
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

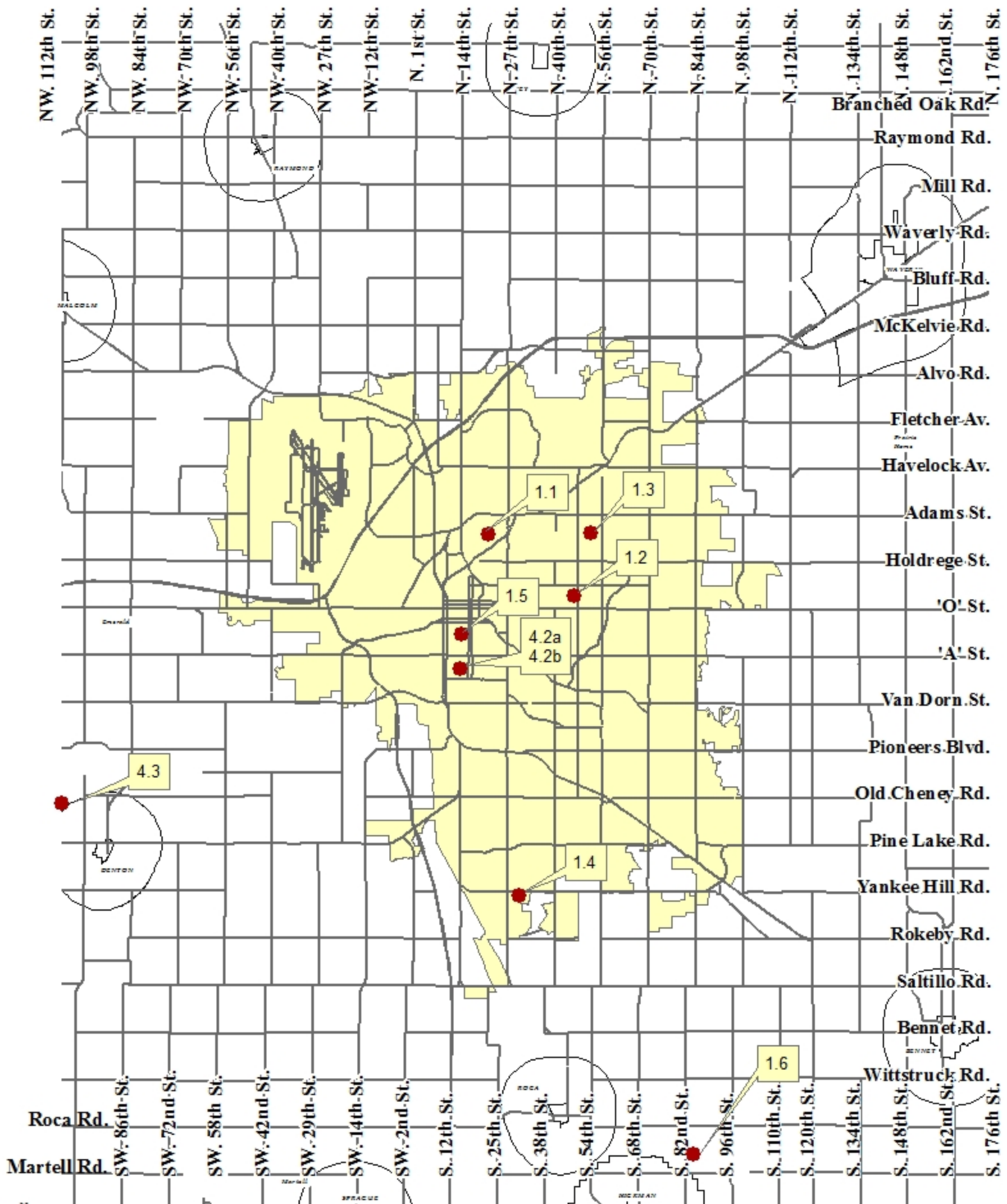
PLANNING COMMISSION

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

PLANNING STAFF

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

August 30, 2017



Planning Commission Agenda Item Map

August 30, 2017

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 30, 2017, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****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, AUGUST 30, 2017

Approval of minutes of the regular meeting held August 16, 2017.

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

COMPREHENSIVE PLAN CONFORMANCE:

Page 01 1.1 Comprehensive Plan Conformance No. 17013, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a proposed conservation easement to preserve the flood storage capacity and natural resources of the easement area, on property generally located at 1821 Yolande Avenue. ****FINAL ACTION****
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6370, athierolf@lincoln.ne.gov

Page 13 1.2 Comprehensive Plan Conformance No. 17014, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a proposed amendment to the 48th and O Street Redevelopment Plan, to create the "Skate Zone Redevelopment Project". The proposed project area consists of approximately 2.2 acres and involves the demolition of existing buildings and construction of a 4-story hotel with approximately 84 guest rooms, a 5,600 square foot retail building, surface parking, and associated intersection and right of way improvements, generally located at 300 North 48th Street.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 25 1.3 Comprehensive Plan Conformance No. 17015, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a request to declare City owned property as surplus for the eventual sale of said property, generally located adjacent to Leighton Avenue between 43rd to 45th Streets.
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

CHANGE OF ZONE:

Page 31 1.4 Change of Zone No. 16063A, amending the Wilderness Hills Commercial Planned Unit Development to add motorized vehicle sales and repair/service, early childhood care facilities, academies, and private schools as allowed uses, with a waiver to side yard setbacks, on property generally located at the southeast corner of 27th Street and Yankee Hill Road.
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT:

Page 49 1.5 Special Permit No. 17029, to allow for an exception to the maximum height permitted in the R 8 Residential District, to allow for a church bell tower, on property generally located at 1213 H Street. ****FINAL ACTION****
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

MISCELLANEOUS:

Page 57 1.6 County Waiver No.17003, requesting to waive Section 4.08(d) of the Lancaster County Subdivision Regulations to allow a lot to exceed the maximum depth of three times the average lot width, on property generally located at 16600 South 82nd Street. ****FINAL ACTION****
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@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:

TEXT AMENDMENT:

- Page 65 4.1 Text Amendment No. 17012, amending Chapter 27.72 of the Lincoln Municipal Code relating to the zoning ordinance height and lot regulations by amending Section 27.72.120 to provide that an accessory building attached to the main building by an unenclosed deck or walkway shall not be considered part of the main building and subject to the height and yard requirements of the main building; and repealing Section 27.72.120 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

CHANGE OF ZONE AND RELATED SPECIAL PERMIT:

- Page 75 4.2a Change of Zone No. 17020, from P (Public District) to R 4 (Residential District) with landmark overlay, on property legally described as Lot 3, Saint Francis 1st Addition, generally located at 2202 South 11th Street.
Staff recommendation: Approval
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

- Page 103 4.2b Special Permit No. 17030, to foster preservation of the former Saint Elizabeth Hospital Nurses Home (Trabert Hall) by permitting its utilization for offices or dwelling units, or for some mix thereof, under the provisions of Section 27.63.400 of the City of Lincoln Zoning Ordinance, on property generally located at 2202 South 11th Street. ****FINAL ACTION**
Staff recommendation: Conditional Approval
Staff Planner: Ed Zimmer, 402-441-6360, ezimmer@lincoln.ne.gov

COUNTY SPECIAL PERMIT:

- Page 115 4.3 County Special Permit No. 16021A, for an amendment of Site Specific Condition #5, regarding landscape screening requirements for an event center, on generally located at 12400 West Denton Road.
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

* * * * *

Adjournment:

PENDING LIST:

Planning Dept. staff contacts:

| | | |
|---|------------------------|--|
| David Cary, <i>Director</i> | 402-441-6364 | dcary@lincoln.ne.gov |
| Stephen Henrichsen, <i>Development Review Manager</i> | 402-441-6374 | shenrichsen@lincoln.ne.gov |
| Paul Barnes, <i>Long Range Planning Manager</i> | 402-441-6372 | pbarnes@lincoln.ne.gov |
| Collin Christopher, <i>Planner</i> | 402-441-6372 | cchristopher@lincoln.ne.gov |
| Michael Brienzo, <i>Transportation Planner</i> | 402-441-6369 | mbrienzo@lincoln.ne.gov |
| Tom Cajka, <i>Planner</i> | 402-441-5662 | tcajka@lincoln.ne.gov |
| Brandon Garrett, <i>Planner</i> | 402-441-6373 | bgarrett@lincoln.ne.gov |
| Stacey Groshong Hageman, <i>Planner</i> | 402-441-6361 | slhageman@lincoln.ne.gov |
| Rachel Jones, <i>Planner</i> | 402-441-7603 | rjones@lincoln.ne.gov |
| Andrew Thierolf, <i>Planner</i> | 402-441-6371 | athierolf@lincoln.ne.gov |
| George Wesselhoft, <i>Planner</i> | 402-441-6366 | gwesselhoft@lincoln.ne.gov |
| Brian Will, <i>Planner</i> | 402-441-6362 | bwill@lincoln.ne.gov |
| Kellee Van Bruggen, <i>Transportation Planner</i> | 402-441-6363 | kvanbruggen@lincoln.ne.gov |
| Ed Zimmer, <i>Historic Preservation Planner</i> | 402-441-6360 | ezimmer@lincoln.ne.gov |

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and
Sundays at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

| | | |
|---|------------------------------|---|
| APPLICATION NUMBER Comprehensive Plan Conformance #17013 | FINAL ACTION? Yes | OWNER PCE, Inc |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY ADDRESS/LOCATION 1821 Yolande Ave |

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The purpose of this application is to find that the acquisition of a permanent conservation easement conforms with the 2040 Comprehensive Plan. The owner is requesting a conservation easement at 1821 Yolande Ave to offset proposed fill for a construction project at 1717 Yolande Ave. Both parcels have the same ownership and are within the same Salt Creek Storage Area.



JUSTIFICATION FOR RECOMMENDATION

This conservation easement is for the purpose of preserving flood storage. The proposed easement will protect the floodplain and is not an obstacle to any planned action.

APPLICATION CONTACT
Ben Higgins, Watershed Management
(402) 441-7589

STAFF CONTACT
Andrew Thierolf, (402) 441-6371 or
athierolf@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Acquisition of the conservation easement by the City of Lincoln is in conformance with the Comprehensive Plan and supports several goals and strategies of the Plan. The Comprehensive Plan recommends conservation easements as an effective tool to maintain the function of the floodplain.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

The 2040 Future Land Use Plan shows this area as Industrial and Green Space. (p. 1.9)

GUIDING PRINCIPLES FOR COMMUNITY FORM THE URBAN ENVIRONMENT: OVERALL FORM

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (p. 2.8)

ENVIRONMENTAL RESOURCES: GUIDING PRINCIPLES

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. 3.3)

Make “Green Space” an Integral Part of All Environments - “Green space” can come in a wide variety of forms. The policies of LPlan 2040 should strive to incorporate such uses in the full range of urban and rural landscapes. (p. 3.4)

THE GREENPRINT CHALLENGE: OVERVIEW

The purpose of the *Greenprint Challenge* is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area’s environmental resource features. (p. 3.4)

GREENWAYS AND OPEN SPACES

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

Salt Valley Greenway

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

Strategies: General

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

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

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

OPEN SPACE AND GREENWAY LINKAGES DESCRIPTION

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

Strategies for Open Space and Greenway Linkages

Implement the Salt Valley Greenway concept as identified in the Environmental Resources chapter. (p. 9.10)

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

Strategies for Watershed Management

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

LAND USE PLAN

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

ANALYSIS

1. This proposed conservation easement is at 1821 Yolande Ave, and it is tied to a construction project at 1717 Yolande Ave. Both properties are under common ownership and within the same Salt Creek Storage Area. This easement will offset proposed fill at 1717 Yolande Ave. This request if approved would find the potential conservation easement to be in Conformance with the Comprehensive Plan.
2. The City is accepting this conservation easement at no cost.
3. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112). The conservation easement agreement (attached) will be forwarded to the City Council for their review and action.
4. The proposed conservation easement will protect floodplain conveyance and storage. The Comprehensive Plan recommends conservation easements as an effective tool to maintain function of the floodplain.
5. The property owner has signed the proposed agreement. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

6. The Easement Agreement includes provisions prohibiting specific uses and practices. Prohibited activities within the easement area include construction, placement of fill, or any other practice that would adversely impact the flood storage capacity. The owner is required to maintain the flood storage capacity of the easement area. See Section IV.1 of the Conservation Easement Agreement for a complete list of non-compatible uses.

EXISTING LAND USE & ZONING: Industrial, I-1 Industrial

SURROUNDING LAND USE & ZONING

North: Industrial I-1
South: Salt Creek I-1, P Public
East: Industrial I-1
West: Industrial I-1

APPROXIMATE LAND AREA: 0.14 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Andrew Thierolf, Planner

August 21, 2017

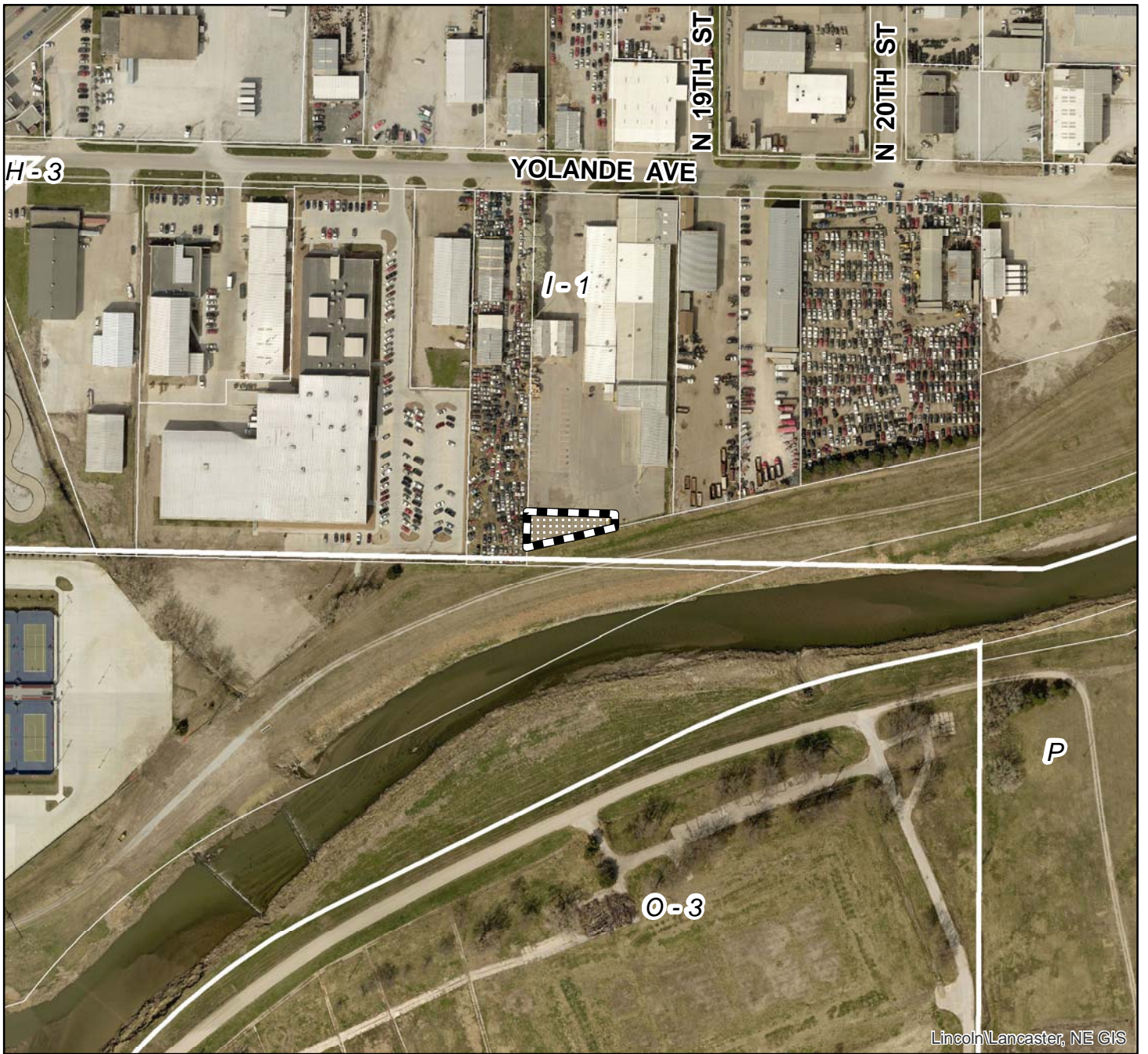
Applicant/ Ben Higgins, Watershed Management
Contact: (402) 441-7589
watershed@lincoln.ne.gov

Owner: PCE, Inc
1711 Yolande Ave
Lincoln, NE 68521

\\FILSRV01\Planning\DevReview\CPC\17000\CPC17013 Conservation Easement - 1821 Yolande.docx

Legal Description

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 220 I.T. AND LOT 221 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 220 I.T., THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 220 I.T., ALONG AN ASSUMED BEARING OF SOUTH 01 DEGREES 20 MINUTES 04 SECONDS WEST, A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 30 MINUTES 14 SECONDS EAST, ALONG A LINE THAT IS 530.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 220 I.T., AND LOT 221 I.T., A DISTANCE OF 145.68 FEET TO A POINT; THENCE SOUTH 01 DEGREE 22 MINUTES 9 SECONDS WEST, A DISTANCE OF 23.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 221 I.T.; THENCE SOUTH 77 DEGREES 16 MINUTES 26 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 221 I.T., AND LOT 220 I.T., A DISTANCE OF 150.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 220 I.T.; THENCE NORTH 01 DEGREE 20 MINUTES 4 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 220 I.T., A DISTANCE OF 59.910 FEET TO THE POINT OF BEGINNING.



