformance with the Comprehensive Plan. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of the County.

**WAIVERS**

1. Section 4.07, Block length Recommend Approval
2. To Article 14.003(a) that all lots must access an interior road and not the County section line road. Recommend Approval

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8- The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural

P. 2.7- Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages.

P. 7/12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses

P. 7.12- All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development

P. 7.12-Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service.

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

P. 7.13- Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services.

## ANALYSIS

1. This request is for a Special Permit for a Community Unit Plan for 9 acreage lots. Each lot will have individual septic system and Cass County Rural Water. A 25% dwelling unit bonus is being requested for preservation of farmland and open space.
2. AG Agricultural zoning allows one dwelling unit per 20 acres. Through the provisions of the Community Unit Plan, bonus lots can be granted when a minimum of 70% of the development area is preserved as open space. These bonuses can be granted for as much as a 25% increase of the allowable density. With the bonus 9 dwelling units are allowed.
3. Density Calculation:  
 $149.85 \text{ acres divided by } 20 = 7.492 \text{ dwelling units}$   
With the 25% density bonus the density is  $7.492 \times 1.25 = 9.36 \text{ dwelling units}$ .  
Open space required:  $149.85 \text{ acres} \times 70\% = 104.895 \text{ acres required for bonus}$ . 115.12 acres shown.
4. Article 14.003(a) requires that access to each residential lot shall be provided from a private or public roadway; except in unique circumstances, no direct access for any residential lot to a County section line or half section line road is allowed. The applicant is requesting a waiver to this section to allow Lots 1 and 2, Block 1 direct access to N. 176<sup>th</sup> Street. Lots 1 and 2 are located in the northwestern corner of the parcel. This area is isolated from the remaining parcel by a large tree mass and drainage channel. A shared driveway will be provided to eliminate one additional driveway to N. 176<sup>th</sup> Street. This waiver is supportive due to the unique circumstances.
5. A waiver to block length is requested. Section 4.07 of the Lancaster County Land Subdivision Regulations states that no block shall be longer than 1,320 feet between cross streets. This is mainly for urban type subdivisions and is not practical for acreage developments with lots over 3 acres in size. Larger block lengths are typical in rural acreage developments.

6. Water service will be provided by Cass County Rural Water District #2. There is an existing 3" waterline on the west side of N. 176<sup>th</sup> Street and a 2" waterline extending east along Havelock Avenue. To serve this development a new 3' waterline is required to be built along Havelock Avenue from N. 176<sup>th</sup> Street to Blaze Trail.
7. A small portion of the development in the northwest corner is within a Pipeline Planning Area. Portions of Lots 1 and 2 are within the Pipeline Planning Area for an anhydrous ammonia pipeline. Lincoln-Lancaster County Health department recommends that no dwellings be built within the Pipeline Planning Area. See attached map for the Pipeline Planning Area.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Farm ground

**SURROUNDING LAND USE & ZONING**

North:	AG Agricultural	14 acreage lots and farm ground
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground
West:	AG Agricultural	3 acreage lots and farm ground

**APPLICATION HISTORY**                None

**APPROXIMATE LAND AREA:**        149.85 acres, more or less

**LEGAL DESCRIPTION:** Lot 2 Erskine Addition and the N1/2 of the NW ¼ all located in the NW ¼ of Section 12, Township 10 North, Range 8 East, Lancaster County, NE.

Prepared by

---

Tom Cajka, Planner  
(402) 441-5662 or tcajka@lincoln.ne.gov

Date:            June 9, 2017

Applicant: Tim Gergen  
              The Clark Enersen Partners  
              1010 Lincoln Mall, Suite 200  
              Lincoln, NE 68508  
              402-477-9291

Contact: Same as applicant

Owner:        Jason Miller  
              PO Box 81823  
              Lincoln, NE 68501

F:\DevReview\SP\17000\SP17016 Native Grass Estates.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17016

Per Section 13.031 this approval permits a Community Unit Plan for 9 dwelling units and a waiver to block length and to Article 14.003(a) that lots may not take access to a County section line road.

### Site Specific Conditions:

2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Change Blaze Trail to a numbered street.
  - 2.2 Dedicate 50' of right-of-way on N. 176<sup>th</sup> Street and Havelock Avenue
  - 2.3 Show Lot 1-5 as Block one and renumber Lots 6-9 to Lots 1-4, Block 2.
  - 7.4 Delete "or private" in Note #10.
  - 7.5 Add easements per Norris Public Power District.
  - 7.6 Remove the symbols which appear to be from a counter map.
  - 7.7 Show the pipeline planning area.
  - 7.8 Add a note that no dwellings shall be built within the pipeline planning area.
  - 7.9 Make corrections to the satisfaction of the County Engineer.
3. Before a final plat is approved provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

### **ADD THESE PARAGRAPHS IF PERMIT IS IN LIEU OF A PRELIMINARY PLAT and if appropriate:**

8. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 3.12. A new community unit plan may be required if the subdivision ordinance or the required improvements have been amended by the county; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, rural water system, land preparation and grading, sediment and erosions control measures, drainageway improvements, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

No final plat shall be approved until the Permittee, as subdivider agrees:

To maintain County roads in good order and condition, including repair and replacement of paving or gravel as reasonably necessary, until the County Board specifically accepts the maintenance.

To relinquish the right of direct vehicular access to N. 176<sup>th</sup> Street except at Trailway Road and Lots 1 and 2, Block 1

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  5. Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  5. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  5. 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.
  5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  5. The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

## COUNTY ENGINEER'S COMMENTS

Upon review, this office would offer the following comments for "NATIVE GRASS ESTATES" C.U.P. Special Permit SP17016 (V1) submittal dated 5-24-2017 in the NW ¼ of Section 12, T10N, R8E located at North 176th Street and Havelock Avenue.

1. Need to show boundary survey corners found and/or set with monument material description listed for same.
2. Need to show monument symbol, label and list monument material for any section corners, quarter corners, or quarter-quarter corners found or set and list corner reference ties for same.
3. Need to show adjacent road right-of-way width.
4. Need to submit centerline profile along North 176th Street and along Havelock Avenue to verify compliance with minimum sight distance requirements at locations of proposed Trailway Road intersection, Blaze Trail intersections and at the proposed shared driveway between lots 1 and 2.
5. Need to show the existing field drive located near the shared driveway between lots 1 and 2.
6. Need to show the existing field drives for Outlot "A" and note that field drives and their use to remain until Outlot "A" is further subdivided. One field drive is located just north of the W ¼ corner of section 12 (10-8) and another is located approximately 770' east of North 176th Street.
7. Revise the "Typical Rural Street Cross-Section" detail shown to comply with Lancaster County design standard cross-section detail and note the ditch depth of 24" minimum.
8. Need Surveyor's Certificate to certify boundary survey for this preliminary plat.
9. Add a General Note that reads, "Direct vehicular access along North 176th Street is hereby relinquished except for Trailway Road, the shared driveway between lots 1 and 2 and for one field drive near the SW corner of Outlot "A" as shown".
10. Add a General Note that reads, "Direct vehicular access along Havelock Avenue is hereby relinquished except for Blaze Trail and for one existing field drive as shown".
11. Show and label a 60' diameter temporary turnaround at the east end of Trailway Road and revise proposed grading and drainage contour lines accordingly.
12. Add a General Note that reads, "Grading shall extend around all cul-de-sacs. The developer shall notify all purchasers that ditches may not be filled in".
13. On the drawing, label and note the existing 33' statutory road right-of-way easement along North 176th Street and along Havelock Avenue. Also, note the existing 33' of dedicated right-of-way along North 176th Street adjacent to Erskine Addition.
14. List approximate lot dimensions for the east line of lot 4, the west line of lot 9 and the north line of Outlot "A" adjacent to Havelock Avenue.

15. On the drawing, show, dimension and note, "50' right-of-way to be dedicated" along Havelock Avenue and along North 176th Street adjacent to this Community Unit Plan.
16. On the drawing, the heavy CUP boundary line should follow the lines described in the legal description. (section line along Havelock Avenue and section line along North 176th Street north of lot 1, Erskine Addition)
17. On the drawing, shade or cross-hatch and note the areas of tree removal within road right-of-way.
18. General notes 8 and 16 appear to not pertain to this type of development improvements and suggest they be removed.
19. On the drawing, label the area of lots 1-5, as Block 1 and label the area of lots east of Blaze Trail as Block 2 and renumber the lots 1-4.
20. On the drawing, the labeling lot 1, Erskine Addition is misspelled.
21. Adjacent parcel, E ½, E ½, SW ¼ is miss labeled on the drawing. Also, show division line and reposition the labeling of adjacent parcels, W ½, SW ¼ and W ½, E ½, SW ¼.
22. In order to mathematically check the centerline of proposed streets, please show dimensioning from the NW corner of section 12, T10N, R8E east along the section line to the centerline of Blaze Trail and south along the section line to the centerline of Trailway Road. Will also need dimensioning to locate the point of intersection of Blaze Trail with Trailway Road.
23. Conceptual Layout lines should be shown as dashed lines.
24. On the drawing in the area of Outlot "A", remove the previous parcel labeling of S12, T10N, R8E, 6th PM, N ½, NW ¼ and Lot 2, Erskine Addition.
25. Our review of the culverts show a higher flowrate in the pipes than designed for – please supply additional information with regards to culvert sizing.
26. Revise the centerline profiles of Trailway Road and Blaze Trail to have a -2.00% slope away from the centerline of the existing County road which they connect with for a minimum of 30' to prohibit water from entering the existing County roads.

June 5, 2017 (kds)



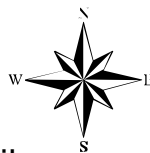
2016 aerial

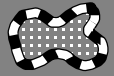


**Special Permit #: SP17016**  
**Native Grass Estates**  
**N 176th St & Havelock Ave**

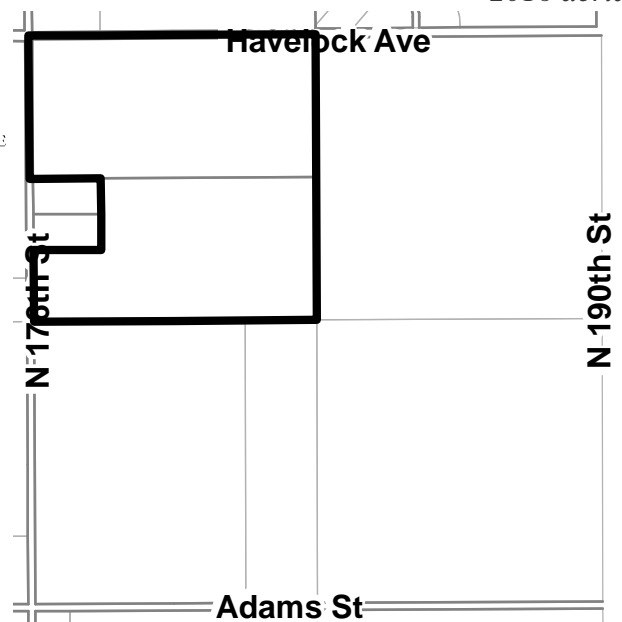
**Zoning:**

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

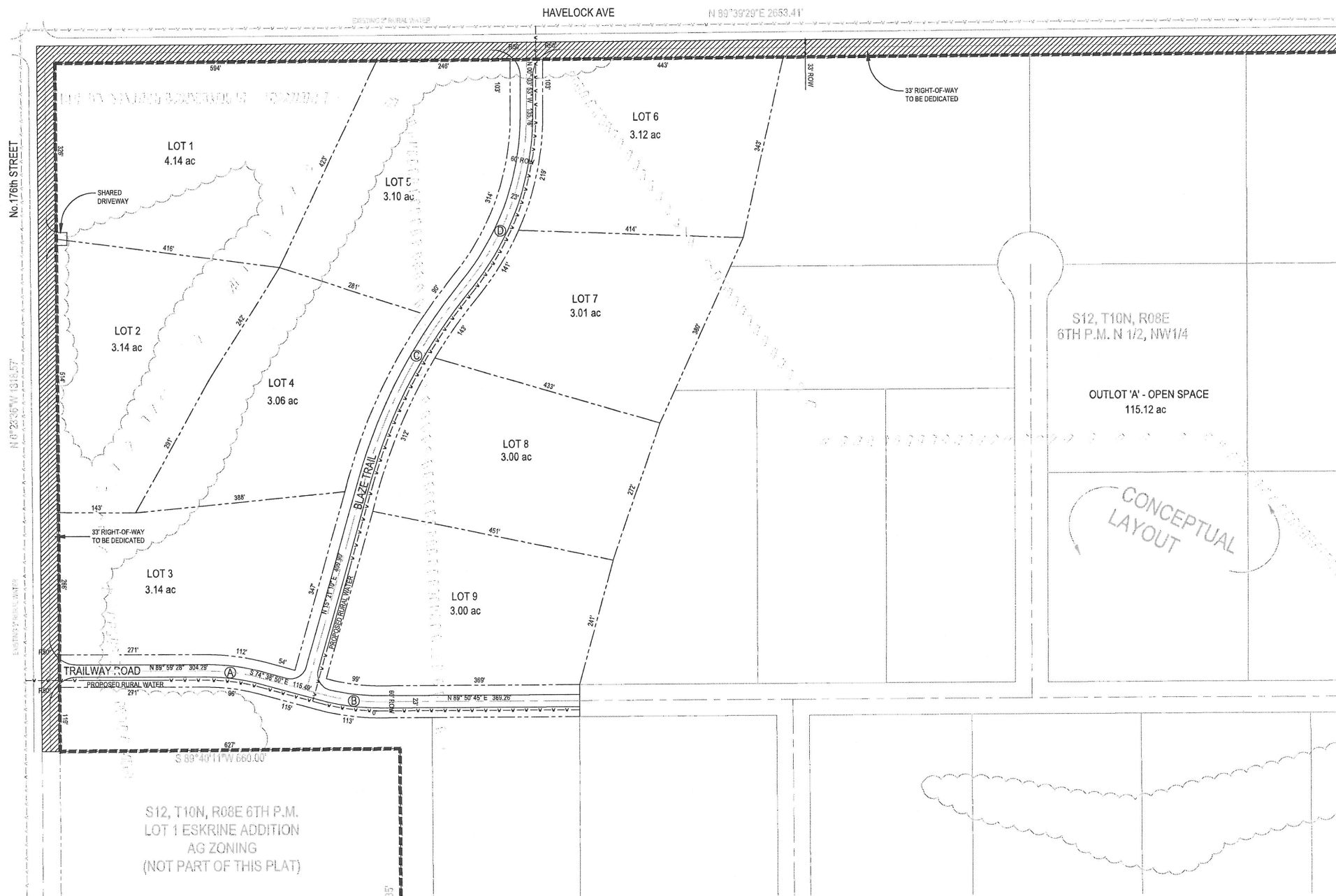
One Square Mile:  
 Sec.12 T10N R08E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction







# NATIVE GRASS ESTATES

## COMMUNITY UNIT PLAN

### OWNERS & DEVELOPERS

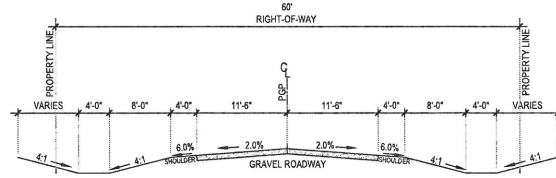
JASON MILLER  
P.O. BOX 81823  
LINCOLN, NE 68501

### ENGINEER & PREPARER

THE CLARK ENERSEN PARTNERS  
1010 LINCOLN MALL, SUITE 200  
LINCOLN, NE 68508  
CONTACT: TIM GERGEN  
PHONE: 402-477-9251



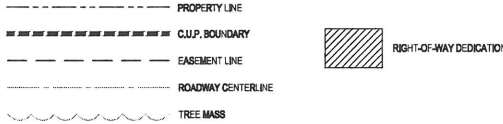
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### TYPICAL RURAL STREET CROSS-SECTION

NOT TO SCALE

### LEGEND



### ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

3-15-2017  
DATE TIM GERGEN E-10344

### GENERAL NOTES

- ALL LOTS TO HAVE THEIR OWN INDIVIDUAL SEPTIC SYSTEM TO BE LOCATED ON THE INDIVIDUAL LOTS AND APPROVED TO NDEC STANDARDS. ALL LOTS WILL BE CONNECTED TO CASS COUNTY RURAL WATER.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- INTERIOR INTERSECTION RADI TO BE 30' UNLESS OTHERWISE NOTED. RADI AT HAVELOCK AVE. & N 176TH ST. SHALL BE 50'.
- ALL INTERSECTION ANGLES SHALL BE 90° ± 10° UNLESS OTHERWISE NOTED.
- THE CURRENT ZONING IS AG.
- ALL ELEVATIONS ARE BASED ON NAVD 1988.
- LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
- ALL STREET DIMENSIONS ARE TO EDGE OF GRAVEL.
- INDIVIDUAL LOTS ARE RESPONSIBLE FOR WATER AND SEWER SERVICES.
- THE INTERIOR LOTS ARE LIMITED TO NO MORE THAN TWO ACCESSES EACH TO PUBLIC OR PRIVATE ROADWAY.
- ALL CULVERTS SHALL HAVE A FLARED-END SECTION ON THE INLET END. GRADING SHALL BE CONSTRUCTED TO ALLOW FOR PROPER DRAINAGE THROUGH CULVERTS.
- PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLATS FOR CULVERTS THAT EXTEND PAST THE RIGHT-OF-WAY.
- DEVELOPER SHALL INSTALL STREET SIGNS AS REQUIRED BY LANCASTER COUNTY STANDARDS.
- THE DEVELOPER SHALL CONSTRUCT AND SURFACE ALL STREETS TO MEET LANCASTER COUNTY ENGINEERS DESIGN STANDARDS FOR GRAVEL ROADS.
- THE DEVELOPER IS REQUIRED TO PROVIDE ALL TESTING RELATED TO IMPROVEMENT INSTALLATION IN COMPLIANCE WITH LANCASTER COUNTY DESIGN STANDARDS AND LANCASTER COUNTY ENGINEERING DEPARTMENT SHALL BE NOTIFIED PRIOR TO IMPROVEMENT INSTALLATION FOR INSPECTION AND SHALL RECEIVE REPORTS OF ALL TESTING RESULTS.
- THE DEVELOPER SHALL INSTALL SURVEY CONTROL MONUMENT BOXES PER CITY OF LINCOLN STANDARDS AND HAVE SURVEY PINS SET AT ALL STREET CENTERLINE CONTROL POINTS.

### WAIVERS

- WAIVE ARTICLE 14.003(a), WHICH STATES THAT ACCESS MAY NOT BE PROVIDED DIRECTLY TO A RESIDENTIAL LOT FROM A COUNTY SECTION LINE FOR LOTS 1 & 2.
- BLOCK LENGTH

### C.U.P. CALCULATIONS

AG ZONING  
TOTAL AREA = 149.85 AC  
OPEN SPACE = 115.12 AC  
148.85 AC / 20 = 7.5 UNITS  
7.5 UNITS \* 0.25 = 1.87 UNITS  
7.5 UNITS + 1.87 UNITS = 9.37 = 9 TOTAL UNITS

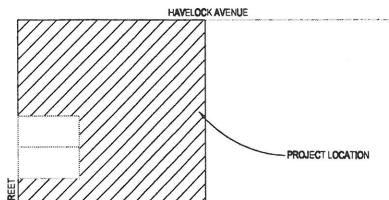
### LEGAL DESCRIPTION

ALL OF LOT 2, ERSKINE ADDITION AND ALL OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE 9th P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER, ON AN ASSIGNED BEARING OF N 89°39'29"E A DISTANCE OF 263.41', TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHWEST QUARTER, S 0°09'01"E 263.24', TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY ON THE SOUTH LINE OF SAID NORTHWEST QUARTER AND THE SOUTH LINE OF SAID LOT 2, ERSKINE ADDITION FOR THE NEXT TWO COURSES, S 89°39'35"W 680.33'; THENCE S 89°41'20"W 1948.88', TO THE SOUTHWEST CORNER OF SAID LOT 2; SAID POINT BEING 32.00' EASTERLY OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER, N 0°23'36"W 689.30', TO A POINT ON THE SOUTH LINE OF LOT 2 (IRREGULAR TRACT IN SAID NORTHWEST QUARTER); THENCE EASTERLY ON SAID SOUTH LINE OF LOT 2 (IRREGULAR TRACT, N 89°40'32"E 627.00', TO THE SOUTHEAST CORNER OF SAID LOT 2 (IRREGULAR TRACT); THENCE NORTHERLY ON THE EAST LINE OF SAID LOT 2 (IRREGULAR TRACT) AND THE EAST LINE OF LOT 1, ERSKINE ADDITION, N 0°23'36"W 659.35', TO THE NORTHEAST CORNER OF SAID LOT 1, ERSKINE ADDITION; THENCE WESTERLY ON THE NORTH LINE OF SAID LOT 1, S 89°40'11"W 650.00', TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE NORTHERLY ON THE WEST LINE OF SAID NORTHWEST QUARTER, N 0°23'36"W 1316.57', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 6,527,520.5 SQUARE FEET OR 148.85 ACRES, MORE OR LESS.

### ROADWAY CENTERLINE CURVE DATA

<b>A</b>	R = 390.00' L = 104.56' Δ = 15° 21' 41" TL = 52.60' CL = 104.25'	<b>B</b>	R = 390.00' L = 105.55' Δ = 15° 30' 25" TL = 53.10' CL = 105.23'
<b>C</b>	R = 1000.00' L = 412.53' Δ = 23° 38' 11" TL = 209.24' CL = 409.62'	<b>D</b>	R = 500.00' L = 340.81' Δ = 39° 03' 14" TL = 177.32' CL = 334.25'



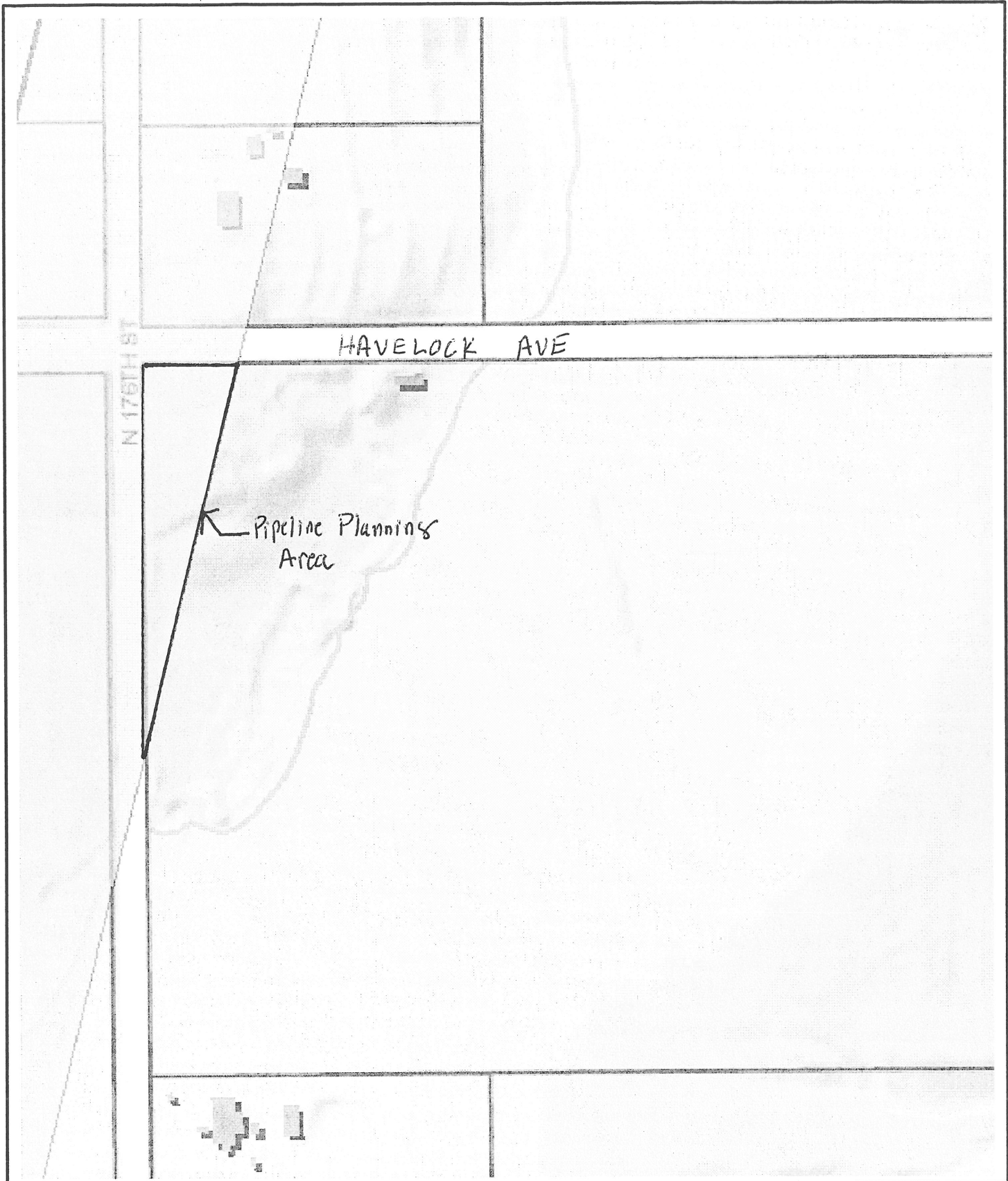
### Native Grass Estates Community Unit Plan

Lincoln, NE

TCEP No.: 870-003-17

May 22, 2017





## Lancaster County/City of Lincoln GIS Map



Printed: Jun 09, 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](mailto:ags@lincoln.ne.gov) and you will be directed to the appropriate department.

March 30, 2017

Dale Miller, Manager  
RWD No. 2, Cass County, Nebraska  
P.O. Box 195  
Elmwood, NE 68349

**SUBJECT: Proposed Meter Additions (9 lots SE Corner 176th Road &  
Havelock Road)  
W.O. 19115.000**

Dale:

This letter is in response to your inquiry on March 28, 2017. You requested that we review service for a potential 9 residential meters to be located southeast of the intersection of 176th Road & Havelock Road. There is currently a 3-inch waterline along the west side of 176th and a 2-inch waterline extending east along Havelock.

With these additional demands added to the system we see no adverse pressure affects to existing customers in the surrounding area. The 3-inch waterline along the west side of 176<sup>th</sup> will need to be extended east along Havelock and into the development though.

For these meters specifically we are assuming an elevation of 1280 feet MSL. Based on this information we would expect these proposed meters to maintain minimum pressures above 50 psi with the proposed improvements in place.

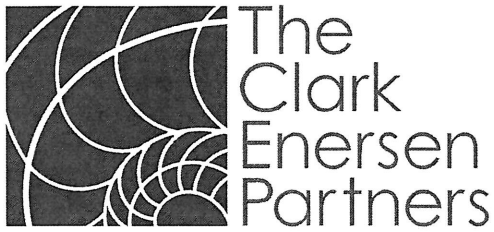
Based on this information we recommend the addition of these proposed meters. If you have any questions regarding this recommendation please give me a call.

Sincerely,

**BARTLETT & WEST, INC.**



John A. Ruckman, P.E.



May 23, 2017

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Native Grass Estates  
Community Unit Plan

Dear Mr. Cary:

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

1. Application for County Community Unit Plan
2. Application fee \$2,638 (\$988 + \$1,650)
3. Site Plan
4. Grading/Drainage Plan (2 sheets)
5. Street Profiles

On behalf of the Owner, Jason Miller, PO Box 81823, Lincoln NE 68501, we are requesting a Community Unit Plan in the County to the property located at the southeast corner of the intersection of N. 176<sup>th</sup> Street and Havelock Avenue. The property is just west of Cass County.

This application is to add 10 single family lots to the county. The proposed lots will be 3 acres or larger and will be served by individual septic system and Cass County Rural Water system. A new public roadway will be created to serve the proposed lots. All driveways will be built onto this new public roadway, except for Lots 1 and 2.

The existing property has a tree-lined vegetated drainage swale thru the middle of the Community Unit Plan property that makes it difficult for Lots 1 and 2 to take access from the new streets within the Community Unit Plan. The site plan is showing Lots 1 and 2 to share an existing driveway on N. 176<sup>th</sup> Street to alleviate a roadway thru the vegetated swale. The vegetated swale is an asset to the new residential lots and we would like to preserve the natural setting without a new roadway crossing thru the swale.

The remaining land will be preserved in an outlot used for agricultural use related to the developers seed business for harvesting grass and prairie seeds.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

[www.clarkenersen.com](http://www.clarkenersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS

Please let me know if you have any questions or need additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

[www.clarkensersen.com](http://www.clarkensersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

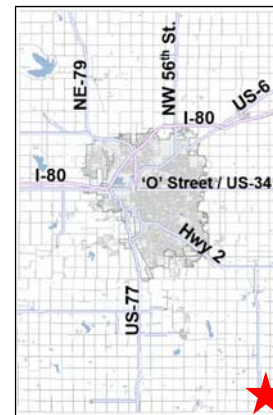
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17018, Heetderks Farm	FINAL ACTION? Yes	DEVELOPER/OWNER Nicholas Heetderks
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 176 <sup>th</sup> Street and Firth Road

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Commercial Feedlot for up to 90,000 chickens in four buildings. The area of the special permit is approximately 20 acres.



**JUSTIFICATION FOR RECOMMENDATION**

This application is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan. The commercial feedlot is an agricultural use. Traffic generated by this operation will be minimal. There are few houses nearby that would be impacted. Nebraska Department of Environmental Quality does not object to this application.

**APPLICATION CONTACT**

Nicholas Heetderks, 402-540-7191  
[Nickajh713@yahoo.com](mailto:Nickajh713@yahoo.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
[tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan identifies the area of application as agricultural. A commercial feedlot is a type of agricultural land use. A goal of the Comprehensive Plan is for more diversified agribusiness ventures and to preserve land for agricultural purposes.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

P. 3.11- Agricultural lands refers to land-about 90.3% of the county- utilized for growing crops, raising livestock, or producing other agricultural products.

P. 7.12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes.

P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

**ANALYSIS**

1. This is a request for a special permit under Article 13.035 of the Lancaster County Zoning Regulations for a Commercial Feedlot. The proposal is for 4 barns each housing 22,500 chickens for a total of 90,000 chickens.
2. Traffic will be minimal. On average the operation will generate one semi-truck per day. The County engineers does not object to this application.
3. The current parcel is 80 acres. If the special permit is approved, the applicant will parcel off 20 acres on a separate lot for the commercial feedlot. The site plan shows the proposed 20 acre parcel.
4. This site is shown as agriculture in the Comprehensive Plan, a feedlot is an agricultural use.
5. There are only 3 dwellings near this site with the closest house approximately 2,300 feet from the barns. An 11 lot acreage subdivision, Fisherman’s Landing, is located approximately one mile to the northwest.
6. The Lincoln-Lancaster County Health Department notes that the applicant will need to comply with Lancaster County Air Pollution Control resolution R-13-0073, Section 11. They do not object to this application.
7. The Lancaster County Zoning Regulations requires that any commercial feedlot have a statement from the Department of Environmental Quality (DEQ) that either the facility does not need to provide for anti-pollution controls, or that the applicant has received approval from DEQ for anti-pollution controls.
8. DEQ has inspected the site. The site may be required to obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) unless conditions are met as described in the June 12, 2017 letter from DEQ. The proposed operation is considered a medium animal feeding operation by DEQ.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural                      Farm ground

**SURROUNDING LAND USE & ZONING**

North:	AG Agricultural	Farm ground
South:	AG Agricultural	Farm ground
East:	AG Agricultural	Farm ground
West:	AG Agricultural	Farm ground and two dwellings

**APPROXIMATE LAND AREA:** 20 acres, more or less

**LEGAL DESCRIPTION:** North 940 feet of the West 1/2 of the NE 1/4, except for the East 100 feet and the West 272 feet; located in the NE 1/4 of Section 36-7-8, Lancaster County, Nebraska.

Prepared by

---

Tom Cajka, Planner  
(402) 441-5662 or tcajka@lincoln.ne.gov

Date: June 9, 2017

Applicant: Nicholas Heetderks  
14171 Firth Road  
Firth, NE 68358  
402-540-7191  
Nickajh713@yahoo.com

Contact: Same as applicant

Owner: Cathy Heetderks  
28180 S. 176<sup>th</sup> Street  
Adams, NE 68301  
402-788-2272

F:\DevReview\SP\17000\SP17018 Heetderks Farm.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17018

Per Article 13.035 this approval permits a Commercial Feedlot for up to 90,000 chickens.

### 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 with all required revisions and documents as listed below:
  - 1.1 Move the barns 75' to the south so that the driveway is outside of the front yard setback.
  - 1.2 Remove the dashed lines that are around the barns. Only show the lot lines.
  - 1.3 Show and label the driveway.
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 starting the operation 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 County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

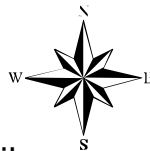


2016 aerial

**Special Permit #: SP17018**  
**Heetderks Farm**  
**S 190th St & Firth Rd**

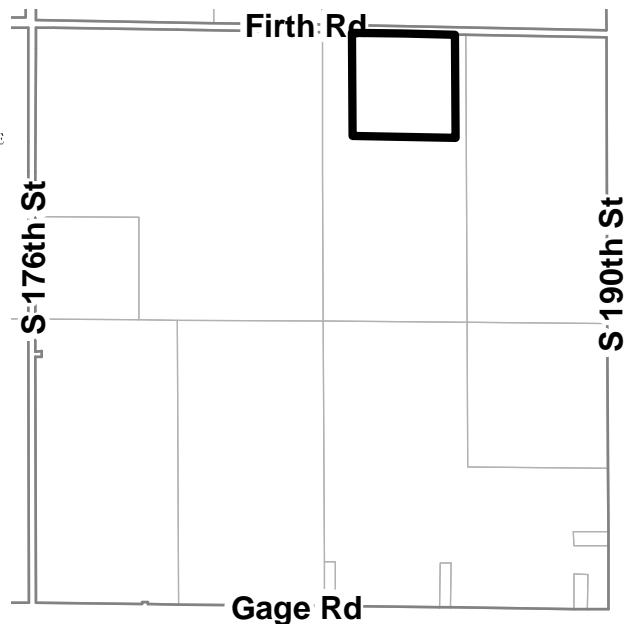
**Zoning:**

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



One Square Mile:  
 Sec.36 T07N R08E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



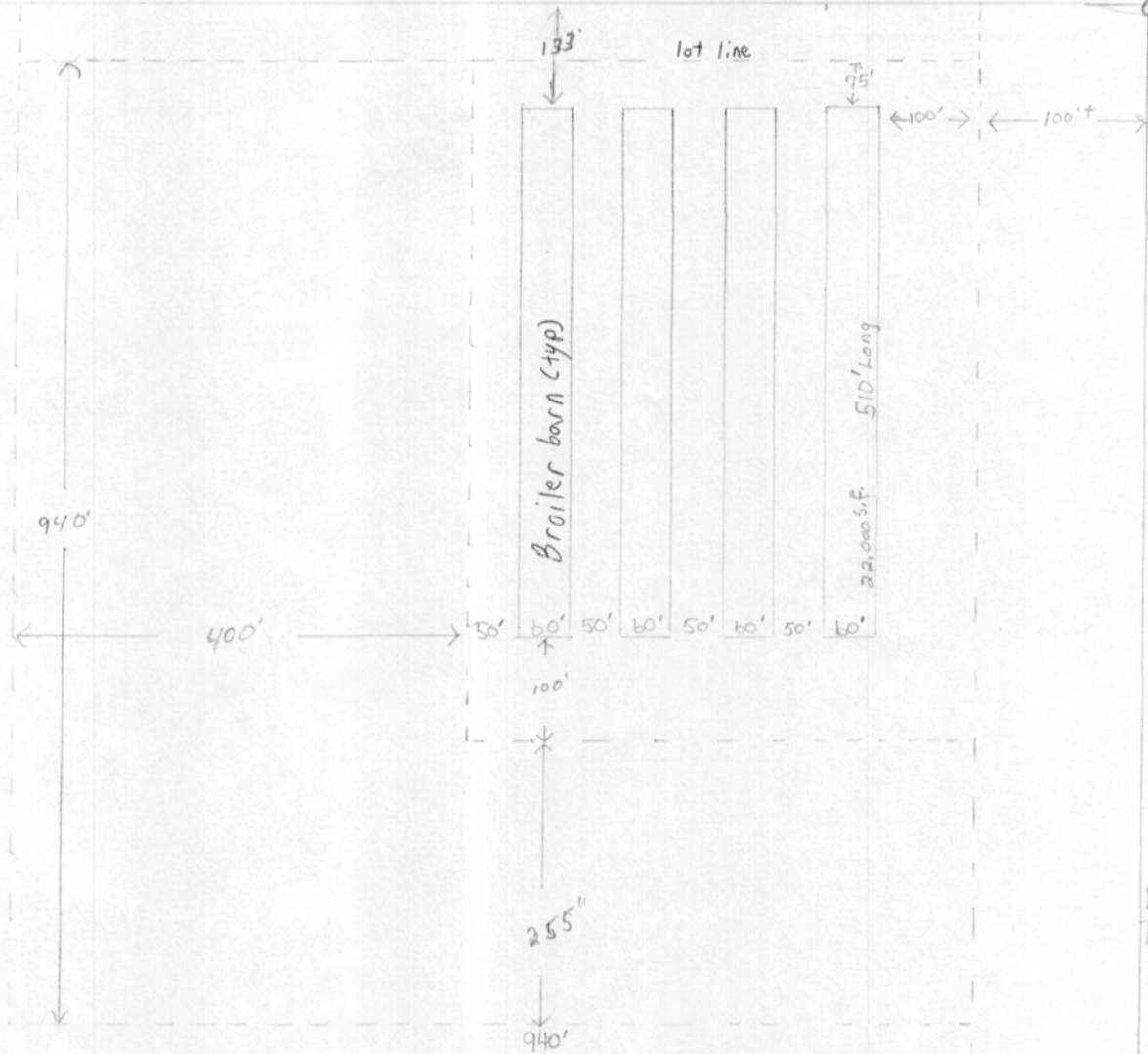


PID 20-36-200-001-000

S 36, T 7, R 8 6<sup>th</sup> principle meridian  
W 1/2 | NE 1/4

Firth Road

North East Corner



East Property Line

940 is perimeter of 20+ Acres.  
685 x 510 is proposed site for 4 house.  
(22,500 Broilers per House)

Heetderks Farm

Nick Heetderks 402-540-7191



Pete Ricketts, Governor

Nicholas J. Heetderks  
Heetderks Broiler Chicken Farm  
14171 Firth Road  
Firth, NE 68358-6122

JUN 12 2017

RE: Heetderks Broiler Chicken Farm Animal Feeding Operation  
NDEQID: 109776  
Program ID: LWC 2-1086  
Subject: **Conditional Requirements**  
W 1/2, NE 1/4, Section 36, Township 07N, Range 08E, Lancaster County

Dear Mr. Heetderks:

Your proposed animal feeding operation may be required to obtain a Construction and Operating Permit or a National Pollutant Discharge Elimination System (NPDES) Permit for Concentrated Animal Feeding Operations (CAFOs), unless the conditions and requirements listed below are met. This determination is based on the initial site inspection conducted on June 8, 2017 by Kevin Franzluebbers from the Nebraska Department of Environmental Quality (Department), in accordance with the Livestock Waste Management Act and Title 130, *Livestock Waste Control Regulations*.

- 1) Maintain vegetation in the outside "free range" area on the west side of each barn.
- 2) Maintain a grass buffer strip to the south and east of the proposed barns.
- 3) Remove or cap the top riser on the west side of the drainage area to the south of the proposed barn location.
- 4) Stockpile livestock waste in a location that will prevent runoff to waters of the State.

At the time of the inspection, the Department considered your operation a **medium** animal feeding operation that proposed the following:

Livestock Species	Maximum No. of Head Capacity	Existing or Proposed?
Chickens (Broilers)	100,000	Proposed

Type of Structure	Number of Each Type	Existing or Proposed?
Dry-Bed Poultry Barns	4	Proposed
Grass Buffer Strip	1	Proposed

Prior to making any major modification (as defined in Title 130) to the operation, you must submit a Request for Inspection form to the Department with the appropriate fee. The Department will conduct an inspection of your operation to reevaluate the need for a Construction and Operating Permit or an NPDES Permit for CAFOs.



20170040766

The Department does not require you to obtain the above mentioned permits provided these conditions are satisfactorily accomplished. However, you are responsible for complying with any county or local zoning requirements, and for preventing any discharge to waters of the State. Your operation may be required to obtain a Construction and Operating Permit or an NPDES Permit for CAFOs if a discharge occurs or if revisions to state laws and regulations impact the status of your operation.

Additionally, please be aware that any construction activity that disturbs a land area of one (1) acre or more must obtain coverage under the NPDES Construction Storm Water General Permit Number NER160000, which authorizes storm water discharges from construction sites. This permit may be obtained by the operation's authorized representative, the contractor or other party responsible for the construction project. Application for permit coverage can be made by accessing the following website: <https://ecmp.nebraska.gov/DEQ-CSW>.

A copy of Title 130 is enclosed for your information. If you have any questions, please contact Kevin Franzluebbbers at (402) 471-6687 or myself at (402) 471-4239.