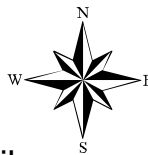
2016 aerial

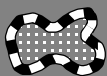


**Comp Plan Conformance #: CPC17013
Conservation Easement
N 19th St & Yolande Ave**

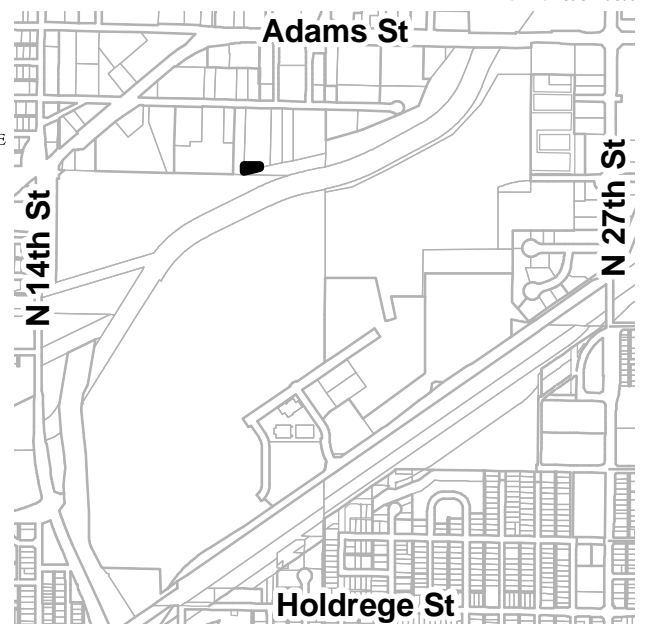
Zoning:

- 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. 13 T10N R06E**



| | |
|---|-------------------------------|
|  | Area of Application |
|  | Zoning Jurisdiction Lines |
|  | Lancaster County Jurisdiction |



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

THIS CONSERVATION EASEMENT AGREEMENT is entered into as of the 17th day of July, 2017 by and between **PCE, Inc.** ("Owner"), the City of Lincoln, Nebraska ("City").

RECITALS

I.

Owner is the owner in fee simple of 1821 Yolande Avenue, Lincoln, Lancaster County, Nebraska ("Property"). Owner desires to convey and City desires to accept a permanent Conservation Easement to preserve the flood storage capacity on that portion of the Property as shown and described on certain land ("Real Property") legally described as:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 220 I.T. AND LOT 221 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 220 I.T., THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 220 I.T., ALONG AN ASSUMED BEARING OF SOUTH 01 DEGREES 20 MINUTES 04 SECONDS WEST, A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 30 MINUTES 14 SECONDS EAST, ALONG A LINE THAT IS 530.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 220 I.T., AND LOT 221 I.T., A DISTANCE OF 145.68 FEET TO A POINT; THENCE SOUTH 01 DEGREE 22 MINUTES 9 SECONDS WEST, A DISTANCE OF 23.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 221 I.T.; THENCE SOUTH 77 DEGREES 16 MINUTES 26 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 221 I.T., AND LOT 220 I.T., A DISTANCE OF 150.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 220 I.T.; THENCE NORTH 01 DEGREE 20 MINUTES 4 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 220 I.T., A DISTANCE OF 59.910 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 6,037.89 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

II.

The City is authorized to accept and hold this Conservation Easement under the terms of this Agreement and the Conservation and Preservation Easement Act.

III.

This Agreement has been submitted to the Lincoln-Lancaster County Planning Commission pursuant to the Provisions of Neb. Rev. Stat. § 76-2,112 for review and recommendation and said Commission has found that the Conservation Easement is in conformance with the Lincoln City Comprehensive Plan.

IV.

The City Council of the City of Lincoln, Nebraska, has approved and accepted this Conservation Easement after duly considering the recommendations of the Lincoln City-Lancaster County Planning Commission and has authorized the Mayor to execute this Agreement on behalf of the City.

NOW, THEREFORE, in consideration of the mutual value to the Owner and City and to encourage and floodplain conservation the City and Owner agree as follows:

1. Grant of Conservation Easement. Owner hereby grants and conveys to City and for its benefit and the benefit of the public a conservation easement over the Easement Area to restrict the Easement Area to open space and protect and preserve the flood storage capacity of the Easement Area and to restrict development and future use of the Property that will significantly impair or interfere with the flood storage capacity of the Easement Area.

A. The following uses and practices, although not an exhaustive recital of the inconsistent uses and practices, are inconsistent with the purposes of this Conservation Easement and shall be prohibited within the easement Area:

- i. Construction or placement of fill material, cement, buildings, fences, signs, or any other structure;
- ii. Any other use or practice that would adversely impact the flood storage capacity.

B. The term of this Conservation Easement will be in perpetuity unless earlier terminated pursuant to any of the following provisions:

- i. By the City and NRD pursuant to the provisions of Neb. Rev. Stat. § 76-2,113.
- ii. By the Lancaster County District Court pursuant to the provisions of Neb. Rev. Stat. § 76-2,114.

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

2. Condition of the Easement Area at Time of Grant. The condition of the Easement Area at the time of this Conservation Agreement shall mean the flood storage capacity of the Easement Area existing at the time of this grant as shown on the attached Exhibit 'A' and conforming to the conservation easement site plan filed with Comprehensive Plan Conformity CPC _____ in the City's Planning Department.

3. Protection and Maintenance of the Easement Area.

A. Owner agrees at Owner's own cost and expense to protect and maintain the flood storage capacity of the Easement Area in the same condition existing at the time of this Conservation Agreement except as otherwise authorized by this Conservation Easement.

B. Owner agrees to pay any real estate taxes, estate taxes or assessments levied by competent authorities on the Easement Area, including but not limited to any tax or assessment affecting the easement granted herein. Owner further agrees to obtain, pay for, and continuously maintain liability and property insurance covering the Easement Area.

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

4. **Inspections and Access by City.** The City shall have the right of reasonable ingress and egress to and from the Easement Area from public roads and streets and from adjacent properties for its employees, contractors, vehicles and equipment for the purpose of revegetating and for inspecting, maintaining or protecting the flood storage capacity of the Easement Area as the City or NRD may deem necessary or desirable.

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

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

7. **Binding Affect.** The Conservation Easement granted herein shall run with the land and shall inure to the benefit of and be binding upon the heirs, successors and assigns of Owner and City.

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

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

YOLANDE AVE.

P.O.C.



LOT 147 I.T.

S01°20'04"W 530.00'

LOT 220 I.T.

LOT 221 I.T.

LOT 222 I.T.

P.O.B.

S01°22'09"W 23.00'

S88°30'14"E 145.68'

N01°20'04"E 59.91'

S77°16'26"W 150.16'

LOT 225 I.T.

DWG: F:\2017\0501-1000\017-0512\40-Design\Survey\Xref\AV_EASEMENT_170512.dwg
DATE: Jul 14, 2017 8:58am XREFS: V_10P0_170512 11/31/06 USER: slf

PROJECT NO: 017-0512
DRAWN BY: SLF
DATE: 07.14.17

EASEMENT

MOLSSON
ASSOCIATES

601 P Street, Suite 200
P.O. Box 64826
Lincoln, NE 68506
TEL: 402.474.8311
FAX: 402.474.5160

EXHIBIT

1

MEMORANDUM

To: David Cary, Planning Department
From: Ben Higgins, Public Works (402-441-7589) *BH*
Subject: Comprehensive Plan Conformity request for conservation easement for 1821 Yolande Avenue (Lots 220 & 221 NW, Section 13, Township 10, Range 6)
Date: August 1, 2017
cc: Carter Hubbard, OA

This is a Comprehensive Plan Conformity request for a conservation easement of 0.14 acres located at 1821 Yolande. The owner (PCE Inc) is requesting a conservation easement to offset proposed fill on 1717 Yolande also owned by PCE Inc. Both properties are in the same Salt Creek Storage Area (Storage Area 16) that has a 40% allowable fill requirement per the Salt Creek Storage Area requirements in Lincoln Municipal Code 27.52.035.

The City is acceptable to this easement for preserving the existing flood storage capacity and natural resources on 1821 Yolande Avenue.

The conservation easement is to the City of Lincoln. The property owner has signed the attached conservation easement for which Comprehensive Plan Conformity is requested. Please include as an agenda item for the next available Planning Commission (assumed to be August 30, 2017).

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 Comprehensive Plan Conformance 17014 Skate Zone Redevelopment Project | FINAL ACTION? No | DEVELOPER/OWNER Access Development/Arena Skate World, Inc. |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY ADDRESS/LOCATION 300 North 48 th Street |

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 48th and "O" Street Redevelopment Plan to create the "Skate Zone Redevelopment Project". The project will include the demolition of existing buildings and construction of a 4 story hotel with approximately 84 guest rooms and a 5,600 square foot retail building.



JUSTIFICATION FOR RECOMMENDATION

The project is consistent with the Comprehensive Plan and the 48th and "O" Street Redevelopment Plan through redevelopment of blighted conditions with a mix of uses and appropriate building design.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The project is consistent with the goals in the Comprehensive Plan; specifically, redeveloping commercial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure and developing with substantial connectivity between developing or existing neighborhoods and commercial centers.

COMPREHENSIVE PLAN SPECIFICATIONS:

p. 1.9 The 2040 Lincoln Area Future Land Use Plan identifies the property for Commercial use.

p. 5.7 The renovation, reuse, and redevelopment of existing commercial centers is encouraged and is further described in the Mixed Use Redevelopment chapter, which outlines many strategies that are also appropriate for new mixed use commercial centers.

p. 5.7 Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.

p. 6.2 Mixed Use Redevelopment should: Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

P. 6.2 Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping centers.

48th and "O" STREET REDEVELOPMENT PLAN SPECIFICATIONS:

p. 19 Encourage a diverse mix of uses, such as office, retail, multi-family residential and service uses.

p. 19 Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect the Redevelopment Area with adjacent development.

p. 19 Encourage project designs which place commercial buildings rather than parking lots along 48th and "O" Streets.

p. 19 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 unified appearance.

ANALYSIS

1. This is an amendment to the 48th and "O" Street Redevelopment Plan that identifies the Skate Zone Redevelopment Project. The project will include the demolition of existing buildings and construction of a 4-story hotel with approximately 84 guest rooms, a 5,600 square foot retail building, 149 stall surface parking lot and associated intersection and right of way improvements. The Project is located on North 48th Street and in close proximity to O Street. The completion of 50th Street, on the east side of the Project Area, provides additional access and connectivity.
2. Presently there is an approximately 19,000 square foot roller rink arena known as "Skate Zone", an accessory building, a related approximately 5,000 square foot office building, and a surface parking lot on the Project Site. All buildings are currently vacant and showing signs of disrepair.
3. The estimated total cost to implement the Project is approximately \$11,000,000, which includes approximately \$976,000 in public financing. Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$4,649,000 as a result of the private investment for the Project. The public investment of TIF funds will leverage over \$10,000,000 in private sector financing, a private investment of \$10.25 for every TIF dollar spent.
4. As part of the redevelopment agreement for the Project an access easement will be included so that the adjacent properties will have access to the new signalized intersection at North 48th Street and access to North 50th Street. In addition, the current access location onto 48th Street will need to be relinquished with the new access to the south at the signalized intersection.

5. The Urban Design Committee will review the site layout and building design for this development.
6. The project is consistent with goals in the Comprehensive Plan and the 48th and "O" Street Redevelopment Plan; specifically, the Project will remove blighted and substandard conditions with a mix of uses with redevelopment of an existing commercial center.

EXISTING ZONING:

H-2 Highway Business District

EXISTING LAND USES:

Vacant (former roller rink)

SURROUNDING LAND USE AND ZONING:

North: Commercial; H-2, I-2

South: Commercial; H-2

East: Commercial; H-2

West: Commercial H-2

APPROXIMATE LAND AREA: 2.2 acres

Prepared by

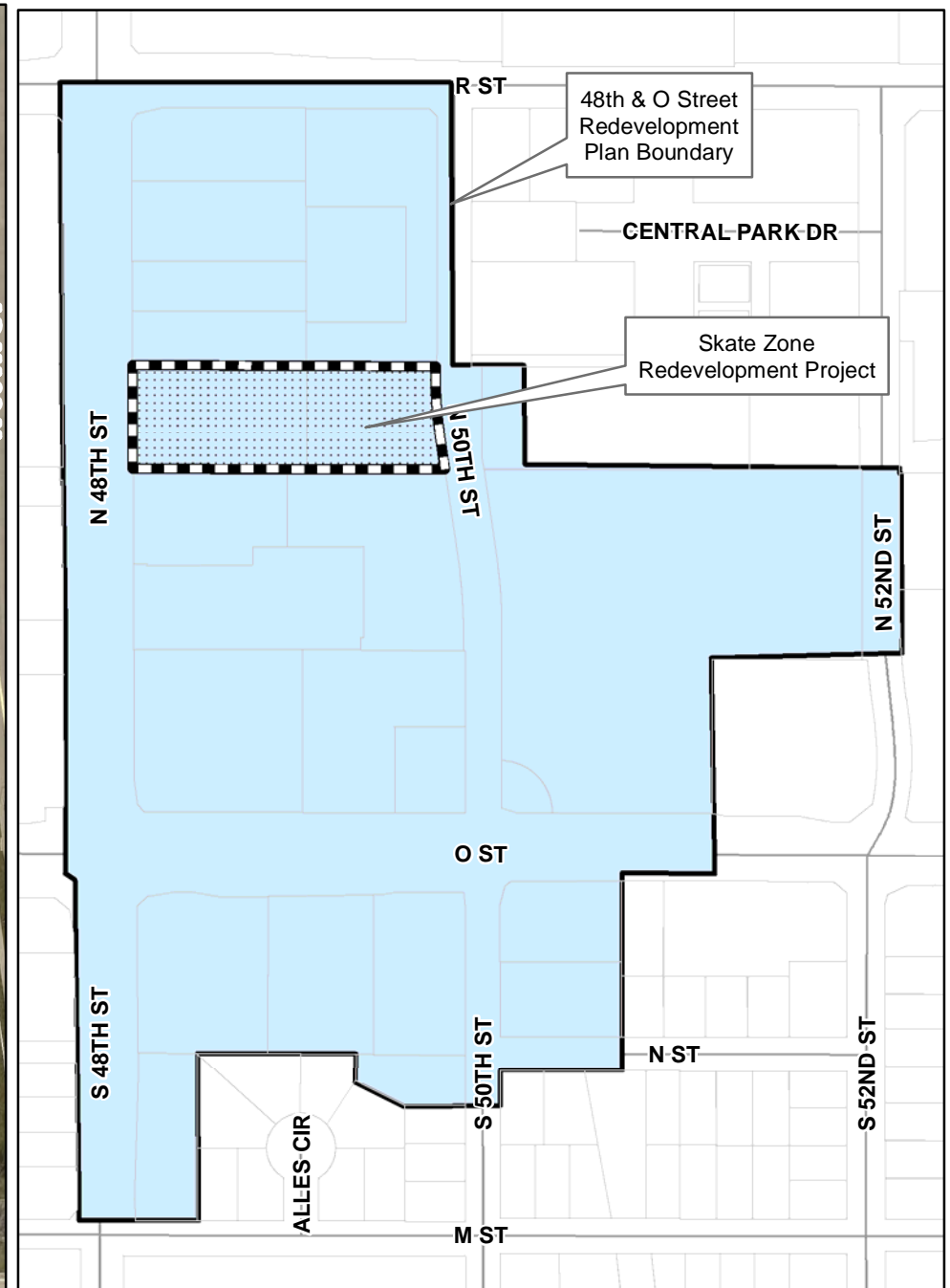
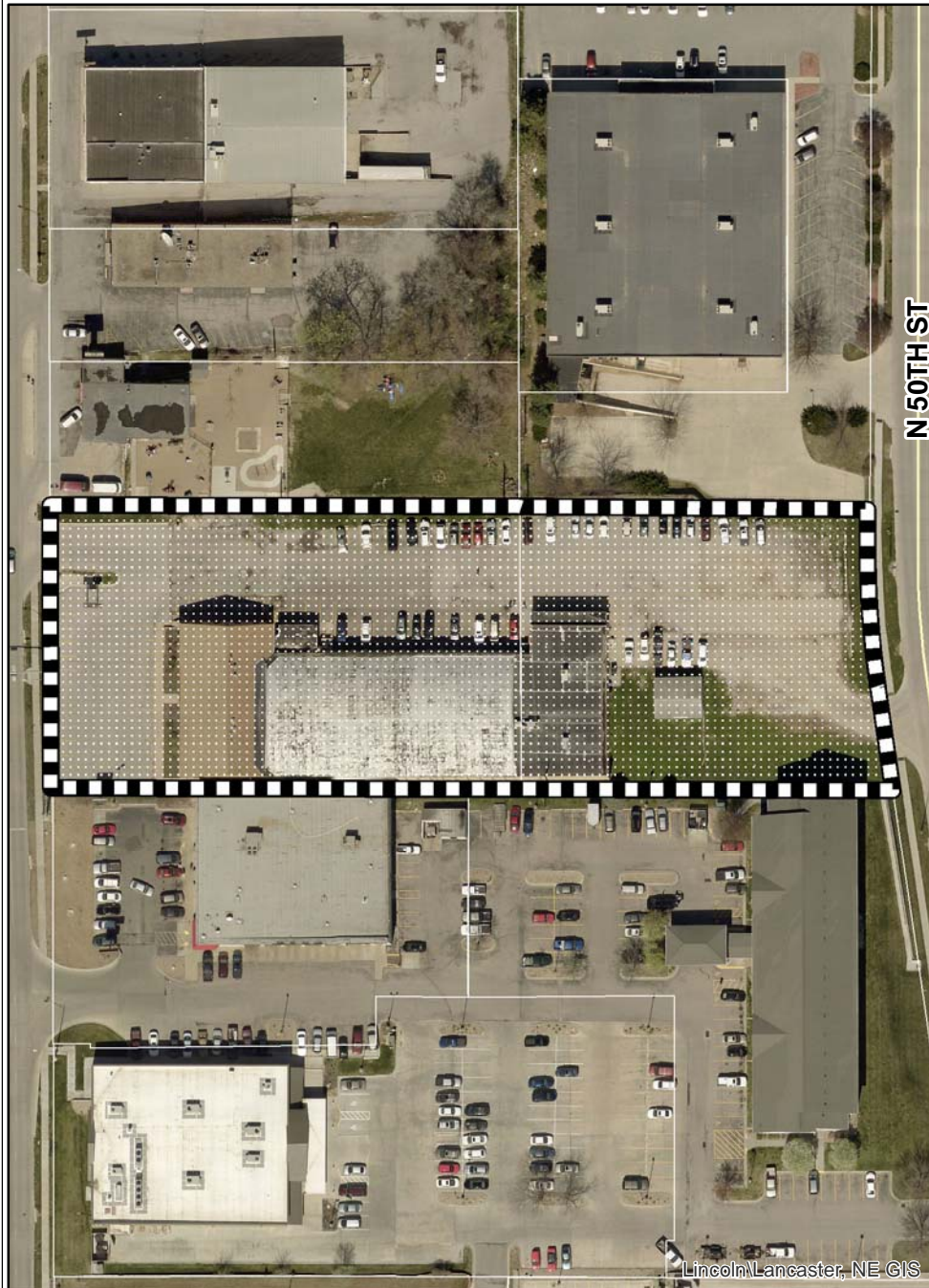
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

Date: August 17, 2017

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

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

F:\DevReview\CPC\17000\CPC17014 Skate Zone Redevelopment Project.gjw.docx



2016 aerial



Comprehensive Plan Conformance #17014
48th & O Street Redevelopment Plan Amendment
Skate Zone Project

m:\plan\arcview\CPCRevelopmentAreaDrawings.mxd (CPC17014)

- ▶ Grading and site preparation.
- ▶ Elimination of environmental hazards.
- ▶ Paving off-street parking.
- ▶ Relocating/upgrading utilities as needed including relocation of overhead utility lines
- ▶ Constructing storm water management systems to eliminate storm water hazards.
- ▶ Eliminating existing storm water cuts, constructing consolidated entrances as needed and landscaping driveways, approaches and sidewalks.
- ▶ Constructing sidewalks and walkways.
- ▶ Constructing utility lanes and frontage roads, as required.
- ▶ Vacation of alleyways and streets as required.
- ▶ Subdivision and rezoning if necessary.
- ▶ Obtaining access easements as required.

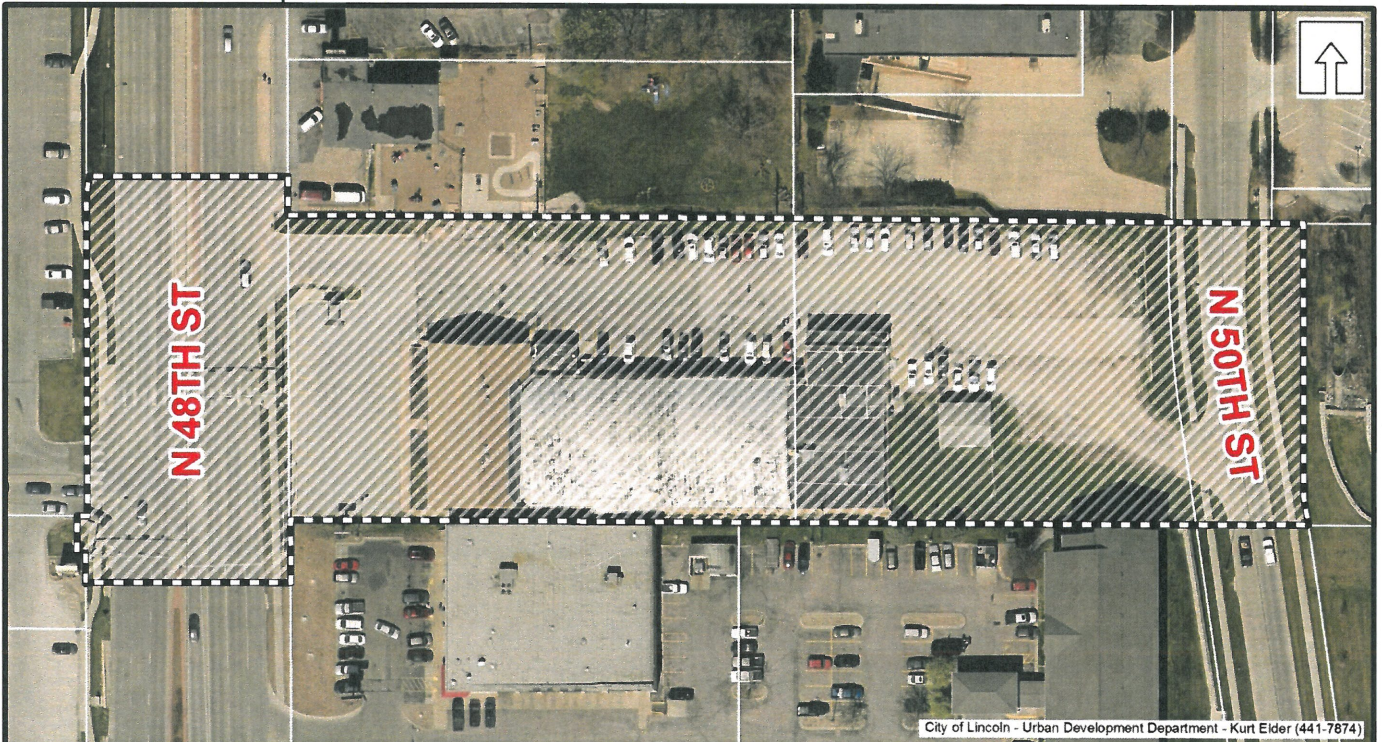
Inserting
amendment
into existing
plan text



3. Skate Zone Redevelopment Project

Project Description:

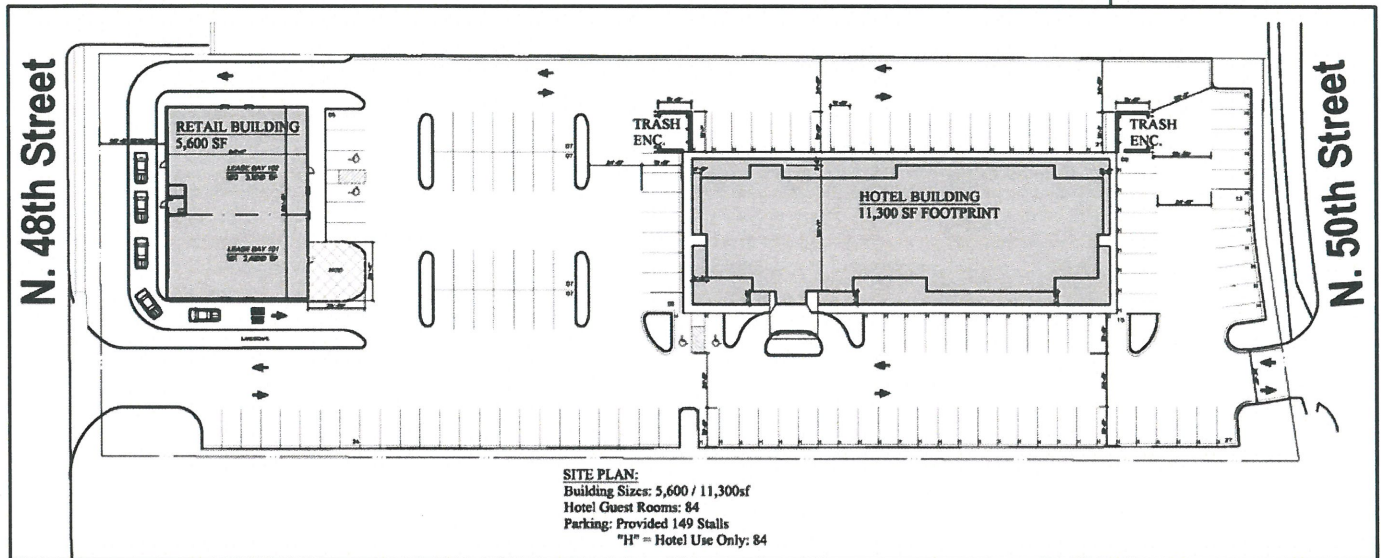
The Skate Zone Redevelopment Project (the "Project") is the redevelopment of approximately 2.2 acres comprised of two parcels of land in the 48th and "O" Streets Redevelopment Area and related intersection and right-of-way (ROW) improvements. It is generally located at 300 North 48th Street. The parcels are legally described as the south 179.3 Feet of Lot 20, except that portion taken by the City of Lincoln for road purposes, JG Millers Subdivision, an Addition to the City of Lincoln, Lancaster County, Nebraska (the "Project Area"). The Project Area is depicted on the map, below.



Skate Zone Redevelopment Project: Project Area

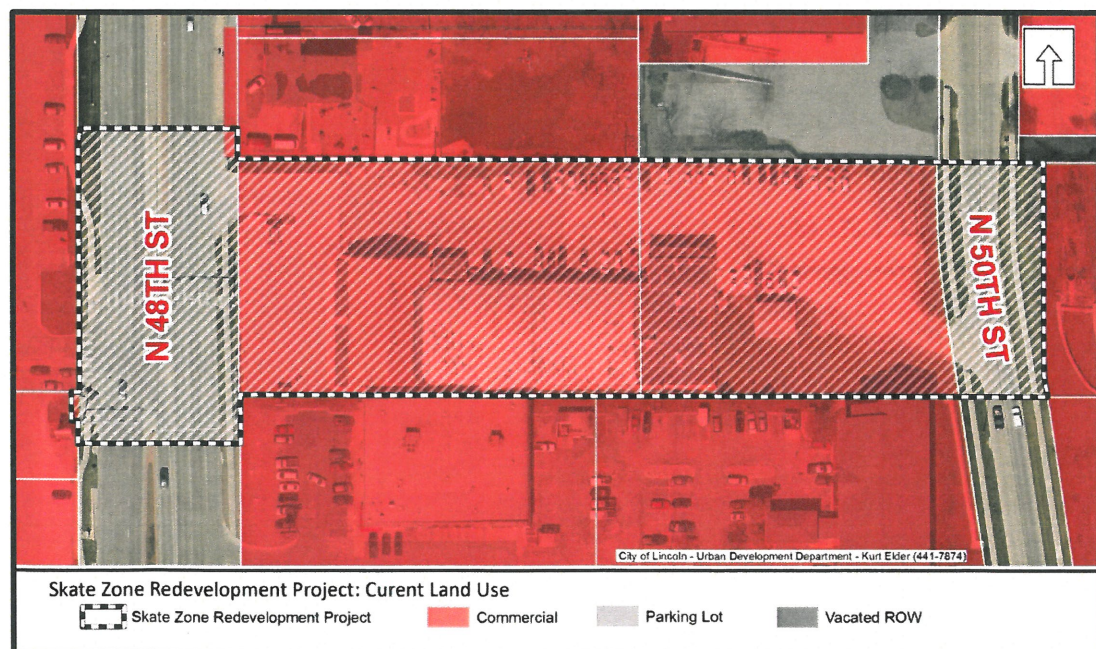
Skate Zone Redevelopment Project

The Project involves demolition of existing buildings and construction of a four-story hotel with approximately 84 guest rooms, an approximately 5,600 square foot retail building, an approximately 149 stall surface parking lot, and associated improvements in the Project Area. Intersection improvements on 48th Street will provide improved access to the site and a fully functional signalized intersection. The Project represents a significant private investment in the 48th and “O” Street Redevelopment Area.

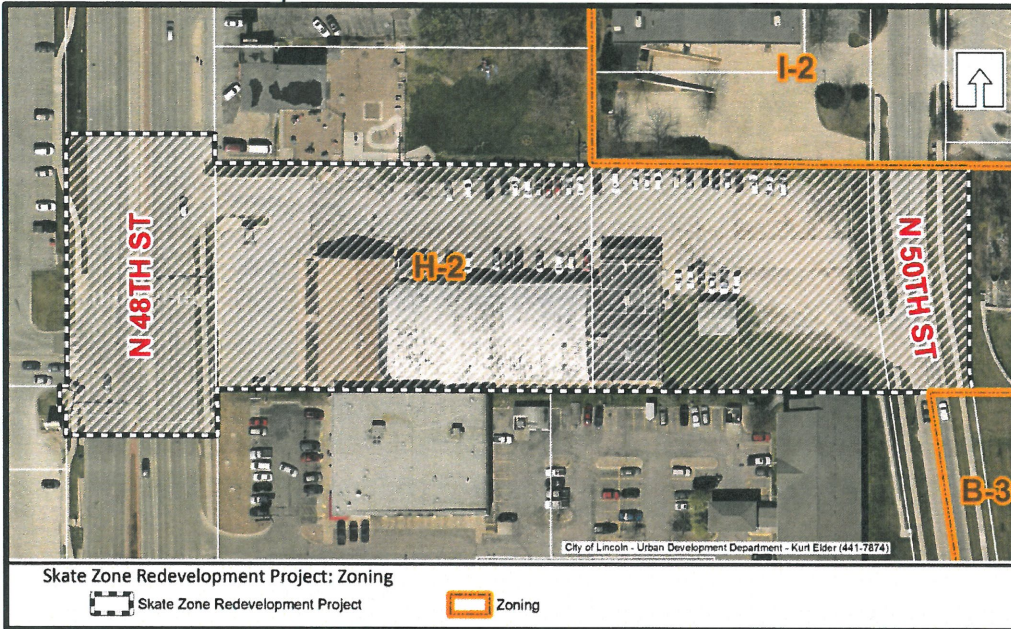


Existing Land Use and Zoning:

An approximately 19,000 square foot roller rink arena known as “Skate Zone”, an accessory building, a related approximately 5,000 square foot office building, and a surface parking lot are currently located on the Project Site. All buildings are currently vacant and showing signs of disrepair. Significant grade and drainage issues exist at the site. Surrounding land uses include commercial and office uses. The Project is located on N. 48th Street and in close proximity to “O” Street; both are major arterial streets and primary transportation corridors in the City of Lincoln. The completion of 50th Street, on the east side of the Project Area, provides additional access and connectivity to other commercial uses in the area. See the current land use map, below.



The Project Area is currently zoned H-2 Highway Business District, a designation which is intended to provide for businesses and services oriented to major arterial streets. The land surrounding the Project Area is primarily zoned H-2 Highway Business District as well, although a portion of the land directly north of the Project Area is zoned I-2 Industrial Park District. Nearby zoning includes the B-1 Local Business District, the O-3 Office Park District and, along "O" Street, the B-3 Commercial District. Existing zoning is shown below.



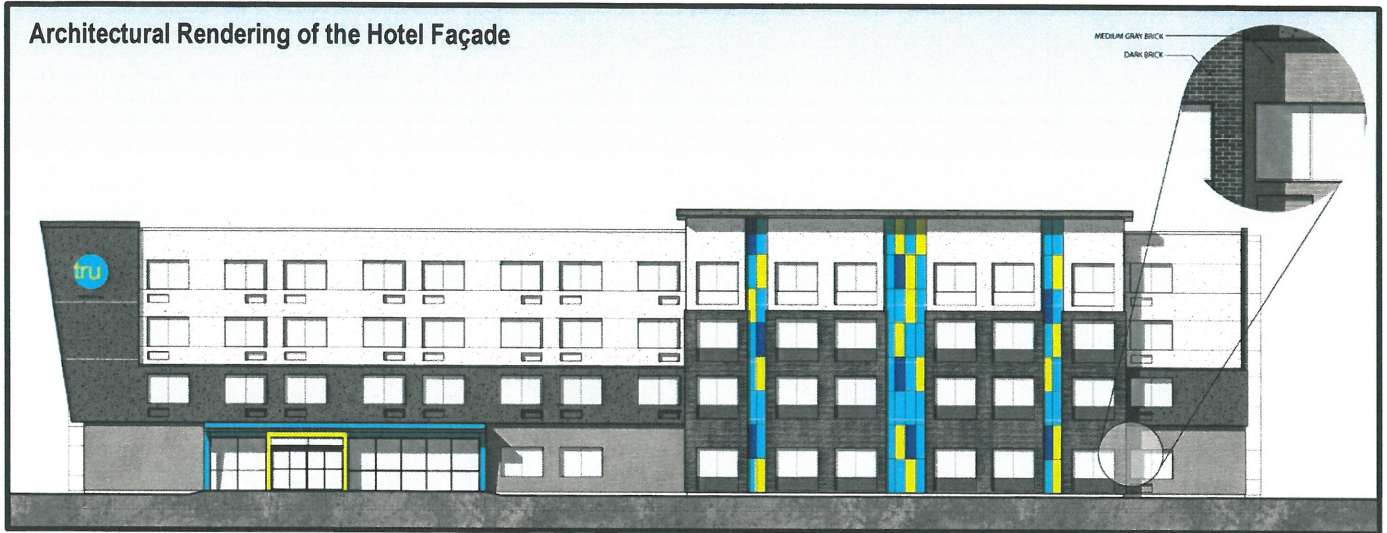
The Project furthers the goals of the 48th and "O" Street Redevelopment Plan by removing blighted and substandard conditions in the Project Area. With the development of a mix of uses, both retail and hospitality, the Project supports existing businesses along the 48th and "O" Street corridors and strengthens the Redevelopment Area as a commerce center, both of which are goals of the Plan.

The Project is also consistent with *LPlan 2040, Lincoln/Lancaster County*

2040 Comprehensive Plan. The 48th and "O" Street Redevelopment Area constitutes a "commercial center" as defined in Chapter 5 (Business & Economy) of *LPlan 2040*. Chapter 5 indicates that the redevelopment of existing commercial centers is encouraged, and that commercial centers should be located where there is access to arterial streets with adequate capacity. Development of a retail building and a hotel in the Project Area is also consistent with the *2040 Lincoln Area Future Land Use Plan*. Future land use is shown on the map below.



Architectural Rendering of the Hotel Façade



Statutory Elements:

- *Property Acquisition, Demolition, and Disposal:* The proposed redeveloper currently controls the Project Site. The Project will require demolition and disposal of the existing office building, roller rink arena and accessory building. No relocation of families or businesses will occur as a result of the Project.
- *Population Density:* The Project consists of the construction of a four-story hotel with approximately 84 guest rooms, and an approximately 5,600 square foot retail building, and does not include the construction of any residential units. As a result, the Project is not expected to affect the population density in the 48th and "O" Street Redevelopment Area.
- *Land Coverage:* Land coverage is expected to decrease in the Project Area. The Project will consist of construction of a hotel with an approximately 11,300 square foot footprint and 5,600 square foot retail building on the 2.2 acre site. The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Lincoln.
- *Traffic Flow, Street Layouts, and Street Grades:* The Project is likely to result in an increase in traffic with employees, customers, and guests accessing the hotel and retail buildings. However, the site plan identifies access to the site from both 48th Street and 50th Street, which should relieve some traffic congestion created by the Project, if any. Intersection improvements on 48th Street will improve access. The Project does not include vacating any streets or alleys.
- *Parking:* The redeveloper will construct an approximately 149 stall surface parking lot to serve both the retail and the hotel buildings, which will meet the parking requirements of the H-2 Highway Business District.
- *Zoning, Building Code, and Ordinances:* The Project Area is currently zoned H-2 Highway Business District, and the new uses are permitted in this district. Currently, it is envisioned that the Project Area will be subdivided to separate the hotel use from the retail use. All applicable building code requirements and ordinances will be satisfied.

- *Financing and Cost Benefit Analysis:* The estimated total cost to implement the Project is approximately \$11,000,000, which includes approximately \$976,000 in public financing. The project cost will be finalized as construction costs are determined. The source of the public funds for these improvements will be the tax increment generated from the private developments on the Project Site. However, funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and City Council.

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

Public Tax Revenues:

| Skate Zone Redevelopment Project | Amount |
|--|------------------|
| (a) Base Value | \$1,023,000 |
| (b) Estimated New Assessed Value | \$5,672,000 |
| (c) Increment Value = (b) – (a) | \$4,649,000 |
| (d) Annual TIF Generated (Estimated) = (c) x 2.036758% | \$95,000 |
| Funds Available = (d) x 14 years @ 4.5% | \$976,000 |

Upon completion of the Project, the assessed value of the Project Site will increase by an estimated \$4,649,000 as a result of the private investment for the Project. This will result in an increase in estimated annual property tax collections during the 15 year TIF period of approximately \$95,000, which will be available to finance the costs of construction of the public improvements related to the Project. The public investment of approximately \$976,000 in TIF funds will leverage over \$10,000,000.00 in private sector financing, a private investment of \$10.25 for every TIF dollar spent. The TIF funds shall be subject to adjustment as the project costs are further defined.

The Urban Development Department believes that the private and public improvements proposed in this plan amendment would not occur “but for” the utilization of tax increment financing in the 48th and “O” Street Redevelopment Area. It would not be economically feasible for the redeveloper to construct the Project improvements without tax increment financing because the existing site conditions constitute a barrier to development that cannot be adequately remedied without the use of tax increment financing. Existing site conditions include buildings in disrepair and grade and drainage issues.

Public investment may assist with the costs of street improvements, site acquisition, site preparation and grading, environmental remediation, demolition, façade enhancements, and other public improvements and enhancements permitted under the Community Development Law in the 48th and “O” Street Redevelopment Area.

- **Public Infrastructure and Community Public Service Needs Impacts:**

It is not anticipated that the Project will have an adverse impact on existing public infrastructure. In fact, the Project involves the capture of the incremental tax revenues for use for street improvements, among other public infrastructure improvements in the Project Area. It is not anticipated that the Project will have an adverse impact on City services, but instead will generate additional revenue providing support for those services.

- ***Employment within the Redevelopment Project Area:***

It is not anticipated that the Project will have an adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the Project. The business that was operated in the Project Area has closed, resulting in a loss of jobs but for the Project. It is anticipated that the construction of a hotel as well as retail space on the Project Site will result in the creation of an estimated 30 to 40 jobs, although the number created will depend in large part on the types of businesses that are operated by the tenants that lease the retail space. In addition, the hotel constructed as a part of the Project will provide support for the existing business communities along the 48th and "O" Street corridors by creating additional accommodations for employees travelling on business to the 48th and "O" Street Redevelopment Area. Hotel guests will also likely patronize existing businesses in the area.

- ***Employment in the City outside the Redevelopment Project Area:***

The Project is not expected to adversely affect employment in the City outside the 48th and "O" Street Redevelopment Area. Instead, the removal of blight and substandard conditions from the Project Site and the 48th and "O" Street Redevelopment Area is anticipated to strengthen the 48th and "O" Street Redevelopment Area as a center of commerce within the City of Lincoln. It is anticipated that the Project will attract further commercial and retail development, which will create additional jobs in the 48th and "O" Street Redevelopment Area and the City of Lincoln as a whole. The Project should increase the need for services and products from existing businesses in and around the 48th and "O" Street Redevelopment Area.

Other Impacts:

Redevelopment of the Project Site will help prevent further commercial disinvestment in the 48th and "O" Street Redevelopment Area, effectively eliminating and preventing a recurrence of blight and substandard conditions. The Project is consistent with LPlan 2040 and the 48th and "O" Street Redevelopment Plan.

The Project should have a positive impact on private sector businesses in the 48th and "O" Street Redevelopment Area and in the City. The Project will strengthen the Redevelopment Area as a center of commerce, which will attract additional private investment in and around the Area. In furtherance of the goals of the 48th and "O" Street Redevelopment Plan, the Project will involve development of a mix of uses, both retail and hospitality, that are supportive of existing businesses within the 48th and "O" street corridors.

While the use of tax increment financing will defer receipt of a majority of the incremental ad valorem real property taxes generated by the Project for up to 15 years, there will be additional revenue generated by the Project from, for example, sales taxes generated by guests of the hotel constructed as part of the Project, who will purchase products and services during their stay in the City of Lincoln. Upon completion of the 15 year TIF period, the Project will benefit the community through higher property tax revenue.



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

August 2, 2017

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

Dear David:

Enclosed is an amendment to the *48th & O Street Redevelopment Plan* that identifies the Skate Zone Redevelopment Project. This project is generally located at 300 North 48th Street. The site is approximately 2.2 acres. The project is comprised of a four-story hotel with approximately 84 guest rooms and a retail building comprising about 5,600 square feet. A surface parking lot will provide approximately 149 parking stalls.

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 August 30, 2017 agenda.

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

Sincerely,

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

Wynn S. Hjermstad, AICP
Community Development Manager

Cc: David Landis, Director, Urban Development Department

enc.

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 Comprehensive Plan Conformance #17015 North 43 rd & Leighton Surplus Declaration | FINAL ACTION? No | DEVELOPER/OWNER City of Lincoln |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY ADDRESS/LOCATION Vicinity of North 43 rd & Leighton Avenue |

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The City is requesting the declaration of surplus property for a 20 foot wide strip of property located between North 43rd and North 45th Streets near Leighton Avenue. The City has no plans to use this property for street extension or other use and therefore does not need to retain it. This request seeks to find conformance with the Comprehensive Plan to declare the 13,400 square feet of this property as surplus.



JUSTIFICATION FOR RECOMMENDATION

The City acquired this property in 1964 for possible street purposes though it has never been dedicated as a street. The City has no plans to use this property and therefore is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies other than Public Works Watershed Management requests a conservation easement over the area to be retained in the deed.

APPLICATION CONTACT

Michelle Backemeyer, (402)-441-8616 or at mbackemeyer@lincoln.ne.gov

STAFF CONTACT

George Wesselhoft, (402)-441-6366, or at gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This declaration of surplus property conforms to the Comprehensive Plan.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 13,400 square feet of property located near the vicinity of North 43rd Street and Leighton Avenue. The property was deeded to the City in 1964 by the University of Nebraska for possible street purposes but no records indicate it was ever officially dedicated as a street. A 1964 aerial photo shows the general area as agricultural use but there is no evidence from that time to present day that it was ever used as a street. The property is 20 feet in width north to south and 670 feet in length from east to west. It abuts Leighton Avenue on the east but is not adjacent any right of way on the west.
2. The City has no plans to use this property for street extension purposes, and as the University of Nebraska-Lincoln owns everything else adjacent to this parcel, it is being proposed for surplus with the intent that they would acquire this property.
3. The property is zoned P Public Use District. The adjoining parcels to the north and south are also zoned P Public reflective of the University of Nebraska ownership.
4. As the property is in a flood plain, the Public Works Department-Watershed Management requests a conservation easement over this area to be retained in the deed.
5. This request is to declare a strip of City owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed.