Sincerely,



Blake Onken, Supervisor  
Agriculture Section  
Water Permits Division  
[blake.onken@nebraska.gov](mailto:blake.onken@nebraska.gov)

Enclosures

May 23, 2017

Lincoln/Lancaster County Planning Commission  
555 S 10th St, Ste 213  
Lincoln, NE, 68508 USA

Subject: Special Use Permit Request

To whom it may concern,

Please accept this application and request for a special use permit. The purpose of this permit is to take a portion of land out of crop production and put up four barns for broiler chickens. Each building will house approximately 22,500 chickens. The buildings will be roughly 510' long by 53' wide with 64' grass pathways between buildings. In front of the building I need 75' of rock for semi trucks to be able to maneuver and turn around to load and unload chickens. There will also be a maintenance building for housing tools, equipment, and a backup generator. The manure produced from the chickens will be used on my own fields and/or be sold to local farmers in place of commercial fertilizer. The manure will be removed once a year and applied to the fields in a timely manner.

The reason I am wanting to do this is to help my farming operation diversify into different types of farming. With the current prices of corn and beans the margins to make a profit are slim, this operation will help keep my income at a more constant basis to provide an income for my family.

Thank you for your consideration.

Nick Heetderks



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17019	FINAL ACTION? Yes	OWNER Mark Watermeier
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2554 Woodsdale Boulevard

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a new Special Permit for Expansion of a Nonconforming Use to accommodate the expansion of an existing home for additional living space and expansion of the attached garage. The nonconforming condition is caused by the existing house not meeting the 30-foot front yard setback. The expansion will project into the front and side yard setbacks to the west, north and east.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed construction should not significantly impact surrounding properties. The pie-shaped lot presents some limitations for expanding the house within the established setbacks. The encroachment into the front and east side yard setbacks are very minor protrusions of the building corners. The north side yard setback encroachment for a covered patio is slightly more substantial but supportable because it is only a small protrusion for a support beam.

**APPLICATION CONTACT**

Mark Watermeier, (402) 310-7133 or [mark@manzitto.com](mailto:mark@manzitto.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Pending a recommendation of approval from the Historic Preservation Commission, this application is consistent with the 2040 Comprehensive Plan, which supports the protection of existing neighborhood character and historic architectural elements, while acknowledging the need to balance preservation of historic buildings with their continued use and rehabilitation.

**WAIVERS**

1. Reduction of the front yard setback from 30 feet to 19 feet, 6 inches. (Recommend Approval)
2. Reduction of the north side yard setback from 6 feet, 9 inches to 3 feet, 6 inches. (Recommend Approval for an unenclosed porch/patio)
3. Reduction of the east side yard setback from 6 feet, 9 inches to 6 feet. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 4.6 - The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.2 - Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.

P. 7.8 - For existing neighborhoods, housing diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

P. 7.9 - Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

P. 7.9 - Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

## ANALYSIS

1. This is an application to expand a nonstandard house through constructing an addition. The expansion will be single-story, and will include expansion of living space and expansion of the attached garage to provide more storage space. Waivers to reduce the front yard setback and both side yard setbacks are requested.
2. The property is nonconforming because the required front yard along Woodsdale Boulevard is 30 feet, and the existing house is set back 21 feet, 3 inches from the front property line. The house currently conforms to the required side and rear yard setbacks of 6 feet, 9 inches and 18 feet, respectively.
3. The proposed expansion of living space would be located on the north and northwest sides of the house. The house expansion would only encroach 1 foot, 9 inches further into the front yard than does the existing house, with a proposed reduction of front yard setback to 19 feet, 6 inches. The encroachment into the front yard is also at a point, not for an entire wall. A new covered patio on the north end would encroach 3 feet, 3 inches into the north side yard setback, resulting in a proposed reduced side yard setback on the north of 3 feet, 6 inches. The garage addition would be located on the east side and would encroach 9 inches into the east side yard setback, with a proposed reduced side yard setback on the east of 6 feet.
4. Fire rating is required for structures closer than 3 feet to the property line. The proposed expansion would be more than 3 feet from any property line and should not require fire rating.
5. A nonstandard use is defined by LMC §27.02.150 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This house was built in 1939 and became nonstandard when the City adopted revised zoning regulations.

6. LCM §27.63.280 provides the following criteria shall be given specific consideration:

a. **Effects on adjacent property, traffic, city utility service needs;**

There should be no significant impact to neighboring properties. Although new encroachments into the side yard setbacks are requested, the proposed additions are almost entirely within the existing building envelope, and only extend slightly into the front and east side yard setbacks. The new covered porch on the north end would encroach slightly more into the side yard on that side. The proposed encroachments are for minor protrusions of the building and a support post for the covered porch as shown on the attached plan.

b. **Density of land use zoning for the subject property and adjacent property;**

There will be no significant impact. No additional habitable buildings are proposed with this application. If constructed, the expansion would need to meet all current building codes.

c. **The degree of hardship upon the applicant which would be caused by failure to grant.**

Given the unusual lot shape, the small size of the lot (6,387 square feet) and large front yard setback, there are limitations on where the footprint of the home could be expanded. The proposed setback waivers are for very minor protrusions only and are therefore supportable. If the special permit was not approved, the property owner could not proceed with construction as proposed. The property owner could conduct routine maintenance on the house and attached garage, but the house could not be expanded.

7. This property is in the Boulevards Historic District, which is listed on the National Register of Historic Places. The Boulevards Historic District is an early 20<sup>th</sup> century neighborhood in the vicinity of Sheridan Boulevard that includes a large number of homes, two historic churches, and two historic schools. It features Period Revival, Colonial, and Federal Revival style homes. This property is located in a prominent position on the curve of Woodsdale Boulevard where it joins Cedar Avenue. The design of the proposed expansion is intended to match the existing Cape Cod style. This would be a substantial addition to the street-facing façade and therefore building elevations were submitted as part of the official application.
8. The application will be reviewed by the Historic Preservation Commission (HPC) on June 15, 2017. The HPC meeting will take place after this staff report has been published. If necessary, a revised staff report will be submitted prior to the Planning Commission hearing. The HPC's recommendation and meeting minutes will be forwarded to the Planning Commission.
9. Pending the recommendation of the HPC on the design, the special permit is warranted because 1) the impact of the home expansion on neighboring properties will be minimal; 2) no additional buildings are proposed; and 3) given the small lot size and unusual shape there are limitations on expansion within the existing setbacks.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single family dwelling; R-1 Residential

**SURROUNDING LAND USE & ZONING**

North: Single family dwelling; R-1  
South: Green space (Woodsdale Islands); R-1  
East: Single family dwelling; R-1  
West: Green space (Woodsdale Islands); R-1

**APPLICATION HISTORY**

March 1917 The Woodsdale final plat was approved creating a number of residential lots in the Country Club neighborhood.

**APPROXIMATE LAND AREA:** 0.15 acres, more or less

**LEGAL DESCRIPTION:** Lot 12, Block 6, Woodsdale, Lincoln, Lancaster County, Nebraska, located in the northeast quarter of Section 1-9-6.

Prepared by

---

Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

Date: June 13, 2017

Applicant/Contact/Owner: Mark Watermeier  
2554 Woodsdale Boulevard  
Lincoln, NE 68502  
(402) 310-7133 or [mark@manzitto.com](mailto:mark@manzitto.com)

F:\DevReview\SP\17000\SP17019 2554 Woodsdale.rkj.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17019

Per Section 27.63.280 this approval permits the expansion of a nonconforming use to accommodate the expansion of an existing home, with waivers to reduce the front yard setback from 30 feet to 19 feet, 6 inches; reduce the north side yard setback from 6 feet, 9 inches to 3 feet, 6 inches for an unenclosed porch/patio; and reduce the east side yard setback from 6 feet, 9 inches to 6 feet as shown 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 building, 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.



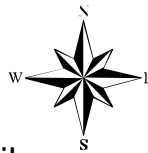
2016 aerial




**Special Permit #: SP17019  
Cedar Av & Woodsdale Blvd**

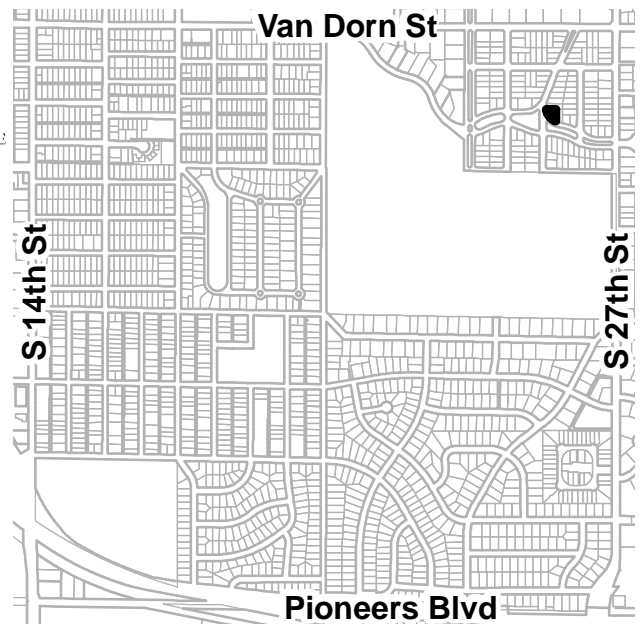
**Zoning:**

- 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

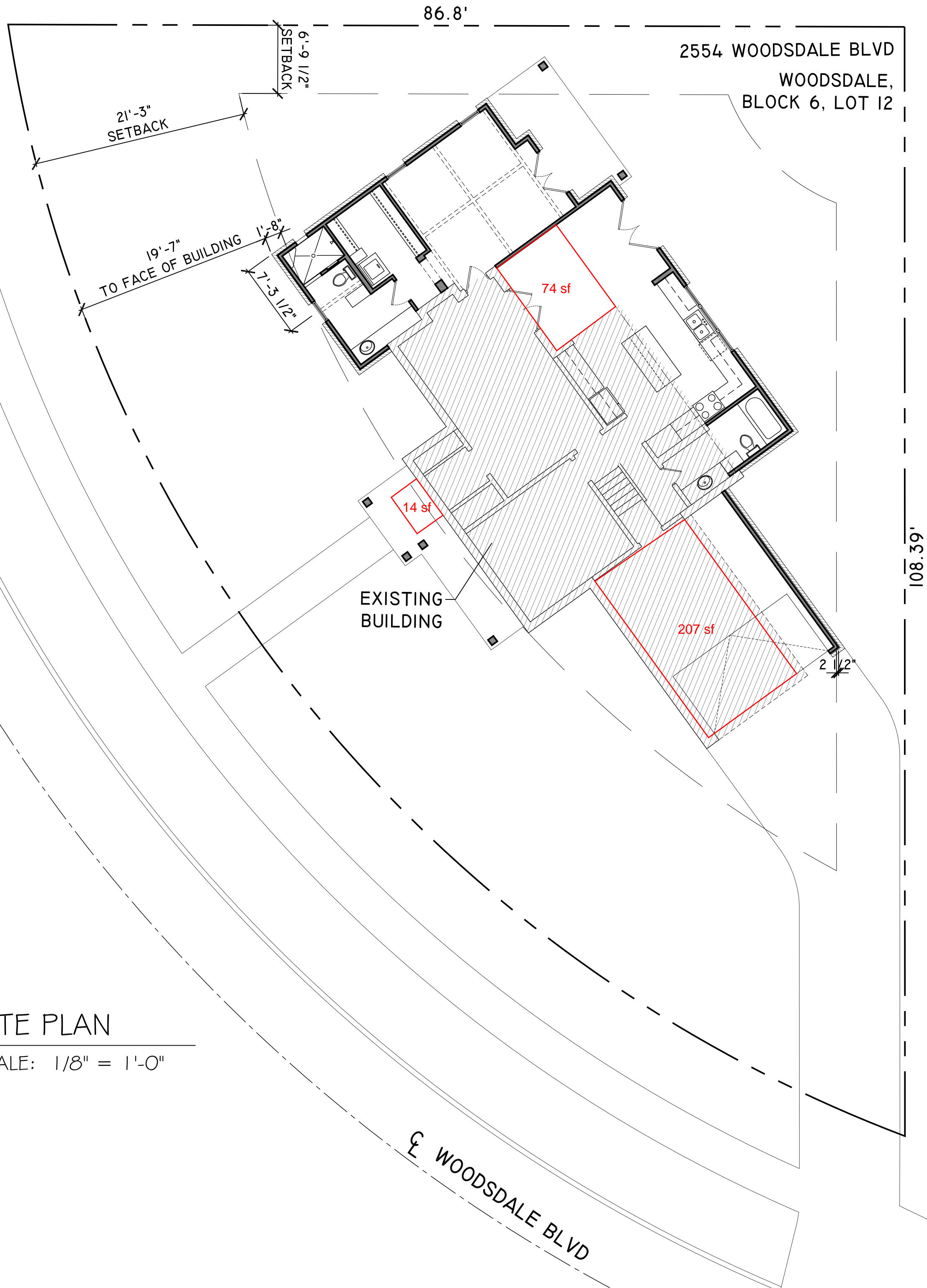
One Square Mile:  
Sec.01 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



SITE PLAN  
 SCALE: 1/8" = 1'-0"



\* \* \* P R E L I M I N A R Y   N O T   F O R   C O N S T R U C T I O N   \* \* \*

17 MAY, 2017



**OLSON DRAFTING + DESIGN**  
 SARA OLSON  
 LINCOLN, NE  
 (402) 817-8464

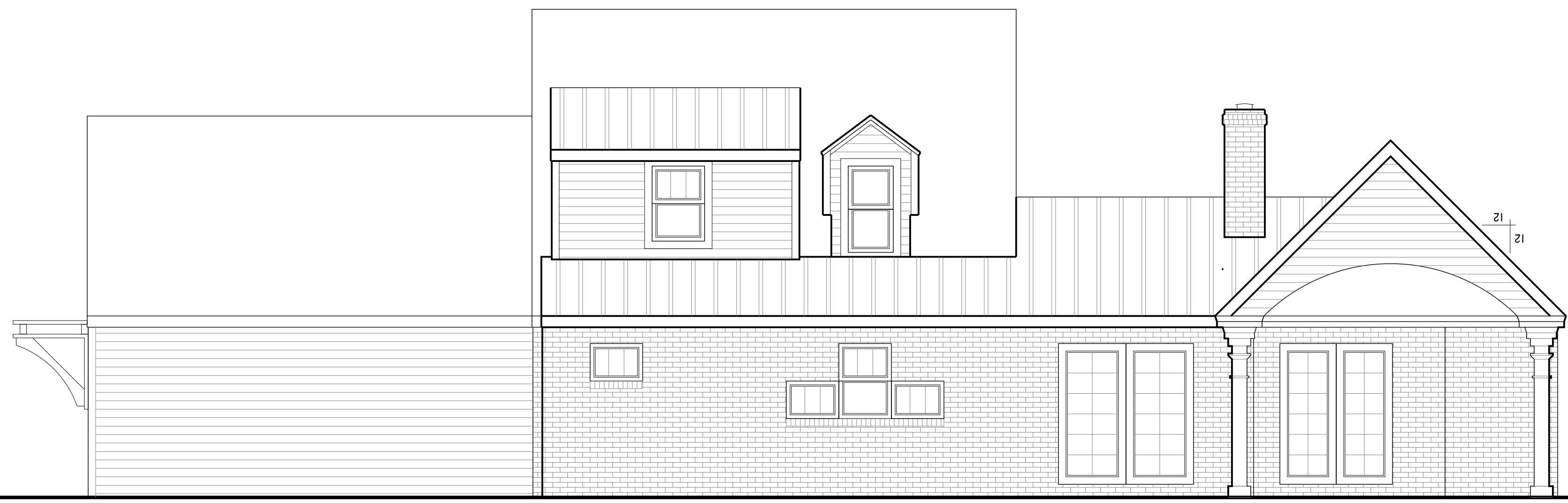
**WATERMEIER  
 RESIDENCE**  
 2554 WOODSDALE BLVD

DRAWINGS PREPARED BY OLSON DRAFTING + DESIGN ARE FURNISHED WITHOUT WARRANTY. THE BUILDER OR USER OF THESE DRAWINGS ACKNOWLEDGES THAT SARA OLSON IS NOT A LICENSED ARCHITECT. WILL ASSUME ALL RESPONSIBILITY AND LIABILITY, INCLUDING THE STRUCTURAL DESIGN AND ENGINEERING, AND WILL ENSURE THAT THESE PLANS CONFORM TO LOCAL BUILDING CODES.



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

\* \* P R E L I M I N A R Y N O T F O R C O N S T R U C T I O N \* \*

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**WATERMEIER  
RESIDENCE**  
2554 WOODSDALE BLVD

**OLSON DRAFTING + DESIGN**  
SARA OLSON  
LINCOLN, NE  
(402) 817-8464



17 MAY, 2017  
2



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

\* \* P R E L I M I N A R Y N O T F O R C O N S T R U C T I O N \* \*

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**WATERMEIER  
RESIDENCE**  
2554 WOODSDALE BLVD

**OLSON DRAFTING + DESIGN**  
SARA OLSON  
LINCOLN, NE  
(402) 817-8464



17 MAY, 2017  
3

May 24<sup>th</sup>, 2017

Rachel Jones  
Lincoln-Lancaster County Planning Department  
555 S. 10th St., Suite 213  
Lincoln, NE 68508

Reference: 2554 Woodsdale Blvd. – request for special permit

Dear Rachel,

I would like to apply for a special permit to make the following changes to my existing home. The current floor plan is a one bedroom one bath with 650 square feet on the main level and an attached one stall garage. I'd like to add an owner's suite to the main floor on the west side of the house complete with a modest bedroom, closet and bathroom. In order to accommodate a workable design and have an architectural appeal in tune to a Cape coC such as this home, I am needing to encroach into the front yard setback as well as have an overhang and porch post encroach on the side yard setback. Also, I would like to encroach on the east side yard so as to enlarge the garage for storage. Additionally, I have designed a small front porch so as to take advantage of the park on Woodsdale Blvd. I believe this porch is synonymous with a Cape Cod design.

I respectfully submit my plan for approval of a special permit.

Thank you for your time and consideration.

Mark Watermeier  
2554 Woodsdale Blvd.  
Lincoln, NE 68502

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

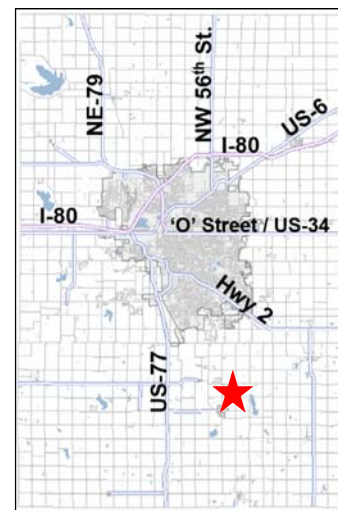
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17020, Cedar Wood Estates	FINAL ACTION? Yes	DEVELOPER/OWNER Cedar Wood Estates, LLC
PLANNING COMMISSION HEARING DATE June 21, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 96 <sup>th</sup> Street and Martell Road

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Community Unit Plan to develop 6 dwelling units on approximately 96 acres. The lots will be served by Lancaster County Rural Water District #1 and by individual waste water systems. All of the lots will take access off an interior public road. The lots range in size from 3.5 acres to 4.5 acres. The applicant is requesting a waiver to block length due to the large lot sizes and Wagon Train Lake to the east.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal meet the intent of a rural cluster subdivision under the AG zoning. The waiver to block length is typical of rural subdivisions with large lots.

**APPLICATION CONTACT**

Mike Eckert, Civil Design Group  
meckert@civildg.com

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or  
tcajka@lincoln.ne.gov

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for a Community Unit Plan is in conformance with the 2040 Comprehensive Plan. The clustering of lots while preserving open space is a goal of the Comprehensive Plan.

**WAIVERS**

1. Section 4.07, Block length. Recommend Approval

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8- The 2040 Lancaster County Future Land Use Plan identifies this area as Agricultural

P. 2.7- Acknowledge the fundamental "Right to Farm." Preserve areas throughout the county for agricultural production by designating areas for rural residential development— thus limiting potential conflicts between farms and acreages.

P. 7/12- LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses

P. 7.12- All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development

P. 7.12-Grouping acreages together in specific area will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes and taking advantage of more effective rural water district service.

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.

P. 7.13- Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services.

## ANALYSIS

1. This request is for a Special Permit for a Community Unit Plan for 6 acreage lots. Each lot will have individual septic system and water will be supplied by Lancaster County Rural Water District #1. A 25% dwelling unit bonus is being requested for preservation of farmland and open space.
2. AG Agricultural zoning allows one dwelling unit per 20 acres. Through the provisions of the Community Unit Plan, bonus lots can be granted when a minimum of 70% of the development area is preserved as open space. These bonuses can be granted for as much as a 25% increase of the allowable density. With the 25% bonus, 6 dwelling units are allowed.
3. Density Calculation:  
 $96.13 \text{ acres divided by } 20 = 4.806 \text{ dwelling units}$   
With the 25% density bonus the density is  $4.806 \times 1.25 = 6.00 \text{ dwelling units}$ .  
Open space required:  $96.13 \text{ acres} \times 70\% = 67.291 \text{ acres}$  required for bonus. 68.17 acres shown.
4. All lots shall take access off of the new public road Birdsong Place. The homeowners will be required to maintain the road until all six lots are occupied. Access to Martell Road shall be relinquished.
5. The applicant's letter requests several waivers. The waivers to sidewalks, street trees, street lighting, landscape screening and preliminary plat are not required per the subdivision ordinance. The applicant is requesting a waiver to block length. With Wagon Train Lake to the east there is no opportunity for development to the east. Larger block lengths are typical in rural and acreage developments.
6. Lancaster County Rural Water District #1 is reviewing the applicant's application for 6 water services. The application will be reviewed by the Board of Directors for approval at their June 14, 2017 meeting.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG Agricultural                      Farm ground and wooded area.

**SURROUNDING LAND USE & ZONING**

North: AG Agricultural                      Farm ground  
South: AG Agricultural                      Farm ground and 7 dwellings on acreages  
East: AG Agricultural                      Wagon Train Lake  
West: AG Agricultural                      Farm ground and 3 single family dwellings

**APPLICATION HISTORY:**                      None

**APPROXIMATE LAND AREA:**                      96.13 acres, more or less

**LEGAL DESCRIPTION:** Lots 7 and 8 and the SW1/4 of the SE1/4 all in Section 23, Township 8 North, Range 7 East, Lancaster County, NE

Prepared by

---

Tom Cajka, Planner  
(402) 441-5662 or tcajka@lincoln.ne.gov

Date:                      June 9, 2017

Applicant:                      Cedar Wood Estates, LLC  
17300 S. 71<sup>st</sup> Street  
Hickman, NE 68372

Contact:                      Mike Eckert  
Civil Design Group  
8535 Executive Woods Drive, Suite 200  
Lincoln, NE 68512  
402-434-8494  
meckert@civildg.com

Owner:                      Same as applicant

F:\DevReview\SP\17000\SP17020 Cedar Wood Estates.tjc.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17020

Per Section 13.031 this approval permits a Community Unit Plan for 6 dwelling units and a waiver to block length.

### Site Specific Conditions:

1. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1 Change 500 year floodplain to 100 year floodplain.
  - 1.2 Delete or identify the 2 parallel lines in the northern part of the plan.
  - 1.3 On Lot 3 change "front yard setback" to "rear yard setback".
  - 1.4 On Lot 5 and 6 dimension the rear yard setback.
  - 1.5 Show conceptual road providing access to the west and north.
  - 1.6 Change the density calculations to read  $96.13 \text{ acres} / 20 = 4.80 \times 1.25 = 6.01$
  - 1.7 Delete Note #10.
  - 1.8 Delete all waivers, since they are not necessary, except block length.
  - 1.9 Delete the County Board approval block. It is not necessary.
  - 1.10 Make corrections to the satisfaction of the County Engineer.
  - 1.11 Show conceptual layout for Outlot A and B.
  - 1.12 In the title change "Community Unit Plan #" to "Special Permit #17020."
  - 1.13 Correct the sheet number on sheet 1 to 1 of 3.
  - 1.14 Change Lot 5 to Lot 4 and Lot 7 to Lot 6 for the lots to the east adjacent to the development.
2. Before a final plat is approved 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.
3. Final plat(s) is/are approved by the County.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 3.12. A new community unit plan may be required if the subdivision ordinance or the required improvements have been amended by the county; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, rural water system, land preparation and grading, sediment and erosions control measures, drainageway improvements, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

No final plat shall be approved until the Permittee, as subdivider agrees:

To maintain County roads in good order and condition, including repair and replacement of paving or gravel as reasonably necessary, until the County Board specifically accepts the maintenance.

To relinquish the right of direct vehicular access to Martell Road except at Birdsong Place.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

## COUNTY ENGINEER COMMENTS

Upon review, this office would offer the following comments for "CEDAR WOODS ESTATES" C.U.P. Special Permit SP17020 (V1) submittal dated 5-25-2017 in the SW ¼ of Section 23, T8N, R7E located along Martell Road between South 82nd Street and South 96th Street.

1. Need to label any section corners, quarter corners or quarter-quarter corners found or set and list monument material type along with corner reference ties for same.
  2. On the drawing, label the Point of Beginning.
  3. On the drawing, correct the labeling of Lot 4 and Lot 6 irregular tracts.
  4. On the drawing, need to show the bearing and distance for the 5th and 6th boundary description line course.
  5. On the drawing, the bearings of the 1st and 2nd boundary description line course should be labeled outside of the ROW dedication cross-hatching to be more legible.
  6. The boundary bearings and dimensions shown on the drawing should match the bearings and dimensions listed in the legal description. (i.e., N 89°13'13.09" E, 1313.388' vs. N 89°13'13" E, 1313.39')
  7. On sheet 3, note 2 regarding asphalt (NDOR Type "SPL" Mix) on the typical road cross-section, should be revised to (NDOR Type "SPR" Mix).
  8. On sheet 3, revise the centerline profile of Birdsong Place to have a -2.00% slope away from the centerline of existing Martell Road which it connects with for a minimum of 30' to prohibit water from entering the existing County roadway.
  9. Remove "and farm accesses as shown" from General Note #8 and revise drawing note for the existing field drive located near the S ¼ corner of section 23 (8-7) to read, "Existing farm access to be removed".
- NOTE: Outlot "A" should take access from internal roadway at the area designated as "Potential Future Roadway".
10. On the drawing, list dimensioning from the S ¼ corner section 23 (8-7) east along the section line to the centerline of Birdsong Place.
  11. Add a General Note that reads, "Grading shall extend around all cul-de-sacs. The developer shall notify all purchasers that ditches may not be filled in".
  12. Add a General Note that reads, "All culverts shall have a flared-end section on the inlet end.
  13. Add a General Note that reads, "The developer is required to provide all testing related to improvement installation in compliance with Lancaster County design standards and Lancaster County Engineering Department shall be notified prior to improvement installation for inspections and shall receive reports of all testing results".

14. Add a General Note that reads, "Lots are limited to no more than two accesses each to a public or private roadway".

15. Add a General Note that reads, "If asphalt or concrete pavement is used the developer shall install survey control monument boxes per City of Lincoln standards at all centerline control points after acceptance and approval of the pavement".

June 7, 2017 (kds)



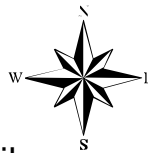
Lincoln Lancaster, NE GIS

2016 aerial

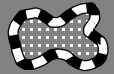


**Special Permit #: SP17020**  
**Cedar Wood Estates**  
**S 96th St & Martell Rd**

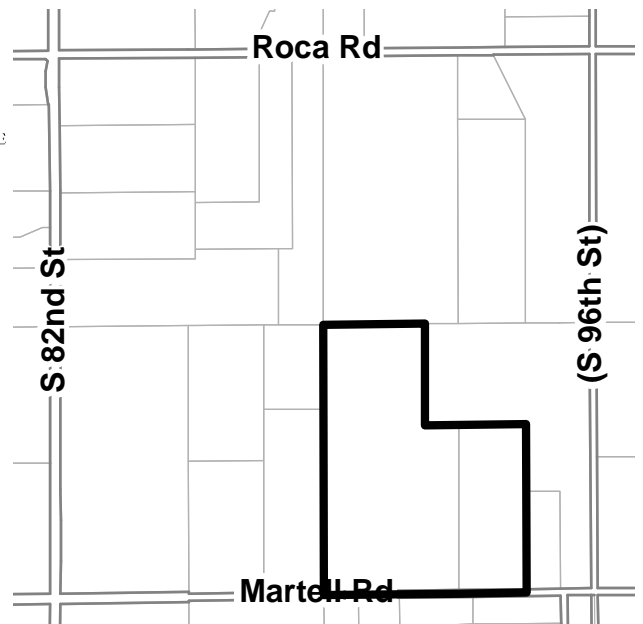
**Zoning:**

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



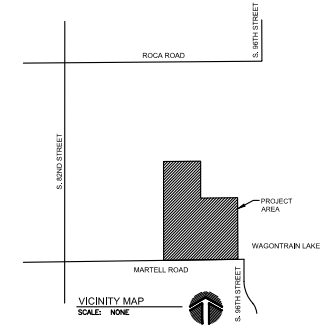
One Square Mile:  
 Sec.23 T08N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# CEDAR WOODS ESTATES

## COMMUNITY UNIT PLAN#



### LEGAL DESCRIPTION:

I hereby certify that I have caused to be surveyed the Subdivision to be known as "Cedar Woods Estates". A subdivision composed of Lot 1 & 8 Irregular Tracts and the Southeast Quarter of the Southeast Quarter, located in the Southeast Quarter of Section 23, Township 8 North, Range 7 East of the 8th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of said Section 23, Thence Easterly on the South Line of the Southeast Quarter of the Southeast Quarter of said Section 23, Thence N 89° 13' 13" E for a distance of 1313.39' to the Southeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 23, Thence N 89° 12' 48" E on the South Line of the Southeast Quarter of the Southeast Quarter of said Section 23 for a distance of 982.862' to the Southeast Corner of Lot 7 Irregular Tracts, Thence N 09° 20' 10" W on the East Line of Lot 7 Irregular Tracts for a distance of 1636.017' to the Southeast Corner of Lot 5 Irregular Tracts, Thence S 89° 10' 29" W on the South Line of Lot 5 Irregular Tracts for a distance of 981.287' to the Southeast Corner of Lot 5 Irregular Tracts, Thence N 09° 20' 11" E on the West Line of Lot 5 Irregular Tracts for a distance of 982.471' to the Northwest Corner of Lot 5 Irregular Tracts, Thence S 89° 10' 29" W on the North Line of the Northwest Quarter of the Southeast Quarter of said Section 23, Thence S 89° 33' 00" W on the North Line of Lot 8 Irregular Tracts and the North Line of the Northwest Quarter of the Southeast Quarter of said Section 23 for a distance of 982.862' to the Northwest Corner of Lot 8 Irregular Tracts, said point also being the Northwest Corner of the Southeast Quarter of said Section 23, Thence S 09° 18' 29" E on the West Line of Lot 8 Irregular Tracts and the West Line of the Southeast Quarter of said Section 23 for a distance of 2825.85' to the Point of Beginning, and having a calculated area of 96.13 acres more or less.

### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS ACCURATELY MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Mark J. Raphael R695

### GENERAL NOTES:

1. THE COMMUNITY UNIT PLAN CONTAINS 96.13 ACRES MORE OR LESS.
2. THE EXISTING ZONE IS AG.
3. THIS COMMUNITY UNIT PLAN PERMITS SINGLE FAMILY LOTS AND OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND NOTED.
4. THE DEVELOPER OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. THE DEVELOPER PROPOSES THE USE OF LANGCASTER RURAL WATER DISTRICT NUMBER 1 FOR POTABLE WATER SUPPLY.
6. THE DEVELOPER SHALL CONSTRUCT AND MAINTAIN THE 8' ROADWAY WITH 1" OF CRUSHED ROCK AND 1" OF GRANITE IN ACCORDANCE WITH THE LANGCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE ROCK. ALL EXTERIOR SURFACING SHALL BE 18" MINIMUM THICK. THE 8' ROADWAY SHALL BE 16 FEET. THE DEVELOPER RESERVES THE RIGHT TO INSTALL ASPHALTE PAVEMENT OR CONCRETE PAVEMENT IN LIEU OF ROCK.
7. ALL CURVE/BEAR DIMENSIONS ARE CHORD LENGTHS.
8. DIRECT VEHICULAR ACCESS IS HEREBY REINQUIRED ALONG MARTELL ROAD EXCEPT BIRDSONG PLACE AND FARM ACCESSES AS SHOWN.
9. ALL TOPOGRAPHIC CONTOURS ARE AT 10' VERT. INTERVAL.
10. THE FOLLOWING STANDARD WAIVERS ARE APPROVED WITH THE SPECIAL PERMIT: PRELIMINARY PLAT, SIDEWALKS, STREET TREES, STREET LIGHTING, AND LANDSCAPE SCREENING. ADDITIONAL WAIVERS INCLUDE BLOCK LENGTH.
11. DEVELOPERS SHALL BE RESPONSIBLE FOR INSTALLING STREET IDENTIFICATION SIGNS, STOP SIGNS, 24 MPH SPEED LIMIT SIGNS AND NO OUTLET SIGNS AS REQUIRED.
12. SUBDIVISION SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH ARTICLE 10 OF LANGCASTER COUNTY ZONING RESOLUTION, AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT LENGTH	CH DIST	CH BRG	
C1	250.00'	77°57'53"	202.32'	340.19'	314.64'	S38°12'12"W

### APPROVAL:

- \_\_\_\_\_ LIMITS OF COMMUNITY UNIT PLAN
- \_\_\_\_\_ LOT LINES
- \_\_\_\_\_ PROPOSED SETBACK
- \_\_\_\_\_ PROPOSED UTILITY EASEMENT
- \_\_\_\_\_ RIGHT-OF-WAY DEDICATION
- \_\_\_\_\_ LIMITS OF 100 YEAR FLOODPLAIN

### WAIVERS:

1. PRELIMINARY PLAT PROCESS.
2. SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING, BLOCK LENGTH AND STORM WATER DETENTION.

### APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN - SPECIAL PERMIT WAS APPROVED BY THE LANGCASTER COUNTY COMMISSIONERS ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ATTEST: CHMR

### SHEET INDEX

- 1. SITE PLAN
- 2. GRADING PLAN
- 3. PRELIMINARY STREET PROFILES
- 4. PRELIMINARY STREET PROFILES

**DEVELOPER & OWNER:**  
CEDAR WOODS ESTATES, LLC  
17360 S. 71ST STREET  
NEBRASKA, NE 68512-4941

**ENGINEER:**  
CDE DESIGN GROUP, INC.  
8035 EXECUTIVE WOODS DRIVE  
SUITE 200  
LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**  
ALLIED SURVEYING & MAPPING  
8035 EXECUTIVE WOODS DRIVE  
SUITE 200  
LINCOLN, NE 68512 (402)434-8288

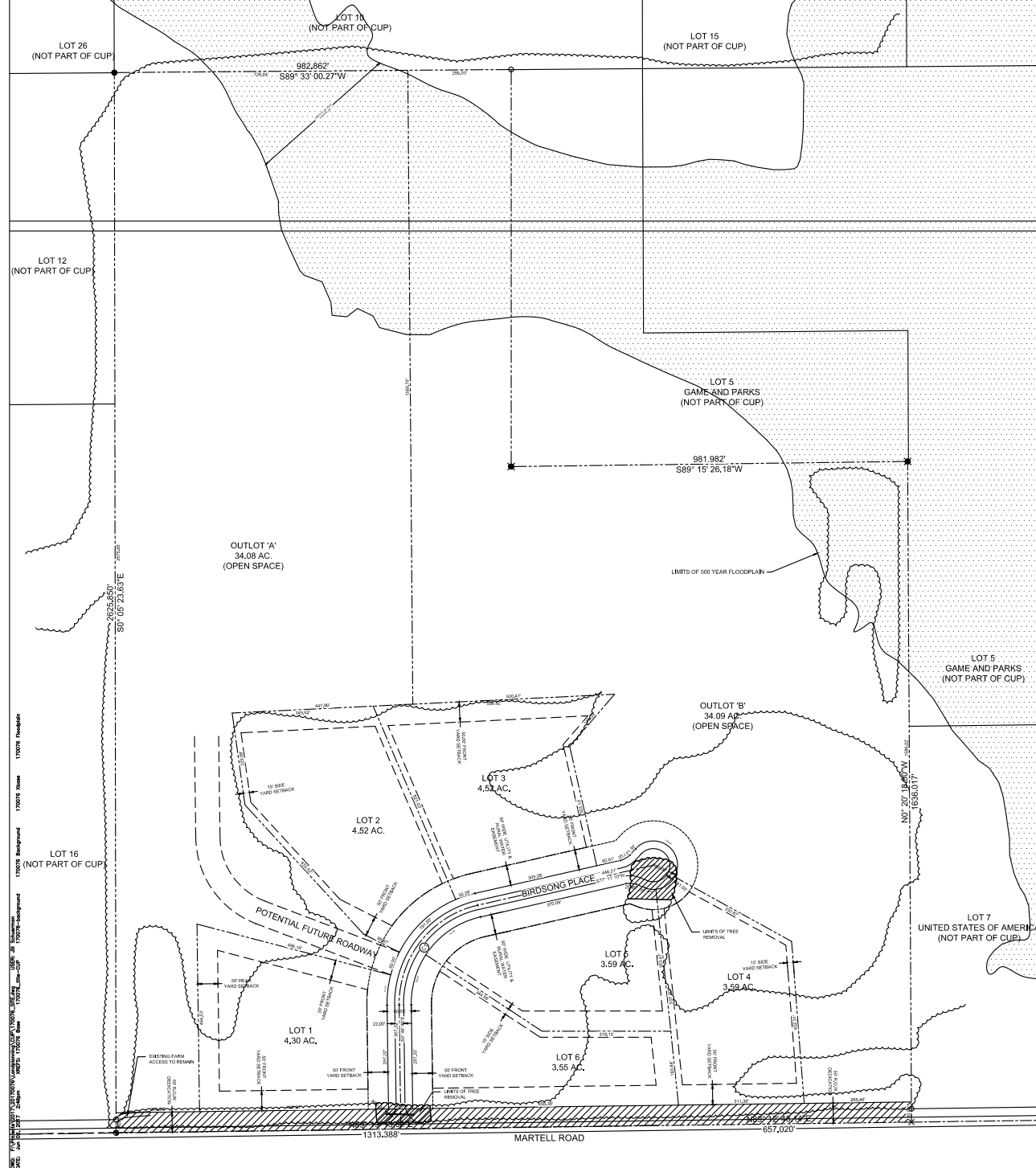
### AG DENSITY CALCULATIONS

96.13 AC. = 25% BONUS FOR UN-BUILDABLE OUTLOT = 120.16 AC.  
120.16 AC. / 20.0 = 6 LOTS

### OPEN SPACE/AG LAND

REQUIREMENT = 96.13 AC. x 0.70% = 67.29 AC.  
OPEN SPACE/AG LAND SHOWN = 68.17 AC.

- LEGEND**
- = 1" SQUARE PIN
  - = 1/2" BRASS CAP IN CONC.
  - ⊗ = 1/2" REBAR IN CONC.
  - = SET 1/8" x 2" REBAR W/ LB95 CAP
  - ⊙ = SECTION CORNER



**LEGAL DESCRIPTION:**

I hereby certify that I have caused to be surveyed the Subdivision to be known as "Cedar Woods Estates". A subdivision composed of Lot 1 & 8 Irregular Tracts and the Southeast Quarter of the Southeast Quarter, located in the Southeast Quarter of Section 23, Township 8 North, Range 7 East of the 8th P.M., Lancaster County, Nebraska and more particularly described as follows:

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY WAS ACCURATELY MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Mark J. Raphael R695

### GENERAL NOTES:

1. THE COMMUNITY UNIT PLAN CONTAINS 96.13 ACRES MORE OR LESS.
2. THE EXISTING ZONE IS AG.
3. THIS COMMUNITY UNIT PLAN PERMITS SINGLE FAMILY LOTS AND OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND NOTED.
4. THE DEVELOPER OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. THE DEVELOPER PROPOSES THE USE OF LANGCASTER RURAL WATER DISTRICT NUMBER 1 FOR POTABLE WATER SUPPLY.
6. THE DEVELOPER SHALL CONSTRUCT AND MAINTAIN THE 8' ROADWAY WITH 1" OF CRUSHED ROCK AND 1" OF GRANITE IN ACCORDANCE WITH THE LANGCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE ROCK. ALL EXTERIOR SURFACING SHALL BE 18" MINIMUM THICK. THE 8' ROADWAY SHALL BE 16 FEET. THE DEVELOPER RESERVES THE RIGHT TO INSTALL ASPHALTE PAVEMENT OR CONCRETE PAVEMENT IN LIEU OF ROCK.
7. ALL CURVE/BEAR DIMENSIONS ARE CHORD LENGTHS.
8. DIRECT VEHICULAR ACCESS IS HEREBY REINQUIRED ALONG MARTELL ROAD EXCEPT BIRDSONG PLACE AND FARM ACCESSES AS SHOWN.
9. ALL TOPOGRAPHIC CONTOURS ARE AT 10' VERT. INTERVAL.
10. THE FOLLOWING STANDARD WAIVERS ARE APPROVED WITH THE SPECIAL PERMIT: PRELIMINARY PLAT, SIDEWALKS, STREET TREES, STREET LIGHTING, AND LANDSCAPE SCREENING. ADDITIONAL WAIVERS INCLUDE BLOCK LENGTH.
11. DEVELOPERS SHALL BE RESPONSIBLE FOR INSTALLING STREET IDENTIFICATION SIGNS, STOP SIGNS, 24 MPH SPEED LIMIT SIGNS AND NO OUTLET SIGNS AS REQUIRED.
12. SUBDIVISION SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH ARTICLE 10 OF LANGCASTER COUNTY ZONING RESOLUTION, AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT LENGTH	CH DIST	CH BRG	
C1	250.00'	77°57'53"	202.32'	340.19'	314.64'	S38°12'12"W

- APPROVAL:**
- \_\_\_\_\_ LIMITS OF COMMUNITY UNIT PLAN
  - \_\_\_\_\_ LOT LINES
  - \_\_\_\_\_ PROPOSED SETBACK
  - \_\_\_\_\_ PROPOSED UTILITY EASEMENT
  - \_\_\_\_\_ RIGHT-OF-WAY DEDICATION
  - \_\_\_\_\_ LIMITS OF 100 YEAR FLOODPLAIN

### WAIVERS:

1. PRELIMINARY PLAT PROCESS.
2. SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING, BLOCK LENGTH AND STORM WATER DETENTION.