EXISTING LAND USE & ZONING: Undeveloped; P District

APPROXIMATE LAND AREA: 13,400 square feet

LEGAL DESCRIPTION: The north 20 feet of the West 670 feet of the East 1,769.5 feet of the SW $\frac{1}{4}$ of Sec. 17-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

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

Date: August 17, 2017

Applicant/
Owner: City of Lincoln
c/o David Landis
Director, Urban Development Department
555 South 10th Street
Lincoln, NE 68508

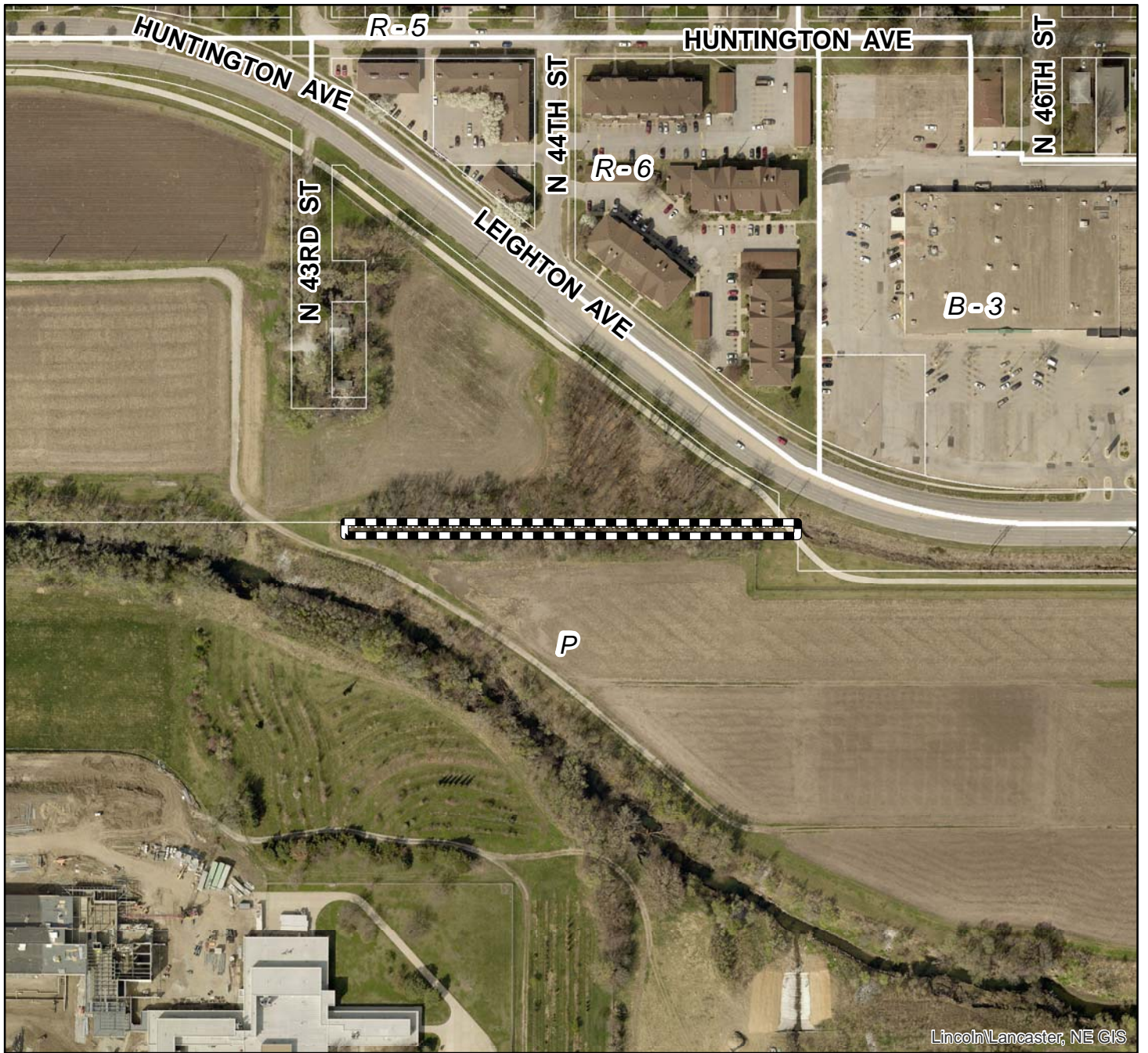
Contact: Michelle Backemeyer
City of Lincoln/Urban Development Department
555 South 10th Street
Lincoln, NE 68508
(402)-441-8617 or mbackemeyer@lincoln.ne.gov

CPC17015 N 43rd & Leighton Avenue Surplus.gjw.docx

CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE #17015

BEFORE THE DEED TRANSFER THE FOLLOWING MUST BE COMPLETED:

- 2.1 Include retention of conservation easement prior to deed transfer.



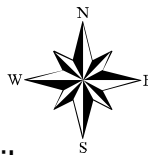
2016 aerial

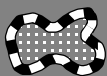


Comp Plan Conformance #: CPC17015
N 43rd St & Leighton Ave
Declaration of Surplus

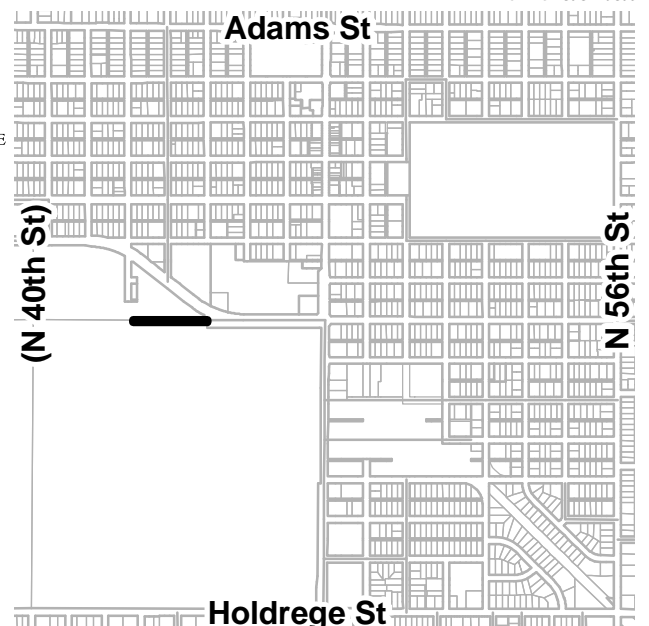
Zoning:

- 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 |





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

August 1, 2017

David Cary, Director
Lincoln-Lancaster County
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the property located at approximately Leighton Avenue, 43rd to 45th Streets. The property was deeded to the City in 1964 by the University for possible street purposes but no records indicate it was officially dedicated as a street. The City has no plans to extend the street, and the University would like to acquire this property as they own everything else adjacent to the parcel. There has been no opposition to the sale of the property other than watershed management has requested a conservation easement over this area be retained in the deed.

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 August 30, 2017 agenda.

If you have questions or need additional information, please contact me at 441-8617 or at 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

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 #16036A | FINAL ACTION? No | DEVELOPER Wilderness Hills LLC |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY LOCATION S. 27 th Street and Yankee Hill Road |

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to a Planned Unit Development (PUD) to add several uses. Early childhood care facilities, academies and private schools would be permitted on Lot 24, located northeast of S. 27th Street and Wilderness Hills Boulevard. Motorized vehicle sales and repair/service would be permitted on Lot 20 and Outlot H, which are located north of Crescent Drive and east of S. 30th Street, to accommodate the expansion of the dealership to the east. A waiver is requested to reduce the east side yard setback to 0 feet on Lot 20 and Outlot H adjacent to the dealership use that would be expanding its premises.



JUSTIFICATION FOR RECOMMENDATION

The amendment allows for several new commercial uses while adhering to the intent of the approved plan and the existing pattern of vehicle sales and service uses along Yankee Hill Road between S. 27th Street and S. 40th Street. The waiver to the side yard setback is justifiable because Lot 20 and Outlot H will function as part of the dealership premises to the east.

APPLICATION CONTACT

Brad Marshall, (402) 458-5672 or bmarshall@olssonassociates.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports locating small-scale commercial uses within walking distance of neighborhoods while limiting the impacts on those neighborhoods. Locating compatible land uses including child care centers adjacent to residential areas is also encouraged. This site is designated for future commercial uses on the future land use map. The proposed new uses would be appropriately located adjacent to the arterial streets and therefore have a minimal impact on the neighborhood south of Wilderness Hills Boulevard. This amendment would be in keeping with the intent of the previously approved plan and would be supported by the Comprehensive Plan.

WAIVERS

1. Reduce the side yard setback to 0 feet on Lot 20 and Outlot H adjacent to H-4 zoning. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 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.

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.
- 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. 5.6 - The Wilderness Hills Commercial center is designated as a Community Center on Map 5.1: Existing and Proposed Commercial Centers.

P. 5.7-5.8 - Strategies for Commercial Centers

- Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

ANALYSIS

1. This request is for an amendment to the Wilderness Hills Commercial Planned Unit Development (PUD) to allow early childhood care, private school, and academy uses on Lot 24 and motorized vehicle sales, service, and repair on Lot 20 and Outlot H. The PUD mechanism allows flexibility to add uses that would not otherwise be allowed in the underlying zoning. The total approved square footage in the center would not change.
2. Lot 24 is currently approved for office uses. With the proposed amendment, it would be changed allow early childhood care facilities, private schools, and academies. Lot 24 is adjacent to S. 27th Street and Wilderness Hills Boulevard. The requested uses should have no negative effect on adjacent uses or the neighborhood to the south. These types of uses are identified as suitable transitional uses between commercial and residential uses in the Comprehensive Plan.
3. Lot 20 and Outlot H are currently approved for commercial and office uses. They are located east of S. 30th Street and north of Crescent Drive. It is proposed to instead allow motor vehicle sales and repair/service uses to accommodate the expansion of the adjacent dealership facility, which is outside the PUD boundary. To the west are commercial uses, and to the south across Crescent Drive is a future multifamily site. Access would be via the existing shared driveway on Crescent Drive. Lot 20 and Outlot H will function as part of the dealership and may be connected to it via internal driveways.
4. There are a number of vehicle sales and service uses adjacent to Yankee Hill Road in this area, so the proposed uses on Lot 20 and Outlot H would fit within the existing land use pattern of the area. There are existing apartments south of the existing dealership premises, so the proposal would also be a continuation of the land use pattern to the east. The standard lighting regulations will apply, which limit light trespass across property lines. Section 7.6 of the Design Standards for Screening and Landscaping will also apply, which requires trees and other landscaping based on building square footage.

5. The requested side yard setback reduction would be between the existing dealership and the proposed expansion on Lot 20 and Outlot H. The setback waiver will allow the dealership to function as a single premises without negatively affecting neighbors.
6. There is a Pipeline Planning Area (PPA) located along Yankee Hill Road. Motor vehicle sales, service, and repair uses are allowed within the PPA. The proposed early childhood care facility, academy, or private school uses on Lot 24 will be outside the PPA.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING

Areas of Amendment: Vacant; B-2
Entire PUD: Commercial, multi-family dwelling, and vacant; B-2

SURROUNDING LAND USE & ZONING (ENTIRE PUD)

North: Single family residential and retirement/assisted living facility; H-4 and R-4
South: Single family residential and memory care facility; R-3
East: Commercial and apartments; H-4 and R-5
West: Single family residential and golf course; R-3

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 44.82 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: August 22, 2017

Owner/Applicant: Wilderness Hills LLC (Brett West)
2000 Q Street
Lincoln, NE 68501

Contact: Brad Marshall, Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5672 or bmarshall@olssonassociates.com

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APPLICATION HISTORY - CHANGE OF ZONE #16036A

- June 2004 Use Permit #154 was approved for the Wilderness Hills Commercial Use Permit at the southeast corner of Wilderness Hills Blvd & S. 27th Street.
- July 2005 Administrative Amendment #05084 was approved to identify specific details, treatment and materials of the paving plan for the commercial center.
- Nov. 2005 Use Permit #154A was approved to reduce the front yard setbacks along private roadways and Yankee Hill Road.
- June 2006 Administrative Amendment #06033 to Use Permit #154A and Administrative Amendment #06032 to Special Permit #1999A for the adjacent Wilderness Hills Community Unit Plan were approved to show the removal of a 1.2 acre pocket park due to the dedication of a conservation easement. The pocket parks were in the Community Unit Plan and had been required as part of a waiver to setbacks in the Use Permit. Waivers to setbacks for the B-2 had been requested for the front along Wilderness Hills Blvd and Yankee Hill Road. A waiver to the rear yard setback between B-2 and R-5 had also been requested. The reduction in setbacks was offset by the inclusion of two private pocket parks. The total reduction in setback amounts to approximately 2.2 acres in area, and the applicant agreed to ensure that the combined area of the pocket parks was equivalent. This was an appropriate compromise that allowed for a greater utilization of the land dedicated to commercial use, but still provided an equal area for active recreation in exchange where the overall benefit to the community was roughly the same.
- Aug. 2006 Administrative Amendment #06073 to Use Permit #154A was approved to add notes defining the sidewalk corridor and what uses were allowed in that corridor.
- Aug. 2006 Use Permit #154B was withdrawn. The application was to amend the use permit to allow a larger sign. After additional review it was determined that the proposed sign would not exceed 100 square feet in area and a building permit could be obtained for the sign without amending the use permit.
- May 2007 Use Permit #154C was approved allowing waivers for lots that do not front on a public street or private roadway, the elimination of street trees and sidewalks along portions of S. 28th Street and Copper Ridge Drive and adjusting the site layout.
- Oct. 2008 Use Permit #154D was approved to allow two additional on-premises signs to be placed in the roundabout on South 30th Street.
- Nov. 2008 Administrative Amendment #08060 to Use Permit #154D was approved to revise the lot layout and add a lot.
- Aug. 2011 Administrative Amendment #11045 to Use Permit #154 D was approved allowing the first floor of the Town Center to be used for office and various other changes to the land use table.
- May 2013 Administrative Amendment #12022 to Use Permit #154D was approved to adjust the sizes of several lots.
- May 2015 Administrative Amendment #15046 to Use Permit #154D was approved to reduce the parking and adjust the allowable square footage on certain lots.
- Jan. 2017 The City Council approved Change of Zone #16036 converting the Use Permit to a B-2 Planned Unit Development with up to 166 multi-family dwelling units and 375,065 square feet of commercial floor area.
- Aug. 2017 Administrative Amendment #17046 to Change of Zone #16036 was approved to increase the maximum multi-family dwelling units on Lot 17 to from 166 to 175.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #16036A

This approval permits early childhood care facilities, academies and private schools as permitted uses on Lot 24, and motorized vehicle sales and motorized vehicle repair/service as permitted uses on Lot 20 and Outlot H, with a waiver to reduce the side yard setback to 0 feet on Lot 20 and Outlot H adjacent to H-4 zoning.

Site Specific Conditions:

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Make the following revisions to Sheet 1:
 - 1.1.1 Correct the legal description to account for the Wilderness Hills Commercial 8th Addition final plat.
 - 1.1.2 Remove Site Specific Notes 14 and 15 as that information is stated in the Land Use Table on Sheet 2.
 - 1.2 Make the following revisions to Sheet 2:
 - 1.2.1 Correct the number of dwelling units on Lot 17 to 175 as approved with Administrative Amendment #17046.
 - 1.2.2 Remove Lot 21 entirely from the Land Use Table.
 - 1.2.3 Revise Note 1 to remove reference to Lot 21.
 - 1.2.4 Revise the label in column 1 on the Land Use Table from "20" to "20 & Outlot H".
 - 1.2.5 Delete Notes 4 and 5 under the Land Use Table as that information is stated in the Land Use Table.
 - 1.2.6 Revise the "Building Envelope/Setback" along the east side of Outlot H and Lot 20 to reflect the requested 0' side yard setback.
 - 1.2.7 Remove the dwelling unit and parking labels from Lot 17 as they are unnecessary to show.
 - 1.3 Verify whether the proposed site plan changes will require significant grading changes, and if so, submit a new grading and drainage plan for review to the satisfaction of the Public Works and Utilities Department.
2. Before receiving building permits, the developer shall 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 planned unit development has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must 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 the ordinance shall run with the land and be binding upon the developer, 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.
 - 3.5 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



Lincoln\LANCASTER, NE GIS

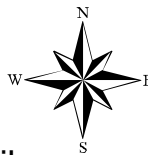
2016 aerial

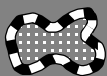


**Change of Zone #: CZ16036A
Wilderness Hills Commercial PUD
S 27th St & Yankee Hill Rd**

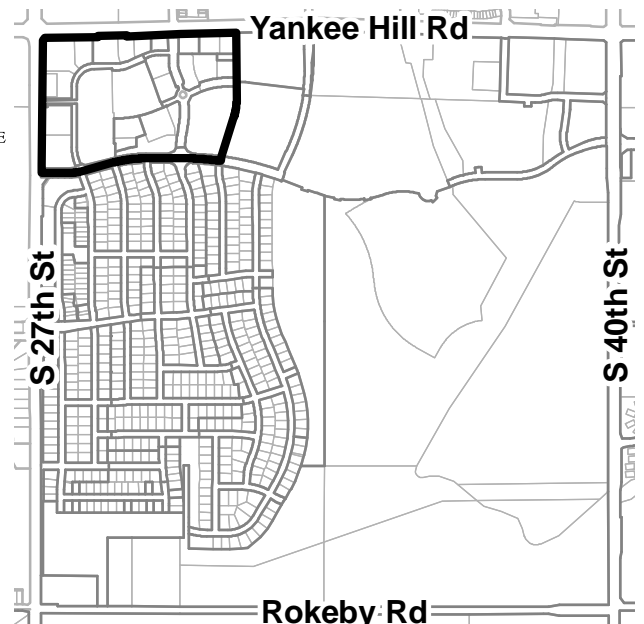
Zoning:

- 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.30 T09N R07E



| | |
|---|-------------------------------|
|  | Area of Application |
|  | Zoning Jurisdiction Lines |
|  | Lancaster County Jurisdiction |



SITE SPECIFIC NOTES

1. THE LOT LAYOUT IS CONCEPTUAL AND REVISIONS TO THE LAYOUT OTHER THAN MINOR LOT LINE ADJUSTMENTS WILL BE BY ADMINISTRATIVE AMENDMENT. SITE PLANS SHALL BE SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF LINCOLN MUNICIPAL CODE AND THE CITY OF LINCOLN DESIGN STANDARDS UNLESS ADJUSTED ELSEWHERE BY THIS PUD.