### APPROVAL:

THE FOREGOING COMMUNITY UNIT PLAN - SPECIAL PERMIT WAS APPROVED BY THE LANGCASTER COUNTY COMMISSIONERS ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ATTEST: CHMR

**SHEET INDEX**

- 1. SITE PLAN
- 2. GRADING PLAN
- 3. PRELIMINARY STREET PROFILES
- 4. PRELIMINARY STREET PROFILES

**DEVELOPER & OWNER:**  
CEDAR WOODS ESTATES, LLC  
17360 S. 71ST STREET  
NEBRASKA, NE 68512-4941

**ENGINEER:**  
CDE DESIGN GROUP, INC.  
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LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**  
ALLIED SURVEYING & MAPPING  
8035 EXECUTIVE WOODS DRIVE  
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LINCOLN, NE 68512 (402)434-8288





**LEGAL DESCRIPTION:**

I hereby certify that I have caused to be surveyed the Subdivision to be known as "Cedar Woods Estates". A subdivision composed of Lot 7 & 8 Irregular Tracts and the Southwest Quarter of the Southeast Quarter, located in the Southeast Quarter of Section 23, Township 8 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of said Section 23, Thence Easterly on the South Line of the Southwest Quarter of the Southeast Quarter, on an assumed bearing of N 89°13'13" E for a distance of 1313.39' to the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 23; Thence N 89°12'48" E on the South Line of the Southeast Quarter of the Southeast Quarter of said Section 23 for a distance of 657.02' to the Southeast Corner of Lot 7 Irregular Tracts; Thence N 00°20'19" W on the East Line of Lot 7 Irregular Tracts for a distance of 1636.02' to the Southeast Corner of Lot 5 Irregular Tracts; Thence S 89°15'26" W on the South Line of Lot 5 Irregular Tracts for a distance of 981.98' to the Southwest Corner of Lot 5 Irregular Tracts; Thence N 00°00'11" E on the West Line of Lot 5 Irregular Tracts for a distance of 983.41' to the Northwest Corner of Lot 5 Irregular Tracts said point being on the North Line of the Northwest Quarter of the Southeast Quarter of said Section 23; Thence S 89°33'00" W on the North Line of Lot 8 Irregular Tracts and the North Line of the Northwest Quarter of the Southeast Quarter of said Section 23 for a distance of 982.86' to the Northwest Corner of Lot 8 Irregular Tracts, said point also being the Northwest Corner of the Southeast Quarter of said Section 23; Thence S 00°05'24" E on the West Line of Lot 8 Irregular Tracts and the West Line of the Southeast Quarter of said Section 23 for a distance of 2625.85' to the Point of Beginning, and having a calculated area of 96.13 acres more or less.

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY WAS ACCURATELY MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Marc J. Raphael #695

**GENERAL NOTES:**

1. THIS COMMUNITY UNIT PLAN CONTAINS 96.13 ACRES MORE OR LESS.
2. THE EXISTING ZONE IS AG.
3. THIS COMMUNITY UNIT PLAN PERMITS 6 SINGLE FAMILY LOTS AND 2 OUTLOTS. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE, LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
4. THE DEVELOPER/OR OWNER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN.
5. THE DEVELOPER PROPOSES THE USE OF LANCASTER RURAL WATER DISTRICT NUMBER 1 FOR POTABLE WATER SUPPLY.
6. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PUBLIC ROADWAY WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE ROCK. ALL INTERIOR SURFACING RADII INTERSECTIONS SHALL BE 30 FEET. THE RADII AT MARTELL ROAD SHALL BE 50 FEET. THE DEVELOPER RESERVES THE RIGHT TO INSTALL ASPHALTIC PAVEMENT OR CONCRETE PAVEMENT IN LIEU OF ROCK.
7. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
8. DIRECT VEHICULAR ACCESS IS HEREBY RELINQUISHED ALONG MARTELL ROAD EXCEPT BIRDSONG PLACE AND FARM ACCESSES AS SHOWN.
9. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
10. THE FOLLOWING STANDARD WAIVERS ARE APPROVED WITH THIS SPECIAL PERMIT: PRELIMINARY PLAT, SIDEWALKS, STREET TREES, STREET LIGHTING, AND LANDSCAPE SCREENING. ADDITIONAL WAIVERS INCLUDE BLOCK LENGTH.
11. DEVELOPERS SHALL BE RESPONSIBLE FOR INSTALLING STREET IDENTIFICATION SIGNS, STOP SIGNS, 25 MPH SPEED LIMIT SIGN AND NO OUTLET SIGNS AS REQUIRED.
12. SUBDIVISION SIGNS NEED NOT BE SHOWN ON THE SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH ARTICLE 16 OF LANCASTER COUNTY ZONING RESOLUTION, AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.

**CURVE DATA**

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	250.00'	77°57'57"	202.32'	340.19'	314.54'	S38°12'12"W

**APPROVAL:**

- LIMITS OF COMMUNITY UNIT PLAN
- LOT LINES
- PROPOSED SETBACK
- PROPOSED UTILITY EASEMENT
- RIGHT-OF-WAY DEDICATION
- LIMITS OF 100 YEAR FLOODPLAIN

**WAIVERS:**

1. PRELIMINARY PLAT PROCESS.
2. SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING, BLOCK LENGTH AND STORM WATER DETENTION.

**APPROVAL:**

THE FOREGOING COMMUNITY UNIT PLAN - SPECIAL PERMIT WAS APPROVED BY THE LANCASTER COUNTY COMMISSIONERS ON THIS \_\_\_ DAY OF \_\_\_\_\_, 201\_.

ATTEST: \_\_\_\_\_  
CHAIR

**AG DENSITY CALCULATIONS**

96.13 AC. + 25% BONUS FOR UN-BUILDABLE OUTLOT = 120.16 AC.  
120.16 AC./ 20.0 = 6 LOTS

6 DWELLING UNITS

**OPEN SPACE/AG LAND**

REQUIREMENT = 96.13 AC. X 0.70% = 67.29 AC.  
OPEN SPACE/AG LAND SHOWN = 68.17 AC.

**LEGEND**

- = FD. 1" SQUARE PIN
- ⊗ = FD. BRASS CAP IN CONC.
- ⊗ = FD. 3/8" REBAR IN CONC.
- = SET 5/8" x 24" REBAR W/ LS695 CAP
- ⊙ = SECTION CORNER

LOT 5  
AND PARKS  
ART OF CUP)

LOT 7  
RES OF AMERICA  
ART OF CUP)

REVISIONS

DATE DESCRIPTION



SITE PLAN

CEDAR WOODS ESTATES  
COMMUNITY UNIT PLAN # \_\_\_\_\_

**SHEET INDEX**

SITE PLAN	1
GRADING PLAN	2
PRELIMINARY STREET PROFILES	3
PRELIMINARY STREET PROFILES	4

**DEVELOPER & OWNER:**

CEDAR WOODS ESTATES, LLC  
17300 S. 71ST STREET  
HICKMAN, NE 68372-9401

**ENGINEER:**

CIVIL DESIGN GROUP, INC.  
8535 EXECUTIVE WOODS DRIVE  
SUITE 200  
LINCOLN, NE 68512 (402)434-8494

**SURVEYOR:**

ALLIED SURVEYING & MAPPING  
8535 EXECUTIVE WOODS DRIVE  
SUITE 200  
LINCOLN, NE 68512 (402)434-2686

drawn by: jds  
checked by: mts  
approved by: mts  
project no.: 2017-0076  
drawing no.:  
date: 05/24/2017

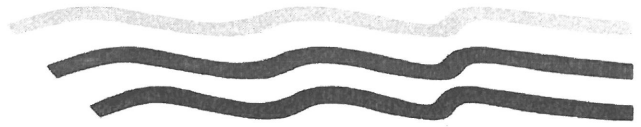
**SHEET  
1 OF 4**

# RURAL WATER DISTRICT NO. 1

LANCASTER COUNTY, NEBRASKA

310 FIR STREET PO BOX 98 - BENNET, NEBRASKA 68317

402.782.3495 [www.lrwd1.com](http://www.lrwd1.com)



May 22, 2017

Cedar Wood Estates LLC  
17300 S 71<sup>st</sup> Street  
Hickman, NE 68372

RE: Cedar Wood Estates LLC Subdivision – 6 Water Services

Dear Cedar Wood Estates LLC:

The Rural Water District No. 1, Lancaster County, NE has received the Application for Water Service and one Application Fee of \$6,000.00 to start the process of the approval of the Cedar Woods Estates LLC Subdivision as legally described: Township 8, Range 7 East, Section 23 Lot 7 SE & Lot 8 SE & SW SE, 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.

The District will process the Application for 6 water services to JEO Consulting Group Inc, once approved by the Engineer the application will be submitted to the Board of Directors of Rural Water District No. 1 at their next Board meeting held on June 14, 2017 for final approval.

If you have any questions, please contact me at (402) 782-3495. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jasmine K. Mach". The signature is written in a cursive, flowing style.

Jasmine K. Mach

Office Manager

**Rural Water District No. 1**

**Lancaster County, NE**



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

www.civildg.com

May 24, 2017

Mr. David Cary  
City of Lincoln – Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: CEDAR WOODS ESTATES, COMMUNITY UNIT PLAN - S. 96<sup>th</sup> STREET & MARTELL ROAD.  
CDG Project No. 2017-0076**

Dear Mr. Cary:

On behalf of Cedar Woods Estates, LLC, we are submitting the above mentioned application for an AG CUP to cluster six residential units on 96 acres of land generally located at S. 96<sup>th</sup> Street and Martell Road. The developer is proposing the use of Lancaster Rural Water service and individual waste water systems.

We are requesting the following waivers: To the Land Subdivision Ordinance for sidewalks, street trees, street lighting, landscape screening, block length and Preliminary Plat.

In conjunction with this submittal we submit the following information:

- Application for a Special Permit- CUP in Lancaster County.
- Special Permit Application Fees of \$1,978.00.
- Lancaster Rural Water District No.1 letter of ability to provide service.

In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Cedar Woods Estates, LLC

/Volumes/share/F/Projects/2017/20170076/Landplanning/Doc/170076-submittal-5-24-17.doc



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Street and Alley Vacation #17005	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> The Board of Regents of the University of Nebraska
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> None	<b>PROPERTY ADDRESS/LOCATION</b> N. 43 <sup>rd</sup> Street South of Huntington Avenue

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to vacate the North 43<sup>rd</sup> Street and Walker Street rights-of-ways along with alley right of way south of Huntington Avenue. The area to be vacated includes approximately 0.61 acres. The lone house on the south side of Huntington Avenue in the area that was in private use is now under University of Nebraska ownership. In addition, there was an East-West alley in the area at the north side of the vacation area that was vacated in 1977. The University is the sole property owner on the south side of Huntington Avenue in this area.



**JUSTIFICATION FOR RECOMMENDATION**

The public rights-of-way are not being used for the general public and are not through streets. The University now owns all abutting properties alongside the right-of-way. Therefore, there is no benefit to the general public to retain these as part of the transportation system.

**APPLICATION CONTACT**

John Jensen, (402) 472-4810 or [john.jensen@unl.edu](mailto:john.jensen@unl.edu)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Vacation of the public rights-of-way will not negatively impact the transportation system and subject to the conditions of approval, including the retention of easements for utilities, this request is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - The right of way is not shown on the Functional Street and Road Classification plan.

P. 10.14 - Local streets and alleys are not included in the functional classification.

## ANALYSIS

1. This is a request to vacate the North 43rd Street and Walker Street rights-of-ways south of Huntington Avenue. The area to be vacated includes approximately 0.61 acres.
2. The University of Nebraska owns all the property that is abutting the proposed vacation area. The rights-of-way in question do not include a through street and previously just provided access to one single family home prior to the University acquiring said property.
3. 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.
4. North 43<sup>rd</sup> Street is a local street in the 2040 Comprehensive Plan but is not a right of way that functions as a through street and is not generally traveled by the public.
5. Utility easements will need to be retained for LES. Also, the existing public sanitary sewer line in the affected area will need to be converted to a private line.
6. As the property is located in a floodway and is identified for Future Land Use as Environmental Resources, a conservation easement will be required prior to deed transfer. Vacation of the rights-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Rock access to single family residence now under UNL ownership; P Public

## SURROUNDING LAND USE & ZONING

North: Apartments; R-5/R-6 Residential

South: Vacant (UNL owned); P Public

East: Vacant, Single Family (UNL owned); P Public

West: Vacant (UNL owned); P Public

**APPROXIMATE LAND AREA:** 0.61 acres.

**LEGAL DESCRIPTION:** See attached.

Prepared by

---

George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
June 8, 2017

**Applicant:** The Board of Regents of the University of Nebraska  
3835 Holdrege Street  
Lincoln, NE 68583

**Contact:** John Jensen  
(402) 472-4810  
[john.jensen@unl.edu](mailto:john.jensen@unl.edu)

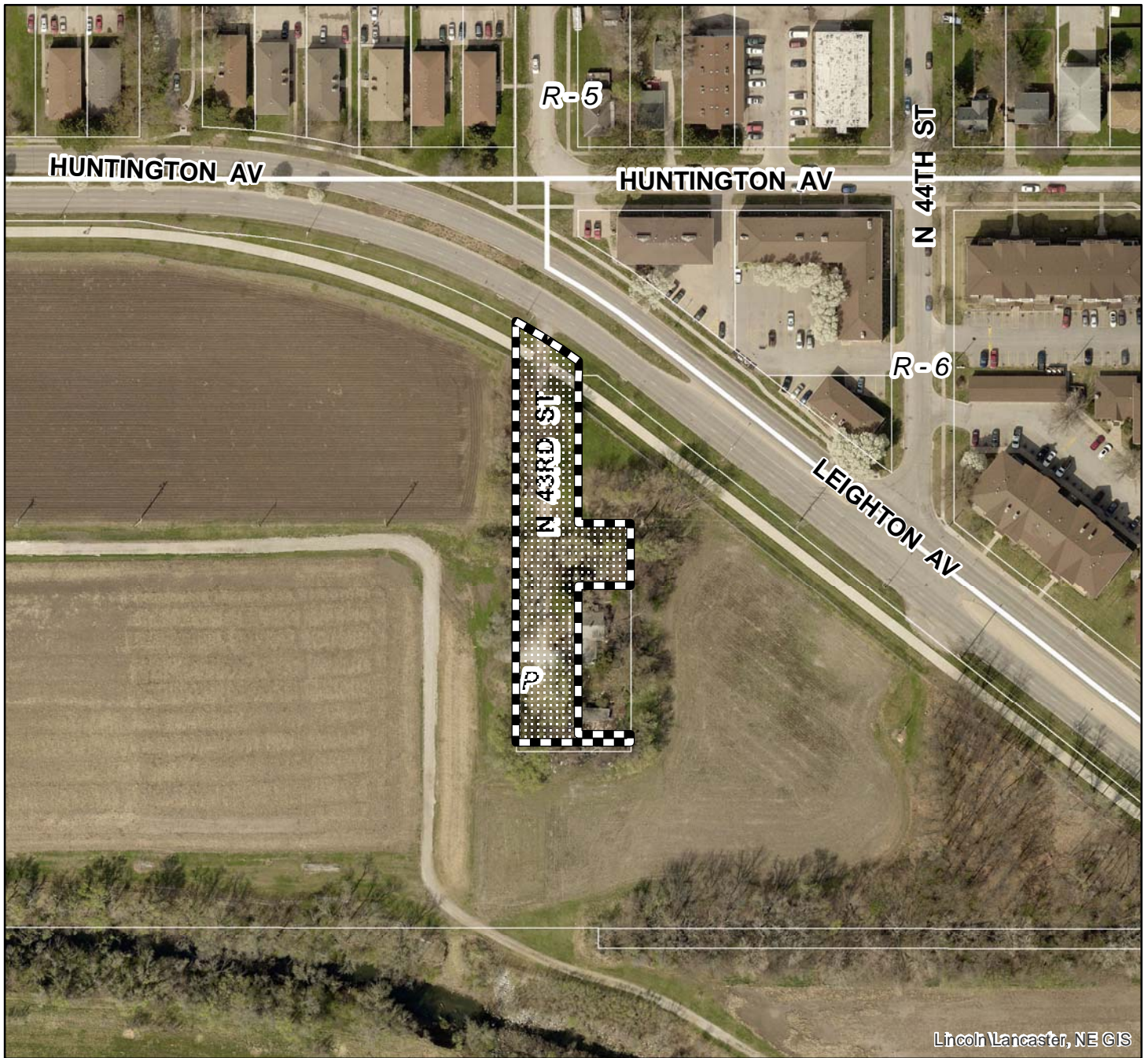
Owner: City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

F:\DevReview\SAV\17000\SAV17005 N 43rd & Walker Street.gjw.docx

## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #17005

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.
- 1.2 Include retention of utility easements for LES with deed transfer.
- 1.3 Provide surety subject to Public Works Department approval for reconstruction of existing bike path surface to concrete pavement along Huntington/Leighton Avenue at N 43<sup>rd</sup> Street.
- 1.4 Include retention of conservation easement for floodway with deed transfer.
- 1.5 Convert sanitary sewer line to private line subject to Public Works Department approval.



Lincoln Lancaster, NE GIS

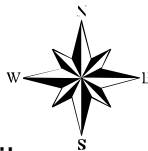
2016 aerial

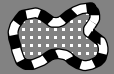


**Street and Alley Vacation #: SAV17005**  
**N 43rd St & Huntington Ave**

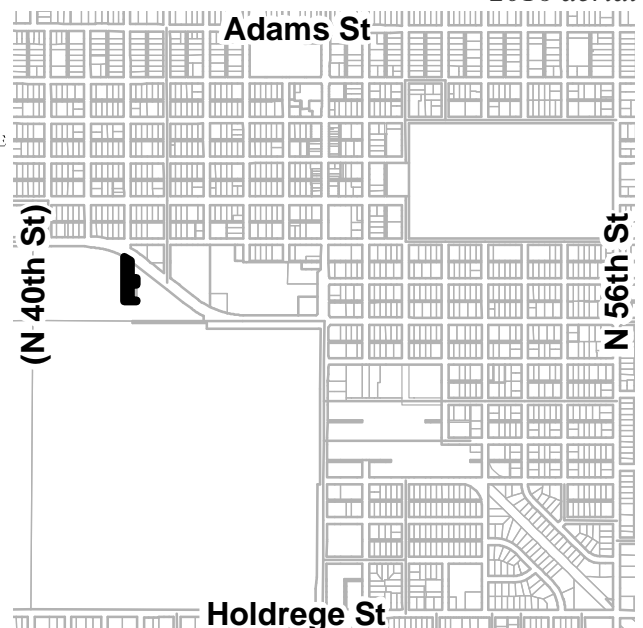
**Zoning:**

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

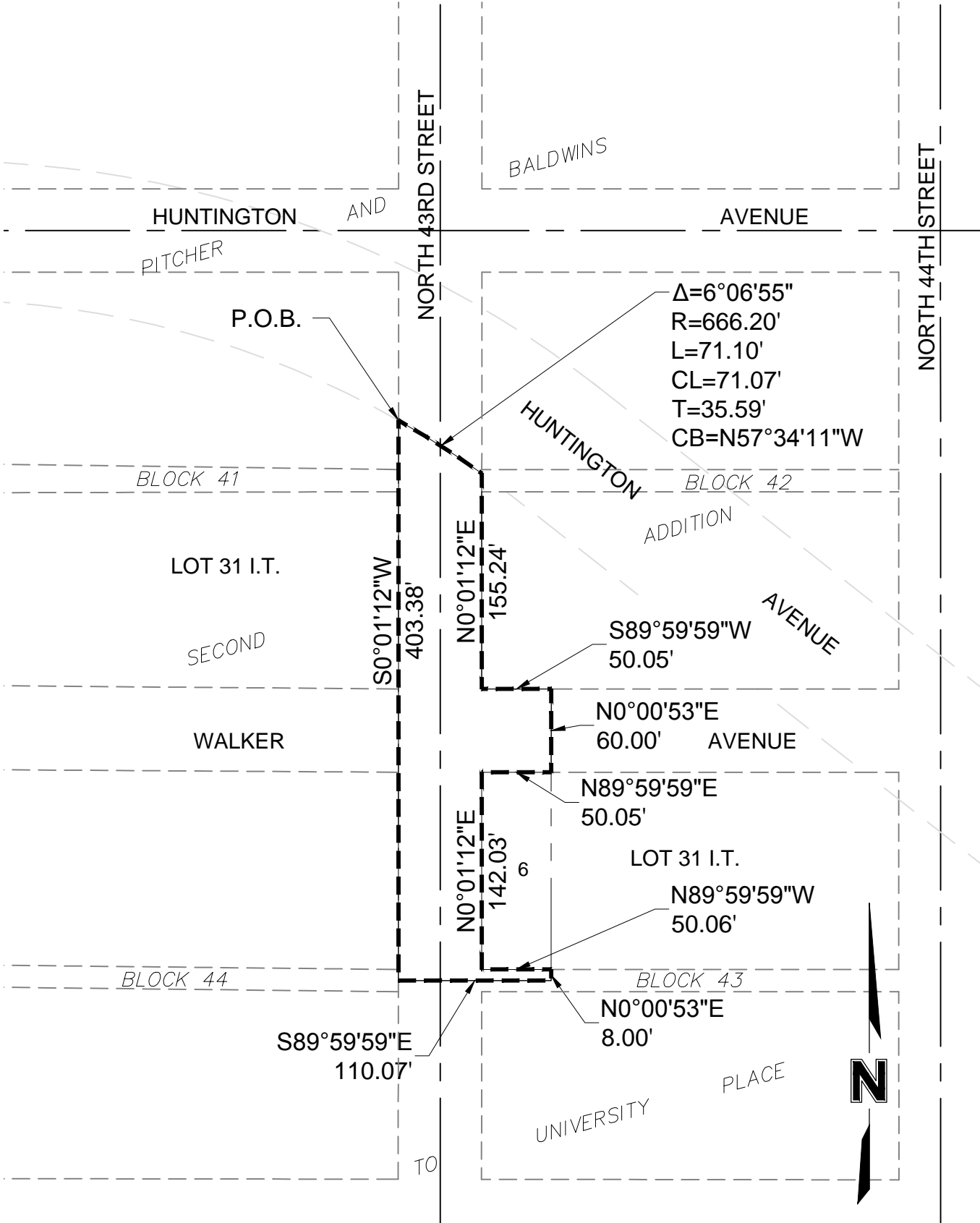
One Square Mile:  
 Sec.17 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



DWG: F:\2017\1001-1500\017-1444\40-Design\Survey\SRVY\Xref\V\_Vacation-17th\_and\_Walker\_017-1444.dwg  
 DATE: Jun 05, 2017 8:28am  
 USER: dthomson  
 L251006  
 XREFS: YSREASTCAMP V\_SURVEY\_160847 110609\_SR 1241006



PROJECT NO: 2017-1444  
 DRAWN BY: ALB  
 DATE: 06/05/17

**43RD STREET AND  
 WALKER AVENUE  
 VACATION EXHIBIT**

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

EXHIBIT

**LEGAL DESCRIPTION  
RIGHT-OF-WAY VACATION**

A TRACT OF LAND COMPOSED OF A PORTION OF NORTH 43RD STREET RIGHT-OF-WAY, A PORTION OF WALKER AVENUE RIGHT-OF-WAY, AND A PORTION OF THE EAST-WEST ALLEY LOCATED IN BLOCK 43, PITCHER AND BALDWINS SECOND ADDITION TO UNIVERSITY PLACE, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBER AS FOLLOW:

BEGINNING AT A NORTH CORNER OF LOT 31 I.T. OF SAID SECTION 17, ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HUNTINGTON AVENUE, ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 43RD STREET; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH 43RD STREET ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 01 MINUTES 12 SECONDS WEST, A DISTANCE OF 403.38 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF THE EAST-WEST ALLEY OF BLOCK 44, PITCHER AND BALDWINS SECOND ADDITION TO UNIVERSITY PLACE; THENCE SOUTH 89 DEGREES 59 MINUTES 59 SECONDS EAST, ALONG THE EXTENSION OF THE CENTER LINE OF THE EAST-WEST ALLEY OF SAID BLOCK 44, AND ALONG THE EXTENSION OF THE CENTER LINE OF THE EAST-WEST ALLEY OF BLOCK 43, PITCHER AND BALDWINS SECOND ADDITION TO UNIVERSITY PLACE AND ALONG THE CENTERLINE OF THE EAST-WEST ALLEY OF SAID BLOCK 43, A DISTANCE OF 110.07 FEET, TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE EAST LINE OF LOT 6, BLOCK 43, PITCHER AND BALDWINS SECOND ADDITION TO UNIVERSITY PLACE; THENCE NORTH 00 DEGREES 00 DEGREES 00 MINUTES 53 SECONDS EAST, ALONG THE EXTENSION OF THE EAST LINE OF SAID BLOCK 6, A DISTANCE OF 8.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTH 89 DEGREES 59 MINUTES 59 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 50.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 43RD STREET; THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 142.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WALKER AVENUE; THENCE NORTH 89 DEGREES 59 MINUTES 59 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 50.05 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE NORTH 00 DEGREES 00 MINUTES 53 SECONDS EAST, ALONG THE EXTENSION OF THE EAST LINE

OF SAID LOT 6, A DISTANCE OF 60.00 FEET, TO A POINT OF INGERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF WALKER AVENUE; THENCE SOUTH 89 DEGREES 59 MINUTES 59 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF WALKER AVENUE, A DISTANCE OF 50.05 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 43RD STREET; THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY OF NORTH 43RD STREET, A DISTANCE OF 155.24 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF HUNTINGTON STREET, SAID POINT BEING A POINT OF NON-TANGENT CURVATURE; THENCE ALONG A CURVE TO THE LEFT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF HUNTINGTON AVENUE, HAVING A RADIUS OF 666.20 FEET, A DELTA ANGLE OF 06 DEGREES 06 MINUTES 55 SECONDS , A CHORD BEARING OF NORTH 57 DEGREES 34 MINUTES 11 SECONDS WEST, AND A CHORD LENGTH OF 71.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 26,507.75 SQUARE FEET, OR 0.61 ACRES, MORE OR LESS.

June 5, 2017

F:\2017\1001-1500\017-1444\40-Design\Survey\SRVY\Description\Vacation Legal Walker Avenue.docx

May 10, 2017

City of Lincoln  
Planning Department  
Stephen Henrichsen, Manager  
555 S 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

RE: N 43<sup>rd</sup> and Walker Street Vacation

Mr. Henrichsen:

The Board of Regents of the University of Nebraska wish to submit an application to vacate the N 43<sup>rd</sup> Street ROW located south of Huntington Avenue, along with the adjoining portion of Walker Avenue, and the adjoining alleyway.

So with that please find enclosed the following document:


- Planning Department Application Request Form
- Information Sheet
- Petition to Vacate Public Way

Also enclosed is the following:

- Check in the amount of \$206
- Section of the Plat map showing the subject roadway.

Should you have questions or need additional information please contact me at (402) 472-6056 or via email at nate.sheldon@unl.edu.

Sincerely,



Nathan Sheldon, J.D.  
Real Estate Specialist

Enclosures



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Amendment #17004 O'Brien Property	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> C & E O'Brien, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> None	<b>PROPERTY ADDRESS/LOCATION</b> S 84 <sup>th</sup> Street & Saltillo Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to adjust the Future Service Limit, Priority Growth Areas Map, and Future Land Use Map.

A summary of the changes is below:

- Revise the Future Service Limit boundary to include approximately 92 acres.
- Revise the Priority Growth Areas Map to change the area from Tier III to Tier I Priority B.
- Revise the Future Land Use Map to show new Residential, Commercial, and Green Space areas.



**JUSTIFICATION FOR RECOMMENDATION**

The applicant has demonstrated that the area can be served by utilities, including gravity flow sewer, which makes it appropriate to include within the Future Service Limit. The site could develop within the first half of the planning period (2026) so the Tier I, Priority B designation is appropriate. The Future Land Use Map changes are consistent with other undeveloped areas within the Future Service Limit.

**APPLICATION CONTACT**

Mike Eckert, Civil Design Group  
(402) 434-8494  
[meckert@civildg.com](mailto:meckert@civildg.com)

**STAFF CONTACT**

Andrew Thierolf  
(402) 441-6371  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan notes that areas within Tier I and the Future Service Limit are anticipated to be provided with urban services by 2040. The applicant has demonstrated that the area can be served by utilities, including gravity flow sewer, within the first half of the planning period so its inclusion within Tier I, Priority B is appropriate. The Future Land Use Map changes are compatible with the Comprehensive Plan since Tier I is intended for future urban uses.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

The Future Land Use Plan in the 2040 Comprehensive Plan identifies this area as Agricultural. (p. 1.9 and 12.3)

**Future Service Limit.** The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period. (p. 12.4)

The 2040 Priority Growth Areas map identifies this area as Tier II and Tier III. (P. 1.10 and 12.6)

**Tier I, Priority B.** Areas designated for development in the first half of the planning period (to 2025) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of preliminary plans. (p. 12.7)

**Tier III.** Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential – beyond 50 years. This area is based upon the drainage basins located within the 3-mile extraterritorial jurisdiction, excluding the area identified as Salt Creek Tiger Beetle habitat. Little active planning of utilities or service delivery is likely to occur in the near term in Tier III. However, it should also remain in its present use in order to provide for future urban development. (p. 12.9)

### **Guidelines for Amending Priority Areas (pages 12.7-12.8):**

Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.

The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.

Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.

Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.

Land uses with vulnerable populations such as occupied residential structures, childcare facilities, retirement facilities, schools, or hospitals are not recommended to be located within pipeline planning areas. For large high pressure natural gas pipelines, pipeline planning areas are established based upon a formula that takes into consideration the pressure and diameter of the natural gas pipeline. Other uses such as residential garages, commercial and industrial uses, parking lots, open spaces or roads are acceptable uses within pipeline planning areas. (page 11.22)

## ANALYSIS

1. Proposed changes to the Future Service Limit and growth tiers such as Tier III to Tier I are uncommon. Tier III is reserved for development beyond 50 years. Typically, the separations between growth tiers or Future Service Limit are upheld due to insurmountable circumstances such as grading for gravity flow sewer, natural features, water pressure districts, or other man-made obstacles. However, on a case-by-case basis, some areas may be able to demonstrate that a revision of growth tiers is appropriate based on adherence to city development policies, workable terrain, and potentially available services.

2. The applicant requested an area of 83 acres for this application. They were able to demonstrate that the site could be served by utilities, including gravity flow sewer. Documentation was provided to show a conceptual utility and lot layout for this area, along with proposed future land uses. Application materials are attached. Some grading would be necessary on the site to make a gravity flow sewer feasible. The Public Works and Utilities Department determined that a small area in the southeast corner of the site is also able to be served by utilities, so it was added to the application. The area added to this application is approximately 9 acres and included in the Tier I, Priority B growth area.
3. This request is consistent with the "Guidelines for Amending Priority Areas" on Pages 12.7-12.8 of the Comprehensive Plan largely due to the demonstrated ability to serve with city utilities including gravity flow sewer. Relevant guidelines are listed below.

**The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term.**

The applicant has demonstrated the ability to adequately serve the property with gravity flow sewer and water service per documents submitted with this application. Detailed layouts of future infrastructure will be determined when development plans are submitted.

Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.

This application does not approve a specific development plan for the site. The site's proposed designation of Tier I, Priority B indicates that it may be developed in the first half of the planning period (2026), generally after Priority A areas have been developed.

Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.

The applicant has demonstrated that infrastructure can reasonably be provided to the site, which makes it appropriate for Priority B.

4. There are numerous maps throughout the Comprehensive Plan that would be modified to reflect a change in the 2040 Future Service Limit, which is featured on nearly every map.
5. The area is currently shown as Agriculture on the Future Land Use Map, which is a reflection of its location in Tier III. Tier I areas are designated for urban development by 2040, so the Future Land Use Map should be updated to show urban uses in this area. A summary and explanation of each proposed land use is below.

**Urban Residential. *Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.***

This area is appropriate for urban residential and the applicant has provided a conceptual layout of what a residential development could look like.

**Commercial. *Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.***

A Pipeline Planning Area (PPA) is located along Saltillo Road. The Comprehensive Plan policy is that residential uses should not be located in a PPA. Other uses that shouldn't be located in a PPA include childcare facilities, retirement facilities, schools, and hospitals. Commercial uses are shown in the PPA along Saltillo Road. Per the Comprehensive Plan commercial uses are appropriate within a PPA. Saltillo Road is identified as an arterial on the Functional Classification Map and would be appropriate for commercial uses.

Green Space. *Public 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.*

The area shown as Green Space is within the 100-year floodplain. It would be appropriate for use as open space adjacent to a residential development.

**Environmental Resources. *Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.***

This area would remain.

6. The area directly west of this application appears that it may be sewerable by gravity flow; however, based on existing information, the Public Works and Utilities Department determined that the Beal Slough trunk sewer may not have additional capacity to serve the area. The approximately 92 acres shown with this application may be the remaining capacity in the truck sewer line. With any future application, additional information would be needed to demonstrate that the trunk sewer has capacity for more development.

EXISTING LAND USE & ZONING: Agriculture, AG

#### SURROUNDING LAND USE & ZONING

North: Agriculture, AG  
South: Agriculture, AG  
East: Agriculture, AG  
West: Agriculture, AG

APPROXIMATE LAND AREA:      Future Service Limit boundary: 92 acres  
   Tier III to Tier I, Priority B:      92 acres  
   Future Land Use Map Changes: 130 acres total  
   80 acres to Urban Residential  
   12 acres to Commercial  
   38 acres to Green Space

LEGAL DESCRIPTION: Lots 3, 4, and 5, located in the south ½ of 34-09-07, Lancaster County, Nebraska

Prepared by

---

Andrew Thierolf, Planner  
(402) 441- 6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

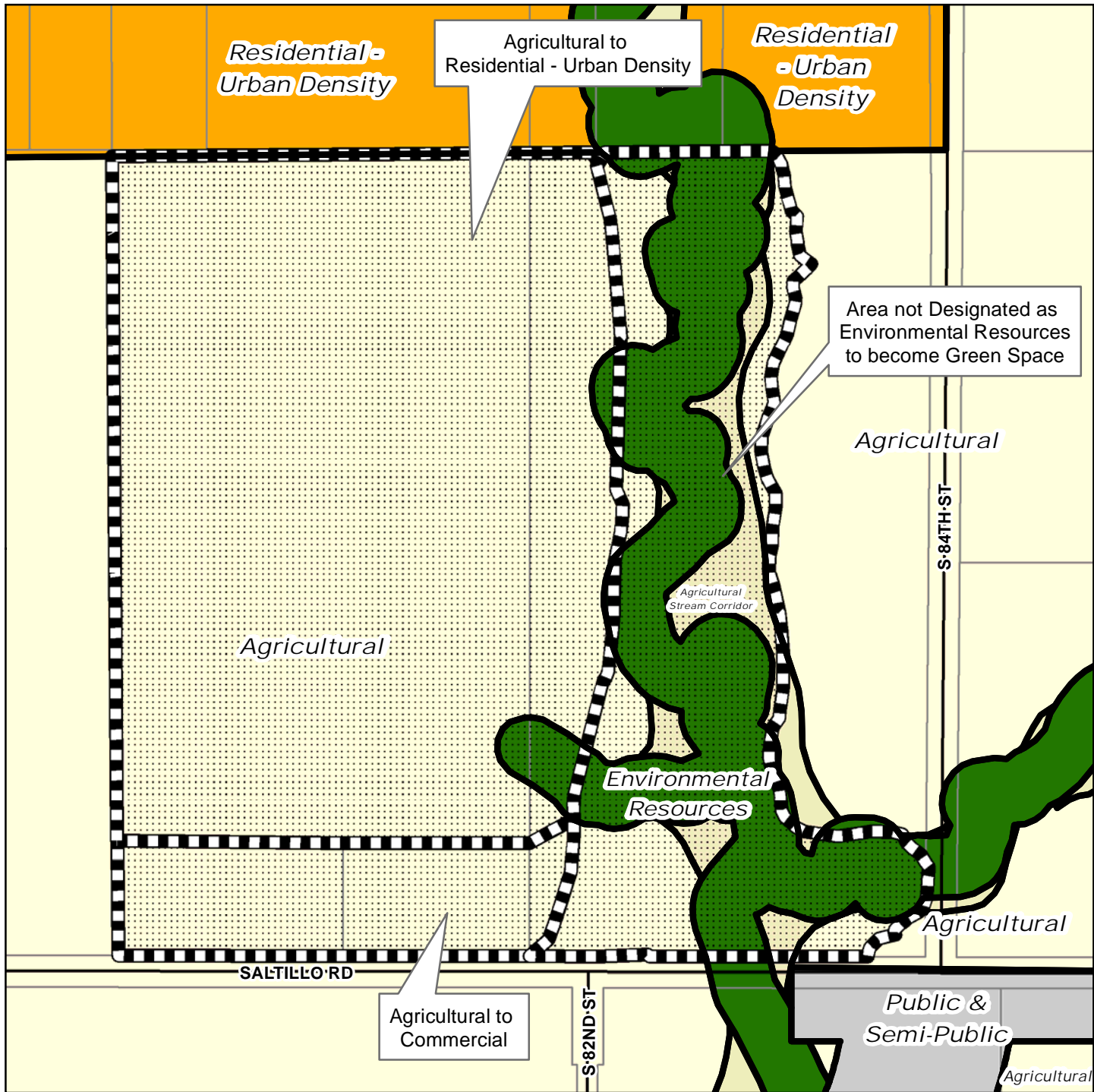
June 12, 2017

Applicant/      C & E O'Brien, LLC  
Owner:            PO Box 85506  
                          Lincoln, NE 60501

Contact:        Mike Eckert  
                         Civil Design Group  
                         8535 Executive Woods Drive, Suite 200  
                         Lincoln, NE 68512

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Page 4 - Comprehensive Plan Amendment #17004, O'Brien Property



CPA # 17004  
 O'Brien Property  
 S 84th St & Saltillo Rd

# Proposed Land Use Change

**Legend**

- Area of Amendment
- Ownership Parcels

N  
 W E  
 S

LINCOLN - LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 Information Technology Services  
 303 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.7491 Fax: 402.441.6377

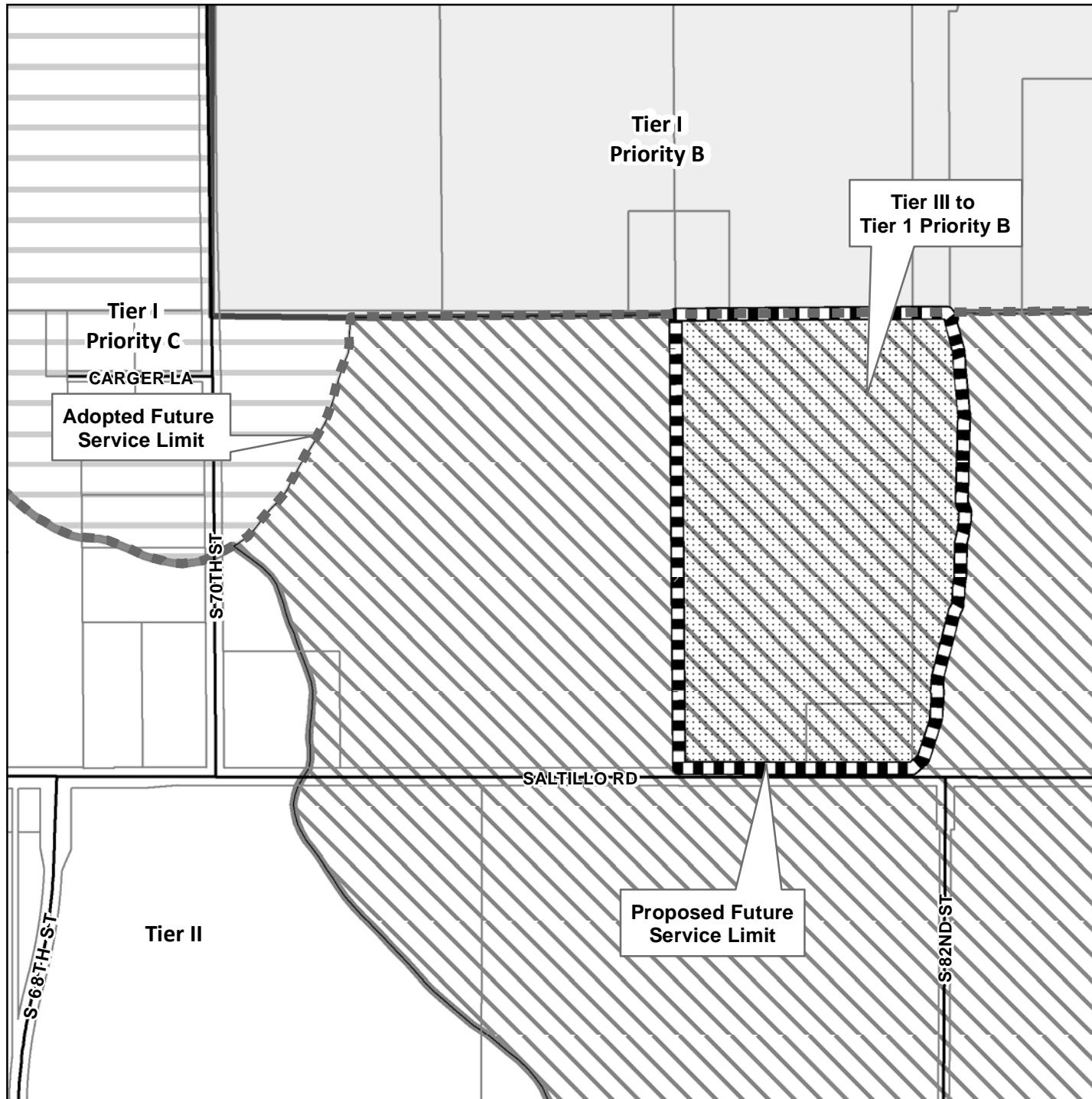
ITS

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 (CPA17004)

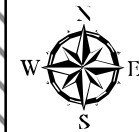
CPA # 17004  
 O'Brien Property  
 S 84th St & Saltillo Rd

## Proposed Growth Tier Changes & Future Service Limit

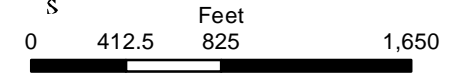


**Legend**

- Future Service Limit
- Area of Amendment
- Ownership Parcels
- Existing City
- Tier I Priority B
- Tier I Priority C
- Tier II
- Tier III



LINCOLN - LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 Information Technology Services  
 303 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.7491 Fax: 402.441.5377



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 (CPA17004)



May 24, 2017

Mr. David Cary  
Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Comprehensive Plan Amendment for 83 Acres of Land generally located at S. 84<sup>th</sup> Street & Saltillo Rd from Tier III to Tier I, Priority B in the 2040 Comprehensive Plan. CDG Project No. 2016-0319.**

Dear Mr. Cary:

On behalf of C & E O'Brien, LLC we submit the above mentioned application for a Lincoln/Lancaster County 2040 Comprehensive Plan Amendment for approximately 83 acres of land to be moved from Tier III to Tier I, Priority B. Extensive analysis of the ability to provide gravity flow sanitary sewer mains to serve this land is the genesis for this application. Further analysis of the planned water main supply and limited road infrastructure needs for this property are detailed herein:

The gravity flow system of sanitary sewer construction has added immense value to the predictability and planned development of Lincoln. This application conforms with those standards as demonstrated in Exhibit 'A'. Approximately 71 acres of the O'Brien land can be sewer to the north with reasonable and customary grading practices (the remaining 12 acres will be green space for detention and water quality design elements). We are requesting the utilization of 71 acres of the unused sewer capacity that was modeled for the downstream upsizing of several reaches of Upper Beal Slough sewer mains per the Rokeby Road Coalition Annexation Agreement. The enclosed Attachment 'F' from that annexation agreement identifies several acres of land that was included in the drainage basin for the sanitary sewer modeling, but whose owners chose not to participate in the Rokeby Road Coalition Annexation efforts and were not included in the Annexation Agreement. As such their land remains in the Tier III Growth Tier of the 2040 Comp Plan.

The area of application can be provided water service via continued routing of a 12" water main from neighboring properties as shown in Exhibit 'B'. These 12" water mains will tie into the City CIP water main planned in S. 84<sup>th</sup> Street (as part of the Rokeby Rd Annexation Agreement) and to the developable land to the north to provide adequate water pressure and redundancy to meet the City of Lincoln and State of Nebraska development standards. The routing of the applicable sanitary sewer mains that will provide gravity flow service to this area are also shown on Exhibit 'B'.

The area of this application will take roadway access to arterial streets in two locations. One on to S. 84<sup>th</sup> via the adjacent development to the north. A secondary point will be onto Saltillo Rd at approximately 78<sup>th</sup> Street as shown on Exhibit 'A'.

The requested future land use planned in this application is for residential development for entire area, with the exception of the land along Saltillo Road that lies within the "Pipeline

Planning Area" north of Saltillo Rd. We request a commercial zoning designation for these areas as shown in Exhibit 'C'.

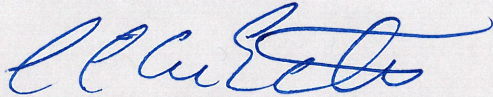
This parcel's proximity to previously planned and CIP funded sewer mains, water mains and existing paved roads presents a strong planning and cost effective case for the expansion of the City of Lincoln. Additionally, the area would be served by Lincoln Fire and Rescue via the newly planned station at 66<sup>th</sup> & Pine Lake Road. With this combined data, we request advancement of this land to the Tier I, Priority B designation and inclusion in the future service limits of the City of Lincoln.

With this application, we submit the following items:

Application for Comprehensive Plan Amendment and Fee of \$412.00

I hope that this letter in conjunction with the exhibits provides you with enough information to review this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

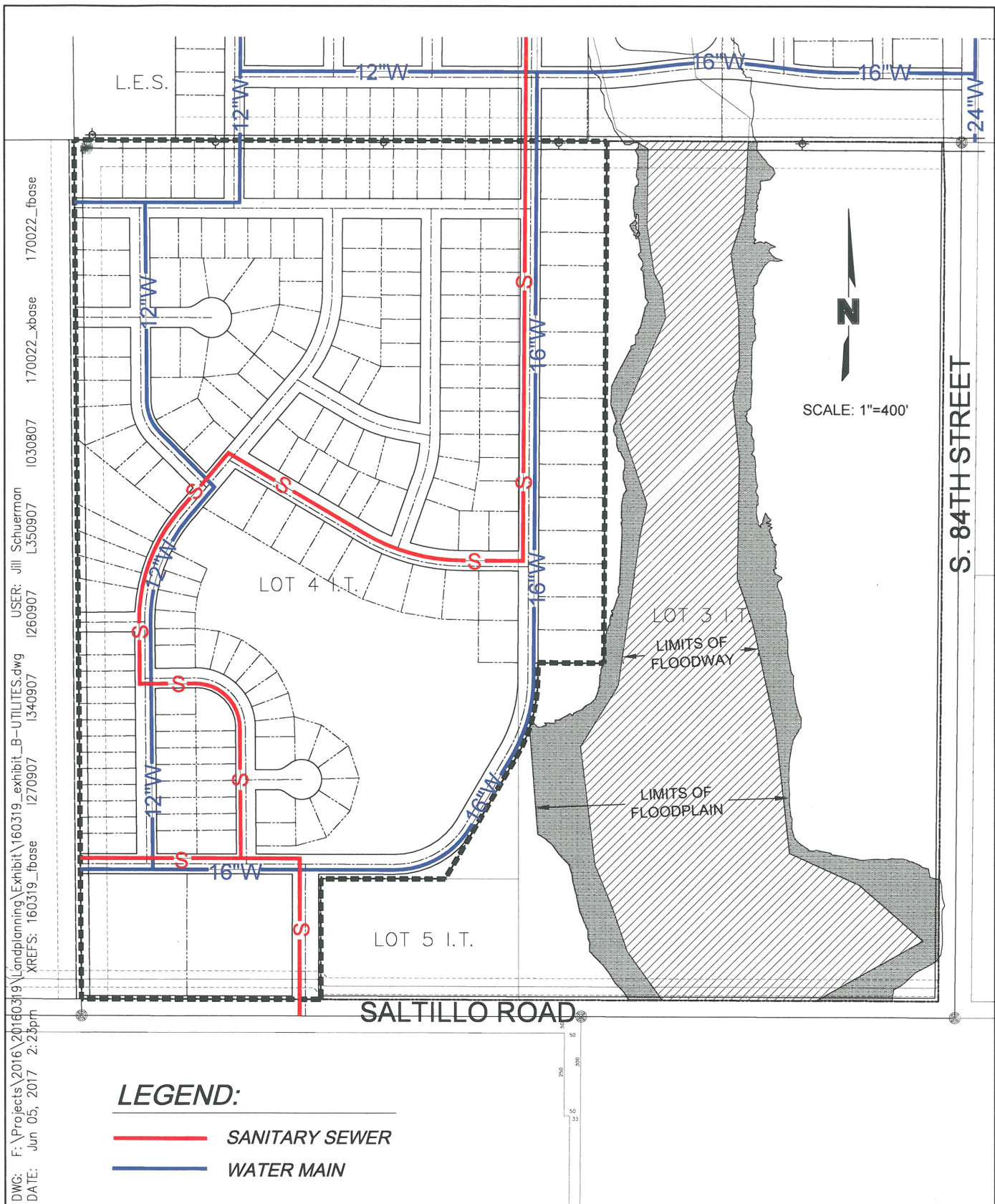
Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Eckert".

Mike Eckert, AICP

cc: C & E O'Brien, LLC

/Volumes/share/F/Projects/2016/20160319/Landplanning/Doc/obrien comp plan amendment.doc



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**LEGEND:**

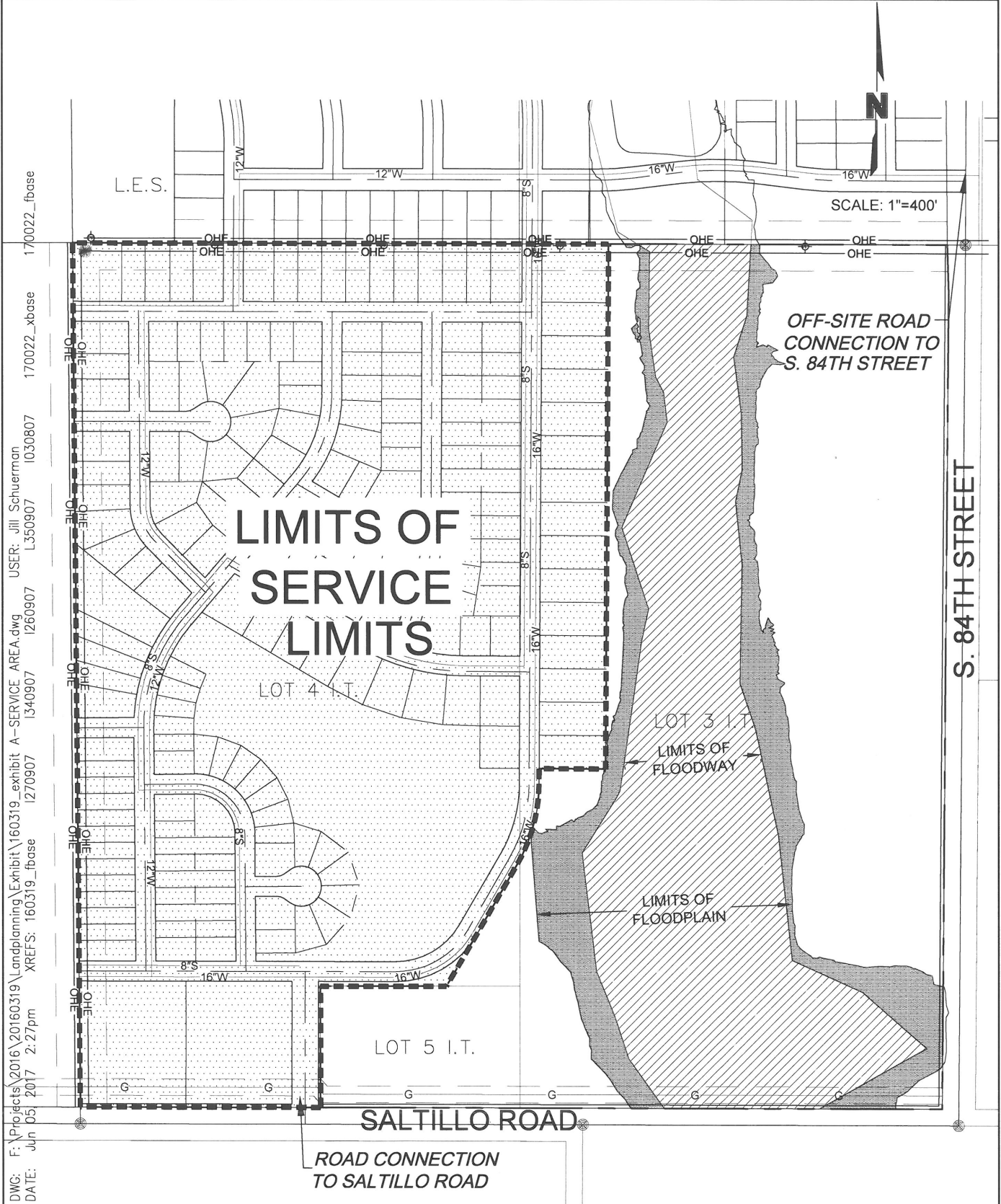
— SANITARY SEWER  
— WATER MAIN

drawn by: jds  
 checked by: djr  
 project no.: 2016-0319  
 date: 06/05/2017

**WATER & SANITARY SEWER  
 ROUTING  
 O'BRIEN PROPERTY  
 LINCOLN, NEBRASKA**

  
**Civil Design Group, Inc.**  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
 Ph. 402-434-8494 Fax 866-215-8747  
 www.civildg.com  
 CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT  
**A**



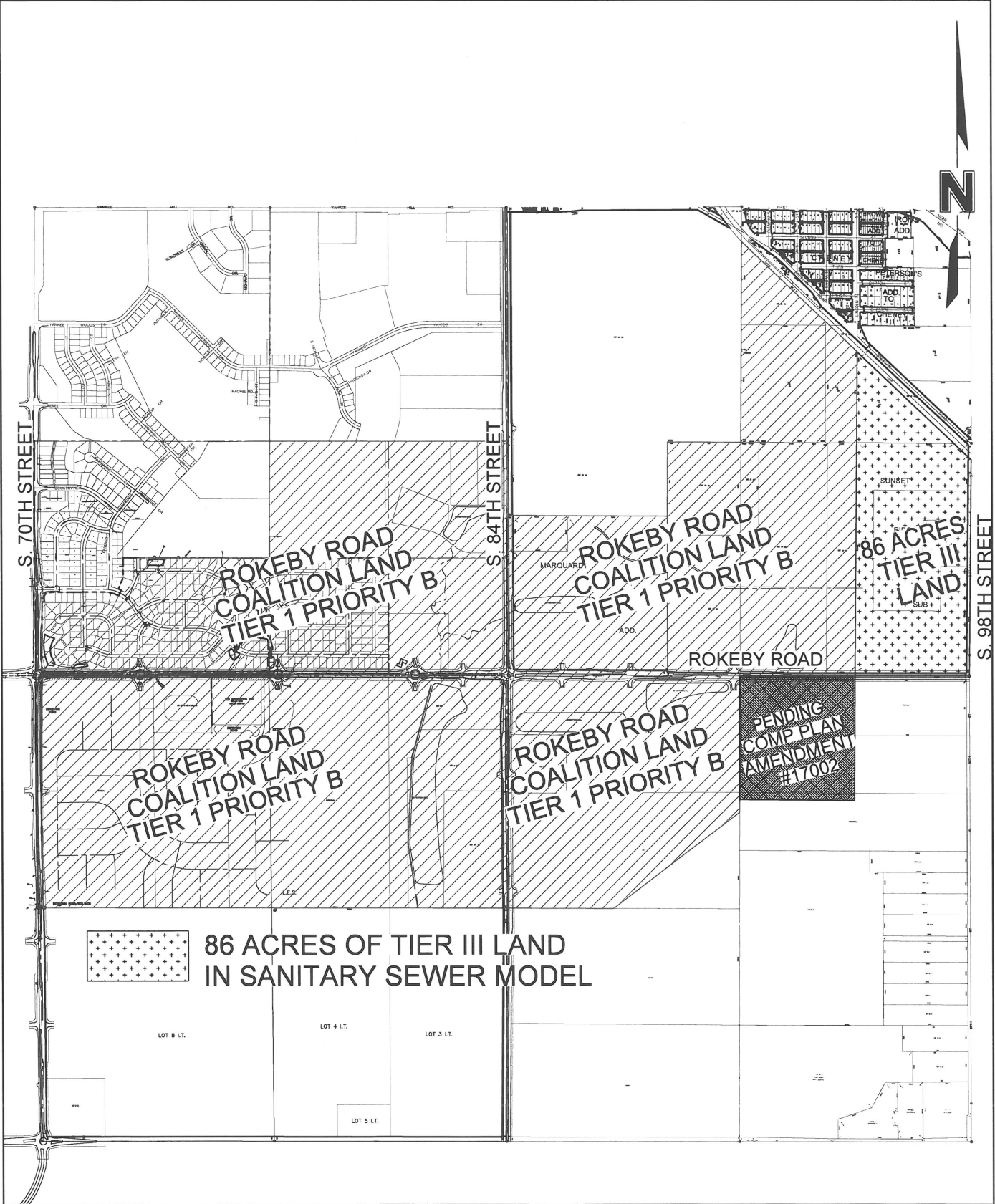
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drawn by: jds  
 checked by: djr  
 project no.: 2016-0319  
 date: 06/05/2017

**FUTURE SERVICE LIMITS**  
**O'BRIEN PROPERTY**  
**LINCOLN, NEBRASKA**


**Civil Design Group, Inc.**  
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 Ph. 402-434-8494 Fax 866-215-8747  
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EXHIBIT  
**B**



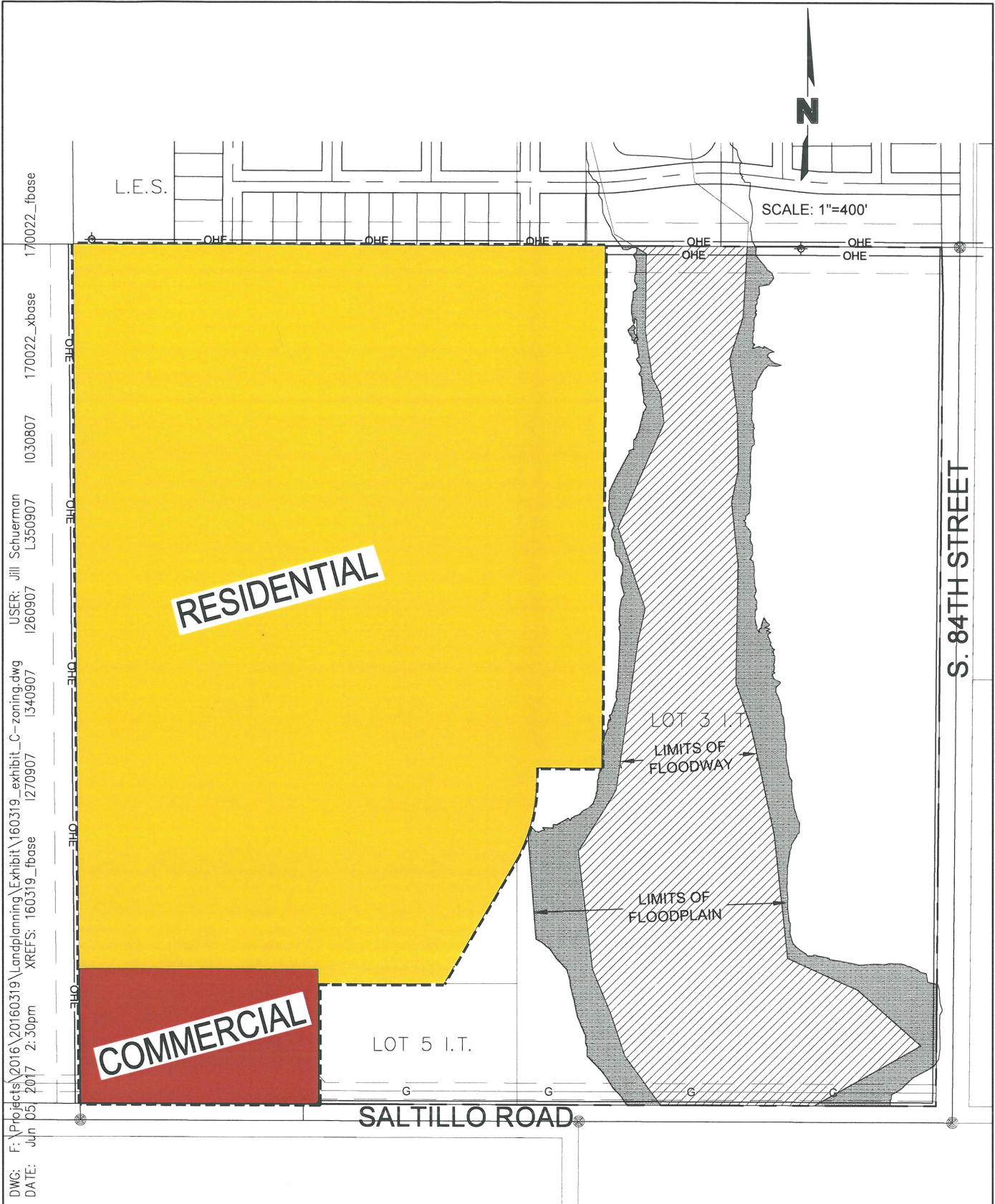
drawn by: jds  
 checked by: -  
 project no.: 2013-0288  
 date: 06/5/2014

**UNUSED SANITARY  
 SEWER CAPACITY  
 ROKEBY COALITION  
 LINCOLN, NEBRASKA**

 **Civil Design Group, Inc.**  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
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 www.civildg.com

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EXHIBIT  
**C**



DWG: F:\Projects\2016\20160319\_Landplanning\Exhibit\160319\_exhibit\_C-zoning.dwg  
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drawn by: jds  
 checked by: djr  
 project no.: 2016-0319  
 date: 06/05/2017

**FUTURE LAND USE**  
**O'BRIEN PROPERTY**  
**LINCOLN, NEBRASKA**

  
**Civil Design Group, Inc.**  
 8535 EXECUTIVE WOODS, DR., SUITE 200  
 Lincoln, Nebraska 68512  
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 CONSULTING ENGINEERS • LAND USE PLANNERS  
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT  
**D**

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Comprehensive Plan Amendment #17006 - Iron Ridge CUP and PUD	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> Apples Way, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Annexation #17005 Special Permit #17017 Change of Zone #17012 Change of Zone #17013	<b>PROPERTY ADDRESS/LOCATION</b> Southwest and southeast of S. 27 <sup>th</sup> Street and Rokeby Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

Proposal to amend the 2040 Future Land Use Plan to revise the boundaries of the "Green Space", "Environmental Resources" and "Urban Density Residential" future land use areas in the vicinity of S. 27<sup>th</sup> Street and Rokeby Road, and amend the 2040 Priority Growth Areas map from Tier I Priority B and Tier II to Tier I Priority A, and from Tier II to Tier I Priority C, along with a change to the Future Service Limit.



**JUSTIFICATION FOR RECOMMENDATION**

The primary changes relate to the Iron Ridge CUP and PUD developments. The accompanying change from Tier II to Tier I Priority C for the area south of Iron Ridge is a related cleanup item to the overall growth tier pattern. Since Iron Ridge is being provided with all services, it is appropriate for Tier I Priority A.

**APPLICATION CONTACT**

Tim Gergen (402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposal is consistent with the 2040 Comprehensive Plan. The future land use designation areas, priority growth areas, and future service limit are appropriate considering the site plans and terms of approval of the related Community Unit Plan (Special Permit #17017) and Planned Unit Development (CZ #17013).

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential, green space, and environmental resources on the 2040 Lincoln Area Future Land Use Plan (the green space is the area of the existing floodplain, and the environmental resources denotes the drainageway).

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Green Space. Public 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 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

P. 12.4 - Future Service Limit. The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period.

**Tier I Priority A.** Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. There are still significant infrastructure needs within the existing city and areas currently under development. The top priority areas are those which are within the city limits at the beginning of the planning period. In some cases, annexation agreements commit the City to the construction of certain improvements (arterial roads, water and wastewater lines) by a predetermined date, or commit the City to the repayment of their cost which may have initially been assumed by the developer. Priority A serves as the "future urban area" for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval. In general, commitments to serve the Priority A areas should be met before the annexation of new areas within Priority B. (P. 12.7)

**Tier I Priority B.** Areas designated for development in the first half of the planning period (to 2026) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of preliminary plans. (P. 12.7)

**Tier I Priority C.** The next areas for development, after 2026, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments. (P. 12.7)

**Tier II.** Tier II is an area of approximately 34 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier I. It shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II should remain in its current use in order to allow for future urban development. Infrastructure planning, especially for utilities such as water, wastewater and watershed facilities, can reach beyond the Plan's 24 year time horizon to 44 years and further. Water, wastewater and watershed master plans identify infrastructure, environmental issues and future project needs in undeveloped sub-basins. As new areas are proposed for transfer from Tier II to Tier I, these plans should be used to assist in guiding development. (P. 12.7)

P. 12.7-12.8 - Guidelines for Amending Priority Areas:

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements

and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.

- Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.

## ANALYSIS

1. Proposed changes to the Future Service Limit and growth tiers such as Tier II to Tier I or Tier III to Tier I are fairly uncommon. Typically, the separations between growth tiers or Future Service Limit are upheld due to insurmountable circumstances such as grading for gravity flow sewer, natural features, water pressure districts, or other man-made obstacles. However, on a case-by-case basis, some small areas such as this may be able to demonstrate immediate incorporation into the city based on adherence to city development policies, workable terrain, and readily available services.
2. This application includes changes to future land use, future growth tiers, and the future service limit associated with the Iron Ridge applications. The Iron Ridge Community Unit Plan (Special Permit #17017) and Planned Unit Development (CZ #17013) are requested to be annexed under Annexation #17005.
3. The area identified for a change to Urban Density Residential land use matches the proposed Change of Zone #17012 boundary from AG Agriculture to R-3 Residential. The floodplain in both the CUP and PUD application areas will be revised and will necessitate additional minor adjustments to the current green space and urban density residential future land use boundaries. Although a possible commercial area is shown on the PUD for the southeast corner of S. 27<sup>th</sup> Street and Rokeby Road, it will be a relatively minor amount of commercial (a maximum of 50,000 square feet), such that it will not conflict with the overall urban density residential designation of the PUD area and does not need to be reflected as future commercial land use.
4. The Tier I Priority B areas will change to Tier I Priority A as those areas would be covered under the approved CUP and PUD plans (see definitions above).

The floodplain and future greenspace area in Tier II west of S. 27<sup>th</sup> Street that will retain its AG zoning and change to Tier I Priority A will not need access to city services as it is a non-buildable conservation easement and floodplain. Therefore, the ability to serve this area with sewer is not a necessary consideration. Because that area must be part of the CUP and must be annexed, it cannot remain in Tier II. It would also be covered under the approved CUP plan and thus the Tier I Priority A designation is appropriate. The railroad right-of-way immediately to the west will be removed from the growth tiers as it will be annexed but not covered under an approved plan.

The strip of land north of Saltillo Road, east of Wilderness Park, and west of S. 27<sup>th</sup> Street is not being annexed. It should not remain in Tier II because it would be inconsistent with the new growth tier pattern in this area. If the related Iron Ridge applications are approved, that strip of land will be adjacent to annexed land on the west and north sides, and Tier I land on the north and east sides. Its proposed designation as Tier I Priority C would match the existing designation of the land to the east.

5. The proposed revision of the Future Service Limit is based on the Iron Ridge annexation and related growth tier changes.
6. The proposals under Comprehensive Plan Amendment 17006 are consistent with the "Guidelines for Amending Priority Areas" on Pages 12.7-12.8 of the Comprehensive Plan.

**EXISTING LAND USE & ZONING:** Agriculture; AG

**PROPOSED AMENDMENT:**

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect changes in land use and Future Service Limit, and all other maps, figures, and plans where the future land use and/or future service limit is displayed.
2. Amend the 2040 Priority Growth Areas map on pages 1.10 and 12.6 to reflect changes in priority areas and the Future Service Limit, and all other maps, figures, and plans where the priority growth areas and/or future service limit is displayed.

Prepared by

---

Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

Date: June 13, 2017

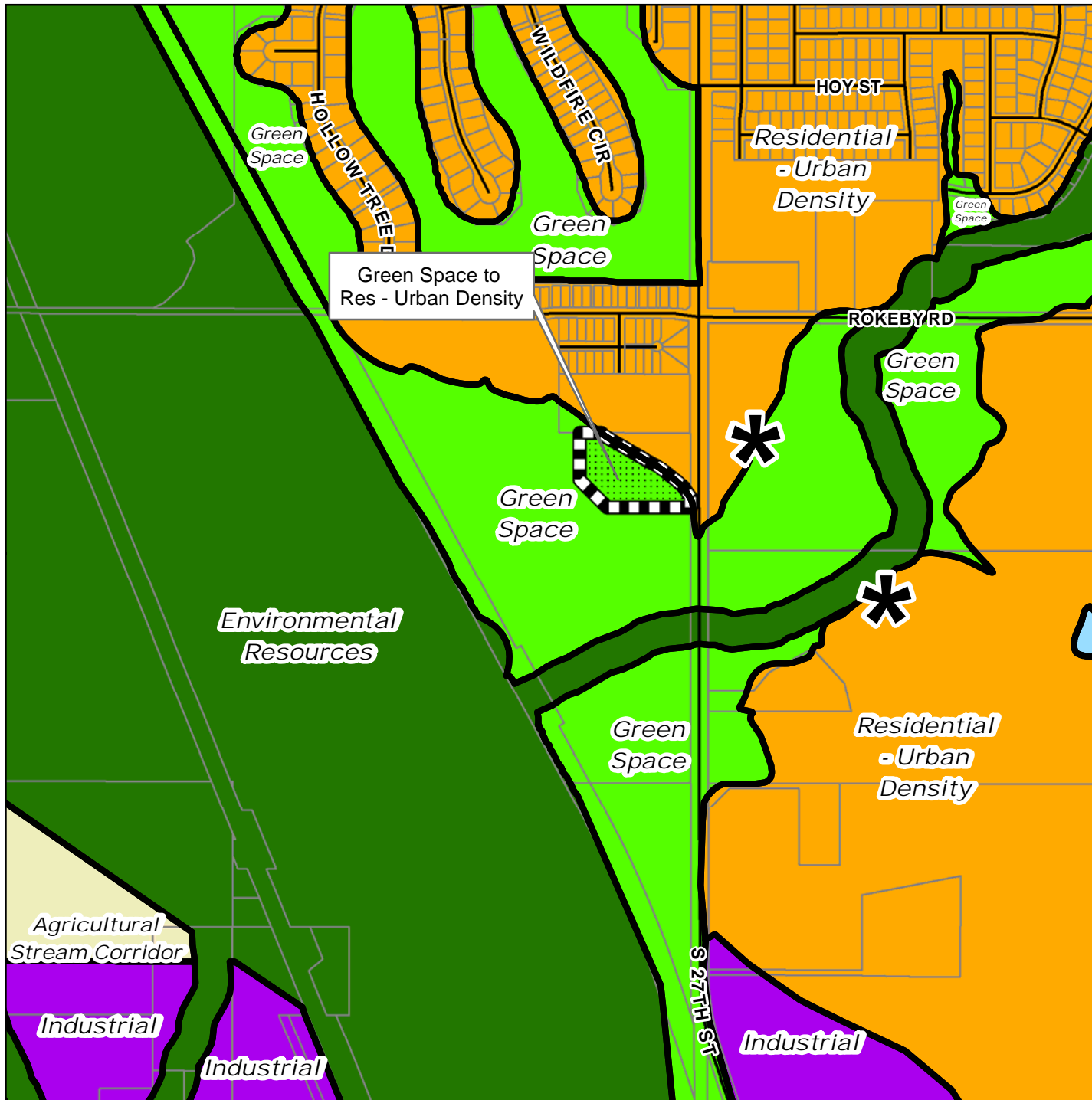
Applicant/Contact: Rachel Jones  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

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CPA # 17006  
 Iron Ridge  
 S 27th St & Rokeby Rd

# Proposed Land Use Change

\*  
 Minor changes will be made to  
 Green Space/Res - Urban Density  
 boundaries to accommodate  
 revised floodplain.



**Legend**

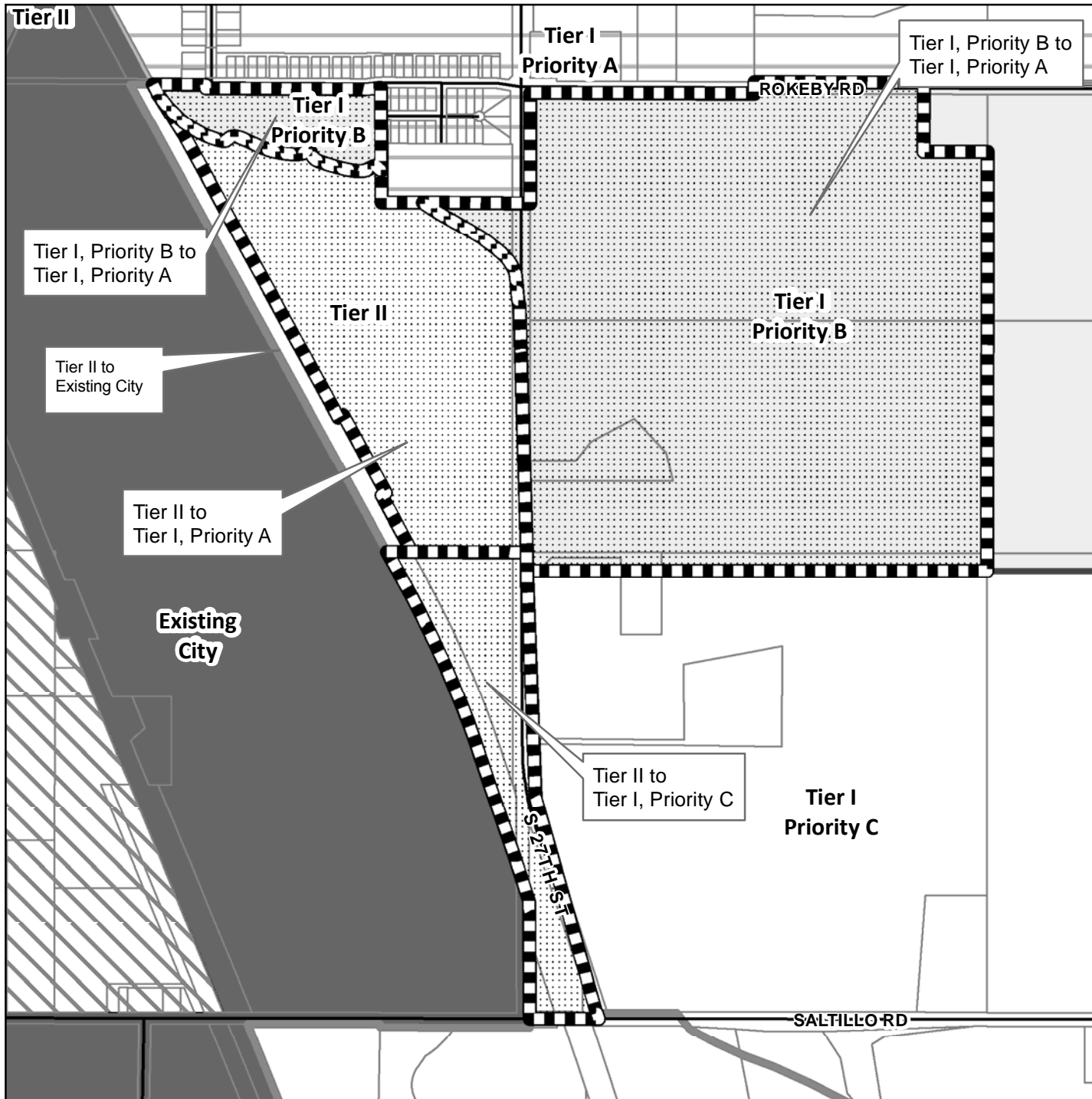
-  Area of Amendment
-  Ownership Parcels

N  
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 S

LINCOLN - LANCASTER COUNTY  
 PLANNING DEPARTMENT  
 Information Technology Services  
 303 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.7491 Fax: 402.441.6377

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 0 412.5 825 1,650








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 (CPA17006)

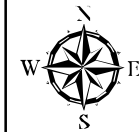


**CPA # 17006**  
**Iron Ridge**  
**S 27th St & Rokeby Rd**

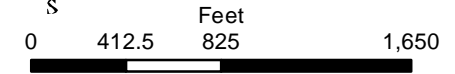
# Proposed Growth Tier Changes

**Legend**

-  Area of Amendment
-  Ownership Parcels
-  Existing City
-  Tier I Priority A
-  Tier I Priority B
-  Tier II
-  Tier III



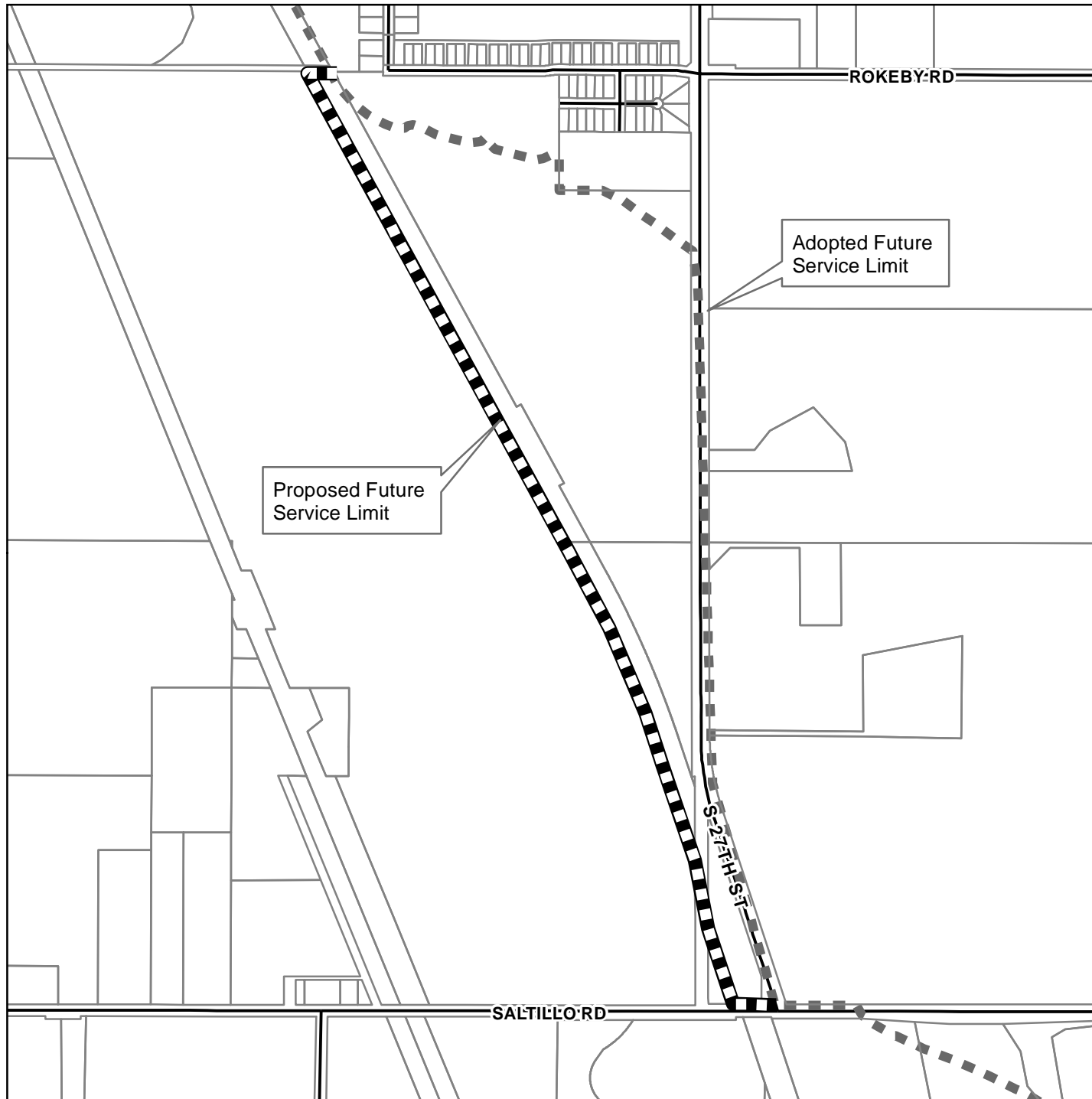
LINCOLN - LANCASTER COUNTY  
**PLANNING DEPARTMENT**  
 Information Technology Services  
**ITS**  
 305 South 10th Street  
 Lincoln, Nebraska 68508  
 Ph: 402.441.2491 Fax: 402.441.6377






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 (CPA17006)

CPA # 17006  
Iron Ridge  
S 27th St & Rokeby Rd

# Proposed Future Service Limit Change



## Legend

-  Proposed Future Service Limit
-  Ownership Parcels
-  Adopted Future Service Limit



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(CPA17006)



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Annexation #17005 (Iron Ridge PUD & CUP) Change of Zone #17012 (Iron Ridge CUP) Change of Zone #17013 (Iron Ridge PUD)	<b>FINAL ACTION?</b> No (all three applications)	<b>DEVELOPER/OWNER</b> Apples Way, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Special Permit #17017 Comp. Plan Amendment #17006	<b>PROPERTY ADDRESS/LOCATION</b> Southwest and southeast of S. 27 <sup>th</sup> Street and Rokeby Road

**RECOMMENDATIONS: ANNEXATION #17005 (CONDITIONAL APPROVAL)  
CHANGE OF ZONE #17012 (CONDITIONAL APPROVAL)  
CHANGE OF ZONE #17013 (CONDITIONAL APPROVAL)**

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report for three applications related to a proposed new Community Unit Plan (CUP) and Planned Unit Development (PUD) located east and west of S. 27<sup>th</sup> Street, respectively, and south of Rokeby Road. A change of zone from AG to R-3 is requested for the CUP (Change of Zone #17012) and from AG to R-3 PUD for the PUD (Change of Zone #17013). A large conservation easement extends across both application areas, and a significant portion of the CUP covered under the conservation easement will remain zoned AG west of S. 27<sup>th</sup> Street. Special Permit #17017 was also submitted for the CUP. The related annexation covers both, and would annex approximately 66.64 acres for the CUP and approximately 152.03 acres for the PUD, which includes an additional property that would be surrounded by the city limits and must be annexed along with the PUD area.