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2. CROSS ACCESS AND PARKING EASEMENT RIGHTS ARE TO BE GRANTED ON OUTLOTS 'A','F','G','I','J', AND 'K'.

3. TRAFFIC CIRCLE SURFACING TO CONSIST OF COLORED/ STAMPED CONCRETE, BRICK PAVERS OR OTHER DECORATIVE TREATMENT. SPECIFIC DETAILS, LAYOUT AND MATERIAL TO BE DETERMINED IN CONJUNCTION WITH THE FILING OF AN ADMINISTRATIVE AMENDMENT TO THE PUD.

4. THE HEIGHT OF BUILDINGS IN LOTS 1 AND 3, BLOCK 1 SHALL NOT EXCEED 60 FEET. ALL OTHER LOTS SHALL NOT EXCEED 50 FEET.

5. ALL SETBACKS SHALL BE ZERO EXCEPT AS FOLLOWS:

- A. FRONT YARD SETBACK FROM S. 27TH STREET WITHIN THE O-3 ZONE ARE AS FOLLOWS:

- 1) 20' ADJACENT TO 70' R.O.W.
- 2) 25' ADJACENT TO 65' R.O.W.

- B. FRONT YARD SETBACK FROM YANKEE HILL ROAD WITHIN THE B-2 ZONE ARE AS FOLLOWS:

- 1) 10' ADJACENT TO 70' R.O.W.
- 2) 15' ADJACENT TO 65' R.O.W.

- C. FRONT YARD SETBACK FROM WILDERNESS HILLS BLVD. WITHIN THE B-2 AND O-3 ZONE SHALL BE 20'.

- D. REAR YARD SETBACK FROM ADJACENT R-5 RESIDENTIAL AREA SHALL BE 20' IN THE B-2 ZONE.

- E. THE WAIVER TO THE FRONT SETBACK FOR LOTS 4-7, BLOCK 1 IN THE B-2 IS TO PARKING AREAS AND CANOPIES FOR DRIVE-THROUGH FACILITIES, NOT BUILDING ENVELOPES.

6. PROVIDE A MINIMUM OF A 30' SETBACK ALONG WILDERNESS HILLS BLVD. IN THE B-2 AREA TO PROVIDE FOR A STAGGERED DOUBLE ROW OF TREES, ONE-HALF TO BE CONIFEROUS, OR IN THE ALTERNATIVE, PROVIDE A 20' SETBACK AND A LANDSCAPE PLAN OR SOUTH BUILDING FACADE DESIGN THAT MEETS WITH THE PLANNING DIRECTOR'S PRIOR WRITTEN APPROVAL.

7. EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS, ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.

8. PARKED VEHICLES MAY OVERHANG WITHIN THE FRONT YARD SETBACK.

9. ALL BUILDINGS AND DEVELOPMENT IN THE TOWN CENTER SHALL BE IN CONFORMANCE WITH THE DESIGN CRITERIA ON SHEET 10 OF 11.

10. CANOPIES, AWNINGS, OVERHANGS, AND SUPPORTING STRUCTURES ARE ALLOWED IN THE SIDEWALK CORRIDOR WITHOUT LIMITATION, BUT CANNOT BE LOCATED IN THE PUBLIC ACCESS EASEMENT ALONG SOUTH 30TH STREET, PRIVATE DRIVE AISLE NORTH OF LOTS 9-13, BLOCK 1, AND COPPER RIDGE DRIVE. A 5 FOOT WIDE CLEAR PATH SHALL BE MAINTAINED ALONG THE EXTENT OF ANY SIDEWALK LOCATED IN THE CORRIDOR.

11. THE 18' SIDEWALK CORRIDOR BETWEEN SOUTH 30TH STREET PRIVATE ROADWAY AND BUILDINGS IN THE TOWN CENTER (LOTS 13-16 AND 22) SHALL ALLOW CANOPIES, AWNINGS, OVERHANGS, AND SUPPORTING STRUCTURES (AS MENTIONED IN SITE SPECIFIC NOTE 13). ADDITIONALLY, IT SHALL BE PERMISSIBLE WITHIN THE SIDEWALK EASEMENT TO PLACE LANDSCAPING, ORNAMENTAL FEATURES, STREET FURNITURE, TEMPORARY/MOVABLE SIGNAGE, AND OUTDOOR CAFE/RESTAURANT SEATING WITH RAILING/FENCING, PATIO TABLES, HEATING ELEMENTS, AND OTHER FEATURES APPROVED BY THE CITY. THE SIDEWALK EASEMENT ALLOWS FOR PEDESTRIAN MOVEMENT, BUT SHALL NOT BE CLASSIFIED OR REGULATED AS A "PEDESTRIAN EASEMENT".

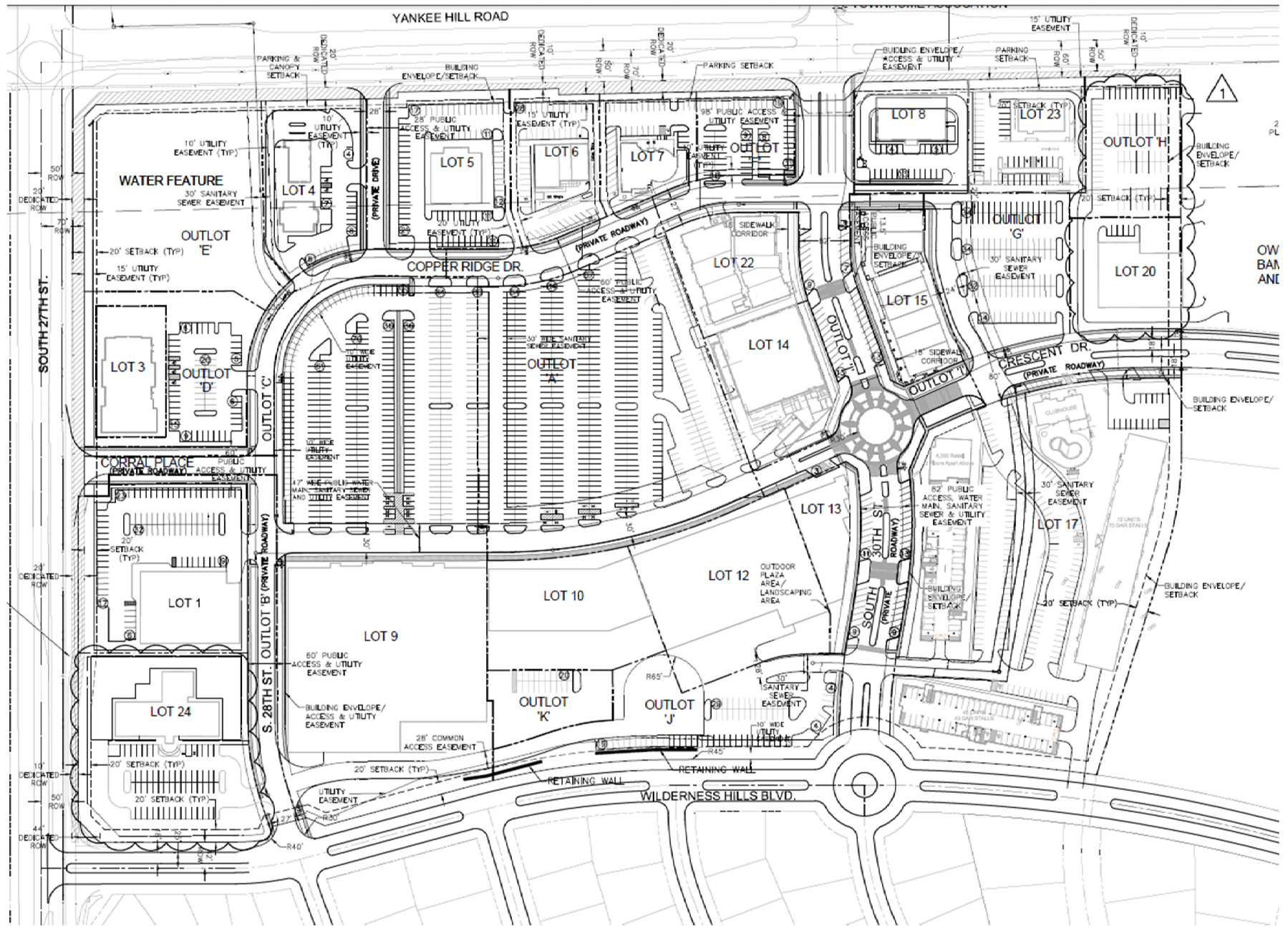
12. THE RESOLUTION #85101 PERMITS TWO ADDITIONAL ON PREMISE SIGNS TO BE PLACED ON THE ROUNDABOUT ON S. 30TH STREET. ONE SIGN WILL FACE NORTH AND THE OTHER WILL FACE SOUTH AND WILL GENERALLY CONFORM WITH THE ELEVATION OF THE LANDSCAPE/SIGNAGE FEATURE ATTACHED TO THIS SITE PLAN.

13. DRIVE THRU FACILITIES ARE NOT PERMITTED IN THE TOWN CENTER, BLOCK 1, LOTS 13-16 AND 22.

14. EARLY CHILDCARE FACILITIES/ACADEMES/PRIVATE SCHOOL ARE A PERMITTED USE ON LOT 24.

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15. MOTORIZED VEHICLE SALES, REPAIR AND SERVICE ARE A PERMITTED USE ON LOT 20 AND OUTLOT 'H'



| LAND USE TABLE | | | | |
|----------------|---|--------------------|--|--------|
| LOT | LAND USE | ZONING AREA (ACRE) | BUILDING AREA (SQUARE FEET) | F.A.R. |
| 1 | COMMERCIAL | - | 18,000 | - |
| 3 | OFFICE | - | 14,000 | 0.14 |
| 4 | COMMERCIAL | - | 5,000 | - |
| 5 | COMMERCIAL | - | 7,000 | - |
| 6 | COMMERCIAL | - | 5,780 | - |
| 7 | COMMERCIAL | - | 5,450 | - |
| 8 | COMMERCIAL | - | 5,000 | - |
| 9 | COMMERCIAL | - | 90,000 | - |
| 10 | COMMERCIAL | - | 43,000 | - |
| 12 | COMMERCIAL | - | 46,500 | - |
| 13 | COMMERCIAL (TOWN CENTER) | - | 13,000 | - |
| 14 | COMMERCIAL (TOWN CENTER) | - | 22,485 | - |
| 15 | COMMERCIAL (TOWN CENTER) | - | 20,175 | - |
| 17* | COMMERCIAL/DWELLING | - | 4,000 COMMERCIAL 166 DWELLING UNITS & CLUBHOUSE | - |
| 20 | MOTORIZED VEHICLE SALES/MOTORIZED VEHICLE REPAIR/SERVICES | - | 13,800 | - |
| 21 | COMMERCIAL | - | 4,800 | - |
| 22 | COMMERCIAL (TOWN CENTER) | - | 20,175 | - |
| 23 | COMMERCIAL | - | 4,200 | - |
| 24 | EARLY CHILDCARE FACILITIES/ACADEMIES/PRIVATE SCHOOL | - | 37,500 | - |
| TOTAL 1-24 | | 44.82 | 375,065 | 0.24 |

* LOT 17 INCLUDES 4,000 COMMERCIAL FOR MAIN FLOOR ONLY

** USES ARE ALLOWED PER THE ZONING DISTRICT UNLESS OTHERWISE NOTED

- NOTE:
1. PARKING SHALL MEET THE REQUIREMENTS OF THE CITY OF LINCOLN ZONING CODE WITH THE EXCEPTION OF LOTS 5-7, 20, 21 & 23, THESE SHALL MEET 1/300.
 2. DRIVE THRU FACILITIES ARE NOT PERMITTED IN THE TOWN CENTER, LOTS 13-15 & 22.
 3. LOT 3 IS DESIGNATED FOR OFFICE USES ONLY AND MAY NOT BE AMENDED TO A DIFFERENT USE BY ADMINISTRATIVE AMENDMENT.
 4. EARLY CHILDCARE FACILITIES/ACADEMIES/PRIVATE SCHOOL ARE A PERMITTED USE ON LOT 24
 5. MOTORIZED VEHICLE SALES, REPAIR AND SERVICE ARE A PERMITTED USE ON LOT 20 AND OUTLOT 'H'

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**LEGAL DESCRIPTION
PLANNED UNIT DEVELOPMENT**

A TRACT OF LAND COMPOSED OF OUTLOT "B", WILDERNESS HILLS COMMERCIAL ADDITION, OUTLOT "C", WILDERNESS HILLS COMMERCIAL ADDITION, LOT 1, BLOCK 1, WILDERNESS HILLS COMMERCIAL ADDITION, LOT 2, BLOCK 1, WILDERNESS HILLS COMMERCIAL ADDITION, OUTLOT "A", WILDERNESS HILLS COMMERCIAL 1ST ADDITION, OUTLOT "B", WILDERNESS HILLS COMMERCIAL 1ST ADDITION, OUTLOT "H", WILDERNESS HILLS COMMERCIAL 1ST ADDITION, LOT 3, BLOCK 1, WILDERNESS HILLS COMMERCIAL 1ST ADDITION, LOT 4, BLOCK 1, WILDERNESS HILLS COMMERCIAL 1ST ADDITION, OUTLOT "C", WILDERNESS HILLS COMMERCIAL 2ND ADDITION, OUTLOT "D", WILDERNESS HILLS COMMERCIAL, 2ND ADDITION, OUTLOT "E", WILDERNESS HILLS COMMERCIAL 2ND ADDITION, LOT 1, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, LOT 2, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, LOT 3, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, LOT 4, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, OUTLOT "A", WILDERNESS HILLS COMMERCIAL 3RD ADDITION, OUTLOT "B", WILDERNESS HILLS COMMERCIAL 3RD ADDITION, OUTLOT "B", WILDERNESS HILLS COMMERCIAL 4TH ADDITION, OUTLOT "C", WILDERNESS HILLS COMMERCIAL 4TH ADDITION, LOT 1, WILDERNESS HILLS COMMERCIAL 4TH ADDITION, OUTLOT "A", WILDERNESS HILLS COMMERCIAL 5TH ADDITION, LOT 1, WILDERNESS HILLS COMMERCIAL 5TH ADDITION, OUTLOT "A", WILDERNESS HILLS COMMERCIAL 6TH ADDITION, LOT 1, WILDERNESS HILLS COMMERCIAL 6TH ADDITION, LOT 2, WILDERNESS HILLS COMMERCIAL 7TH ADDITION, AND LOT 1, WILDERNESS HILLS COMMERCIAL 8TH ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, WILDERNESS HILLS COMMERCIAL 7TH ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE S00°09'37"E, ON A THE EAST LINE OF SAID LOT 2, ON THE EAST LINE OF OUTLOT "B", WILDERNESS HILLS COMMERCIAL 3RD ADDITION, ON THE EAST LINE OF LOT 3, BLOCK 1, WILDERNESS HILLS COMMERCIAL 1ST ADDITION, ON THE EAST LINE OF OUTLOT "B", WILDERNESS HILLS COMMERCIAL 1ST ADDITION, AND ON A EAST LINE OF LOT 1, WILDERNESS HILLS COMMERCIAL 8TH ADDITION, A DISTANCE OF 609.62' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°31'50", A RADIUS OF 530.38', AN ARC LENGTH OF 162.28' ON A EAST LINE OF SAID LOT 1, A CHORD LENGTH OF 161.65', A TANGENT LENGTH OF 81.78', AND A CHORD BEARING OF S08°36'41"W TO A POINT; THENCE S17°22'59"W, ON A EAST LINE OF SAID LOT 1, A DISTANCE OF 378.43' TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS BOULEVARD, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°47'02", A RADIUS OF 2,642.00', AN ARC LENGTH OF 266.70' ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 266.59', A TANGENT LENGTH OF 133.46', AND A CHORD BEARING OF N84°45'14"W TO A POINT; THENCE N62°22'55"W, ON A

SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 51.16' TO A POINT; THENCE N31°51'49"W, ON A SOUTHWEST LINE OF SAID LOT 1, SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 42.21' TO THE SOUTHEAST CORNER OF OUTLOT "F", WILDERNESS HILLS COMMERCIAL 1ST ADDITION; THENCE S88°05'52"W, ON THE SOUTH LINE OF SAID OUTLOT "F", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 82.14' TO THE SOUTHWEST CORNER OF SAID OUTLOT "F"; THENCE S34°39'05"W, ON A SOUTHEAST LINE OF OUTLOT "B", WILDERNESS HILLS COMMERCIAL 4TH ADDITION, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 39.02' TO A POINT; THENCE S64°11'51"W, ON A SOUTHEAST LINE OF SAID OUTLOT "B", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 52.36' TO A POINT; THENCE S89°50'56"W, ON A SOUTH LINE OF SAID OUTLOT "B", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 205.18' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 15°00'03", A RADIUS OF 1,242.00', AN ARC LENGTH OF 325.18' ON A SOUTH LINE OF SAID OUTLOT "B", AND ON A SOUTH LINE OF LOT 1, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 324.25', A TANGENT LENGTH OF 163.52', AND A CHORD BEARING OF S82°19'48"W TO A POINT; THENCE S74°49'24"W, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 242.92' TO A POINT; THENCE N66°28'54"W, ON A SOUTH LINE OF SAID LOT 1, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 32.06' TO A POINT; THENCE S76°03'06"W, ON A SOUTH LINE OF SAID LOT 1, AND ON A SOUTH LINE OF OUTLOT "E", WILDERNESS HILLS COMMERCIAL 2ND ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 55.95' TO A POINT; THENCE S22°24'34"W, ON A SOUTHEAST LINE OF SAID OUTLOT "E", AND ON A SOUTHEAST LINE OF SAID OUTLOT "A", WILDERNESS HILLS COMMERCIAL 5TH ADDITION, SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 23.56' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 08°19'01", A RADIUS OF 358.00', AN ARC LENGTH OF 51.97' ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 51.92', A TANGENT LENGTH OF 26.03', AND A CHORD BEARING OF S85°40'38"W TO A POINT; THENCE S89°50'08"W, ON A SOUTH LINE OF SAID OUTLOT "A", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 219.42' TO THE SOUTHWEST CORNER OF SAID OUTLOT "A"; THENCE N43°52'05"W, ON A SOUTHWEST LINE SAID OUTLOT "A", SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 49.10' TO POINT, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 27TH STREET; THENCE N00°03'06"W, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 172.25' TO A POINT; THENCE N05°47'32"E, ON A WEST LINE OF SAID OUTLOT "A", SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 98.21' TO THE NORTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, WILDERNESS HILLS COMMERCIAL 5TH ADDITION; THENCE N00°03'06"W, ON THE WEST LINE OF SAID LOT 1, ON THE WEST LINE OF LOT 1, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, ON THE WEST LINE OF OUTLOT "D", WILDERNESS HILLS

COMMERCIAL 2ND ADDITION, ON THE WEST LINE OF OUTLOTS "B" AND "C", WILDERNESS HILLS COMMERCIAL ADDITION, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 865.96' TO A POINT; THENCE N44°37'47"E, ON A NORTHWEST LINE OF SAID OUTLOT "C", SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 27.35' TO THE NORTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE N88°45'35"E, ON A NORTH LINE OF SAID OUTLOT "C", ON THE NORTH LINE OF LOT 2, BLOCK 1, WILDERNESS HILLS COMMERCIAL ADDITION, AND ON A NORTH LINE OF LOT 2, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 487.28' TO A POINT; THENCE N01°14'25"W, ON A WEST LINE OF SAID LOT 2, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE N88°45'35"E, ON A NORTH LINE OF SAID LOT 2, AND ON A NORTH LINE OF LOT 3, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 260.03' TO A POINT; THENCE S01°14'25"E, ON A EAST LINE OF SAID LOT 3, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE N88°45'35"E, ON A NORTH LINE OF SAID LOT 3, ON THE NORTH LINE OF LOT 4, WILDERNESS HILLS COMMERCIAL 2ND ADDITION, AND ON A NORTH LINE OF OUTLOT "A", WILDERNESS HILLS COMMERCIAL 3RD ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 374.30' TO THE NORTHEAST CORNER OF SAID OUTLOT "A"; THENCE S49°15'21"E, ON A NORTHEAST LINE OF SAID OUTLOT "A", AND ON THE NORTHEAST LINE OF OUTLOT "F", WILDERNESS HILLS COMMERCIAL 1ST ADDITION, SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 27.72' TO A POINT; THENCE N88°47'15"E, ON A NORTH LINE OF SAID OUTLOT "F", SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 66.02' TO A POINT; THENCE N44°59'35"E, ON A NORTHWEST LINE OF SAID OUTLOT "F", AND ON A NORTHWEST LINE OF LOT 1, WILDERNESS HILLS COMMERCIAL 3RD ADDITION, SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 41.31' TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE N88°45'35"E, ON A NORTH LINE OF SAID LOT 1, ON THE NORTH LINE OF LOT 1, WILDERNESS HILLS COMMERCIAL 7TH ADDITION, AND ON THE NORTH LINE OF LOT 2, WILDERNESS HILLS COMMERCIAL 7TH ADDITION, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 513.29' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,952,397.45 SQUARE FEET OR 44.82 ACRES, MORE OR LESS.

Monday, August 14, 2017

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August 2, 2017

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

Re: Amendment to Wilderness Hills Commercial B-2 PUD
Olsson Project No. 017-2275

Dear Mr. Cary,

We are submitting this application to amend the Wilderness Hills Commercial B-2 PUD. The amendment includes two areas within the PUD to add approved uses, which include the areas of Lot 20/21 and 24.

The area of Lots 20/21 are being amended to add motorized vehicle sales/repair/service services as an approved use. Currently, the approved Special Permit #09022B for Wilderness Place to the east of Lots 20/21 is a car dealership. The Ford/Mazda dealership is proposing to build a new dealership facility and display parking. The project would likely be phased, so the display parking is being shown in an outlot adjacent to Yankee Hill Road and the building facility to the south on a revised Lot 20. Lot 21 is being eliminated. The project would be connected with drives to the existing dealership in Wilderness Place. The intent is to provide shared display parking between the car dealerships. Therefore, we are requesting a 0' side yard setback to the H-4 zone of Wilderness Place.

Lot 24 is currently designated for office uses only. We are proposing to add academies, early childhood care facilities and private schools to be an allowed use on Lot 24. The proposed facility would include provide early education and care for children ranging from infants to kindergarten and after school programs. The facilities would also include outdoor playground areas.

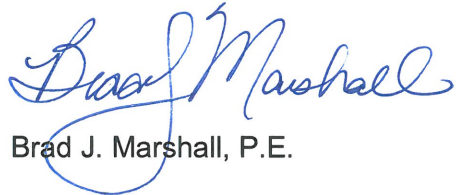
Enclosed find the following documents for the above-mentioned project:

1. Site Plan
2. City Application Form
3. Application fees in the amount of \$988

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

We appreciate your consideration of the above requests and look forward to working with you on these proposed changes to the Wilderness Hills Commercial PUD. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olssonassociates.com or (402) 458-5672.

Sincerely,

A handwritten signature in blue ink that reads "Brad J. Marshall". The signature is written in a cursive style with a large, looping initial "B".

Brad J. Marshall, P.E.

cc (via email): Brett West, Assurity

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 #17029 | FINAL ACTION? Yes | DEVELOPER/OWNER Trinity Lutheran Church |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY ADDRESS/LOCATION 1213 H Street |

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for a church tower to exceed the maximum height permitted in the R-8 Zoning District for the Trinity Lutheran Church at 1213 H Street. The existing bell tower of the church is in need of repair. The proposal is to remove and replace the top 14.5' of the tower to match the existing height.



JUSTIFICATION FOR RECOMMENDATION

As there will be no change in the height of the tower and the replacement will resemble the existing, this proposal is consistent with the established character of the neighborhood and will help preserve the architectural integrity of the building.

APPLICATION CONTACT

Deloy Stark
4819 South 71st Street
Lincoln, NE 68516
402-419-1517
dstark@windstream.net

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the Comprehensive Plan which encourages the continued use and maintenance of historic properties.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - This site is designated for Public and Semi-Public on the 2040 Lincoln Area Future Land Use Plan.

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.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) 27.63.220 allows places of religious assembly steeples, towers, and ornamental spires to exceed the maximum height permitted in the zoning district through special permit in the AG, AGR, R-1 through R-8, O-1, O-3, B-1, B-2, B-3, H-2 and H-3 zoning districts. The subject property is zoned R-8 which has a maximum height limit of 35 feet for other allowed uses aside from residential.
2. The existing church and bell tower was constructed in 1953 which predates the current height limit of the R-8 Residential District. The existing church bell tower is 84.3’ tall and has a cross attached at the top.
3. The existing bell tower walls are solid brick and are in serious need of repair. The upper portion of the tower is too deteriorated to effectively repair and so it is proposed to remove the top 14.5’ and replace it which requires the Special Permit.
4. The church tower is adjacent to but outside the Capitol Environs District and adjacent to but outside the Everett Landmark District. The church was designed by architect Fritz Craig and is a historically significant example of a mid-century church in the International Style of architecture. The tower would be replaced to resemble the current tower to help preserve the aesthetic integrity of the building.
5. Since the church bell tower will exceed 75’ the proposal will be reviewed for airport height compliance.
6. The proposal is consistent with the Comprehensive Plan which encourages the continued use and maintenance of historic properties. The proposal in matching the existing architecture design would preserve the character and be of no detriment to the neighborhood.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Church, R-8 Residential District

SURROUNDING LAND USE & ZONING

| | |
|--------------------------------|-----------------|
| North: Apartments, Parking Lot | R-8 Residential |
| South: Parking Lot | R-7 Residential |
| East: Office | R-8 Residential |
| West: Commercial | R-8 Residential |

APPROXIMATE LAND AREA: 0.65 acres

LEGAL DESCRIPTION: Lots 3-10, Block 149, Original Lincoln, Lancaster County, Nebraska.

Prepared by

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

Date: August 17, 2017

Applicant: David B. Stirtz
8149 Windmill Drive
Lincoln, NE 68507
402-430-7565
david@adalincoln.com

Contact: Deloy Stark
4819 South 71st Street
Lincoln, NE 68516
402-419-1517
dstark@windstream.net

Owner: Trinity Lutheran Church
1213 H Street
Lincoln, NE 68508
402-474-0606

F:\DevReview\SP\17000\SP17029 Trinity Lutheran Church Bell Tower Restoration.gjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #17029

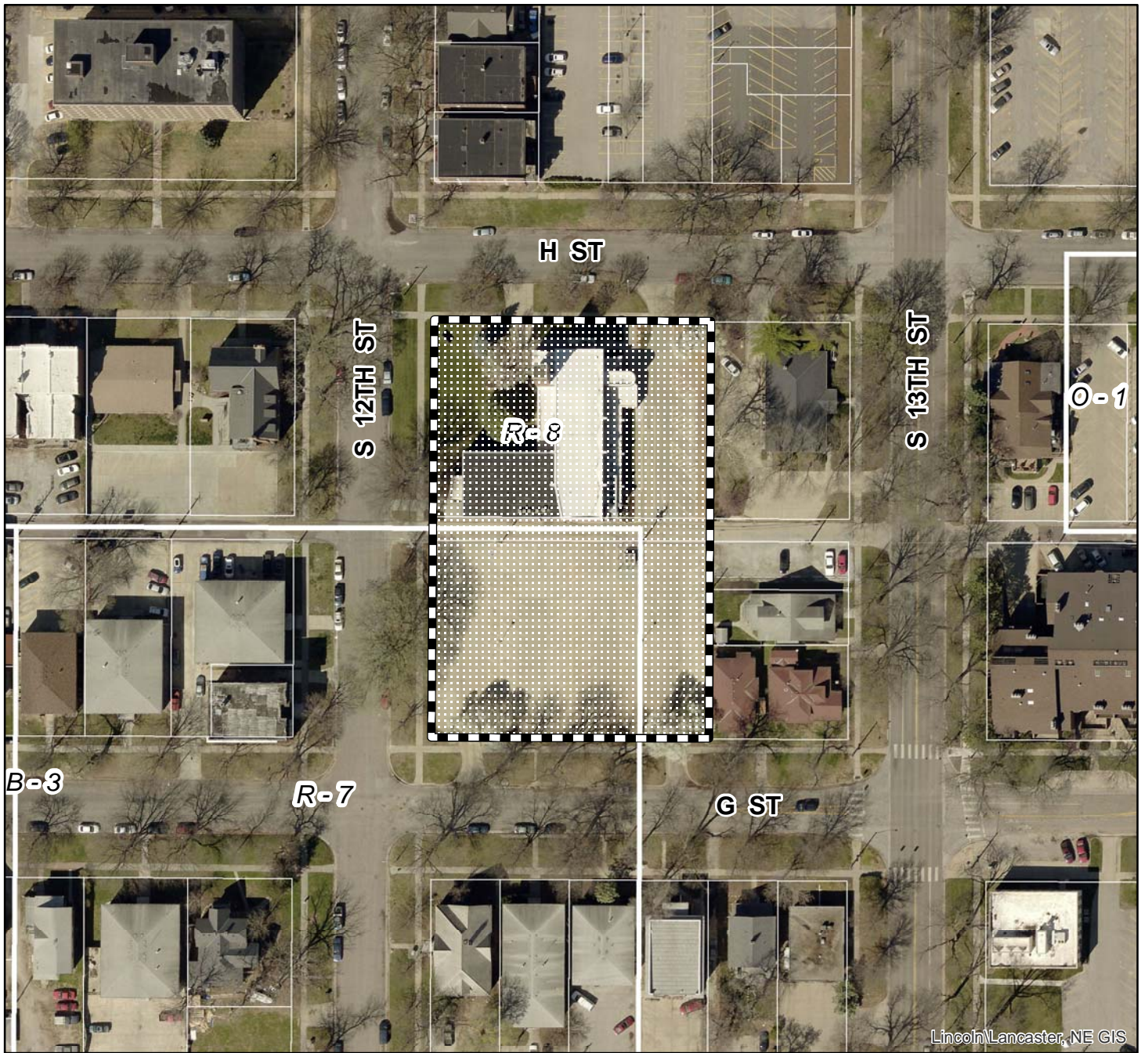
Per Section 27.63.220 this approval permits a place of religious assembly tower to exceed the maximum height permitted in the R-8 District and rebuild to the existing tower height.

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.