**JUSTIFICATION FOR RECOMMENDATION**

The property to be annexed is contiguous to the City limits on the north and west. The residential uses and proposed zoning are appropriate based on the existing residential development and R-3 zoning to the north. The proposal is in conformance with the Comprehensive Plan, which identifies this site for future urban density residential uses. A small amount of commercial shown southeast of S. 27<sup>th</sup> Street and Rokeby Road is not identified as a future commercial center, so the smaller-scale commercial floor area of 50,000 square feet for neighborhood convenience is appropriate.

**APPLICATION CONTACT**

Tim Gergen (402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land uses and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location. Areas identified as future green space and located in Growth Tier II associated with the conservation easement and floodplain are minor in size and can be adjusted administratively based on the revised conservation easement boundary and proposed fill areas, pending final approval from the Lower Platte South Natural Resources District. The revised conservation easement as proposed will result in no net loss of area within the easement overall, thereby ensuring this important flood corridor continues to be protected.

## WAIVERS (CZ17013)

1. Waive the requirement to provide stormwater detention per Design Standards Chapter 2.05, Section 3.3 (Approved by Public Works and Utilities).

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential, green space, and environmental resources on the 2040 Lincoln Area Future Land Use Plan (the green space is the area of the existing floodplain, and the environmental resources denotes the drainageway).

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Green Space. Public 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 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

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

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

P. 5.1-5.2 - Business & Economy Guiding Principles

- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.

**The ANNEXATION POLICY-** page 12.14-12.15 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## ANALYSIS

1. This request is to annex a total of 218.67 acres, a change of zone from AG to R-3 for a new Community Unit Plan (CUP), and a change of zone overlay from AG to R-3 PUD for a new Planned Unit Development (PUD). Both applications are located south of Rokeby Road on either side of S. 27<sup>th</sup> Street. The CUP is located on the west side of S. 27<sup>th</sup> Street and PUD is located on the east side. The land is contiguous to the City limits on the north and west. An annexation agreement is required to address improvements to Rokeby Road and S. 27<sup>th</sup> Street associated with these developments.
2. The property owner requests to construct up to 79 single family units for the CUP. Permission is requested to construct up to 450 dwelling units and up to 50,000 square feet of commercial space in the PUD. 45 single family units are shown on the CUP site plan, and 192 single family units are shown on the PUD site plan. The B-2 overlay area of the PUD on the southeast corner of S. 27<sup>th</sup> Street and Rokeby Road is envisioned as either a mixed use area or exclusively commercial or residential, and a site plan for the B-2 area will be approved with a future administrative amendment.
3. At the time of this writing, this submission was missing required information and calculations relating to proposed grading and floodplain changes. As a result, the Watershed Management division was not able to complete their review. This application was allowed to move forward under the condition that the applicant must submit the missing information to the substantial satisfaction of the Public Works and Utilities Department prior to scheduling these applications on City Council.
4. A conservation easement extends over a large part of these application areas and closely follows the existing floodplain boundary. The applicant has received preliminary approval from the Lower Platte South Natural Resources District (NRD) to revise the conservation easement boundary so it is more conducive to lot and street layout. Final approval of the revised easement boundary is contingent upon a net increase in overall area of the conservation easement. The applicant proposes to covert the easement east of S. 27<sup>th</sup> Street to a common open space. The west side will continue to be used for agriculture and will retain its AG zoning.

5. The applicant has requested a waiver of the requirement to provide stormwater detention for the PUD per Design Standards Chapter 2.05, Section 3.3. Waiver of the stormwater detention requirement is allowable due to the close proximity of the development to the floodplain, which renders detention on this property unnecessary. Because this is a waiver of Design Standards, the Public Works and Utilities Department has authority to approve this request. Public Works and Utilities is supportive of this waiver.
6. The following describes the availability of utilities and services in this area:
  - a. Sanitary Sewer: Sanitary sewer is existing and capacity is available to serve this area.
  - b. Water: The 16" water main in Rokeby Road going east from S. 27<sup>th</sup> Street is being designed to be available for development east of S. 27<sup>th</sup> Street within the PUD. For the CUP west of S. 27<sup>th</sup> Street, water is currently available to Block 4 from the water main in Rokeby and/or the development to the east. Water is not currently available to Blocks 1-3 on the south end. The water main from the development to the north would need to be extended down to this area, or the water main could be extended across 27<sup>th</sup> Street from the PUD to serve Blocks 1-3. There is currently no water main in S. 27<sup>th</sup> Street south of Rokeby Road and an extension is not planned in the current Capital Improvement Program.
  - c. Roads: Improvement of S. 27<sup>th</sup> Street and Rokeby Road east of S. 27<sup>th</sup> Street will be addressed through the associated annexation agreement, which covers both the CUP and PUD application areas. All required street improvements will be temporary. The temporary improvements are anticipated to serve the development through the 20-year planning period, until the City has collected sufficient funds to re-construct the arterial streets to permanent City standards. Rokeby Road will be constructed as a temporary two-lane roadway, with minimal grading. No improvements will be made to the drainage crossings on either Rokeby Road or S. 27<sup>th</sup> Street. Turn lanes will be constructed as necessary at the entrances to the CUP and PUD on S. 27<sup>th</sup> Street and Rokeby Road east of 27<sup>th</sup> Street.
  - d. Parks and Trails: A future trail is planned along the east side of the north-south drainage way within the proposed PUD. A connection from the trail east of S. 27<sup>th</sup> Street at about the point where the Southeast Upper Salt Creek crosses under S. 27<sup>th</sup> Street is planned to either go south along 27<sup>th</sup> Street or to follow the creek into Wilderness Park. This connection is not shown in the Fiscally Constrained LRTP Trails Map.
  - e. Emergency Services: This site is in the Southeast Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is located at S. 27<sup>th</sup> Street and Old Cheney Road. It is important to note that this development is not with the preferred four minute response time for LFR. Particularly within the PUD, response times could be longer during a flood event if the street crossings on S. 27<sup>th</sup> Street and/or Rokeby Road are impassable. The Lincoln Police Department also notes that until their new southeast station is completed, there may be a delay in response times.
7. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority B is comprised of areas designated for development in the first half of the planning period (to 2025) generally contiguous to existing development and should be provided with basic infrastructure as they develop. In contrast, areas within Priority C are actively planned for in the longer term but lack most infrastructure to support development. Tier II shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II is outside of the Future Service Limit.

The associated Comprehensive Plan Amendment #17006 would revise the growth tiers of the application areas and nearby areas based on the associated annexation. The proposed PUD boundary is within Tier I Priority B and would be changed to Tier I Priority A. The proposed CUP boundary includes areas in both Tier I Priority B and Tier II, and would also be changed to Tier I Priority A. The area within Tier II closely matches the floodplain and conservation easement. The Tier II area was necessary to annex and include in the CUP boundary because it connects the two residential areas in the CUP.

8. There are several crossings of floodplain by arterial streets in this vicinity that have implications for emergency service response and residents' ability to enter and exit the development during a flood event. Frequent and minor rainfall storm events cause flooding and overtopping of both Rokeby Road and S. 27<sup>th</sup> Street in this area. The two access points on Rokeby Road and S. 27<sup>th</sup> Street serving the CUP development and the commercial area of the PUD southeast of the intersection are north of the floodplain and would still be accessible during a flood.

The S. 27<sup>th</sup> Street access point for the PUD development (Iron Ridge Trail) is south of the floodplain that crosses S. 27<sup>th</sup> Street, and would be inaccessible from the north during a flood. The east Rokeby Road access point for the PUD that would serve the single family housing (S. 31st Street) is east of the floodplain that crosses Rokeby Road, and would be inaccessible from the west during a flood. Therefore, the only way into and out of the PUD during a flood would be turning right onto Rokeby Road from S. 31st Street and heading north on S. 40th Street. As mentioned above, no improvements will be required at this time to the drainage crossings on either Rokeby Road or S. 27<sup>th</sup> Street.

There are also two floodplain crossings on S. 40th Street between Yankee Hill Road and Rokeby Road. The developer has agreed to make a payment of \$1 million towards construction of the bridge crossings on S. 40th Street, reimbursable through impact fees. The payment is intended to speed construction of the bridges to enhance emergency services' ability to access the development from the north via S. 40th Street. The alternative route during a flood event involves approaching Rokeby Road from the south; this alternative route is undesirable because it would add to the already extended response time.

Currently, the primary LFR station that would serve the Iron Ridge developments is the station at S. 27<sup>th</sup> Street and Old Cheney Road. The new combined police and fire station to the northeast at S. 66th Street and Pine Lake Road could also respond if needed once that station is built. Response times from either station during a flood will greatly benefit from construction of the bridge on S. 40th Street.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Agriculture; AG

**SURROUNDING LAND USE & ZONING**

North: Single family residential, agriculture and vacant; AG and R-3

South: Single family residential and agriculture; AG

East: Agriculture and cemetery; AG

West: Wilderness Park and railroad tracks; P and AG

**APPROXIMATE LAND AREA:**

Annexation #17005: 218.67 acres, more or less

Change of Zone #17012: 10.99 acres, more or less

Change of Zone #17013: 148.17 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2

**LEGAL DESCRIPTIONS:**

Annexation #17005: Lots 14 and 29 I.T. and Lots 1 and 2, Sievers Addition, located in the northwest quarter of Section 31-9-7 and Lot 84, I.T., located in the northeast quarter of Section 36-9-6, Lancaster County, Nebraska.

Change of Zone #17012 (AG to R-3): See attached.

Change of Zone #17013 (AG to R-3 PUD): Lots 14 and 29 I.T., and Lot 2, Sievers Addition, all located in the northwest quarter of Section 31-9-7, Lancaster County, Nebraska.

Prepared by

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Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

Date: June 13, 2017

Applicant/Contact: Tim Gergen  
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Lincoln, NE 68508  
(402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

Owner: Apples Way LLC  
6333 Apples Way, Suite 115  
Lincoln, NE 68516

F:\DevReview\CZ\17000\CZ17012 Iron Ridge CUP.rkj.docx

## CONDITIONS OF APPROVAL - ANNEXATION #17005

Before the City Council approves the annexation:

The applicant signs an annexation agreement.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #17012

### Site Specific Conditions:

1. The Developer signs an annexation agreement before the City Council approves the change of zone.

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #17013

This approval permits up to 450 dwelling units and up to 50,000 square feet of commercial space, with a waiver of stormwater detention facilities.

1. The Developer signs an annexation agreement before the City Council approves the change of zone.
2. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
  - 2.1 Make the following revisions to Sheet 1:
    - 2.1.1 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
    - 2.1.2 Add the following note: "The developer must notify all property owners that frequent and minor rainfall storm events will cause flooding and overtopping of both Rokeby Road and S. 27<sup>th</sup> Street, potentially blocking access to the development during a flood event, and also resulting in delayed emergency services response times. At the time of final plat, a notice must be filed against the lots notifying property owners of these additional risks."
    - 2.1.3 Add the following note: "Prior to the first final plat for a buildable lot in the B-2 PUD Area, submit an administrative amendment to either: 1) Revise the Wilderness Hills 1<sup>st</sup> Addition Preliminary Plat to relocate S. 29<sup>th</sup> Street to align with the Iron Ridge PUD intersection or 2) Revise the Iron Ridge PUD to align with S. 29<sup>th</sup> Street as shown on the Wilderness Hills 1<sup>st</sup> Addition preliminary plat."
    - 2.1.4 Remove the waiver for block length, as a waiver is not necessary when a natural barrier forms one boundary of the block.
    - 2.1.5 Identify future utility easements to the satisfaction of Lincoln Electric System (see attached redline drawing).
    - 2.1.6 Right-of-way dedication on Rokeby Road and S. 27<sup>th</sup> Street should be 60 feet from centerline with 10 additional feet of right-of-way where turn lanes are required.

- 2.1.7 Show right-of-way for future roundabouts at all intersections on S. 27<sup>th</sup> Street and Rokeby Road.
- 2.1.8 Show sidewalk and pedestrian way easement on the south side of Rokeby Road and across the dam in Outlot D.
- 2.1.9 Identify the public water main easement to the satisfaction of the Public Works and Utilities Department.
- 2.1.10 Provide a detail showing the trail and sidewalk connections and crossing of streams on both S. 27<sup>th</sup> Street and Rokeby Road to the satisfaction of the Public Works and Utilities and Parks and Recreation Departments.
- 2.2 Identify an easement location and proposed grading for the future trail planned along the east side of the north-south drainage way to the satisfaction of the Parks and Recreation Department.
- 2.3 Provide a grading easement on Outlots A and B for future elevation of streets required to accommodate the bridge elevation.
- 2.4 Submit a legal description for the revised floodplain boundary to use for revising the boundaries of the future Green Space and Urban Density Residential land use designation areas.
- 2.5 Revise the grading plans and related documentation and submit any missing documents to the satisfaction of the Public Works and Utilities Department.
- 2.6 Revise water mains to the satisfaction of the Public Works and Utilities Department.
- 3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
- 4. Before issuance of building permits, final plat(s) shall be approved by the City.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.

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

to construct the sidewalk in the pedestrian way easements at the same time as the adjacent streets are paved and to agree that no building permit shall be issued for construction on the adjacent lots until such time as the sidewalk in the pedestrian way easement is constructed.

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

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

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

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

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

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public improvements shown on the Planned Unit Development.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Developer shall not be relieved of Developer's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

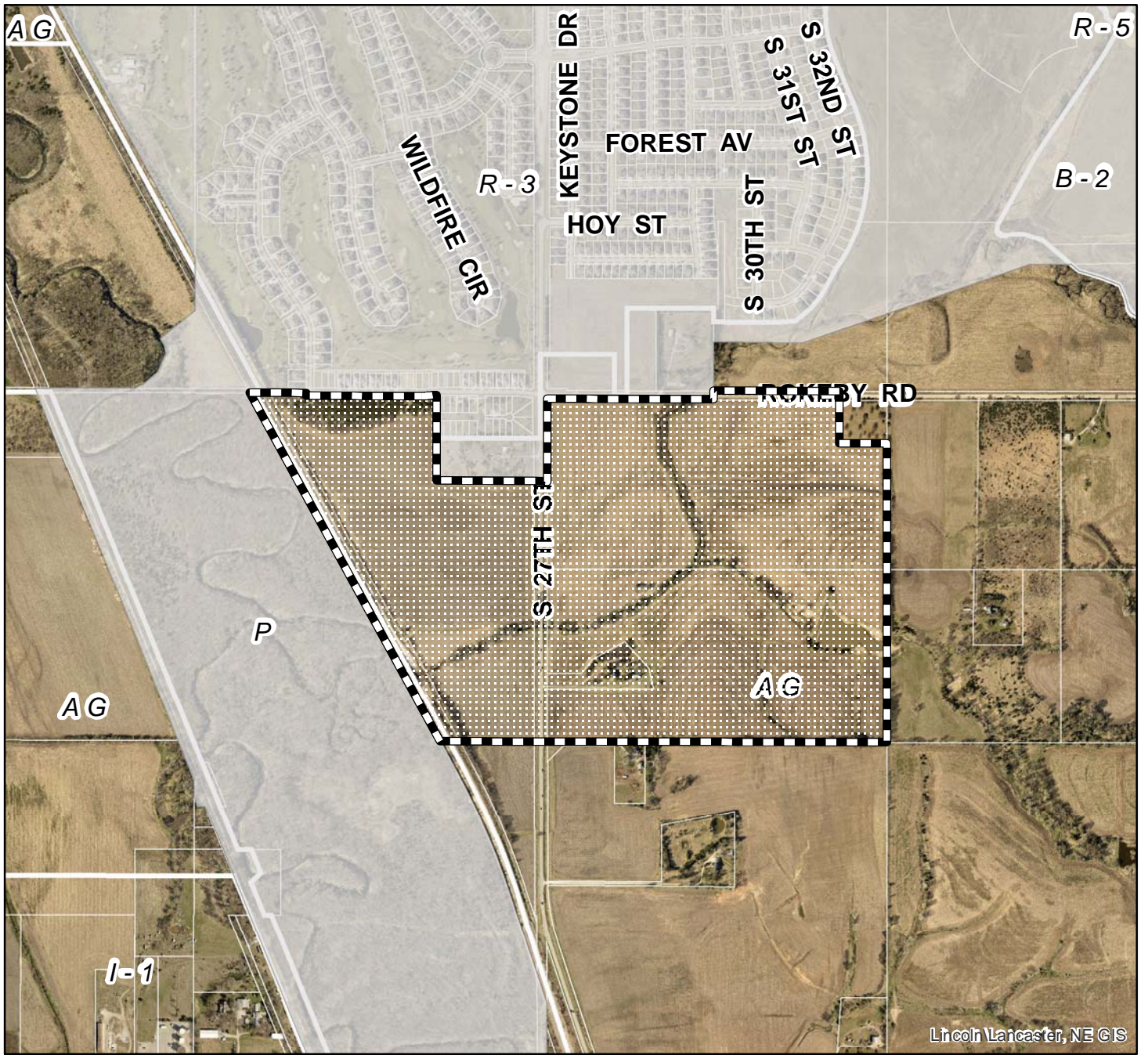
to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Iron Ridge Planned Unit Development (CZ17013) or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access to S. 27<sup>th</sup> Street and Rokeby Road except as shown.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 5.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



Lincoln Lancaster, NE GIS

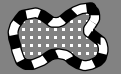


2016 aerial

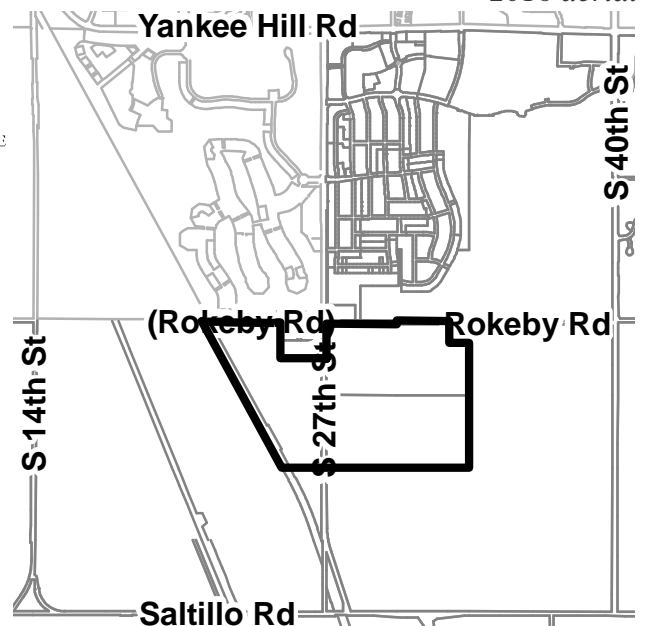
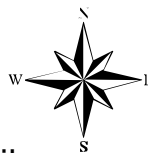
**Annexation #: AN17005**  
**Iron Ridge CUP & PUD**  
**S 27th St & Rokeby Rd**

**Zoning:**

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

One Square Mile:  
 Sec.30 T09N R07E  
 Sec.36 T09N R06E  
 Sec.31 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits

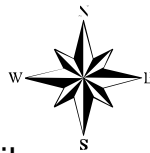




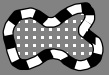


**Change of Zone #: CZ17012 (AG to R-3)**  
**Iron Ridge CUP**  
**S 27th St & Rokeby Rd**

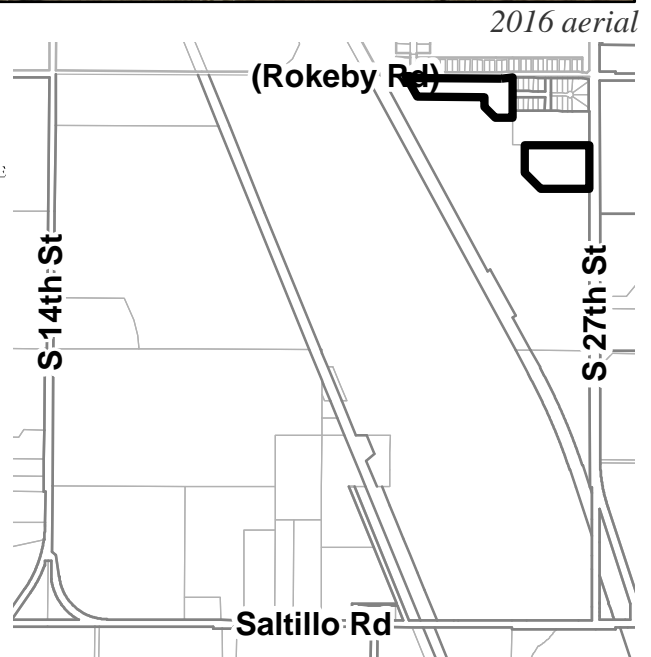
**Zoning:**

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



One Square Mile:  
 Sec.36 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





2016 aerial

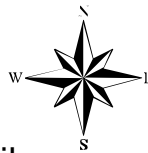
**Change of Zone #: CZ17013**  
**Iron Ridge PUD**  
**S 27th St & Rokeby Rd**

**Zoning:**

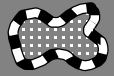


- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

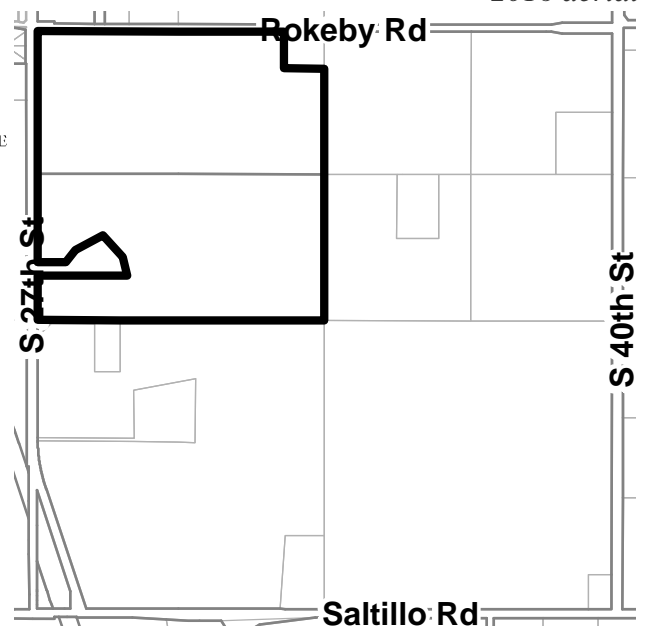
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One Square Mile:  
 Sec.31 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





# GENERAL SITE NOTES

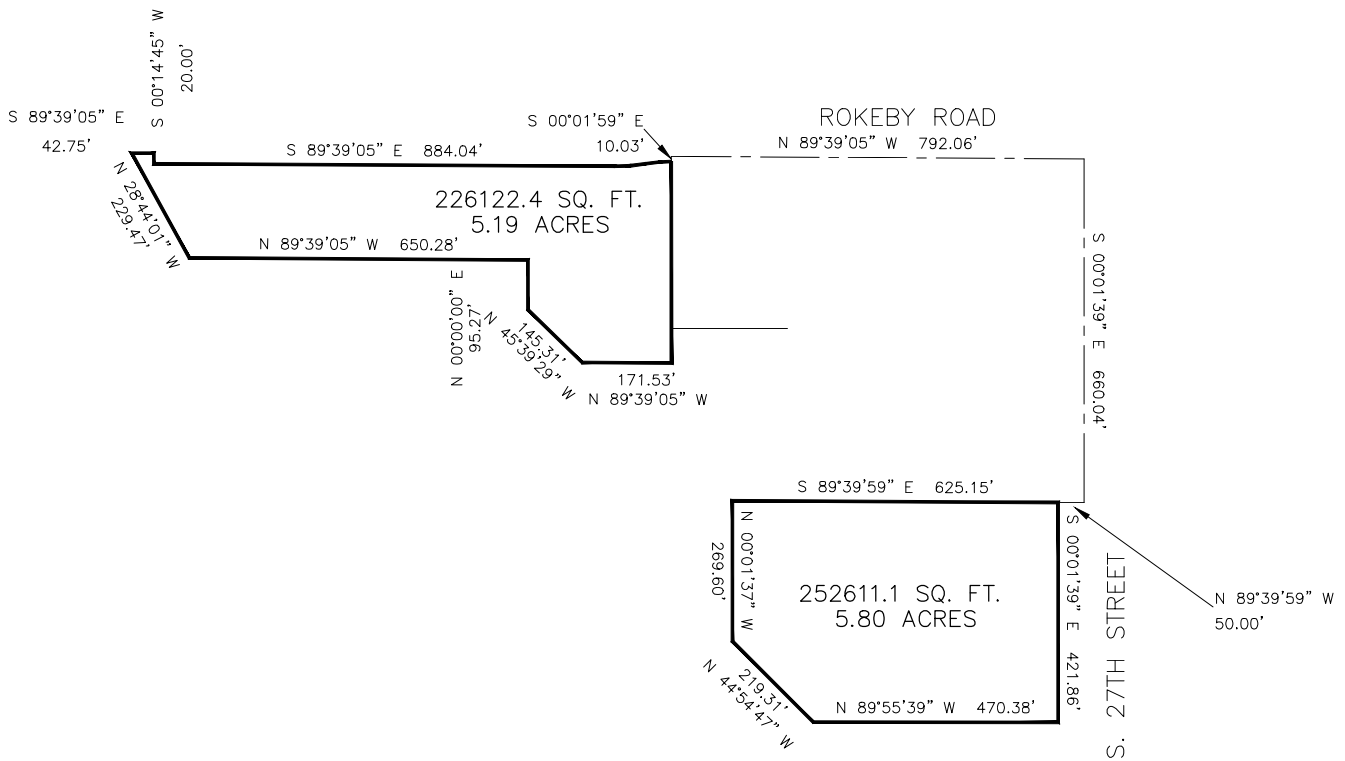
1. SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF STREETS.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO S. 27TH STREET AND ROKEBY ROAD SHALL BE BE RELINQUISHED EXCEPT AS SHOWN.
4. ALL ELEVATIONS ARE TO NAVD 1988.
5. ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS PUD TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
6. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
7. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
8. ATM'S, FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
9. A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS.
10. INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
11. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
12. THE B-2 PUD AREA (LOT 1, BLOCK 14) SHALL FOLLOW THE B-2 ZONING CODE AND SHALL HAVE NO MORE THAN 50,000 SF OF COMMERCIAL BUILDING FLOOR AREA AND NO MORE THAN 200 DWELLING UNITS.
13. FINAL SITE LAYOUT FOR THE B-2 PUD AREA (LOT 1, BLOCK 14) TO BE SUBMITTED AND APPROVED BY ADMINISTRATIVE AMENDMENT.
16. THE R-3 PUD AREA SHALL FOLLOW THE R-3 ZONING CODE AND SHALL HAVE NO MORE THAN 250 DWELLING UNITS.
17. SEE SHEET 4 FOR ROKEBY ROAD CROSS-SECTION.

## WAIVERS

1. STORMWATER DETENTION
2. BLOCK LENGTH FOR BLOCK 7 & 8

## LEGEND

— w — w — w — w — w — w —	WATER MAIN
— ss — ss — ss — ss — ss —	SANITARY SEWER
○	SANITARY SEWER MANHOLE



**CHANGE OF ZONE FROM AG TO R-3**

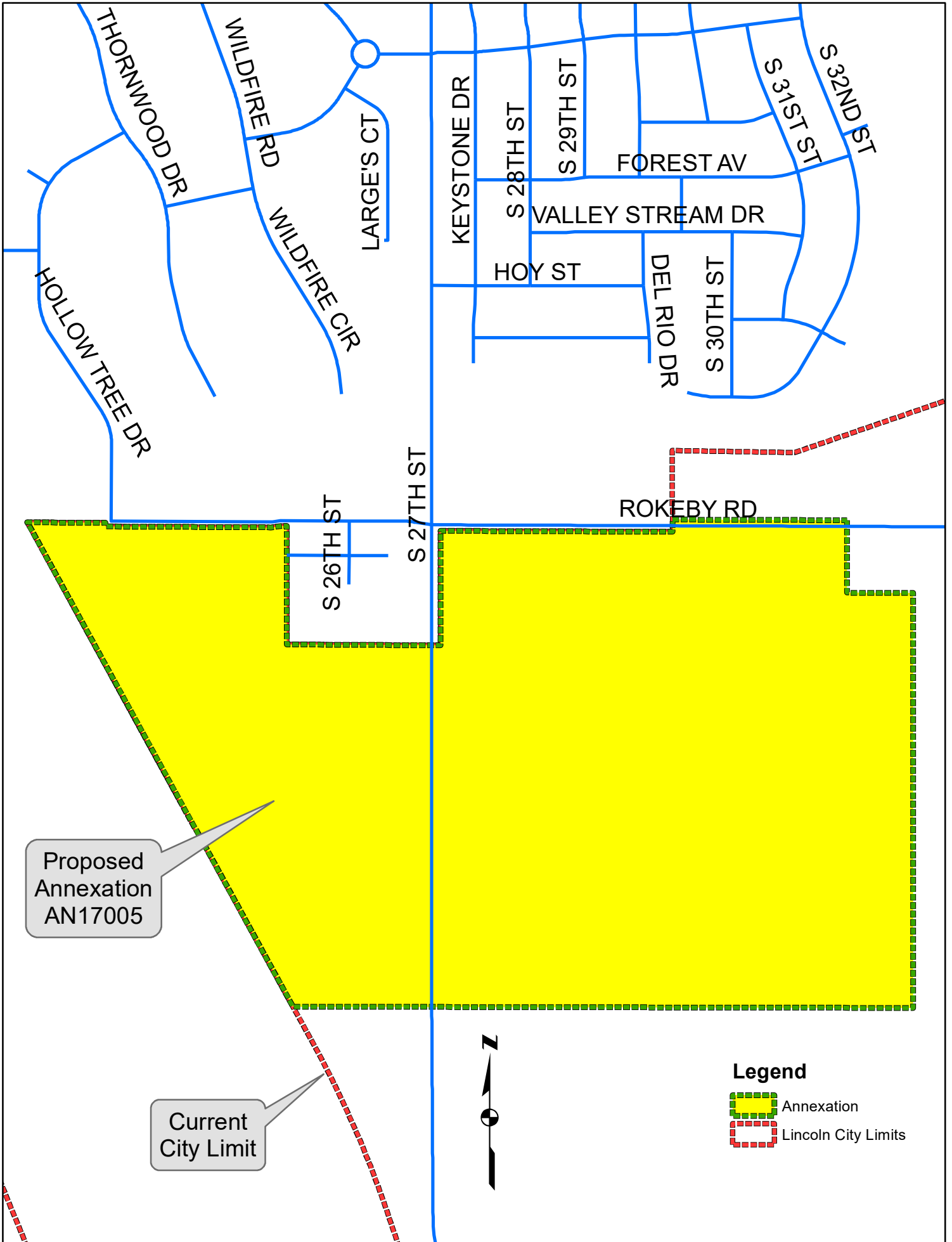
THAT PART OF LOT 84 IRREGULAR TRACT, LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6th P.M, LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHEAST QUARTER, ON AN ASSIGNED BEARING OF S 0°01'39"E 660.04', TO A POINT ON THE SOUTH LINE OF LOT 75 IRREGULAR TRACT EXTENDED EASTERLY; THENCE WESTERLY ON SAID EXTENDED LINE, N 89°39'59"W 50.00', TO THE POINT OF BEGINNING SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 75 AND ON THE WEST RIGHT OF WAY LINE FOR SOUTH 27th STREET; THENCE SOUTHERLY ON SAID WEST RIGHT OF WAY LINE, S 0°01'39"E 421.86'; THENCE WESTERLY, N 89°55'39"W 470.38'; THENCE NORTHWESTERLY, N 44°54'47"W 219.31'; THENCE NORTHERLY, N 0°01'37"W 269.60', TO A POINT ON THE SOUTH LINE OF SAID LOT 75; THENCE EASTERLY ON SAID SOUTH LINE, S 89°39'59"E 625.15', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 252,611.1 SQUARE FEET OR 5.80 ACRES, MORE OR LESS.

AND

THAT PART OF LOT 84 IRREGULAR TRACT, LOCATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6th P.M, LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;



COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHEAST QUARTER, ON AN ASSIGNED BEARING OF N 89°39'05"W A DISTANCE OF 792.06'; THENCE SOUTHERLY, S 0°01'59"E 10.03', TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SIEVERS LANDING ADDITION; THENCE SOUTHERLY ON THE WEST LINE OF SAID ADDITION, S 0°01'59"E 320.24', TO THE SOUTHWEST CORNER OF SAID ADDITION AND THE NORTHWEST CORNER OF LOT 75 IRREGULAR TRACT IN SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE, S 0°02'33"E 66.47'; THENCE WESTERLY, N 89°39'05"W 171.53'; THENCE NORTHWESTERLY, N 45°39'29"W 145.31'; THENCE NORTHERLY, N 0°00'00"E 95.27'; THENCE WESTERLY, N 89°39'05"W 650.28'; THENCE NORTHWESTERLY, N 28°44'01"W 229.47', TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE EASTERLY ON SAID NORTH LINE, S 89°39'05"E 42.75'; THENCE S 0°20'55"W 20.00', TO A POINT ON THE SOUTH LINE OF ROKEBY ROAD; THENCE EASTERLY ON SAID SOUTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, S 89°39'05"E 884.04', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.00', A CENTRAL ANGLE OF 10°28'31" AND AN ARC LENGTH OF 60.33'; THENCE ON SAID CURVE, HAVING A CHORD OF N 85°06'39"E 60.25', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 270.00', A CENTRAL ANGLE OF 10°28'31" AND AN ARC LENGTH OF 49.36'; THENCE ON SAID CURVE, HAVING A CHORD OF N 85°06'39"E 49.29', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 226,122.4 SQUARE FEET OR 5.19 ACRES MORE OR LESS.

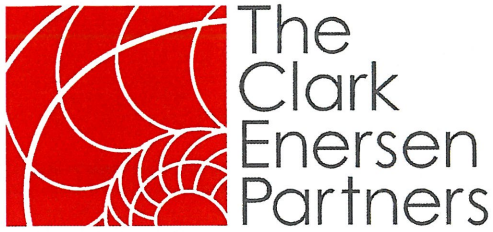


Proposed  
Annexation  
AN17005

Current  
City Limit

**Legend**

-  Annexation
-  Lincoln City Limits



May 24, 2017

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Iron Ridge  
Community Unit Plan and Change of Zone

Dear Mr. Cary:

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

1. City Application
2. Application fee \$5,271 (\$988 + \$988 + \$3,295)
3. Site Plan
4. Grading/Drainage Plan
5. Street Profiles

On behalf of the Owner, Apples Way LLC, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting Annexation, Change of Zone and a Community Unit Plan to the property located at the southwest corner of the intersection of S. 27<sup>th</sup> Street and Rokeby Road.

This application is to add 8 single family lots and 37 attached single family lots. All lots will be served by existing or new public roadways and public utilities.

We have worked with the Lower Platte South NRD for the past few months and have preliminary board approval to adjust the conservation easement that is on this property. We are proposing to re-align the conservation easement to give the development a more efficient layout while providing additional land area, additional flood storage and remove row crop farming from the conservation easement area. The conservation easement land will be preserved in an outlot used for agricultural use related to a sod business.

By removing the row crop farming and returning the conservation easement to sodding we will be increasing the storm water quality.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com  
Lincoln, NE | Kansas City, MO | Fairway, KS

We are asking for two waivers. Due to our proximity to Salt Creek we are requesting to waive stormwater detention, however we will be increasing floodplain storage in the conservation easement area. Subsequently, the conservation easement thru the property has made it difficult for roadway connections and thus a request for a waiver for the block lengths is desired.

Please let me know if you have any questions or need additional information.

Sincerely,

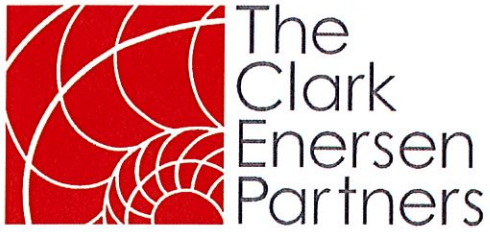


Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

[www.clarkensersen.com](http://www.clarkensersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS



May 24, 2017

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Iron Ridge  
Planned Unit Development

Dear Mr. Cary:

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

1. City Application
2. Application fee \$4,283 (\$988 + \$3,295)
3. Site Plan
4. Grading/Drainage Plan
5. Street Profiles
6. Drainage Report

On behalf of the Owner, Apples Way LLC, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting Annexation and a Planned Unit Development from AG to R-3 PUD to the property located at the southeast corner of the intersection of S. 27<sup>th</sup> Street and Rokeby Road.

This application is to add up to 250 single family lots and a mixed-use area at the corner of 27<sup>th</sup> and Rokeby Road that may contain up to 50,000 sf of commercial land use and up to 200 dwelling units. The single-family lots will follow the R-3 zoning regulations and the mixed-use area will follow the B-2 zoning regulations. All lots will be served by new public roadways and public utilities.

We have worked with the Lower Platte South NRD for the past few months and have preliminary board approval to adjust the conservation easement that is on this property. We are proposing to re-align the conservation easement to give the development a more efficient layout while providing additional land area, additional flood storage and remove row crop farming from the conservation easement area. The developer intends to restore the conservation easement area to native plantings.

Architecture + Landscape Architecture + Engineering + Interiors

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Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

[www.clarkenersen.com](http://www.clarkenersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS

By removing the row crop farming and returning the conservation easement to native landscaping we will be increasing the storm water quality.

We are asking for two waivers. Due to our proximity to Salt Creek we are requesting to waive stormwater detention, however we will be increasing floodplain storage in the conservation easement area. Subsequently, the conservation easement thru the property has made it difficult for roadway connections and thus a request for a waiver for the block lengths is desired.

Please let me know if you have any questions or need additional information.

Sincerely,



Tim Gergen

## Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	ron rehtus	1	Corrections Required	See mark-ups. If a LOMR is done to take property out of the flood plain, building restriction agreements may be required at that time. See SWM Review comments. R-3 and B-2 zoning requirements will apply for respective building permits.	First In Group
County Health	chris schroeder	1	Recommend Approval	<p>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.</p> <p>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.</p>	Individual
Fire Department	patrick borer	1	Recommend Approval	<p>LF&amp;R recommends approval of this application with the understanding by all parties that this development is not with the four minute travel time for Lincoln Fire and Rescue from it's current locations. A positive change in the outcome of an emergency is best when our travel time is less than four minutes.</p> <p>We are currently searching for land to build a station in the vicinity of 40th and Yankee Hill to provide four minute travel time to citizens in this area.</p>	Individual
LES	les reviews	1	Corrections Required	<p>6/2/17</p> <p>See requested easements. DG &amp; SLS</p>	First In Group
Lincoln Police Department	sgt randy clark	1	Recommend Approval	The Lincoln Police Department approves this project yet with the reminder that due to the location, until the SE area stand-alone station is completed, response times may be	First In Group

## Current Project - Agency Review Report

				delayed.	
Lower Platte South NRD	kyle hauschild	1	Recommend Approval	Changes to conservation easement are ok as shown	Individual
Parks & Recreation	sara hartzell	1	In Review	<p>A future commuter/recreational trail is planned on the east and south side of the Southeast Upper Salt Creek tributary from Rokeby Road to S. 27th Street. A 20 foot easement for this trail should be shown on plans. This trail will connect to the future Wilderness Hills Trail north of Rokeby and the alignment shown on this plan should reflect the future crossing of Rokeby. This crossing is likely to be an at grade crossing until such time that Rokeby Road is built out to its full urban cross section. The grading plan should include a future potential trail platform that meets ADA requirements. The Parks and Recreation Department would work with the developer to have the platform graded at the time of general site grading in any areas that are to be disturbed.</p> <p>Parks recommends a future pedestrian/bicycle connection to the future trail in the area where S 30th Street turns west and becomes Walter Terrace. This neighborhood connector should be constructed to meet ADA requirements at the Developers expense at the time of trail construction. This alignment should also be reflected on the grading plan to assure ADA can be met. The potential apartments in the area of Block 14, as well as other residential and commercial development north and west of 27th and Rokeby, should also be provided with pedestrian bicycle connection to the future trail. A bridge crossing the channel to provide that connection would be at substantial expense, and the potential impacts to flood flow are also significant. For those reasons, a sidewalk connection on Rokeby and S. 27th could provide that connection.</p>	First In Group
Planning Dept	andrew thierolf	1	Recommend Approval	City Council District #2	Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	<p>6-7 ROW dedication on Rokeby and 27th should be 60' from center with +10' where turn lanes are required. Reserve ROW adequate for Roundabouts at intersections on Rokeby and 27th.</p> <p>Show pedestrian way on S. side of Rokeby and over dam. Provide grading easement on Outlots A and B for future</p>	First In Group

## Current Project - Agency Review Report

				elevation of streets required to accommodate bridge elevation.	
Public Works - Survey Check	troy griffin	1	Corrections Required	<p>Label P.O.B.</p> <p>Label section marker since it is used to locate P.O.B.</p> <p>Dim/Bear of line between section marker &amp; P.O.B.</p> <p>Verify joint southern border of Lots 7 &amp; 13 I.T.</p>	Individual
Public Works - Watershed Management	ben higgins	1	Corrections Required	See Tim's comments	First In Group
	tim	1	Corrections Required	<p>Need more information to complete review</p> <ol style="list-style-type: none"> <li>1. This development is within a "New Growth Area", therefore the floodplain standards for "New Growth Areas" need to be met. Submit all the required information listed in Section 10.5 of the Drainage Criteria Manual.</li> <li>2. Add the following notes to the plans:               <ol style="list-style-type: none"> <li>a. A floodplain permit is needed prior to any grading in the floodplain.</li> <li>b. After grading and prior to Final Plat, a Letter of Map Revision from FEMA needs to be obtained and submitted to the City reflecting final grades and the new floodplain</li> </ol> </li> <li>3. Provide calculations showing area added to and removed from the conservation easement.</li> <li>4. Grading and a detention pond are shown in the channel downstream of the dam. This is not allowed since this stream channel drains greater than 150 acres and is designated as a minimum stream corridor. Revise grading to preserve this corridor and show the required minimum stream corridor easement.</li> <li>5. Provide correspondence from the Nebraska Department of Natural Resources that they have reviewed and are okay with development downstream of the dam.</li> <li>6. The request to waive detention is ok. But since there will be changes from sheet flow to concentrated flow and increased velocities, need to show how erosion will be prevented from the outlets all the way to the stream channel. We would still like to see the proposed flows, so please revise the subareas (specifically EWS_3, EWS_6, EWS_8, PWS_8, and PWS_9) to follow perpendicular to contours and revise the drainage report showing how all the</li> </ol>	Individual

## Current Project - Agency Review Report

				<p>subareas are routed.</p> <p>7. Provide all required documentation to satisfy Water Quality requirements. If requesting to use an alternative method, please fill out the "Request for Approved Alternative" form.</p> <p>8. Once a revised plan is submitted showing all the required floodplain details, then we can complete a review. In the meantime, here a few other issues we noticed:</p> <p>a. Minimum opening elevations need to be set for all lots next to a 100-year overland flow path, drainage swale, ditch or channel at 1 ft above the 100-year elevation.</p> <p>b. For all lots next to or downstream of the dam, minimum opening elevations need to be set at 1 ft above the 100-year elevation or the emergency spillway elevation.</p> <p>c. Show a pedestrian access easement across the top of the dam.</p> <p>d. Show the future bike trail along the east side of the main channel in a dedicated easement, and provide a pedestrian access easement to the bike trail from the east.</p> <p>9. Future submittals may be subject to further comments and revisions.</p>	
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	The sanitary sewer layout generally looks acceptable and capacity is available.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	Currently there is no water main in 27th St south of Rokeby Rd. and one is not planned in the current CIP. The 16" water main in Rokeby Rd east from 27th St is currently being designed to be available for this development. The water main in Iron Ridge Trail should be a 12" feeder main since it is near the half mile. Minimize water mains crossing streets when possible, these types of details can be worked through later.	Individual
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



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Special Permit #17017 - Iron Ridge Community Unit Plan	<b>FINAL ACTION?</b> Yes	<b>DEVELOPER/OWNER</b> Apples Way, LLC
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> Annexation #17005 Change of Zone #17012 and #17013 Comprehensive Plan Amendment #17006	<b>PROPERTY ADDRESS/LOCATION</b> Southwest of S. 27 <sup>th</sup> Street and Rokeby Road

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a new Community Unit Plan (CUP) to develop up to 79 single family attached or detached dwelling units. 45 single family lots are shown on the site plan, and the developer requests to reserve the right to construct up to 79 dwelling units, the maximum allowable density. The residential area is proposed to be re-zoned to R-3 Residential. The CUP boundary also includes a large conservation easement area to the south, which is non-buildable and will remain zoned AG Agriculture.



**JUSTIFICATION FOR RECOMMENDATION**

This proposal will have similar zoning and housing types to the existing developments to the north along Rokeby Road and in the Wilderness Ridge subdivision. The waiver to the Subdivision Ordinance to allow double frontage lots is supportable based on the small size of the site and limited potential for an alternative lot layout. The waiver was granted on the adjacent subdivision creating this development pattern.

**APPLICATION CONTACT**

Tim Gergen (402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location. Areas identified as future green space associated with the conservation easement and floodplain will be adjusted based on the proposed conservation easement boundary changes, but the boundary adjustment will result in a net increase in conservation easement area based on the applicant's proposal to the Lower Platte South Natural Resources District (NRD).

**WAIVERS**

1. Allow double frontage lots per Section 26.23.140 of the Subdivision Ordinance. (Recommend Approval)
2. Waive the requirement to provide stormwater detention per Design Standards Chapter 2.05, Section 3.3 (Approved by Public Works and Utilities).

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future urban density residential, green space, and environmental resources on the 2040 Lincoln Area Future Land Use Plan (the green space is the area of the existing floodplain, and the environmental resources denotes the drainageway).

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 12.4 - Green Space. Public 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 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

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.

P. 7.4 - Strategies for Neighborhoods and Housing

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

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

## ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) to develop up to 79 dwelling units on property located southwest of S. 27th Street and Rokeby Road. 45 lots are shown on the site plan, with 8 of the units as single family detached dwellings and 37 units as single family attached. The number of lots shown on the site plan will be modified slightly according to the conditions of approval.
2. The future land use map shows the proposed residential area for future urban density residential land uses. The site plan shows 45 single family lots, which is an appropriate urban density. This density would be achieved under the proposed R-3 zoning district and the remaining AG zoning within the CUP boundary. A CUP in the R-3 district is permitted a maximum density of 6.96 dwelling units per acre, which equates to 76 dwelling units based on the R-3 area. A CUP in the AG district is permitted a maximum density of 0.055 dwelling units per acre, which equates to 3 dwelling units based on the AG area. Therefore, the total allowable dwelling units is 79. Lots for 45 units are shown on the site plan, and the developer requests to reserve the right to the remaining 34 units in case they revise the site plan.
3. An application to rezone this property from AG Agriculture to R-3 Residential has been submitted in conjunction with the CUP. This property is located south of an existing R-3 district containing single family attached and detached dwellings. The proposed change of zone is consistent with the zoning pattern in the area. In addition, the Comprehensive Plan designates this area for future urban density residential development. The R-3 zoning district allows the type of development consistent with the future land use designation. The conservation easement area will retain its AG zoning as it is non-buildable and will continue to be farmed.
4. The applicant has requested one waiver to the Lincoln Municipal Code and one waiver to Design Standards:
  - a. Allow double-frontage lots between Sievers Place (the proposed cul-de-sac) and Rokeby Road per Section 26.23.140 of the Subdivision Ordinance.

This waiver allows for achievement of additional density based on the location of the parcel. Several lots within the CUP on the south side of Rokeby Road will have rear yards adjacent to Rokeby Road and front yards

adjacent to the cul-de-sac, which will be named Sievers Place. This pattern of development is unusual but is necessary to allow full development with a typical density, lot and street layout based on the small size of the parcel. The density depicted on the site plan is well below the maximum allowed density.

- b. Waive the requirement to provide stormwater detention per Design Standards Chapter 2.05, Section 3.3.

Waiver of the stormwater detention requirement is acceptable due to the close proximity of the property to the floodplain to the south, which renders detention on this property unnecessary. The Public Works and Utilities Department has authority to approve this request and is supportive of the waiver.

- 5. The applicant has received preliminary approval from the Lower Platte South Natural Resources District (NRD) to revise the conservation easement boundary in this development and in the proposed Iron Ridge Planned Unit Development (CZ17013) to allow for a more logical boundary conducive to lot and street layout. The overall area of the conservation easement is anticipated to increase slightly based on the revised boundary.
- 6. Access to this development will be provided off Rokeby Road and S. 27<sup>th</sup> Street. In the future, the two areas will connect via an extended street layout to the north. An annexation agreement is required to address improvements to Rokeby Road east of S. 27<sup>th</sup> Street and S. 27<sup>th</sup> Street planned as part of this proposed CUP as well as the Iron Ridge Planned Unit Development (PUD) proposed on the east side of S. 27<sup>th</sup> Street south of Rokeby Road (CZ17013).  
Rokeby Road will be constructed as a temporary two-lane roadway with minimal grading. No improvements will be made to the drainage crossings on either Rokeby Road or S. 27<sup>th</sup> Street. Turn lanes will be constructed at the entrances to the CUP and PUD. S. 27<sup>th</sup> Street and Rokeby Road will be constructed to full City standards sometime in the future using impact fees collected from this area. A sidewalk will be constructed on the south side of Rokeby Road at the same time as the temporary pavement is installed. Rokeby Road will be constructed to full permanent standards after the City has collected funding to construct it, likely not within the near term. S. 27<sup>th</sup> Street south of Rokeby Road will also remain a two-lane roadway for the near future as it is not listed in the current Capital Improvement Program.
- 7. Water and wastewater are existing and available to serve this area. Water is available for Block 4 from the water main in Rokeby Road and/or the development to the east. Water is not currently available to Blocks 1-3 at the south end. The water main in S. 27<sup>th</sup> Street would need to be extended down to this area, or if development to the east of S. 27<sup>th</sup> Street and Barnard Road occurs, the water main from that area could be extended across S. 27<sup>th</sup> Street.
- 8. This site is in the Southeast Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is located at S. 27<sup>th</sup> Street and Old Cheney Road. LFR is in the process of locating a new station site in the vicinity of S. 40<sup>th</sup> Street and Yankee Hill Road. It is important to note that this development is not within the preferred four minute response time for LFR. The Lincoln Police Department also notes that until their new southeast station is completed, there may be a delay in response times.

**CONDITIONS OF APPROVAL:** See attached.

**PUBLIC SERVICE:** The nearest Lincoln Fire and Rescue Station is located at S. 27<sup>th</sup> Street and Old Cheney Road.

**EXISTING LAND USE & ZONING:** Agriculture; AG

**SURROUNDING LAND USE & ZONING**

North: Agriculture and vacant; AG and R-3

South: Single family residential and agriculture; AG

East: Agriculture; AG

West: Single family residential, vacant, and agriculture; AG and R-3

**APPROXIMATE LAND AREA:** 66.64 acres, more or less

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #2

**LEGAL DESCRIPTION:** All of Lot 84, I.T., located in the northeast quarter of Section 36-9-6, Lancaster County, Nebraska.

Prepared by

---

Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

Date: June 13, 2017

Applicant/Contact: Tim Gergen  
The Clark Enersen Partners  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
(402) 477-9291 or [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

Owner: Apples Way LLC  
6333 Apples Way, Suite 115  
Lincoln, NE 68516

F:\DevReview\SP\17000\SP17017 Iron Ridge CUP.rkj.docx

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #17017

Per Section 27.63.320 this approval permits a Community Unit Plan for up to 79 single family dwelling units, with waivers to allow double frontage lots and waive stormwater detention facilities.

### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone #17012
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Make the following revisions to Sheet 1:
    - 2.1.1 Several of the lots do not meet the minimum area requirements for the R-3 district. In addition, the number of single family attached lots should be an even number. Revise the lot layout so all lots meet the minimum dimension requirements for the type of dwelling.
    - 2.1.2 Show a pedestrian easement between S. 27<sup>th</sup> Street and Ina Street in the Conceptual Layout area over Lot 75 I.T.
    - 2.1.3 Show a pedestrian easement in Outlot A to provide access to the open space in case the agricultural use in Outlot B is removed in the future.
    - 2.1.4 Revise Note 7 to read, "Fences, accessory buildings and other structures need not be shown on the site plan."
    - 2.1.5 Revise the "Annexation & Community Unit Plan Legal Description" title to remove reference to the annexation as it is unnecessary. We only need to reference the CUP legal boundary.
    - 2.1.6 Revise the legal description metes and bounds to the satisfaction of the Public Works and Utilities Department.
    - 2.1.7 Remove the Change of Zone Legal Description as it is unnecessary to have on the Community Unit Plan.
    - 2.1.8 Identify future utility easements to the satisfaction of Lincoln Electric System (see attached redline drawing).
    - 2.1.9 Remove the waiver for block length, as a waiver is not necessary when a natural barrier forms one boundary of the block.
    - 2.1.10 Add to the list of waivers, "Allow double frontage lots."
    - 2.1.11 Identify the 40-foot sanitary sewer easement running through Lots 15, 5, 4, and 4 as a no-build zone.
    - 2.1.12 Label the large outlot as Outlot B.
    - 2.1.13 Add a street name for the cul-de-sac of "Sievers Place."

- 2.1.14 Add a note that a future 20-foot trail easement will be provided in the conservation easement area at no cost when requested by the Parks and Recreation Department.
- 2.2 A street name change application must be submitted and approved to revise Sievers Lane to the east to match the new cul-de-sac name, with the application fee and installation of the new sign to be at the expense of Apples Way, LLC.
- 2.3 The Sewer Connection Fee as per Section 24.52.010 must be paid in order to connect to the sewer line to serve Sievers Landing.
- 2.4 Show 10 feet of right-of-way to be dedicated along S. 27<sup>th</sup> Street plus 10 additional feet of right-of-way at the Barnard Road entrance to the satisfaction of the Public Works and Utilities Department.
- 2.5 Show right-of-way for a future roundabout in S. 27<sup>th</sup> Street at the Barnard Road entrance to the satisfaction of the Public Works and Utilities Department.
- 2.6 Correct the "Tree mass to be removed" and "Tree mass to remain" legend symbology, as they are reversed on the plans.
- 2.7 Revise the grading plans and related documentation and submit any missing documents to the satisfaction of the Public Works and Utilities Department.
- 2.8 A Letter of Map Revision must be approved.
- 3. Before a final plat is approved provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- 4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

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

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

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

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

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

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

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

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Community Unit Plan.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to inform all purchasers and users of land is located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access to Rokeby Road and S. 27<sup>th</sup> Street except as shown.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



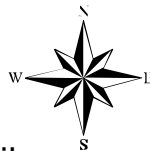
**Special Permit #: SP17017**  
**Iron Ridge CUP**  
**S 27th St & Rokeby Rd**

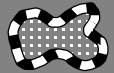


**Zoning:**

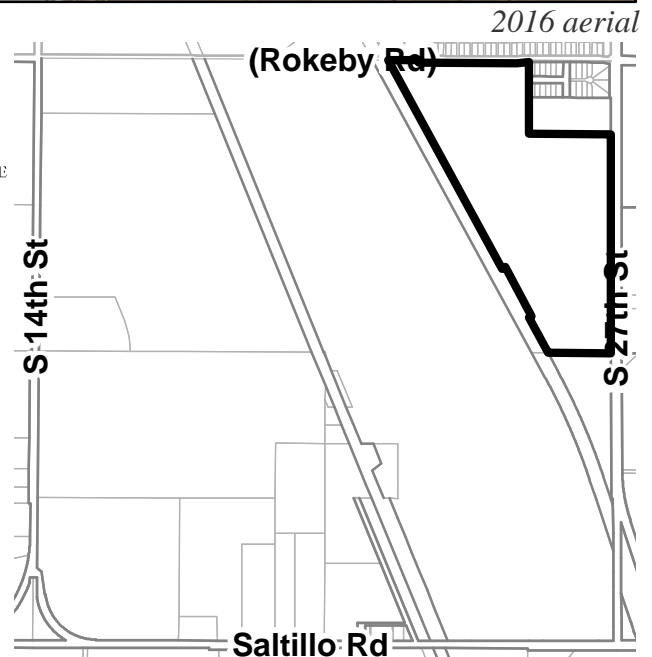
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

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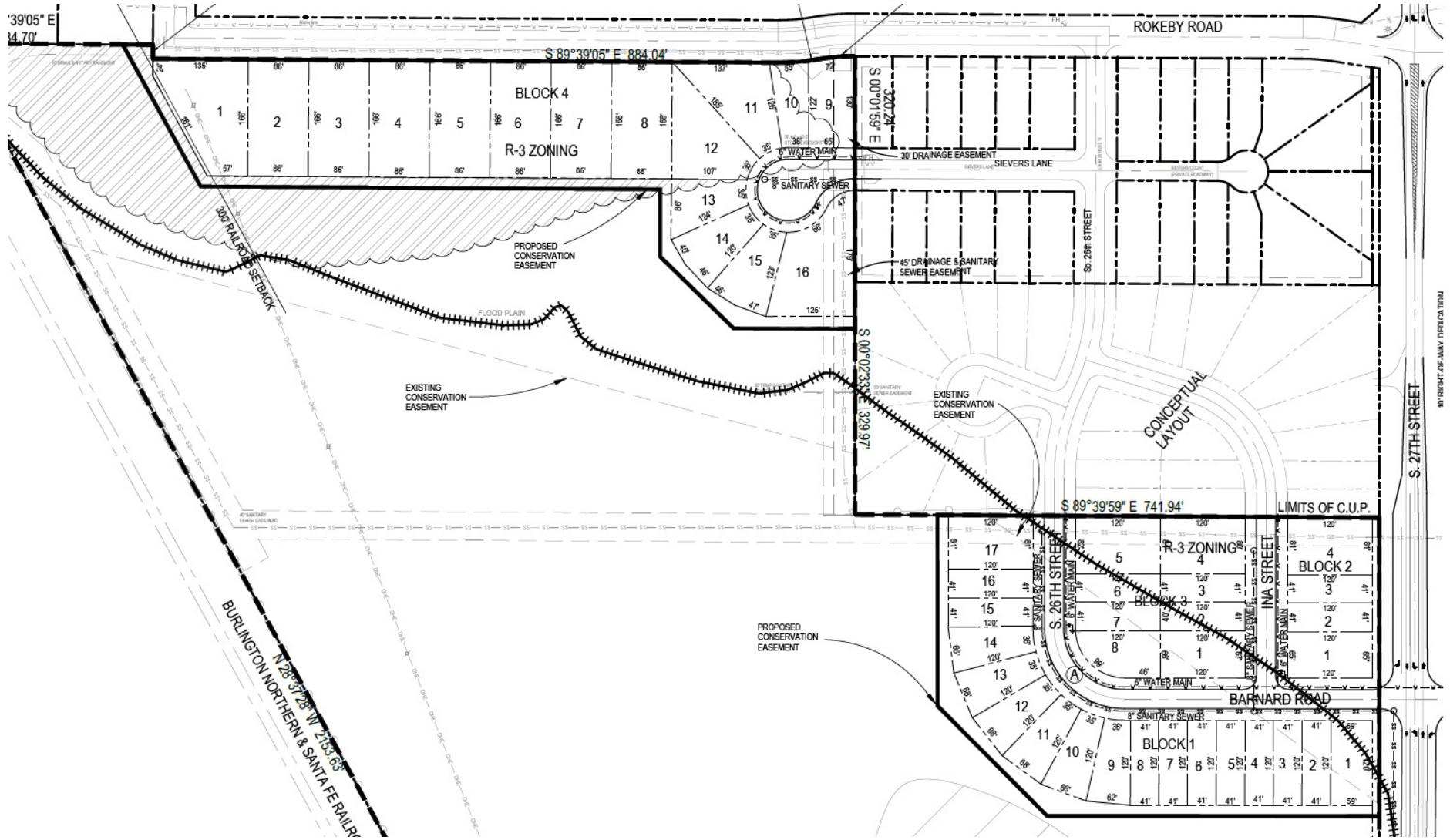
One Square Mile:  
 Sec.36 T09N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits







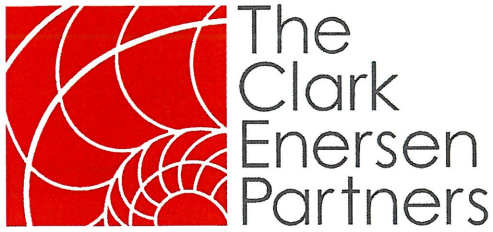
16" RIGHT OF WAY DEPLICATION

## GENERAL SITE NOTES

1. SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF STREETS.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO S. 27TH STREET SHALL BE BE RELINQUISHED EXCEPT AS SHOWN.
4. ALL ELEVATIONS ARE TO NAVD 1988.
5. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
6. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
7. ATM'S, FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
8. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
9. SETBACKS PER THE R-3 ZONING DISTRICT.

## COMMUNITY UNIT PLAN CALCULATIONS

DESCRIPTION	UNITS	
'AG' ZONING DISTRICT TOTAL ALLOWED	3	AG ZONING 55.65 ACRES * 0.055 DWELLING UNITS = 3 UNITS
'R-3' ZONING DISTRICT TOTAL ALLOWED	76	R-3 ZONING 10.99 ACRES * 6.96 DWELLING UNITS = 76 UNITS
TOTAL UNITS ALLOWED	79	
SINGLE FAMILY UNITS SHOWN	8	
ATTACHED SINGLE FAMILY UNITS SHOWN	37	
UNASSIGNED UNITS	34	



May 24, 2017

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Iron Ridge  
Community Unit Plan and Change of Zone

Dear Mr. Cary:

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

1. City Application
2. Application fee \$5,271 (\$988 + \$988 + \$3,295)
3. Site Plan
4. Grading/Drainage Plan
5. Street Profiles

On behalf of the Owner, Apples Way LLC, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting Annexation, Change of Zone and a Community Unit Plan to the property located at the southwest corner of the intersection of S. 27<sup>th</sup> Street and Rokeby Road.

This application is to add 8 single family lots and 37 attached single family lots. All lots will be served by existing or new public roadways and public utilities.

We have worked with the Lower Platte South NRD for the past few months and have preliminary board approval to adjust the conservation easement that is on this property. We are proposing to re-align the conservation easement to give the development a more efficient layout while providing additional land area, additional flood storage and remove row crop farming from the conservation easement area. The conservation easement land will be preserved in an outlot used for agricultural use related to a sod business.

By removing the row crop farming and returning the conservation easement to sodding we will be increasing the storm water quality.

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

[www.clarkenersen.com](http://www.clarkenersen.com)  
Lincoln, NE | Kansas City, MO | Fairway, KS

We are asking for two waivers. Due to our proximity to Salt Creek we are requesting to waive stormwater detention, however we will be increasing floodplain storage in the conservation easement area. Subsequently, the conservation easement thru the property has made it difficult for roadway connections and thus a request for a waiver for the block lengths is desired.

Please let me know if you have any questions or need additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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Lincoln, NE | Kansas City, MO | Fairway, KS

## Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	ron rehtus	1	Corrections Required	See mark-ups. If a LOMR is going to be done to take property out of the flood plain, building restriction agreements will need to be provided with the LOMR. See SWM Review comments and PW/U Review comments.	First In Group
County Health	chris schroeder	1	Recommend Approval	<p>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.</p> <p>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.</p>	Individual
Fire Department	patrick borer	1	Recommend Approval	<p>LF&amp;R recommends approval of this application with the understanding by all parties that this development is not with the four minute travel time for Lincoln Fire and Rescue from it's current locations. A positive change in the outcome of an emergency is best when our travel time is less than four minutes.</p> <p>We are currently searching for land to build a station in the vicinity of 40th and Yankee Hill to provide four minute travel time to citizens in this area.</p>	Individual
LES	les reviews	1	Corrections Required	<p>6/6/17</p> <p>See requested easements. DG &amp; SLS</p>	First In Group
Lincoln Police Department	sgt randy clark	1	Recommend Approval	LPD recommends approval with a reminder that until the new SE Team stand-alone station is completed, there may be a delay in response times.	First In Group

## Current Project - Agency Review Report

Lower Platte South NRD	kyle hauschild	1	Recommend Approval	Changes to conservation easement are ok as shown.	Individual
Parks & Recreation	sara hartzell	1	Recommend Approval	Parks and Recreation has no objection to the CUP as shown, however it should be noted that the Conservation Easement provides for future trails in Section 1.A.iv. A connection from the trail east of 27th at about the point where the Southeast Upper Salt Creek crosses under S 27th Street is planned to either go south along 27th Street or to follow the creek into Wilderness Park. This connection is not shown in the Fiscally Constrained LRTP Trails Map, but the owner and future potential agricultural users of the property should be aware of the plans.	First In Group
Planning Dept	andrew thierolf	1	Recommend Approval	City Council District #2	Individual
Public Works - Engineering Services	bob simmering	1	Recommend Approval	6-7 Dedicate 60' ROW from centerline of 27th plus 10 where turn lane is required. Dedicate adequate ROW for future Roundabouts ant 27th street intersections.	First In Group
Public Works - Survey Check	troy griffin	1	Corrections Required	Boundary closure gap exceeds allowable 0.030 tolerance.  Label P.O.B.  Label Section corner since it is used to find P.O.B.  dist/bear of line between section corner & P.O.B.  Add P.O.B. text to legal	Individual
Public Works - Watershed Management	ben higgins	1	Corrections Required	See Tim's comments	First In Group
	tim	1	Corrections Required	Need more information to complete review.  1. This development is within a "New Growth Area", therefore the floodplain standards for "New Growth Areas" need to be met. Submit all the required information listed in Section 10.5 of the Drainage Criteria Manual. 2. Add the following notes to the plans: a. A floodplain permit is needed prior to any grading in the floodplain. b. After grading and prior to Final Plat, a Letter of Map Revision from FEMA needs to be obtained and submitted to the City reflecting final grades and the new floodplain	Individual

## Current Project - Agency Review Report

				<p>3. Provide calculations showing area added to and removed from the conservation easement.</p> <p>4. The request to waive detention is ok. But since there will be changes from sheet flow to concentrated flow and increased velocities, need to show how erosion will be prevented from the outlets all the way to the stream channel.</p> <p>5. Provide all required documentation to satisfy Water Quality requirements. If requesting to use an alternative method, please fill out the "Request for Approved Alternative" form.</p> <p>6. Once a revised plan is submitted showing all the required floodplain details, then we can complete a review. In the meantime, here a few other issues we noticed:</p> <p>a. Lot 17 Block 1 and Lot 16 Block 4 are graded too low and look to have floodplain encroaching on the lots. Please revise grading so that all lots are at least 1 ft above the BFE.</p> <p>b. Lowest floor elevations need to be set for all lots in Block 1 at 1 ft above BFE.</p> <p>c. Minimum opening elevations need to be set for all lots next to a 100-year overland flow path, drainage swale, ditch or channel at 1 ft above the 100-year elevation.</p> <p>d. Subareas and pipe sizes don't match the approved Preliminary Plat of the neighboring development (SP15069). Please revise to match.</p> <p>7. Future submittals may be subject to further comments and revisions.</p>	
Public Works & Utilities - Wastewater	brian kramer	1	Corrections Required	On lots 17, 5, 4, 4 there is a 40' sanitary easement. The CUP should show that as a no buildings allowed zone.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Corrections Required	Water is currently available to Block 4 from the water main in Rokeby and/or the development to the east. Water is not currently available to Blocks 1-3. The water main from the development to the north would need to be extended down to this area, or if development to the east of 27th St and Barnard Rd. occurs, the water main from that area could be extended across 27th St. to serve this area. There is currently no water main in 27th St south of Rokeby Rd. and an extension is not planned in the current CIP.	First In Group

## Current Project - Agency Review Report

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
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**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Use Permit #17005	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> MJB Properties Inc., Charles and Mary Schuerman
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> CZ17008 R-1 to O-3	<b>PROPERTY ADDRESS/LOCATION</b> 6969 South Street, 2215 South 70 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Use Permit to re-develop two properties located at the southwest corner of South Street and South 70<sup>th</sup> Street from their current single family residential use to commercial and potentially some residential use. In Phase 1, 13,500 square feet of commercial space is proposed with 13,500 square feet of commercial or 12 residential units proposed for Phase 2, on the south portion of the property. Waivers requested include 0’ setbacks internal to the site for the commercial lots, 0’ setbacks on mutual property line between Phase 1 and Phase 2 and reduction of frontage requirement to 0’ for lots 1, 2 and 3.



**JUSTIFICATION FOR RECOMMENDATION**

The Use Permit approval in conjunction with the change of zoning to O-3 will allow for small-scale commercial redevelopment subject to conditions providing adequate measures for traffic flow and neighborhood protections. The waivers from the setbacks and frontage requirements are justifiable since they are to allow internal flexibility with outlots with the overall setbacks and frontage for the property as a whole still maintained.

**APPLICATION CONTACT**

Kent Seacrest  
402-435-6000  
[Kent@sk-law.com](mailto:Kent@sk-law.com)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or  
[gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan supports locating medical office and small-scale commercial uses within walking distance of neighborhoods while limiting the impacts and encroachment into those neighborhoods. Although this site is designated for future residential uses on the future land use map, small-scale commercial redevelopment is typically assessed on a case by case basis in older neighborhoods and is not always denoted on the future land use map based on the smaller size and scale. A combination of residential and commercial or office uses would be in keeping with the general character of the neighborhood and would be supported by the Comprehensive Plan.

**WAIVERS**

1. 0’ Setbacks internal to the site for the commercial lots. (Recommend Approval)
2. 0’ Setbacks on mutual property line between Phase 1 and Phase 2. (Recommend Approval)
3. Reduction of frontage requirement to 0’ for lots 1, 2, and 3. (Recommend Approval)

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 1.6 - Approximately 20% of new dwelling units will be built within the existing City, with about 3,000 in the Downtown and Antelope Valley areas, 1,000 in existing neighborhoods, and 4,000 in mixed use redevelopment nodes and corridors.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

P. 5.8 - Transition of uses; less intense office uses and residential mixed use buildings near residential areas.

P. 5.14-5.16 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

## ANALYSIS

1. This request for a Use Permit has been submitted in conjunction with CZ17008 which is a change of zone from R-1 Residential to O-3 Office Park District. The Use Permit includes about 3.98 acres and has two phases. Phase 1 concept will include three proposed office buildings on the north property with 13,500 square feet of total commercial floor area. A concept plan for Phase 2 shows up to 13,500 square feet of commercial floor area or 12 residential units. The latter property will continue to be used as a single family residence until such time that the property is redeveloped.
2. The developer of Phase 1 at his expense will construct a new right turn lane (south bound to west bound) into the Phase 2 property and will construct a new internal driveway that will circulate and connect between the S. 70<sup>th</sup> Street driveway curb cut (located on Phase 2 property) and the relocated South Street curb cut (located on the Phase 1 property). The driveway on South Street will be temporary and will be removed upon access being obtained via the property to the west upon redevelopment.
3. Required parking for Phase 1 shall be located in an out lot. Phase 1 and Phase 2 could share a common parking lot.
4. The storm water detention facility will be located in the southwest corner of Phase 1. If Phase 2 is commercially developed, then the Phase 1 storm water detention facility will be relocated on the south property of Phase 2 and properly sized to serve both Phase 1 and Phase 2.
5. Waivers associated with this Use Permit include 0 foot setbacks for the six proposed commercial lots on both Phase

1 and Phase 2 properties and 0 foot setbacks for the mutual property line between these properties. These are very typical waivers granted in use permits or planned unit developments. The need for the 0 foot waiver arises because they will have outlots with 0 foot setbacks. Combined as a whole, Phase 1 and Phase 2 will meet the required front, side and rear yard setbacks for the O-3 District. In addition, a waiver from the frontage requirement from 50 feet to 0 feet for lots 1, 2 and 3. This waiver is to allow for the three lots to adjoin outlot area and not directly front on public right of way.

6. The associated staff report for Change of Zone No. 17008 notes that the O-3 district permits single-family, two - family and multi-family housing as well as office uses and some commercial uses such as retail sales, banks, and personal services and mentions that a logical pattern of development could involve a transition west-to-east from the single family uses west of Grace Community Evangelical Church into a more mixed office/residential character approaching the intersection of South 70<sup>th</sup> and South Streets. The report further notes that there is a permanent buffer and open space as part of the townhome development to the south that would act as a buffer to any office or commercial uses.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single family residential; R-1

**SURROUNDING LAND USE & ZONING**

North: Single family residential; R-1  
South: Single family residential; R-1  
East: Single family residential; R-1  
West: Single family residential; R-1

**APPROXIMATE LAND AREA:** 3.98 acres, more or less

**LEGAL DESCRIPTION:** Lot 149 I.T. and Lot 151, I.T. except the 113 square feet in the northeast corner & except the north 33' & except the east 33' for the street, located in the SE 1/4 of Section 33-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

---

George Wesselhoft, Planner  
(402) 441-6366 or gwesselhoft@lincoln.ne.gov  
June 8, 2017

**Applicant:** Kent Seacrest  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508  
(402) 435-6000  
[kent@sk-law.com](mailto:kent@sk-law.com)

**Contact:** Tim Gergen  
1010 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
(402) 477-9291  
[tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)

**Owners:** MJB Properties Inc. Charles and Mary Schuerman  
6400 Cannondale Court 2215 S. 70<sup>th</sup> Street  
Lincoln, NE 68516 Lincoln, NE 68516

F:\DevReview\UP\17000\UP17005 70th & South (SW Corner).gju.docx

## CONDITIONS OF APPROVAL - USE PERMIT #17005

This approval permits 13,500 square feet of commercial for Phase 1 with either 13,500 square feet of commercial or 12 residential dwelling units for Phase 2 with waivers to allow 0' setbacks for the commercial lots of Phase 1 and Phase 2 and 0' setbacks for the mutual property line between Phase 1 and Phase 2 properties subject to the properties combined as a whole still meeting the required front, side and rear yard setbacks and reduction of frontage requirement to 0' for lots 1, 2 and 3.

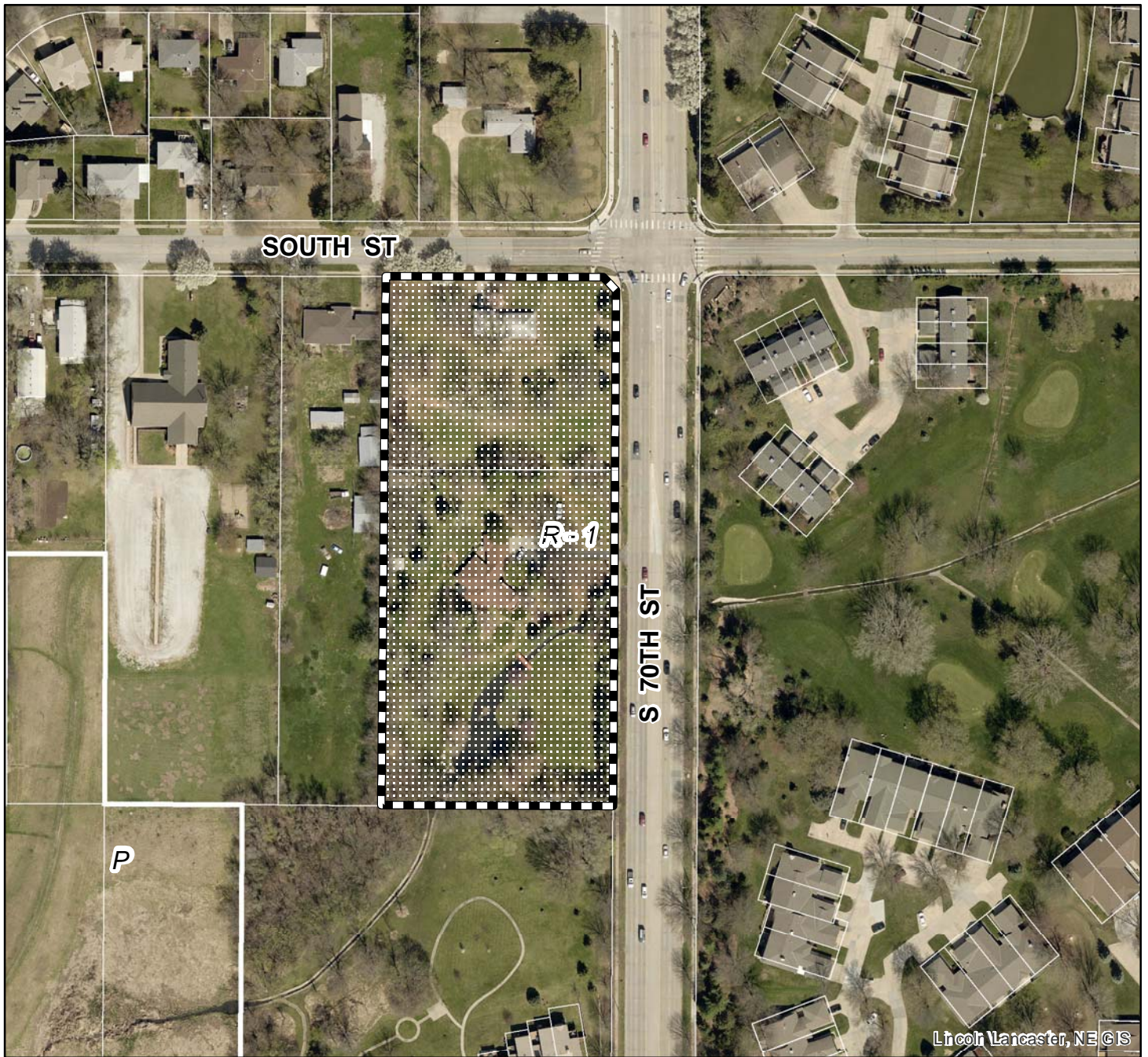
### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone No. 17008
2. 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 before a final plat is approved:
  - 2.1 At developer expense provide an Executive Order to construct as part of Phase 1 a new right turn lane (south bound to west bound) into the south property.
  - 2.2 Provide pedestrian easement on S. 70<sup>th</sup> Street for the public sidewalk.
  - 2.3 Add a note that the driveway on South Street is temporary and will be removed upon access being obtained via the property to the west.
  - 2.4 Revise the note "Future Driveway Connection" to state "Future Driveway Connection by Developer upon commercial development to the west."
  - 2.5 Amend Note 10 to state "Parking will be as required by the Zoning Ordinance and all required parking for use in Phase 1 area shall be located on Outlot A."
  - 2.6 Add note on the plan that landscaping plan will be provided at time of building permit.
  - 2.7 Show street trees along South Street and S. 70<sup>th</sup> Street per City spacing standards.
  - 2.8 Identify 40' required rear yard.
  - 2.9 Show the easements on the site plan as requested by LES.
  - 2.10 Submit grading plan corrections and storm water information to the satisfaction of the Public Works & Utilities-Watershed Management Division.

### Standard Conditions:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
  - 3.2 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.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



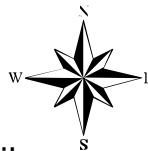
2016 aerial

**Use Permit #: UP17005**  
**S 70th St & South St**

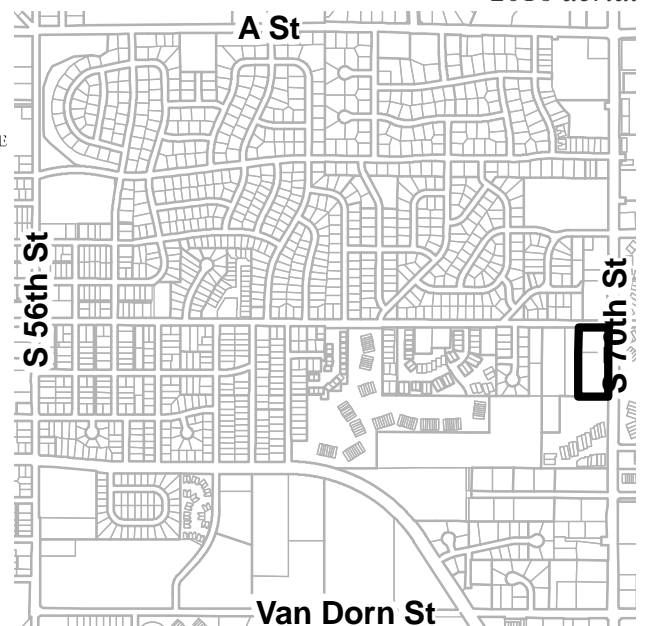
**Zoning:**

- 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 R07E**



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





## 70TH & SOUTH

USE PERMIT

### ENGINEER

THE CLARK ENERSEN PARTNERS  
1010 LINCOLN MALL, SUITE 200  
LINCOLN, NE 68508  
CONTACT: TIM GERGEN  
402-477-9291

### OWNER

MJB PROPERTIES  
6969 SOUTH ST  
LINCOLN, NE 68516  
CHARLES W. & MARY C. SCHUERMAN  
2212 S. 70TH ST.  
LINCOLN, NE 68516

## LEGAL DESCRIPTION

6969 SOUTH STREET, LINCOLN, NEBRASKA 68516; PARCEL ID: 17-33-400-001-000  
LOT ONE HUNDRED FIFTYONE (151), IRREGULAR TRACTS IN THE SOUTH EAST  
QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH  
P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA

2212 S. 70TH STREET, LINCOLN, NEBRASKA 68516; PARCEL ID: 17-33-400-005-000  
LOT 149, IRREGULAR IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP  
10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY,  
NEBRASKA

## GENERAL NOTES

1. ZONING IS CURRENTLY R-1. WE PROPOSE A CHANGE OF ZONE TO C-3.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL DIMENSIONS ARE TO BACK OF CURB.
4. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.89 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
5. ALL ELEVATIONS ARE BASED ON NAVD 1988.
6. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
7. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRDACHING INTO THE SETBACKS.
8. ANY BUILDING CONSTRUCTED ON OUTLOT 'A' SHALL BE 6 FEET FROM PROPERTY LINE.
9. DIRECT VEHICULAR ACCESS TO SOUTH STREET & S. 70TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
10. ALL REQUIRED PARKING FOR USE IN PHASE I AREA SHALL BE LOCATED IN OUTLOT 'A'.
11. USE PERMIT MAY CONTAIN UP TO 13,506 SF COMMERCIAL FLOOR AREA IN PHASE 1 AND UP TO 13,500 SF COMMERCIAL FLOOR AREA OR 12 RESIDENTIAL UNITS IN PHASE 2.

## ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

MAY 24, 2017  
DATE

TIM GERGEN E-10344



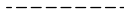















### TOTAL SITE AREA

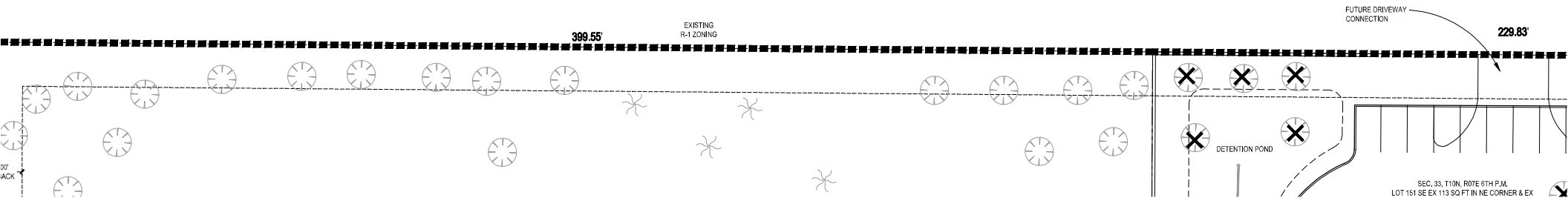
63,090 SF = 1.45 AC

## WAIVERS

1. 0' SETBACKS FOR ALL COMMERCIAL LOTS.
2. 0' SETBACKS ON MUTUAL PROPERTY LINE BETWEEN PHASE I & PHASE II.

## LEGEND

	USE PERMIT BOUNDARY		
	PROPERTY LINE		
	EASEMENT LINE		
	ROADWAY CENTERLINE		
	MAJOR CONTOUR		DEMO & REMOVE BUILDING
	MINOR CONTOUR		DEMO & REMOVE TREES
	EXISTING WATER MAIN		
	EXISTING SANITARY SEWER		
	EXISTING STORM SEWER		
	EXISTING CURB INLET		
	EXISTING MANHOLE		
	WATER VALVE		
	FIRE HYDRANT		



SEC. 33, T10N, R07E 6TH P.M.  
LOT 151 SE EX 113 SQ FT IN NE CORNER & EX





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

May 23, 2017

**HAND DELIVERY**

David Cary, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: O-3 Use Permit Application to accompany the Change of Zone Application from R-1 Residential District to O-3 Office Park District, dated April 26, 2017

Dear David:

Our office represents Brad Alderman (“**Alderman**”) who has entered into a purchase agreement with MJB Properties Inc. (“**MJB**”). MJB owns the property located at 6969 South Street, Lincoln, Nebraska 68516 (Parcel ID: 17-33-400-001-000). On April 26, 2017 we applied with the City to change the zone from R-1 Residential District to O-3 Office Park District. The Planning Department reviewed our rezoning application and stated it would be better for Alderman to also apply for an O-3 Use Permit to accompany the O-3 change of zone. Thus, this letter outlines our O-3 Use Permit application.

**O-3 Rezoning Application Background:**

Under the terms of the purchase agreement between Alderman and MJB, Alderman has the right to seek a rezoning of the MJB property (“**North Property**”). Alderman’s representative, John Rallis, has spoken with the residential property described below and located immediately south of the MJB’s property and obtained their consent to rezone their properties to O-3:

- Charles W. Schuerman and Mary C Schuerman, 2215 S. 70<sup>th</sup> Street, Lincoln, Nebraska 68516 (Parcel ID: 17-33-400-005-000) (“**South Property**”)

Thus, the April 26 O-3 rezoning application included both the North Property and South Property and Alderman (with consent of MJB) and Mr. and Mrs. Schuerman are requesting a change of zone from R-1 Residential District to O-3 Office Park District.

**New O-3 Use Permit Application:**

The two parties and their representatives have met on several occasions and have coordinated with Tim Gergen, The Clark Enersen Partners, to prepare the attached O-3 Use Permit for the North Property and South Property. The North Property will include three proposed office buildings and will be developed as Phase 1. Alderman, at his expense, will construct as part of Phase 1 a new right turn lane (south bound to west bound) into the South Property and construct a new internal driveway that will circulate and connect between the S. 70<sup>th</sup> Street driveway curb cut (located on the South Property) and the relocated South Street curb cut (located on the North Property). For Phase 1, the stormwater detention facility will be located in the southwest corner of the North Property.

The South Property will continue to be a residence and in the future will either have three proposed office buildings or up to 12 residential units in Phase 2. If Phase 2 is commercially developed, then the Phase 1 stormwater detention facility will be relocated on the South Property and properly sized to serve both Phase 1 and Phase 2. In turn, parking for Phase 2 will be constructed at the site of the Phase 1 stormwater detention facility. Phase 1 and Phase 2 will share a common parking lot.

As part of the O-3 Use Permit Application, we are requesting a 0' feet setbacks for the six proposed commercial Lots on North Property and South Property and 0' feet setbacks for the mutual property line between the Phase 1 and Phase 2 properties. Combined, the North Property and South Property will meet the required front, side and rear yard setbacks. The need for the 0' waiver for the lots arises because we will have outlots that meet the required front, side and rear yard setbacks.

Enclosed, please find the City of Lincoln Application Request Form, along with the application fee for the O-3 Use Permit in the amount of \$1648.00. Tim Gergen will upload the Use Permit maps as part of ProjectDox. If you have any questions regarding the enclosed or need any additional information, please feel free to contact Time Gergen or me.

It is our understanding that both the O-3 Rezoning Application and the O-3 Use Permit Application will both have public hearings in front of the Planning Commission on June 21, 2017. We will hold a neighborhood informational meeting before the Planning Commission's June 21, 2017 public hearing.

Very truly yours,



KENT SEACREST  
For the Firm

Enclosures

1. O-3 Use Permit maps
2. North Property and South Property vicinity maps
3. North Property and South Property Legal Description

cc: Brad Alderman, [brad@coddingtondental.com](mailto:brad@coddingtondental.com)  
John Rallis, [jrallis@aol.com](mailto:jrallis@aol.com)  
Tim Gergen, [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)  
MJB Properties, Inc., attention: Mark Bronder, 6400 Cannondale Court, Lincoln, Nebraska 68516  
Charles W. Schuerman and Mary C Schuerman, 2215 S. 70<sup>th</sup> Street, Lincoln, Nebraska 68516  
Robert Routh, [rrouth@clinewilliams.com](mailto:rrouth@clinewilliams.com)  
David and Sandra Stinson, 1688 Peninsula Drive, Scottsboro, Alabama, 35769  
Robert A. Manthey, 6855 South Street, Lincoln, Nebraska 68516  
Steve Thompson, Grace Community Evangelical Church, 6843 South Street, Lincoln, Nebraska 685126  
Richard Nelson, [rnels@eslaw.com](mailto:rnels@eslaw.com)  
Jon Camp, [jcamp@lincoln.ne.gov](mailto:jcamp@lincoln.ne.gov); [joncamp@lincolnhaymarket.com](mailto:joncamp@lincolnhaymarket.com)  
Steve Henrichsen, [shenrichsen@lincoln.ne.gov](mailto:shenrichsen@lincoln.ne.gov)  
Rachel Jones, [RJones@lincoln.ne.gov](mailto:RJones@lincoln.ne.gov)

**Exhibit A**  
Legal Description  
R-1 Residential District to O-3 Office Park District

**North Property: 6969 South Street, Lincoln, Nebraska 68516; Parcel ID: 17-33-400-001-000**

Lot One Hundred Fifty-One (151), Irregular Tracts in the South East Quarter of Section 33, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska

**South Property: 2215 S. 70<sup>th</sup> Street, Lincoln, Nebraska 68516; Parcel Id: 17-33-400-005-000**

Lot 149, Irregular in the Southeast Quarter of Section 33, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**  

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**for May 24, 2017 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 17008  
**PROPOSAL:** From R-1 Residential District to O-3 Office Park District  
**LOCATION:** South 70<sup>th</sup> and South Streets  
**LAND AREA:** 3.98 acres, more or less  
**EXISTING ZONING:** R-1 Residential

**CONCLUSION:** The proposed O-3 zoning is appropriate for this location based on the anticipated character of future re-development to the west and north of the site along South Street, and the open space within the townhome development to the south that will provide a permanent buffer to any future commercial uses. The Comprehensive Plan supports the addition of small-scale commercial uses in proximity to neighborhoods in older parts of town on a case-by-case basis, as long as adequate protections are in place for existing neighborhoods. The potential office, commercial and/or residential uses that could be proposed with a future use permit would be in keeping with the goals of the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Approval
-------------------------------	----------

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 149 I.T. and Lot 151, I.T. except the 113 square feet in the northeast corner & except the north 33' & except the east 33' for the street, located in the SE 1/4 of Section 33-10-7, Lincoln, Lancaster County, Nebraska.

**EXISTING LAND USE:** Single family residential

**SURROUNDING LAND USE AND ZONING:**

North: Single family residential; R-1  
South: Single family residential; R-1  
East: Single family residential; R-1  
West: Single family residential; R-1

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 12.3 - this site is shown as future Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.

P. 5.14-5.16 - Strategies for Commercial Infill

- Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.
- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

**UTILITIES:** All utilities are available.

**TRAFFIC ANALYSIS:** South 70<sup>th</sup> Street is classified as a minor arterial, South Street west of 70<sup>th</sup> Street is classified as a minor arterial, and South Street east of 70<sup>th</sup> Street is classified as a collector in the Access Management Policy.

**PUBLIC SERVICE:** The closest fire stations are located at South Cotner Boulevard and A Street, and at 84<sup>th</sup> and South Streets.

**ANALYSIS:**

1. This is a request to rezone two residential properties from R-1 Residential to O-3 Office Park at the southwest corner of S. 70<sup>th</sup> and South Streets.

2. The O-3 district requires approval of a use permit for development. No use permit has been submitted concurrently with this change of zone application, but approval of a use permit for the site will be required prior to any development or building permits. The applicant has stated their intent to submit a use permit by May 24th.
3. Street access to the site would be addressed as part of a future use permit. Access to S. 70<sup>th</sup> Street would likely be required some distance to the south where it would not conflict with the intersection. Similarly, access to South Street would likely be allowed on a temporary basis under the condition that access be taken further to the west through an adjoining property if and when the property to the west redevelops.
4. In Special Permit #933 for Chaucer Park to the south, there is a large flowage easement for flood control related to Holes Lake Dam. The angular easement leaves the northern 200 to 400 feet of the lot to the south unbuildable. Also, the southern edge of this change of zone is likely subject to flooding and is probably an unbuildable area. Thus, any multi-family or commercial use in this change of zone would be very distant from any residential use to the south.
5. The O-3 district permits single-family, two-family and multi-family housing as well as office uses and some commercial uses such as retail sales, banks, and personal services. Retail sales and personal services are conditional permitted uses in the O-3 district with significant restrictions on floor area, and must be located entirely within a building containing office or residential uses. This site is identified in the Comprehensive Plan for future residential land uses. However, O-3 zoning would be appropriate in this location based on several considerations. First, there is a permanent buffer and open space as part of the townhome development to the south that would act as a buffer to any office or commercial uses.

Second, all or portions of the large-lot residential and church property to the west as well as the property directly across South Street are in a similar position to this site in that they are likely to further subdivide and redevelop in the near term. A logical pattern of development could involve a transition west-to east from the single family residential uses west of the Grace Community Evangelical Church into a more mixed office/residential character approaching the intersection. The properties on the south side of South Street could also potentially share an access to South Street in the future. Either office, small-scale commercial, or residential uses at and near this intersection would fit well within the existing character of the area.

Finally, the Comprehensive Plan supports locating medical office and small-scale commercial uses within walking distance of neighborhoods, especially in older established areas such as this one, while also limiting the impacts and encroachment into those neighborhoods. Although this site is designated for future residential uses on the future land use map, small-scale commercial redevelopment development is typically assessed on a case-by case basis in older neighborhoods

and is not always denoted on the future land use map based on the smaller size and scale. Again, any combination of residential and commercial or office uses would be in keeping with the character of this area and would be supported by the goals of the Comprehensive Plan.

Prepared by:

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Rachel Jones, Planner

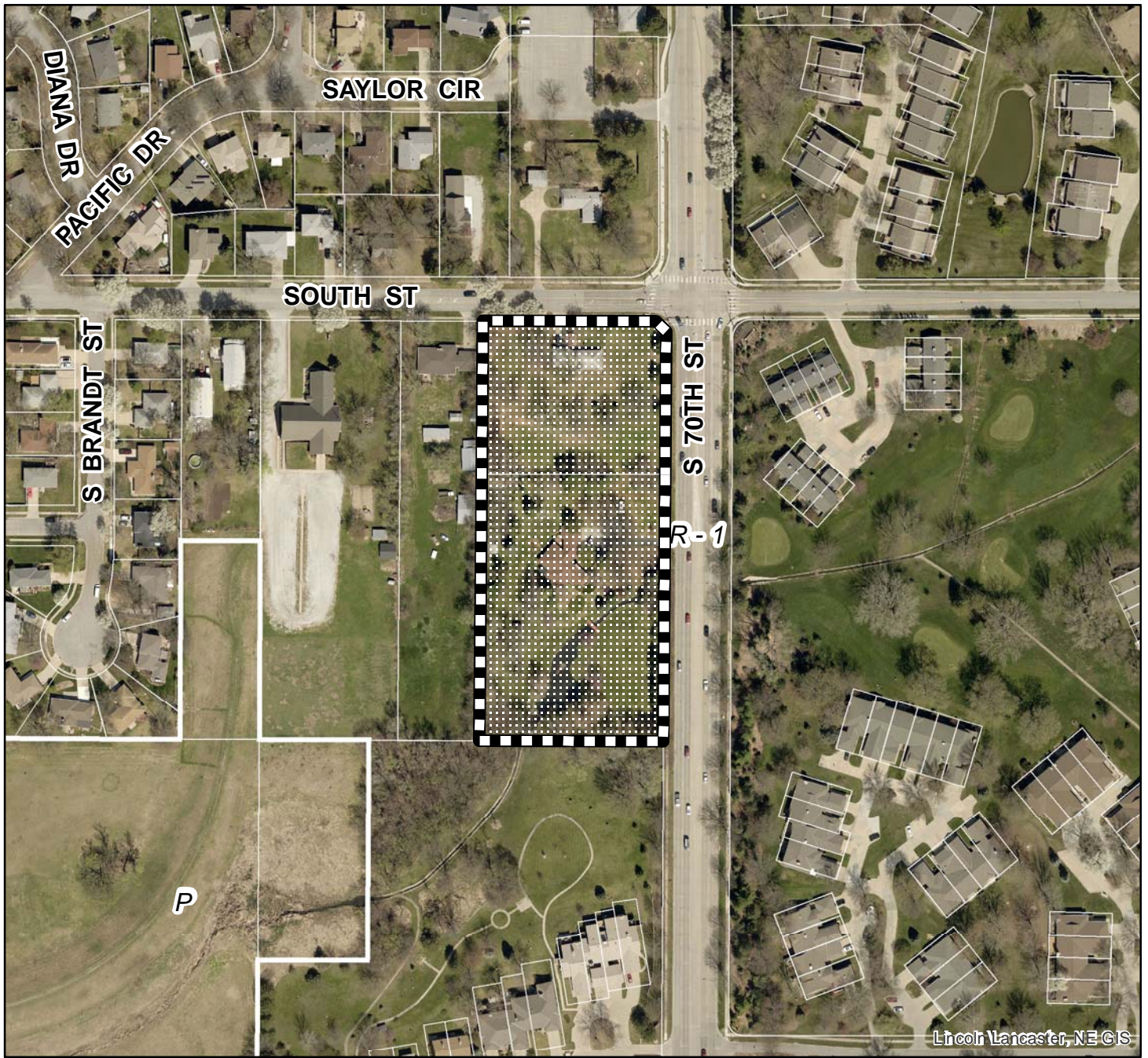
**DATE:** May 16, 2017

**APPLICANT/CONTACT:** Kent Seacrest  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508  
(402) 435-6000 or kent@sk-law.com

**OWNERS:** MJB Properties Inc.  
6400 Cannondale Court  
Lincoln, NE 68516

Charles and Mary Schuerman  
2215 S. 70<sup>th</sup> Street  
Lincoln, NE 68516

F:\DevReview\CZ\17000\CZ17008 70th & South Streets.rkj.wpd



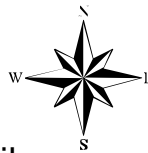
2016 aerial

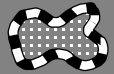


**Change of Zone #: CZ17008 (R-1 to O-3)  
S 70th St & South St**

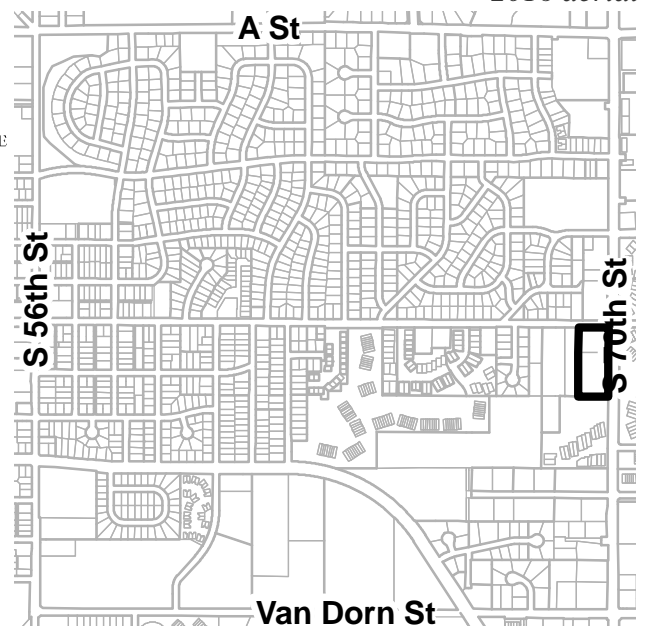
**Zoning:**

- 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 R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

April 26, 2017

**HAND DELIVERY**

David Cary, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Change of Zone from R-1 Residential District to O-3 Office Park District

Dear David:

Our office represents Brad Alderman (“**Alderman**”) who has entered into a purchase agreement with MJB Properties Inc. (“**MJB**”). MJB owns the property located at 6969 South Street, Lincoln, Nebraska 68516 (Parcel ID: 17-33-400-001-000). Under the terms of the purchase agreement between Alderman and MJB, Alderman has the right to seek a rezoning of the MJB property.

Alderman’s representative, John Rallis, has spoken with the residential property located immediately south of the MJB’s property and obtained their consent to rezone their properties to O-3:

- Charles W. Schuerman and Mary C Schuerman (“**Schuerman**”), 2215 S. 70<sup>th</sup> Street, Lincoln, Nebraska 68516 (Parcel ID: 17-33-400-005-000)

The undersigned, on behalf of Alderman, wrote to the owners (David and Sandra Stinson) of the residential property (6855 South Street; Parcel ID: 17-33-400-002-000) located immediately west of MJB’s property who live in Alabama, to determine their interest in having the property rezoned. To date, I have not received any reply. In turn, the undersigned spoke with the property owner’s father, Robert A. Manthey, and he did not express any opposition to the rezoning request, but did not feel he could speak for his daughter or son-in-law regarding their willingness to include the Sinson’s property in the O-3 rezoning request.

In addition, the undersigned spoke with the Pastor of Grace Community Evangelical Church (6843 South Street; Parcel ID: 17-33-400-009-000). Grace Community Evangelical Church’s property is west of David and Sandra Stinson’s property. The Pastor was going to brief his leadership board on the rezoning idea and to date, I have not received any follow-up information from Grace Community Evangelical Church regarding its rezoning interest.

Collectively, Alderman and Schuerman are requesting a change of zone from R-1 Residential District to O-3 Office Park District. Attached, please find two maps that show the location of MJB’ and Schuerman’s properties and the legal descriptions for the two properties. Alderman and Schuerman acknowledge that the O-3 zoning continues to permit single-family residences. The two parties will be working with Tim Gergen, The Clark Enersen Partners, on seeking the City’s approval of an O-3 use permit for the two properties in the near future. Subject to the timing of preparing the use permit

application, we would like to discuss with City Staff entering into a Conditional Zoning Agreement with the City to address screening, access points and other related matters.

Enclosed, please find the City of Lincoln Application Request Form, along with the application fee for the change of zone in the amount of \$988. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me.

Very truly yours,



KENT SEACREST  
For the Firm

Enclosures

cc: Brad Alderman, [brad@coddingtondental.com](mailto:brad@coddingtondental.com)  
John Rallis, [jrallis@aol.com](mailto:jrallis@aol.com)  
Tim Gergen, [tim.gergen@clarkenersen.com](mailto:tim.gergen@clarkenersen.com)  
MJB Properties, Inc., attention: Mark Bronder, 6400 Cannondale Court, Lincoln, Nebraska 68516  
Charles W. Schuerman and Mary C Schuerman, 2215 S. 70<sup>th</sup> Street, Lincoln, Nebraska 68516  
David and Sandra Stinson, 1688 Peninsula Drive, Scottsboro, Alabama, 35769  
Robert A. Manthey, 6855 South Street, Lincoln, Nebraska 68516  
Steve Thompson, Grace Community Evangelical Church, 6843 South Street, Lincoln, Nebraska 685126  
Jon Camp, [jcamp@lincoln.ne.gov](mailto:jcamp@lincoln.ne.gov); [joncamp@lincolnhaymarket.com](mailto:joncamp@lincolnhaymarket.com)  
Steve Henrichsen, [shenrichsen@lincoln.ne.gov](mailto:shenrichsen@lincoln.ne.gov)



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

<b>APPLICATION NUMBER</b> Street and Alley Vacation #17006	<b>FINAL ACTION?</b> No	<b>DEVELOPER/OWNER</b> The Board of Regents of the University of Nebraska
<b>PLANNING COMMISSION HEARING DATE</b> June 21, 2017	<b>RELATED APPLICATIONS</b> None	<b>PROPERTY ADDRESS/LOCATION</b> N. 17 <sup>th</sup> Street south of Vine Street and approximately 300 feet north of R Street

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to vacate North 17<sup>th</sup> Street south of Vine Street and approximately 300 feet north of R Street with the intent to convert 17<sup>th</sup> Street to a private roadway for the University of Nebraska. The area to be vacated includes 1.84 acres, more or less.



**JUSTIFICATION FOR RECOMMENDATION**

The public rights-of-way will become a private street that will still serve for local access to the University of Nebraska campus while nearby north to south public streets of N 16<sup>th</sup> Street and Antelope Valley Parkway still provide sufficient north-south connectivity for the transportation system.

**APPLICATION CONTACT**

John Jensen, (402) 472-4810 or [john.jensen@unl.edu](mailto:john.jensen@unl.edu)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Vacation of the public rights-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 8.2 - Encourage cooperative planning and site development between the City and public and private educational institutions.
- P. 10.14 - The right of way is shown as a major collector on the Functional Street and Road Classification plan.

## ANALYSIS

1. This is a request to vacate North 17<sup>th</sup> Street between Vine Street and approximately 300 feet north of R Street. The area to be vacated includes 1.84 acres, more or less.
2. The University of Nebraska owns all the property that is abutting the proposed vacation area. The rights-of-way in question will become a private roadway that will still serve as local campus access. In order for N. 17<sup>th</sup> Street to become a private roadway, a final plat will be required prior to the transfer of the title for the rights-of-way property.
3. Roadway improvements planned in relation to the proposed vacation area and vicinity include:
  - Closing N. 17<sup>th</sup> Street to through traffic between R Street and Vine Street.
  - Converting N. 16<sup>th</sup> Street from one-way to two-way traffic flow between Q Street and W Street.
  - Converting N. 17<sup>th</sup> Street from one-way to two-way traffic flow between Q Street and R Street.
  - Implementing bike lanes in N. 16<sup>th</sup> Street between R Street and X Street.
  - Implementing bike lanes in Vine Street between N. 16<sup>th</sup> Street and Antelope Valley Parkway.
  - Removing traffic signals at the following locations with intersections converted to stop sign control:
    - N. 16<sup>th</sup> & W Streets
    - N. 16<sup>th</sup> & Vine Streets
    - N. 17<sup>th</sup> & Vine Streets
    - N. 16<sup>th</sup> & S Streets
    - N. 17<sup>th</sup> Street (pedestrian signal at approximately S Street)
    - N. 16<sup>th</sup> & R Streets
    - N. 17<sup>th</sup> & R Streets
  - Adding metered, parallel parking along R Street between N. 16<sup>th</sup> and N. 17<sup>th</sup> Streets
4. Once N. 17<sup>th</sup> Street is vacated and during the demolition of Cather Hall and Pound Hall, construction activity will prohibit through traffic. Once the demolition is complete, the University will consider measures that will physically prohibit through traffic. Implementation of the 16<sup>th</sup> Street improvements are scheduled to commence in mid-July pending approval of the vacation request and finish prior to the start of Fall semester.
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.
6. North 17<sup>th</sup> Street is a major collector street in the 2040 Comprehensive Plan.
7. The proposed vacation of North 17<sup>th</sup> Street subject to conditions will not be of detriment to Lincoln's transportation system and would be in conformance with the Comprehensive Plan.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Public Collector Street; P Public.

## SURROUNDING LAND USE & ZONING

North: University/Parking Lot; P Public/B-1 Commercial  
South: University; P Public

East: University; P Public  
West: University; P Public

APPROXIMATE LAND AREA: 1.84 acres.

LEGAL DESCRIPTION: See attached.

Prepared by

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George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)  
June 8, 2017

Applicant: The Board of Regents of the University of Nebraska  
3835 Holdrege Street  
Lincoln, NE 68583

Contact: John Jensen  
(402) 472-4810  
[john.jensen@unl.edu](mailto:john.jensen@unl.edu)

Owner: City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

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## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #17006

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.
- 1.2 Submit and complete final plat prior to transfer of title to property. The final plat shall convert N. 17<sup>th</sup> Street to a private roadway which will include the following:
  - A) Retention of easements for Black Hills Energy, Charter Communications and LES.
  - B) Retention of easements for sanitary sewer lines.
  - C) Retention of easements for water mains.
  - D) Maintain accessibility and driving ability for all types of Fire Department apparatus.



2016 aerial

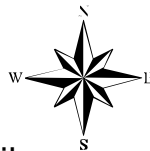
**Street and Alley Vacation #: SAV17006  
N 17th St & Vine St**

**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

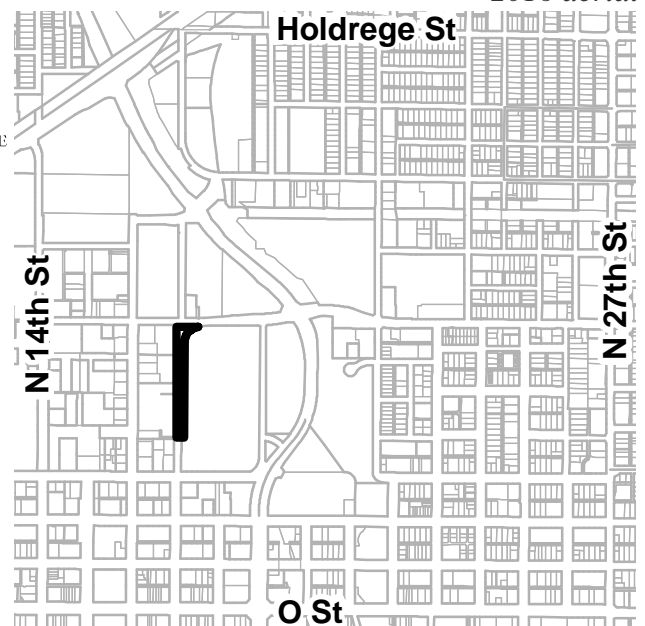
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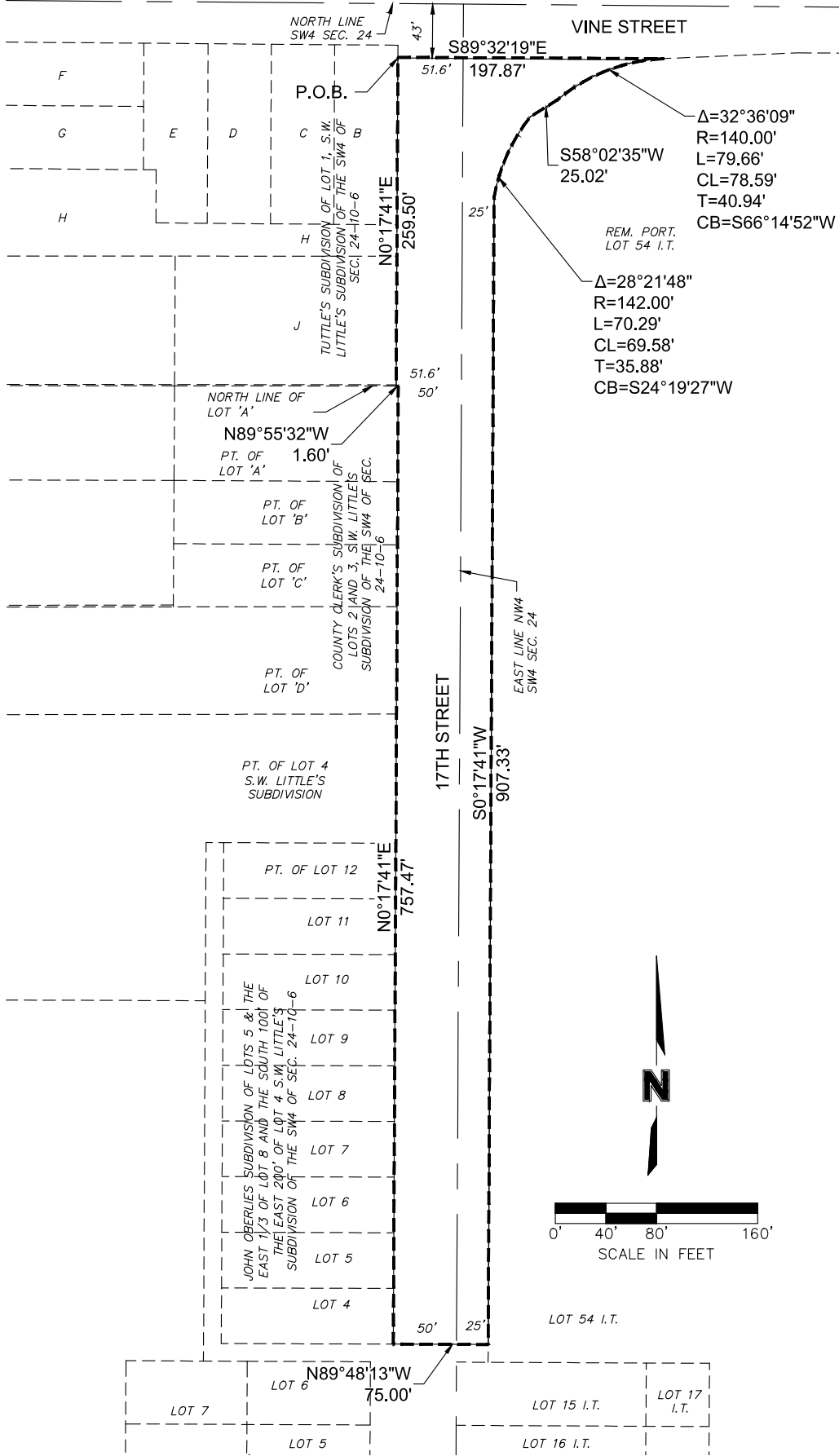


One Square Mile:  
Sec.24 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



DWC: F:\2017\1001-1500\017-1444\40-Design\Survey\SRV\Xref\17th\_and\_Vine\17th\_and\_Vine\017-1444.dwg  
 DATE: Jun 05, 2017 8:28am XREFS: 15REASTCAMP V\_SURVEY\_160847 110609\_SR 1241006  
 USER: dthomson 1251006



PROJECT NO: 014-1444  
 DRAWN BY: dat  
 DATE: 06.05.17

17TH AND VINE STREETS  
 VACATION EXHIBIT



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

EXHIBIT

**LEGAL DESCRIPTION  
RIGHT-OF-WAY VACATION**

A TRACT OF LAND COMPOSED OF A PORTION OF 17<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED BETWEEN JOHN OBERLIES SUBDIVISION OF LOT 5 AND THE EAST 1/3 OF LOT 8 AND THE SOUTH 100 FEET OF THE EAST 200 FEET OF LOT 4, S. W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST, THE NORTH 100 FEET OF THE WEST 142 FEET OF THE EAST 192 FEET OF LOT 4, S. W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST, LOTS A, B, C & D, COUNTY CLERK'S SUBDIVISION OF LOTS 2 AND 3, S. W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST, AND TUTTLE'S SUBDIVISION OF LOT 1, S.W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST, ON THE WEST SIDE OF 17<sup>TH</sup> STREET AND THE REMAINING PORTION OF LOT 54 I.T. ON THE EAST SIDE OF 17<sup>TH</sup> STREET, ALL IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBER AS FOLLOW:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 17<sup>TH</sup> STREET THAT IS LOCATED ON THE EAST LINE OF LOT B, TUTTLE'S SUBDIVISION OF LOT 1, S. W. LITTLE'S SUBDIVISION OF THE SW4 OF SECTION 24-10-6 AND THAT IS 43.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 32 MINUTES 19 SECOND EAST, ALONG A LINE THAT IS 43.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 197.87 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 17<sup>TH</sup> STREET AS REFERRED TO IN INST. NO. 2003-11765, RECORDS OF LANCASTER COUNTY, SAID POINT BEING A POINT OF NON-TANGENT CURVATURE; THENCE ALONG A CURVE TO THE LEFT, ALONG THE EAST RIGHT-OF-WAY LINE OF 17TH STREET AS REFERRED TO IN SAID INST. NO. 2003-11765, HAVING A RADIUS OF 140.00 FEET, A DELTA ANGLE OF 32 DEGREES 36 MINUTES 09 SECONDS , A CHORD BEARING OF SOUTH 66 DEGREES 14 MINUTES 52 SECONDS WEST, AND A CHORD LENGTH OF 78.59 FEET TO A POINT; THENCE SOUTH 58 DEGREES 02 MINUTES 35 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 25.02 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE AS REFERRED TO IN INST. NO. 70-3499, RECORDS OF LANCASTER COUNTY, SAID POINT BEING A POINT OF NON-TANGENT CURVATURE; THENCE ALONG A CURVE TO THE LEFT, ALONG THE EAST RIGHT-OF-WAY LINE OF 17TH STREET AS REFERRED TO IN SAID INST. NO. 70-3499, HAVING A RADIUS OF 142.00 FEET, A DELTA ANGLE OF 28 DEGREES 21 MINUTES 48 SECONDS , A CHORD BEARING OF SOUTH 24 DEGREES 19 MINUTES 27 SECONDS WEST, AND A

CHORD LENGTH OF 69.58 FEET TO A POINT; THENCE SOUTH 00 DEGREES 17 MINUTES 41 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 17<sup>TH</sup> STREET, SAID LINE BEING 25 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 907.33 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE SOUTH LINE OF LOT 4, JOHN OBERLIES SUBDIVISION OF LOT 5 AND THE EAST 1/3 OF LOT 8 AND THE SOUTH 100 FEET OF THE EAST 200 FEET OF LOT 4, S. W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST; THENCE NORTH 89 DEGREES 48 MINUTES 13 SECONDS WEST, ALONG THE EXTENSION OF SAID LOT 4, A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF 17<sup>TH</sup> STREET, SAID POINT BEING 50 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF 17<sup>TH</sup> STREET, SAID LINE BEING 50 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 757.47 FEET TO A POINT ON THE NORTH LINE OF LOT 'A', COUNTY CLERK'S SUBDIVISION OF LOTS 2 AND 3, S. W. LITTLE'S SUBDIVISION OF THE SW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST; THENCE NORTH 89 DEGREES 55 MINUTES 32 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 'A', A DISTANCE OF 1.60 FEET TO A POINT THAT IS 51.60 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF 17<sup>TH</sup> STREET, SAID LINE BEING 51.60 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 259.50 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 80,352.15 SQUARE FEET OR 1.84 ACRES, MORE OR LESS.

June 5, 2017

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To whom it may concern:

The Board of Regents of the University of Nebraska (“Applicant”) seeks to vacate a portion of 17<sup>th</sup> Street within the University of Nebraska-Lincoln Campus. Applicant’s master plan has included ownership of 17<sup>th</sup> Street since construction of Antelope Valley Parkway through the eastern border of its City Campus.

Prior to this application, Applicant partnered with the City of Lincoln Public Works Department to produce a traffic study of 16<sup>th</sup> and 17<sup>th</sup> Streets. That study considered Applicant’s ownership, through the vacation process, of 17<sup>th</sup> Street, and this application is filed towards that end. Applicant is again partnering with the City of Lincoln regarding 16<sup>th</sup> and 17<sup>th</sup> Streets. Both parties envision a “complete street” environment on these streets that will facilitate several modes of transportation. In addition to slowing traffic through campus, the proposal includes designated lanes for the increasing number of students/faculty and staff who ride their bikes to and from campus.

The City of Lincoln, through its Public Works department, has expressed an interest for Applicant to own the portion of 17<sup>th</sup> street relevant here. This serves the City of Lincoln’s goals, which include diverting traffic away from pedestrian-heavy City Campus, and onto the nearby and relatively recently constructed Antelope Valley Parkway. Such diversion of traffic serves the additional purpose of reducing entrance points to Antelope Valley Parkway from City Campus, thus creating a more consistent traffic flow.

Vacating 17<sup>th</sup> Street north of the Cather-Pound dorms to Vine Street allows Applicant to move forward with the implementation of our Master Plan to create a pedestrian friendly environment. The current proposal calls for the area in front of Cather-Pound to be closed while the buildings are abated and demolished. Once the demolition is complete, the area in front of the new Cather dining hall will be open for pedestrian traffic only. In the long term, Applicant envisions a new residence hall on west side of the street, with a pedestrian plaza between it and the dining hall. This will facilitate safe pedestrian traffic from the east side of campus through to the west. Currently there are over 2000 students residing in university housing in this area. In addition, many Greek houses are in the immediate location. Construction of a nursing college and health center, which has already begun, will add foot traffic. Applicant’s goal is to provide a safe pedestrian environment in this eastern student-centric core of our campus.

In sum, the vacation of 17<sup>th</sup> street will help create a safer, more pedestrian friendly environment and will facilitate the creation of multi-modal “complete streets” on 16<sup>th</sup> and Vine streets. This vacation tracks Applicant’s master plan, suits the stated desires of the City of Lincoln’s Planning department to Applicant, and fits the best programming emerging from the above-mentioned partnership and traffic study.



**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for ~~May 24, 2017~~ PLANNING COMMISSION MEETING**

**\*\*\*REVISED FOR JUNE 21, 2017 PLANNING COMMISSION MEETING\*\*\***

**PROJECT #:** Special Permit No. 17012, Capitol Beach Solar

**PROPOSAL:** A request per Section 27.63.830 for a Solar Energy Conversion System (Small)

**LOCATION:** On the west side of West Lakeshore Drive

**LAND AREA:** Approximately one acre

**EXISTING ZONING:** R-2 Community Unit Plan (CUP)

**CONCLUSION:** The Comprehensive Plan notes that the City should encourage and expand access to solar energy. This community solar project is unique within the City of Lincoln and would allow residents to utilize an otherwise vacant piece of land in their neighborhood. The proposed conditions would minimize the impact on the surrounding neighborhood. This application is in conformance with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
Waiver:	
<u>Reduce the front yard on the west side of the site from 25 feet to 5 feet.</u>	<u>Conditional Approval</u>

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlots B and C, Capitol Beach West Addition

**EXISTING LAND USE:** Open Space

**SURROUNDING LAND USE AND ZONING:**

North:	Open Space	R-2 Residential
South:	Open Space	R-2 Residential
East:	Residential	R-2 Residential
West:	Interstate 80	P Public

**ASSOCIATED APPLICATIONS:** Text Amendment No. 17010, Community Solar

**HISTORY:**

April 1962 Special Permit No. 228 approved for the Capitol Beach West CUP

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Page 11.2 Promote renewable energy sources.

Page 11.7 Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass, and geothermal energy.

Page 11.7 Continue to encourage and expand wind and solar access to buildings and other land uses.

**ENVIRONMENTAL CONCERNS:**

The site contains floodplain and wetlands. The solar arrays are proposed to be mounted on “ground screws” which will not result in the discharge of fill material. The US Army Corps of Engineers has reviewed the proposal and determined that there would be no impact on waters of the United States and a Section 404 permit is not required. The US Fish and Wildlife Service notes that this area is not Salt Creek Tiger Beetle habitat.

**AESTHETIC CONSIDERATIONS:**

An existing row of trees is located between the proposed solar panels and the neighborhood to the east.

**ALTERNATIVE USES:**

Given the floodplain and wetlands constraints, the most likely alternative use for this site is to remain as open space.

**ANALYSIS:**

1. This is a proposal for a 100 kilowatt solar energy conversion system on an outlot in the Capitol Beach West CUP. The applicants have formed an LLC that would operate the panels. The LLC would have a maximum of 20 members, and all members must own a home at Capitol Beach.

2. Solar energy conversion systems are not allowed in Residential districts per the existing zoning ordinance. The associated Text Amendment No. 17010 would allow small-scale solar energy conversion systems by special permit in Residential districts. Text Amendment No. 17010 must be approved prior to approval of this special permit. See the associated staff report for information about the text amendment.
3. The project will utilize the Lincoln Electric System (LES) "Customer-Owned Renewable Energy Generation Program." All electricity generated would be transferred to the grid and sold directly to LES. Members of the LLC would receive revenue from LES based on proportional shares.
4. The specific number of panels will vary depending on final specifications from the manufacturer, but the project may ultimately require over 300 panels to generate 100 kilowatts of electricity. The panels will be organized on racks 14 feet high by 14 feet wide. The site plan should be revised to show the proposed solar panel area with dimensions from each property line.
5. The panels would be located in an outlot owned by the Capitol Beach Community Association (CBCA). The CBCA has approved the use of a solar array on the outlot subject to several conditions. The conditions from the CBCA are attached.
6. The proposed special permit associated with Text Amendment No. 17010 includes several conditions for solar energy conversion systems in residential areas. A review of the conditions is below.
  - a. **The system uses photovoltaics to convert solar energy into electricity.**

This project uses photovoltaic arrays.
  - b. **On-site transmission lines shall, to the maximum extent practicable, be placed underground.**

The site includes existing overhead lines. Electricity from the solar panels will pass through a transformer and utilize the existing overhead lines.
  - c. **Where said use is adjacent to residential zoned land, park land, school property, or major entryways or corridors into the city, town, or village, visual screening through setbacks, berming, and other techniques may be required by the Planning Commission as appropriate and necessary to address the site-related impacts of the Solar Energy Conversion System on adjacent property and major entryways or corridors.**

An established line of trees is located between the W Lakeshore Drive residences and the solar panels. In addition, the area with the solar panels is approximately six feet lower in elevation than the homes across the street. The trees and grade change would serve as adequate screening for the solar panels.

- d. **Each Solar Energy Conversion System facility shall have a decommissioning plan outlining the means, procedure, and costs of removing the machines and all related supporting infrastructure and a bond or equivalent enforcement resource to guarantee removal and restoration upon discontinuance, decommissioning, or abandonment.**

The panels will be installed using “ground screws”, which are large screws that twist into the ground without the need for digging or concrete footings. The ground screws can be removed by simply unscrewing them from the ground, leaving minimal impact upon discontinuance of the project. It’s expected that the salvage value of the materials would cover the minimal cost to the remove the panels.

- e. **Must meet setback requirements of the district unless adjusted by the Planning Commission.**

The site plan must be updated to show that the solar panel area meets the R-2 district setbacks, including 25-foot yards along W Lakeshore Drive and the Interstate. Based on the conceptual site plan the location of the panels along the Interstate may need to be slightly adjusted to meet the 25-foot setback.

- f. **In Residential districts, the system should be owned primarily by residents in the surrounding neighborhood.**

Only members of the Capitol Beach Community Association are eligible to join the LLC and participate in the project.

- g. **The system should be located on an outlot or lot otherwise not intended for residential development.**

This project will be located on an outlot. Due to floodplain and wetlands constraints it is not suitable for future residential development.

- h. **The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.**

The solar panels will be approximately 14 feet in height.

7. The solar panels are located in a floodplain and will be required to comply with floodplain regulations, including floodproofing one foot above base flood elevation.
8. The solar panels are located in the approach zone of the Lincoln Airport. Per the Airport Zoning Regulations, 27.59.070(b) the applicant needs to confirm the installation will not "...result in glare in the eyes of fliers using the airport..."
9. The US Army Corps of Engineers has reviewed the project and determined that the project will have no impact on waters of the United States.
10. The NE Department of Roads has initiated a statutory review of this application. They will provide a response by July 1, 2017. Any additional conditions requested by the NE Department of Roads should be added to the final approved plan.
11. The applicant is requesting a waiver to the front yard setback on the west side of the site from 25 feet to 5 feet. This request is acceptable since the west side of the site borders the Interstate 80 right-of-way. The interstate right-of-way is approximately 590 feet, so there would still be 235 feet between interstate pavement and the nearest solar panel. The applicant must receive approval from the NE Department of Roads prior to receiving building permits. Residential properties east of the site would not be impacted.

**CONDITIONS OF APPROVAL:**

Per Section 27.63.830, if amended per Text Amendment No. 17010, this approval permits a Solar Energy Conversion System of no more than 100 kilowatts (kW).

**Site Specific Conditions:**

1. The City Council approves associated request:
  - 1.1 Text Amendment No. 17010
2. 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 with all required revisions and documents as listed below:

- 2.1 Provide outline of solar panel area with dimensions. The area must be at least 25 feet away from the ~~west and east lot lines~~ and 5 feet from the west lot line.
- 2.2 Label existing trees to remain.
- 2.3 Add note that no decommissioning plan is required if ground screws are used to secure the solar panels.
- 2.4 Add note that only residents of Capitol Beach may own the facility.
- 2.5 Provide revisions that may be requested by the NE Department of Roads.
3. Before receiving building permits provide the following documents to the Planning Department:
  - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - 3.2 Obtain approval from LES for encroachment into the utility easement.
  - 3.3 Address glare considerations per 27.59.070(b) to the satisfaction of the Lincoln Airport Authority.
  - 3.4 Obtain approval from the NE Department of Roads.
4. Additional conditions may be required if the final approved text for Text Amendment No. 07010 differs from the proposal.

**Standard Conditions:**

5. The following conditions are applicable to all requests:
  - 5.1 Before utilizing the structures all development and construction shall substantially comply with the approved plans.
  - 5.2 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.
  - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 5.4 The applicant shall sign and return the letter of acceptance to the CityClerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

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Andrew Thierolf, AICP; 441-6371; [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)  
Planner

~~May 15, 2017~~  
June 7, 2017

**APPLICANT:** Beach Solar LLC  
1900 US Bank, 233 S 13<sup>th</sup> Street  
Lincoln, NE 68508

**OWNER:** Capitol Beach Community Association  
PO Box 81141  
Lincoln, NE 68501  
[cbca@capitolbeachlake.com](mailto:cbca@capitolbeachlake.com)

**CONTACT:** Terry Wittler  
1900 US Bank, 233 S 13<sup>th</sup> Street  
Lincoln, NE 68508  
[trw@clnewilliams.com](mailto:trw@clnewilliams.com), 402-770-6059

**Andrew D. Thierolf**

---

**From:** Terry R. Wittler <twittler@clinewilliams.com>  
**Sent:** Wednesday, May 24, 2017 5:01 PM  
**To:** Andrew D. Thierolf  
**Cc:** R. J. Lipert; Jeff Buhrman  
**Subject:** Beach Solar Special permit revision

Please revise our request to reflect that we are requesting a reduction in the setback requirement between our solar panels and the west lot line with I-80 from 25 feet to 5 feet.  
Terry R. Wittler  
Beach Solar LLC manager

**RESPONSE FROM APPLICANT**

**SPECIAL PERMIT NO. 17012  
Capitol Beach Solar  
(PUBLIC HEARING/ACTION 6/21/17)**

Beach Solar LLC  
% Terry R. Wittler  
1900 U.S. Bank  
233 So. 13<sup>th</sup> Street  
Lincoln, NE 68508

May 25, 2017

David Cary, Planning Director  
Lincoln-Lancaster County Planning Department  
Suite 213  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Special Permit, SP17012  
Solar energy project

Dear Planning Commission Members:

At the hearing on May 24 on this special permit a question was raised about the property tax consequences of installing solar generation equipment on an outlot. In 2010, the Legislature adopted LB1048 which imposed a name plate capacity tax in lieu of a property tax on renewable energy generation facilities. Specifically, the law states:

The presence of one or more renewable energy generation facilities or supporting infrastructure shall not be a factor in the assessment, determination of actual value, or classification under section 77-201 of the real property underlying or adjacent to such facilities or infrastructure.” NEB.REV.STAT. sec. 77-6203(4).

As a result, our project is not subject to real property tax regardless of where it is located.

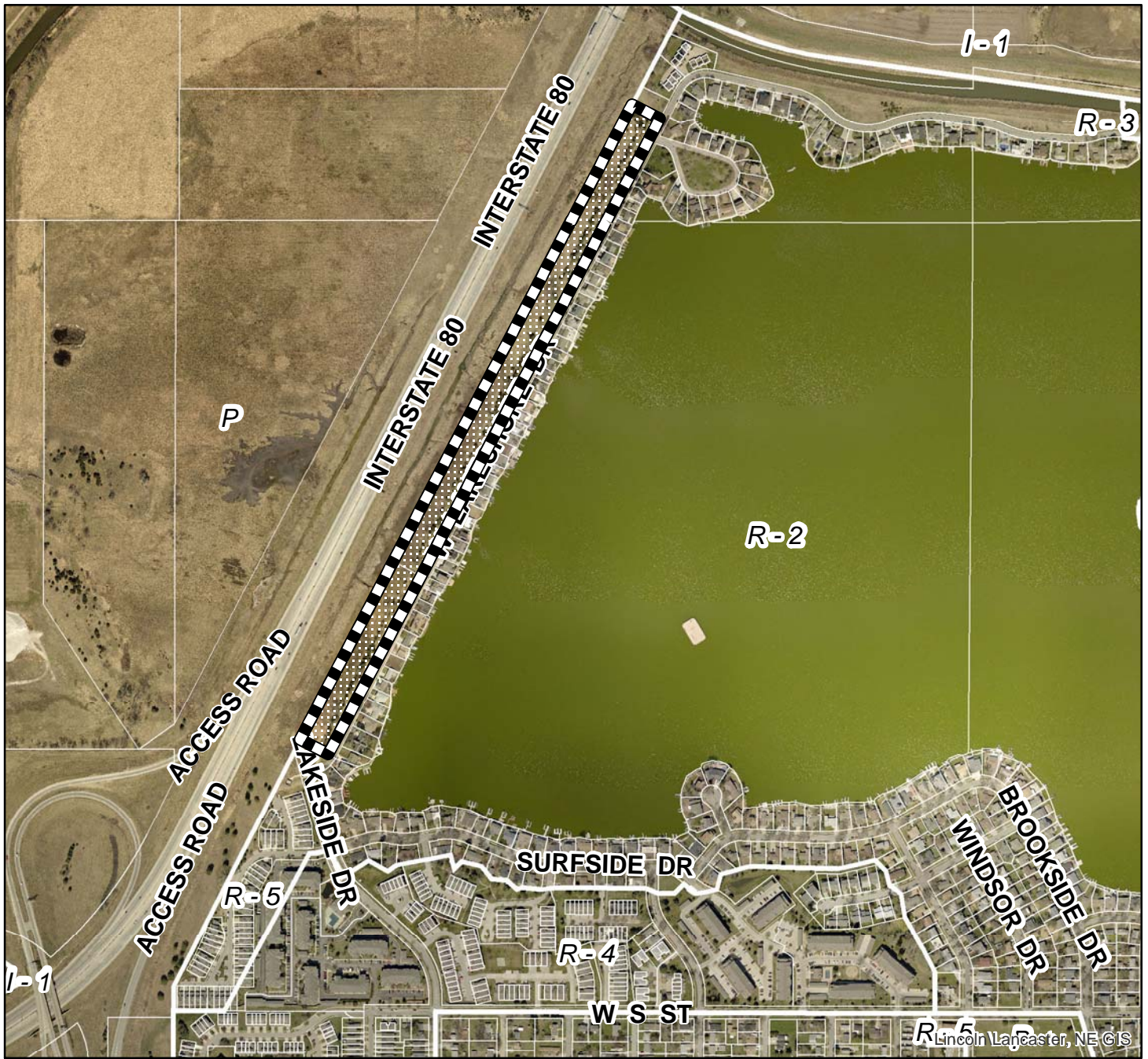
We trust this information will address the Commissioners’ concerns.



Terry R. Wittler  
Manager

Jeff Buhrman  
Manager

R.J. Lipert  
Manager



**Special Permit #: SP17012**  
**Capitol Beach Solar**  
**W Lakeshore Dr & N Lakeshore Dr**

**Zoning:**

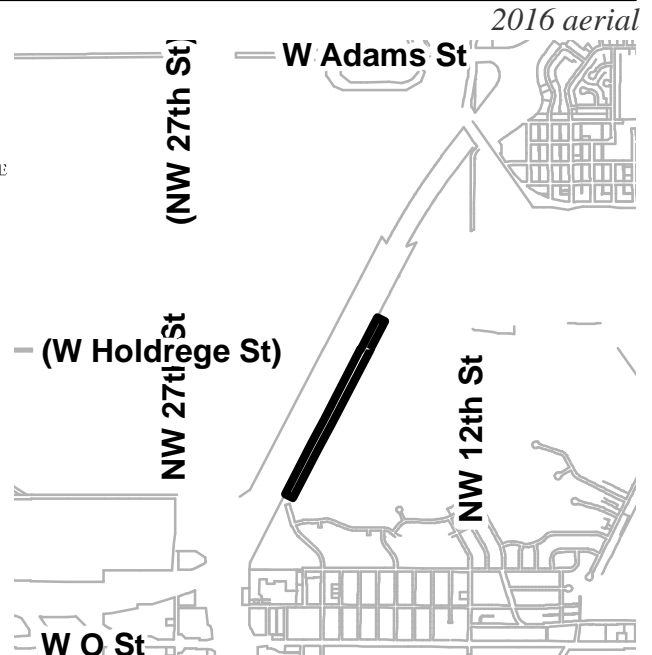
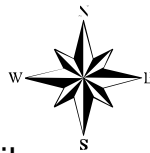
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

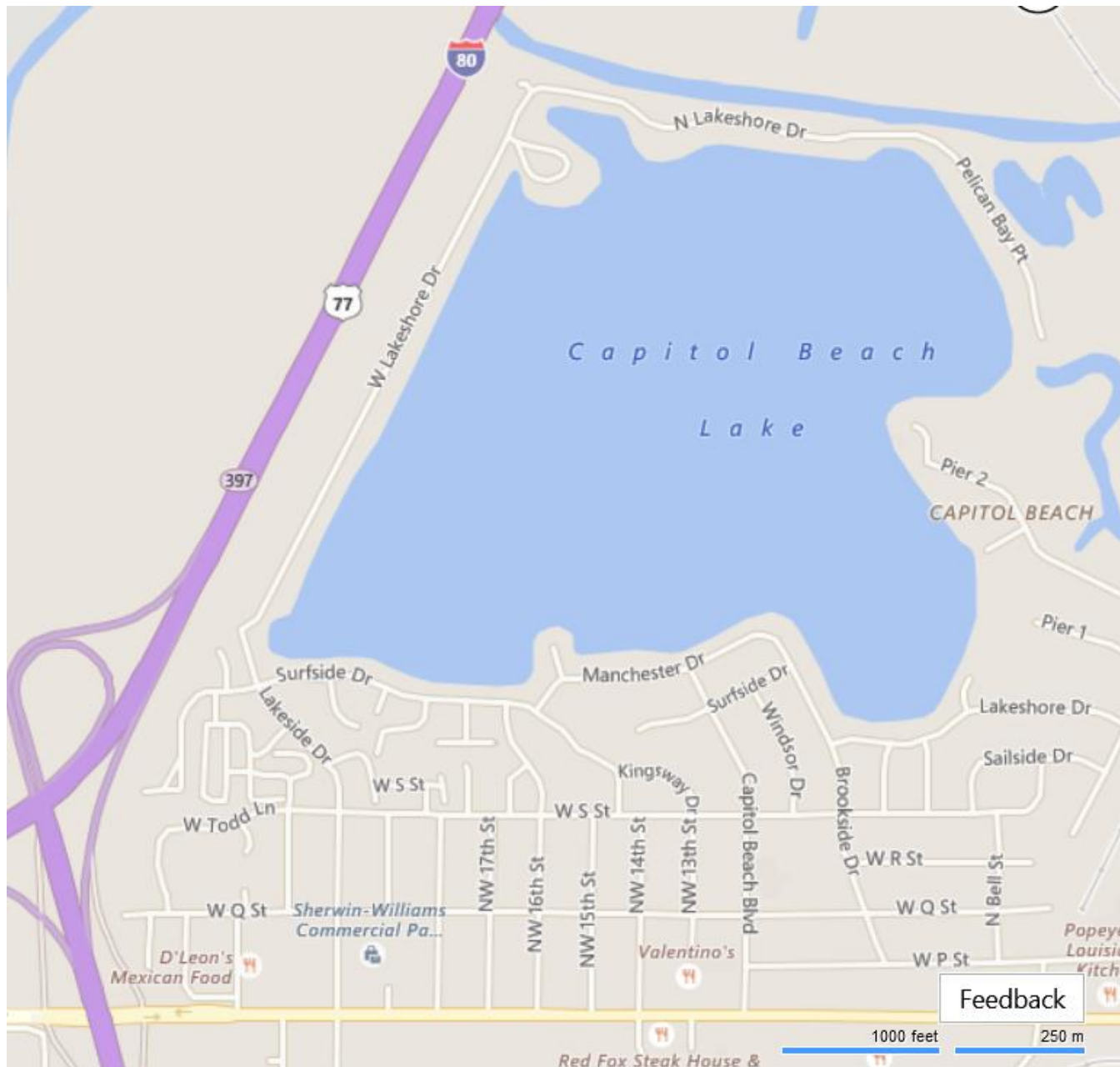
Two Square Miles:  
 Sec.16 T10N R06E  
 Sec.21 T10N R06E

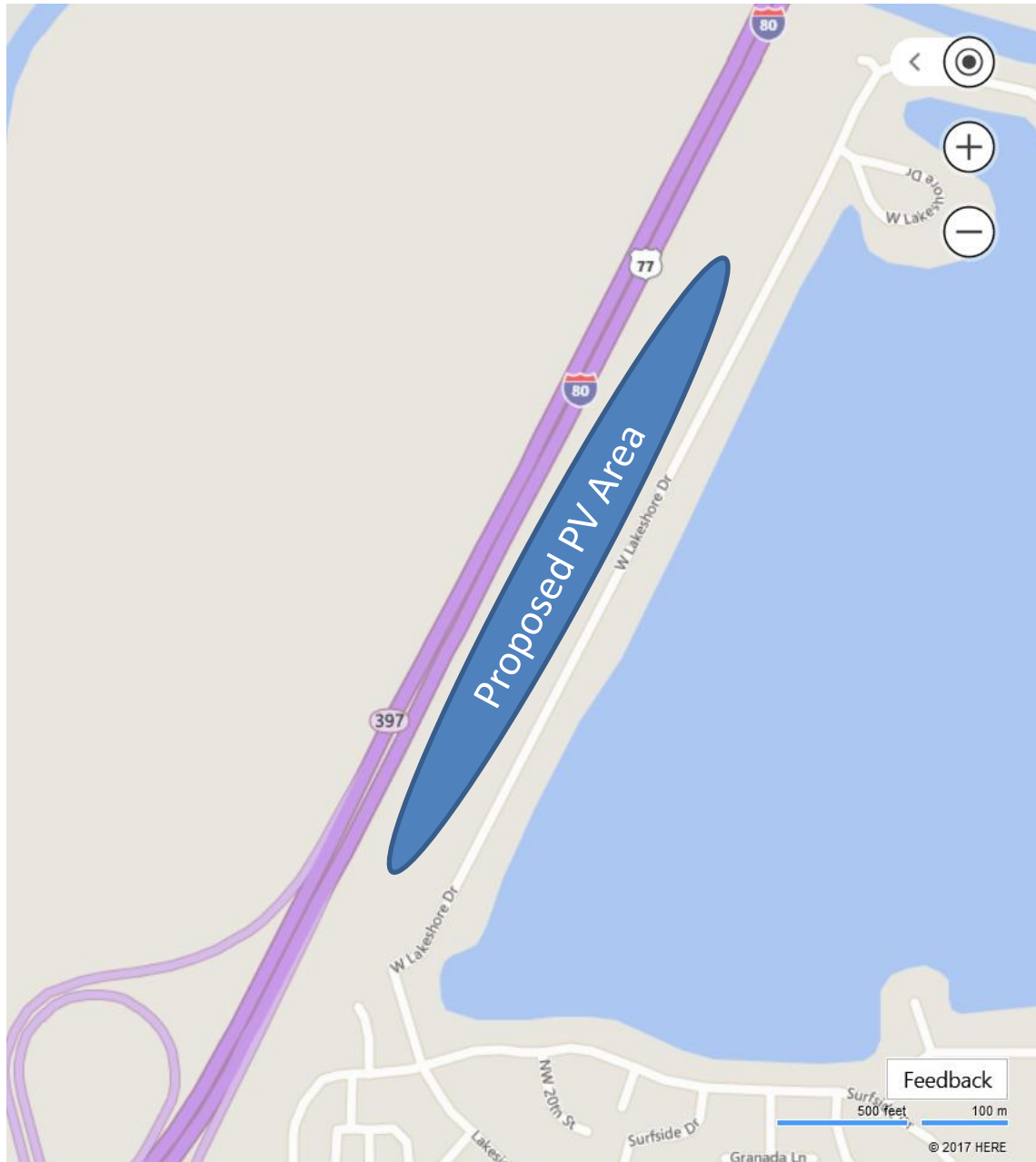
Area of Application

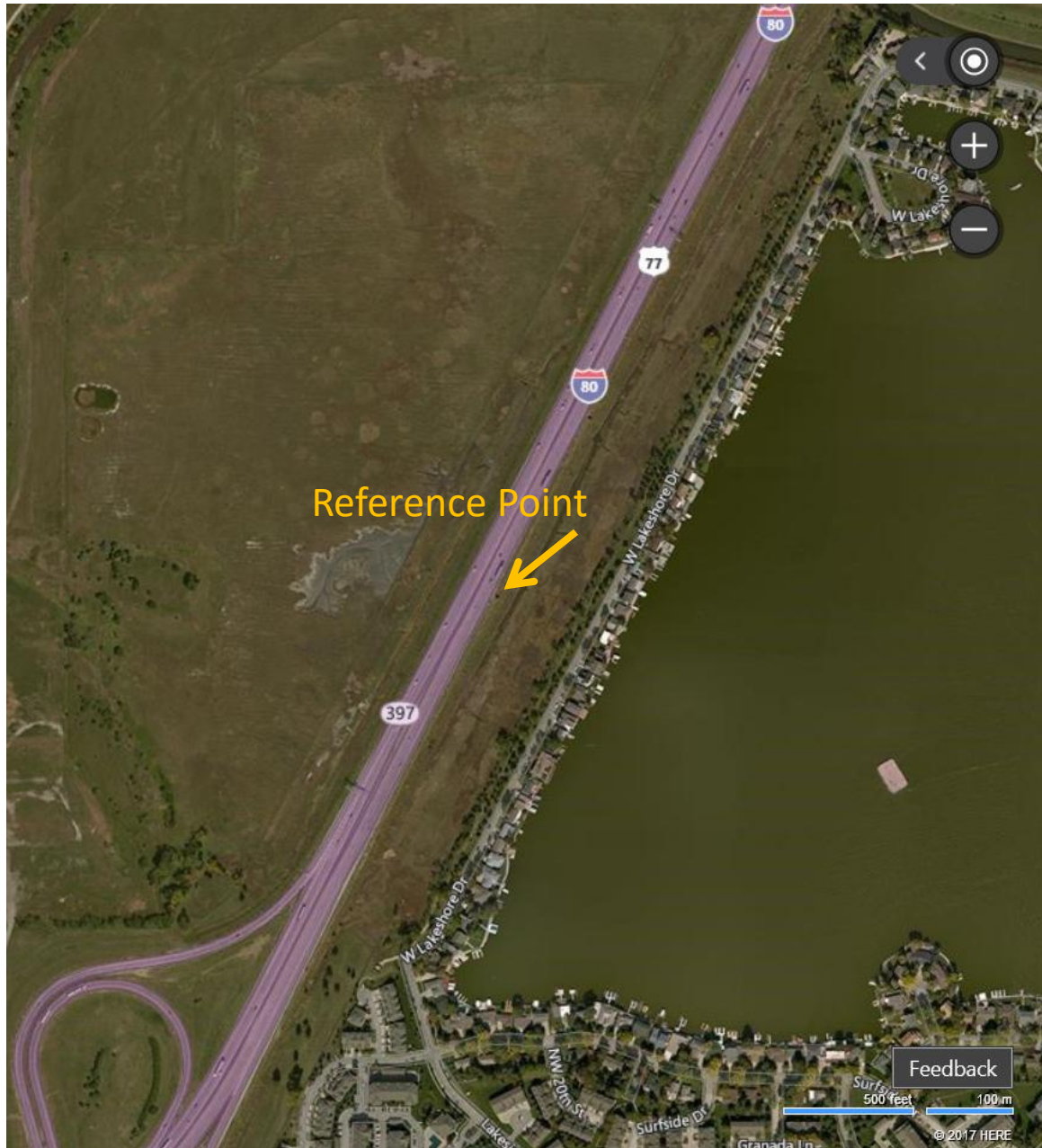
Zoning Jurisdiction Lines

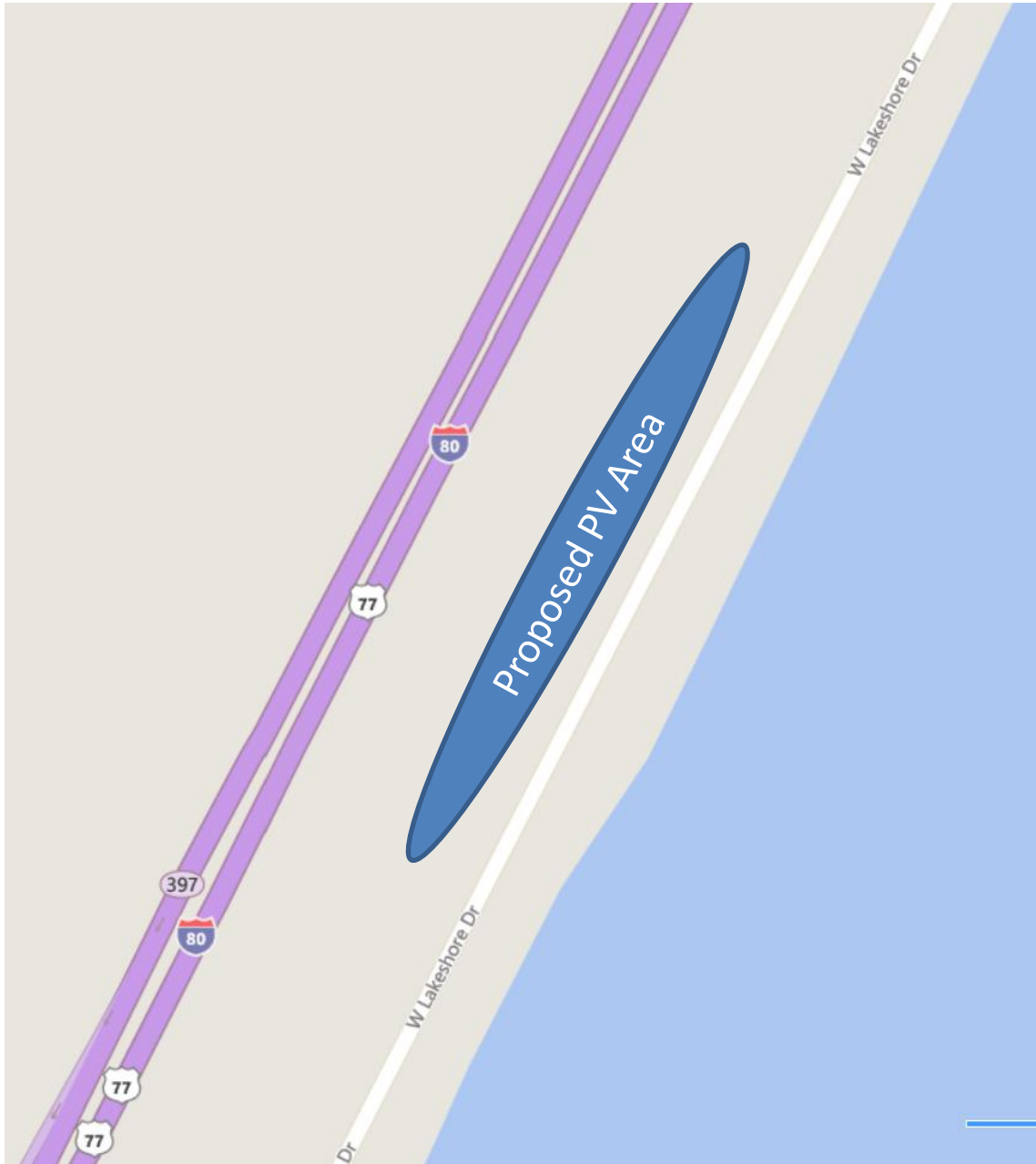
Lancaster County Jurisdiction















Feedback

50 feet 20 m

© 2017 HERE

# CBCA Solar Project



6 panel array



looking NE



262 W. Lakeshore



132 W. Lakeshore



392 W. Lakeshore



532 W. Lakeshore

Beach Solar LLC  
% Terry R. Wittler  
1900 U.S. Bank  
233 So. 13<sup>th</sup> Street  
Lincoln, NE 68508

April 25, 2017

David Cary, Planning Director  
Lincoln-Lancaster County Planning Department  
Suite 213  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Special Permit, Capitol Beach West Addition Outlots B & C  
Solar energy project

Dear Planning Commission Members:

This letter is submitted on behalf of a special permit allowing Beach Solar to install a 100 kilowatt solar energy electrical generation facility. Beach Solar is a limited liability company whose membership consists solely of individuals who own homes on Capitol Beach Lake. We contemplate having twenty members who each have an equal ownership interest. Any members who sell their lake homes will be required to transfer their interest in the solar project to other lake home owners or to the LLC itself.

Beach Solar was formed to take advantage of the Lincoln Electric System's "Customer-Owned Renewable Energy Generation Program." (See attached LES program description). Beach Solar has been accepted as a participant in this program subject to compliance with LES requirements. All electricity generated by the project will be sold to LES. LES requires that our project be completed and operational by December 1, 2017.

We have been working with Michael Shonka of Solar Heat & Electric in Omaha to design and install our system. He has provided the attached sketch of an approximate layout for the project. The final number of panels will depend upon the manufacturer's final specifications.

We made a presentation at the annual meeting of the Capital Beach Community Association ("CBCA") in January of this year and the membership approved a resolution authorizing the CBCA Board to adopt rules governing our project. At the March 20, 2017 meeting, the Board adopted the attached rules which allow and regulate our project.

Attached are a satellite photo of the area as well as several photographs looking west from West Lakeshore Drive. The area chosen for the panels is screened from adjacent homes by trees and will be in an area down an embankment and approximately six feet lower than the area to the east where homes are located. The area is currently served by LES overhead lines and transformers which will be used to transmit the electricity generated to the LES system. To the west of the project, there is a chain link fence which runs along the Interstate 80 right-of-way.

The panels will be installed using ground screws. These are simply large screws which twist into the ground without the need for digging and allow installation without concrete pads or footings. The ground screws can be removed after the useful life of the project by simply unscrewing them from the ground. They are therefore considered "zero impact" installations.

We have contacted the Lower Platte South Natural Resources District and the Army Corp of Engineers and anticipate approval from both for this project.

We believe that this project is consistent with Lincoln's commitment to sustainable energy. The project has been approved by our association membership and its board. On behalf of Beach Solar, LLC, we respectfully urge the Planning Commission to approve our request.

Terry R. Wittler  
Manager

Jeff Buhrman  
Manager

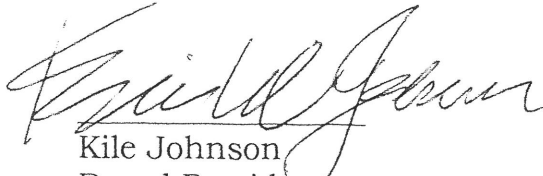
R.J. Lipert  
Manager



RESOLUTION

The Board of Directors of Capitol Beach Community Association, owner of Capitol Beach West Addition, Outlots B & C, hereby authorizes Terry R. Wittler, as one of the managers of Beach Solar LLC to sign an application for a special permit to install solar panels on Outlots B & C and any related text amendments to the zoning code on its behalf as owner.

Dated this 17<sup>th</sup> day of April, 2017

  
Kile Johnson  
Board President

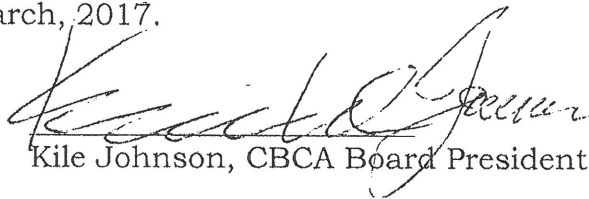
4832-3055-0087, v. 1

## Capitol Beach Community Association-solar panel rules

These rules are adopted by the Board pursuant to the authority granted by the membership at the 2017 annual meeting as well as according to the bylaws of the association.

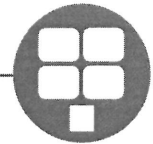
1. Only members of the Association (CBCA) in good standing or an entity such as a limited liability company (LLC) whose membership is limited to association members in good standing ("the Applicant") are eligible to place or own solar panels on the commons area of the association.
2. Members of any entity owning solar panels who wish to transfer their entity interest may only transfer their entity interest to another Association member or to the entity itself and entity members who cease to be Association members must transfer their entity interest to another Association member or to the entity itself.
3. The project must be open to all CBCA members in good standing. However, participation may be limited based upon capacity restrictions imposed by the Lincoln Electric System ("LES") in which case participation may be allocated based upon the order in which requests to participate are received.
4. The "Applicant" must have authorization from the LES to proceed and all projects must comply with all LES requirements.
5. The "Applicant" must have both property and liability insurance covering the project.
6. The "Applicant" must submit a detailed drawing showing the proposed location of the panels. The panels must be located in such a way as to minimize visibility from West Lakeshore Drive. The final location of the panels must be approved after a site visit by at least two board members who are not sponsors of the project.
7. The panels must be installed using "zero impact" techniques such that the area is restored to its original condition when the panels are removed.
8. The "Applicant" must comply with all applicable rules, regulations and laws.
9. The "Applicant" must agree to indemnify the Association from any liability due to the "Applicant's" actions.
10. The "Applicant" must agree to remove or replace the panels at the conclusion of their useful life.

Dated this 20th day of March, 2017.

  
Kile Johnson, CBCA Board President

# Customer-owned Renewable Generation

## RENEWABLE GENERATION UP TO 100 kW<sub>AC</sub>



Effective Jan. 1, 2016

p: 402.475.4211  
f: 402.475.0446  
w: [www.les.com](http://www.les.com)  
1040 O Street, P.O. Box 80869  
Lincoln, NE 68501-0869

### How does the program work?

Owners of renewable generation up to 100 kW<sub>AC</sub> sell all the electrical output to LES.

### How will you be compensated?

LES will purchase all energy generated as according to the Renewable Generation Rate. The payment will be made on a monthly basis. Other applicable fees and charges, including the customer and facilities charge will be billed to the customer.

In addition, customers may qualify for a one-time capacity payment of up to \$1,000 per kilowatt of peak demand reduced. The total amount customers can receive is determined by the primary direction the system is facing, for example:

- *Southern facing fixed-photovoltaic solar - the unit's nameplate DC capacity (kW) x \$375.*
- *Western facing or single or dual-axis tracking fixed-photovoltaic solar - the unit's nameplate DC capacity (kW) x \$475.*

- *Wind - No capacity payment.*
- *Other technologies - \$1,000 x the average net demand output of the generation (kW) at 5 p.m. during the months of July and August (as determined by LES).*

### Safety requirements

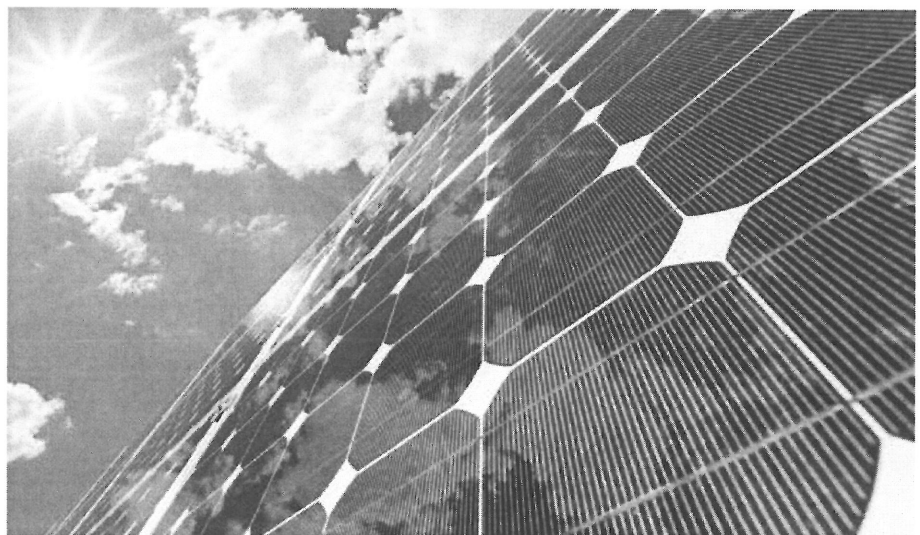
An outside-mounted visible disconnect switch shall be installed on the owner's side of the point of delivery near the meter or some other mutually agreed location. Such equipment must be capable of preventing the renewable generation from energizing the LES service wires and must include a device which, at LES' discretion, allows LES employees

to operate and lock in place. For the safety of LES personnel and the electrical system, interconnection of any power-generating device to LES power lines must have a permit, be inspected and be approved prior to operation.

In addition to the required disconnect switch, your inverter must meet the current UL 1741 and IEEE 1547 specifications.

### For more information

Visit [LES.com](http://LES.com), and select **Savings & Energy > Solar & customer-owned generation** or call LES Energy Services Specialist Bob Ruskamp at **402.473.3275**.



# Customer-owned Renewable Generation

## RENEWABLE GENERATION UP TO 100 kW<sub>AC</sub>

### STEP 1: PLAN

- Submit LES' Renewable Generation [Application for Review](#).
- Learn more about Renewable Generation at [LES.com](#).

### STEP 2: INSTALL

- Upon approval of your Application for Review, you or your vendor are free to install your renewable generation system including generator, inverter, readily accessible and lockable AC disconnection switch and other equipment as needed.
- You may not interconnect until step 4 is completed as per site inspection and setting of bi-directional net-meter.

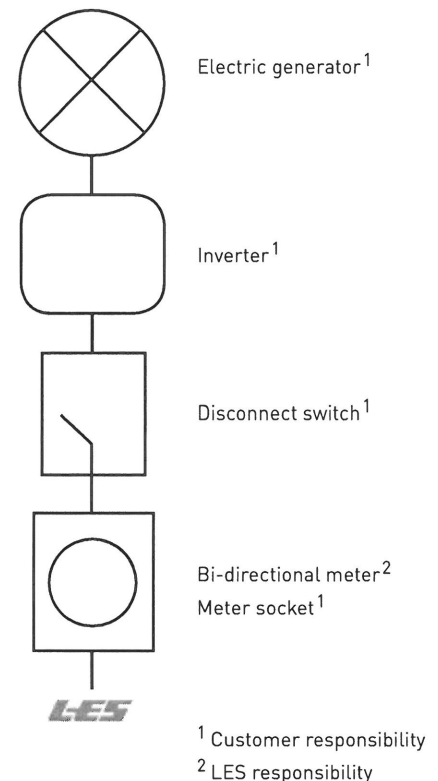
### STEP 3: INSPECTIONS & INTERCONNECTION

- You or your vendor will need to request an electrical city inspection.
- Submit a signed [Renewable Generation Interconnection Agreement](#).
  - Forward your application form and the proposed system's technical specifications to:

**Lincoln Electric System**  
**Bob Ruskamp**  
**Energy Services Specialist**  
**PO Box 80869**  
**Lincoln, NE 68501**

- Arrange for an LES site inspection by contacting LES at **402.473.3275** or [greenteam@les.com](mailto:greenteam@les.com) to approve system interconnection, AC disconnect switch and to set a bi-directional meter to measure energy that will be generated by your system.
- Upon successful completion of the LES site inspection, your system will be interconnected and may be eligible for a one-time capacity payment.

Sample One-line Diagram  
for Interconnection of  
Customer-owned Generation





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NEBRASKA REGULATORY OFFICE  
8901 SOUTH 154<sup>TH</sup> STREET, SUITE 1  
OMAHA, NEBRASKA 68138-3635

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>

April 27, 2017

Mr. Jeff Buhrman  
Lancaster County  
932 North Lakeshore Drive  
Lincoln, Nebraska 68528

RE: Lincoln, NE – NWO-2017-00374-WEH

Dear Mr. Buhrman:

We have reviewed the information for the above-referenced project, received in this office on March 1, 2017. The project consists of construction of solar panel racks. The solar panel racks will be approximately 14 feet wide by 14 feet high. Each solar panel rack will be mounted atop of a ground screw which will be hand drilled into the ground. A maximum of twenty-four ground screws will be drilled into the ground and will not result in a discharge of fill material. There are no impacts to waters of the United States. The project is located at approximately 40.824648° North, -96.749197° West, in Section 21, Township 10 North, Range 6 East, Lancaster County, Nebraska.

Based on the information provided, we have determined that the project will not involve a regulated discharge of dredged or fill material under Section 404 of the Clean Water Act. Therefore, the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 is required from the U.S. Army Corps of Engineers.

If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements.

Although a DA permit is not required for this project, this does not eliminate the requirement that you obtain any other applicable Federal, State, Tribal or local permits as required.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at [http://corpsmapu.usace.army.mil/cm\\_apex/?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/?p=regulatory_survey). If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding this determination, please contact Mr. Drew Vlazny at the above address, e-mail at [andrew.j.vlazny@usace.army.mil](mailto:andrew.j.vlazny@usace.army.mil), or call (402) 896-0896 and refer to file number **NWO-2017-00374-WEH**.

Sincerely,

  
FOR John L. Moesch  
Nebraska State Program Manager