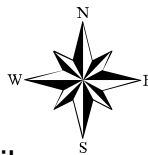
2016 aerial

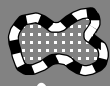


Special Permit #: SP17029
Trinity Lutheran Church
S 12th St & H St

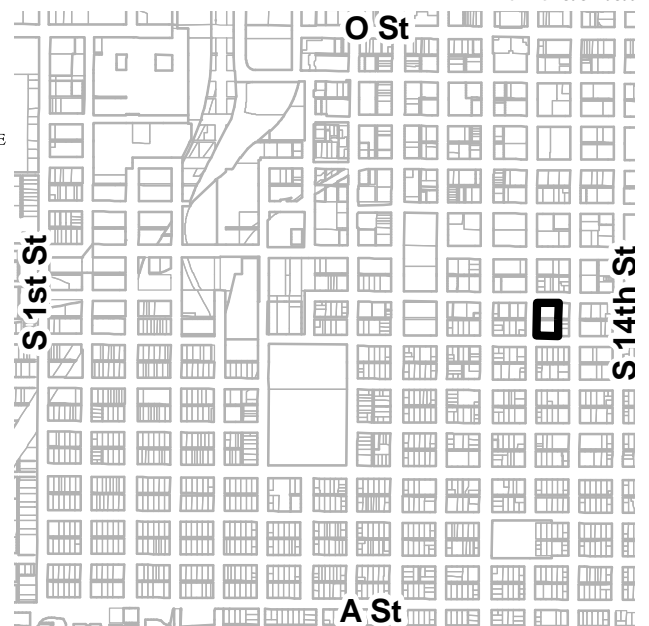
Zoning:

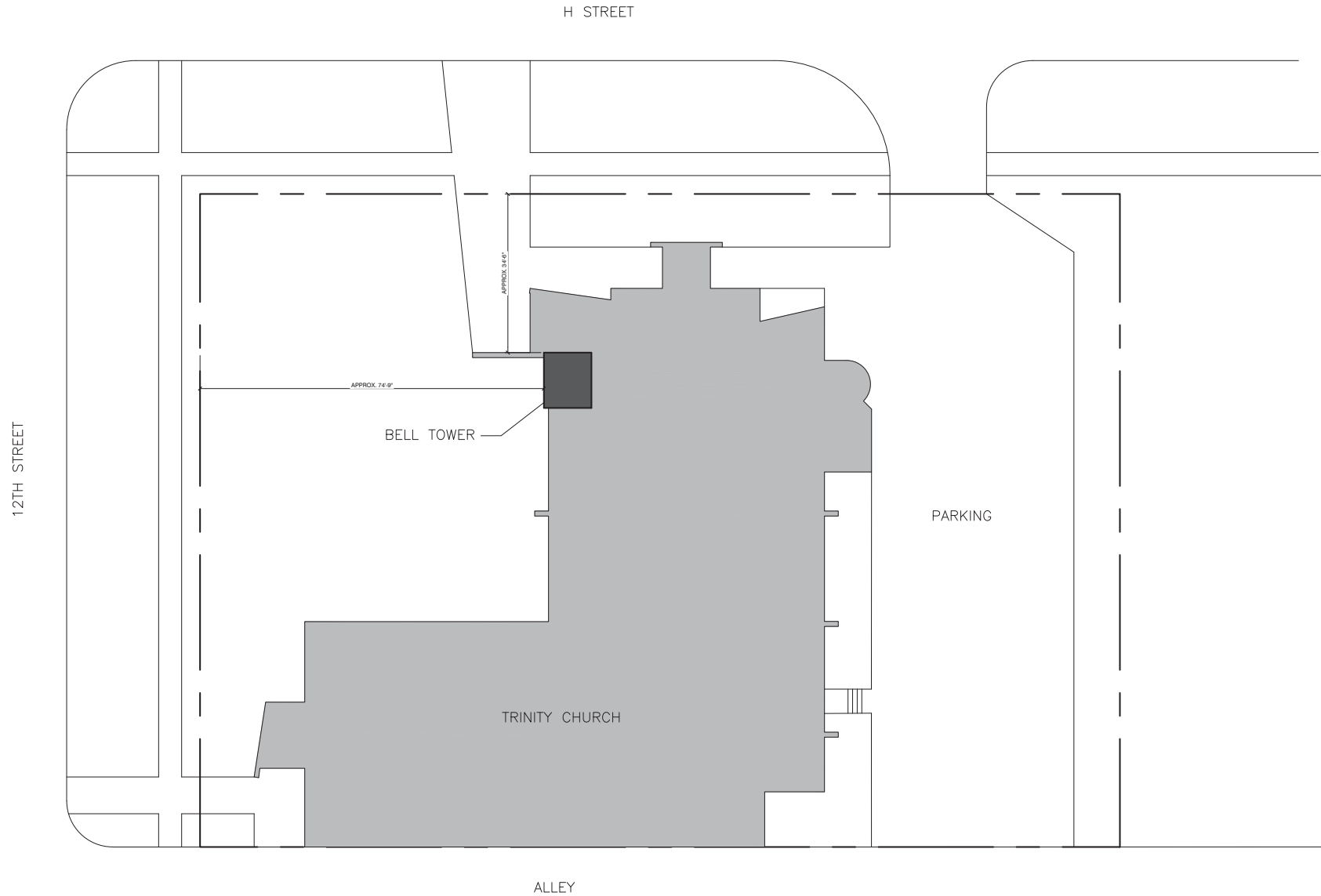
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.26 T10N R06E



| | |
|---|-------------------------------|
|  | Area of Application |
|  | Zoning Jurisdiction Lines |
|  | Lancaster County Jurisdiction |





DATE PLOTTED:
7/30/2017

Trinity Lutheran Church
 Bell Tower Renovation
 724 South 12th Street
 Lincoln, Nebraska 68508

Project Number:
 Date:
 7-30-2017
 Plotted:

TRINITY BELL TOWER - SITE PLAN

SCALE: 1" = 10'

A0.1



Northwest Building Elevation



North Building Elevation

July 31, 2017

David Cary
Planning Director
Lincoln/Lancaster County Planning Department
555 S 10th St #213
Lincoln, NE 68508

Re: Trinity Lutheran Church
Bell Tower Special Permit Application
27.63.220 Places of Religious Assembly Steeples, Towers and Ornamental Spires

Dear David:

Attached please find our Special Permit Application for the Trinity Lutheran Church Bell Tower to exceed the maximum height permitted in the R-8 zoning district per the 27.63.220 Special Permit.

The Church and Bell Tower were completed in 1953. The tower is 84.3' tall with a cross attached at the top. The tower walls are solid brick and are in serious need of repair. Over the years, moisture penetrating the brick has frozen and opened large vertical cracks in the upper 14.5' of the 4 tower walls. Freezing moisture has also displaced and loosened exterior brick and has rusted steel lintels opening up horizontal cracks in the masonry. We hired a Structural Engineer to review the situation. He has advised us that the upper portion of the tower is too deteriorated to effectively repair and our best course of action is to remove the top 14.5' and replace it.

The City of Lincoln Building and Safety Department has informed us that the tower was built before height limitations existed, but it now exceeds the height limits that were placed on the this R-8 residential zone. If we could repair the tower in place, no special permit would be required, but because we need to remove the top and replace it, Building and Safety advised us we need a special permit.

The church was designed by architect Fritz Craig. Per input from Ed Zimmer, the building is a historically significant example of a mid-century church, in the International Style of architecture. Our goal is to replace the tower to resemble the current tower construction and in doing so, help preserve the aesthetic integrity of the building. The height of the tower is a significant aspect of the building design.

We appreciate your assistance in acquiring this special permit. Please let us know if you would like any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Stirtz", with a long horizontal line extending to the right.

David B. Stirtz – Architect
Trinity Lutheran Church

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

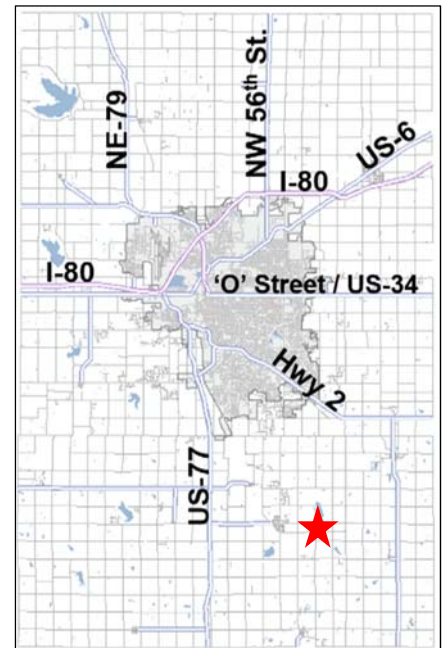
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| | | |
|---|---|---|
| APPLICATION NUMBER Waiver #17003 | FINAL ACTION? Yes | DEVELOPER/OWNER Bob and Kathy Findley |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS Final Plat #17075 | PROPERTY ADDRESS/LOCATION 16600 S. 82 nd Street |

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a waiver to Section 4.08(d) of the Lancaster County Land Subdivision Regulations to waive the lot width to depth ratio associated with Findley Addition Final Plat #17075.



JUSTIFICATION FOR RECOMMENDATION

Due to the location of the house a subdivision of the parcel would not be possible without the waiver. In rural areas it is common to see houses set back a significant distance from the road. This waiver will have no impact on adjacent farm land.

APPLICATION CONTACT

Bob Findley 402-560-28

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The waiver is in conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 7.12 Consideration should be given to new ways that smaller lots within the County jurisdiction can be subdivided and sold, while still maintaining that overall density and maintaining good access management along the County’s section line roads.

P. 12.2 The 2040 Lancaster County Future Land Use Plan identifies this site as Agricultural.

ANALYSIS

1. This application is a request to waive Section 4.08 (d) of the Lancaster County Land Subdivision Regulations requiring lots to have a maximum depth of three times its width. The average lot width of the proposed lot is 202 feet and the depth is 1,337 feet. This lot would have a depth of 6 1/2 times its width.
2. This waiver is associated with Final Plat #17075 Findley Addition. The zoning ordinance allows for an existing house that is part of a farmstead to be placed on a lot as small as 3 acres. This type of final plat is common in the AG District. The waiver only applies to Lot 1.
3. The house is approximately 1,060 feet from the front lot line. With the house so far back from the street, any lot arrangement for a 3 acre lot would not meet the width to depth ratio.
4. The waiver would allow for the subdivision of this 33 acre parcel into 2 lots and allow for the existing house to be on a separate lot.
5. This same property was before the County Board of Zoning Appeals (BZA) for a variance to the frontage requirement of 550 feet to allow this property to be subdivided. The BZA approved the variance.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Single family house and farm ground

SURROUNDING LAND USE & ZONING

| | |
|------------------------|------------------------------|
| North: AG Agricultural | Farm ground and 4 dwellings. |
| South: AG Agricultural | Farm ground and 3 dwellings. |
| East: AG Agricultural | Farm ground and 1 dwellings. |
| West: AG Agricultural | Farm ground and 3 dwellings. |

APPLICATION HISTORY

June 23, 2017 County Board of Zoning Appeals approved BZA #17005 to reduce the frontage requirement by 20 feet.

APPROXIMATE LAND AREA: 33.27 acres, more or less

LEGAL DESCRIPTION: Lot 28 and Lot 33 both Irregular Tracts located in the NW ¼ of Section 23, Township 8 North, Range 7 East; Lancaster County, NE

Prepared by

Tom Cajka, Planner

Applicant: Bob and Kathy Findley
 16600 S. 82nd Street
 Roca, NE 68430
 402-560-2851

Contact: Jill Schuerman
Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
402-434-8494

Owner: Same as applicant

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CONDITIONS OF APPROVAL - WAIVER #17003

Site Specific Conditions:

1. This approval waives Section 4.08(d) of the Lancaster County Land Subdivision Regulations to allow Lot 1 Findley Addition to exceed the maximum depth of three times the average lot width.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before use of the property, all development and construction is to substantially comply with the approved plans.
 - 2.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.3 The clerk shall file a copy of the resolution approving the waiver with the Register of Deeds, filing fees therefore to be paid in advance by the applicant.

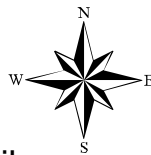


2016 aerial

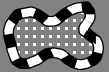


Waiver #: WVR17003
Findley
S 82nd St & Roca Rd

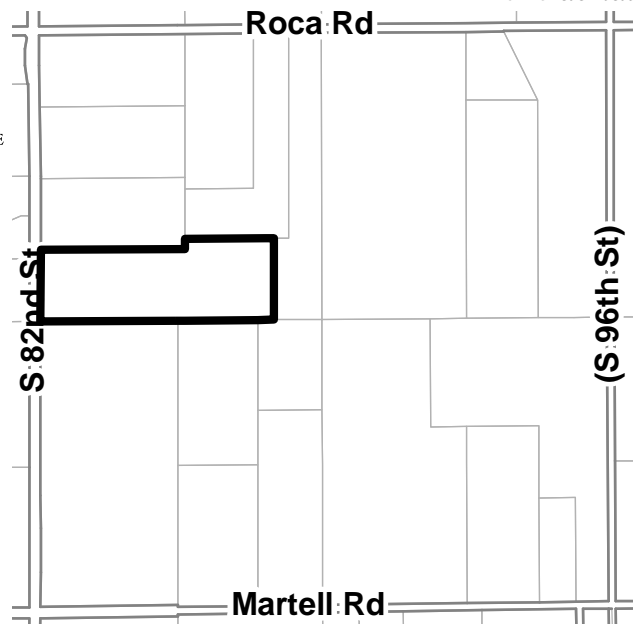
Zoning:

- 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 |
|  | City of Lincoln Jurisdiction |





Civil Design Group, Inc.

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

www.civildg.com

July 31, 2017

CDG Project No. 2017-0168

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

**Re: Findley Addition – Final Plat & Waiver
Generally located at 16600 S. 82nd Street**

Dear Mr. Cary:

On behalf of Bob & Kathy Findley, we submit the above mentioned application for your review and approval. With this Final Plat we are requesting to replat the existing home into an approx. 6 acre lot and the remainder as another lot for a future home site. We are requesting a waiver of Lancaster Subdivision Ordinance– Design Standards to Section 4.08(d). The waiver is for the lot width to depth ratio. We have already received a variance from the Board of Appeals to have only 530 feet of frontage.

In conjunction with this submittal we submit the following information:

- Application for Final Plat
- Final Plat Fee - \$288.00
- Health Department Review Fee - \$430.00
- Waiver - \$206.00
- Final Plat & Improvements Exhibit – Uploaded via Project Dox
- Certificate of Ownership

I hope that this letter and the plans provide you with enough information to review this Final Plat & Waiver application. In an effort to facilitate the review process, please call me at (402) 434-8494 if you questions.

Sincerely,

Jill D. Schuerman

Encl

cc: Bob & Kathy Findley

F:\Projects\2017\20170168\Landplanning\Doc\170168 FP-Letter 7-27-17.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 Text Amendment #17012 | FINAL ACTION? No | Amends Lincoln Municipal Code Section 27.72.120(a) Accessory Buildings |
| PLANNING COMMISSION HEARING DATE August 25, 2017 | RELATED APPLICATIONS None | |

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Accessory buildings/structures are considered part of the main building if it is either located less than 6’ away, or if it is connected to the main building. The significance of being considered part of the main building is that increased setbacks apply. In general, this makes sense when the connection results in what is essentially an extension of the main building.

However, this amendment seeks to add a specific exception to that rule. It would allow an unenclosed deck or patio which is connected to the main dwelling, and which leads to an accessory building/structure (such as an above ground pool) to not be considered connected. An unenclosed deck, patio, or walkway should not be considered an extension of the main building, and the accessory buildings/structures they lead to should not be subject to the more restrictive setbacks of the main building.

JUSTIFICATION FOR RECOMMENDATION

The proposed amendment creates an exception for a condition that the rule was doubtful ever intended to include. It simply clarifies that the provisions of LMC 27.72.120(a) do not apply to unenclosed decks and walkways.

APPLICATION CONTACT

David Wood,
dwood@lps.org

STAFF CONTACT

Brian Will, (402) 441-6362 or
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages cohesive, compatible, compact development in the city’s neighborhoods, along with the creation of enjoyable living spaces. The Plan also encourages streamlining the development process, including amending the Zoning Ordinance when such changes result in better outcomes for the community, like this one.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Page 7.1 One of the essential elements of the community and LPlan 2040 is housing. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole. The key to both developing and existing urban neighborhoods is land use diversity. For existing neighborhoods, the 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 sympathetic to the character of existing neighborhoods.

The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.

In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

Page 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

ANALYSIS

1. This request seeks to amend Lincoln Municipal Code (LMC) Section 27.72.120(a), which is located in the Height and Lot Regulations chapter of the Zoning Ordinance. It proposes to add a single exception to the existing section. The proposed text amendment is attached to this report.
2. Section 27.72.120(a) now states that accessory buildings/structures will be considered part of the main building if they are either attached to, or not located more than 6' away from the main building. The significance of whether an accessory building/structure is considered part of the main building relates to setbacks.
3. For example, the following is a comparison of the setbacks between a main building and an accessory building in the R-3 zoning district:

| | <u>Main Building</u> | <u>Accessory Building</u> |
|-------|----------------------|--|
| Front | 20' | Setback at least 60' from front lot line |
| Side | 5' | 3' (2' if fire rated) |
| Rear | 20' | 3' (2' if fire rated) |

4. The provision prevents an accessory building from being attached to the main building after both have been constructed using the applicable setbacks. Once attached in such a way, the accessory building could be converted to finished living space resulting in a main dwelling that no longer meets the setbacks of the district.
5. The term 'attachment' in the provision has been interpreted to essentially include any sort of connection between the two, and includes unenclosed decks, patios and walkways. For example, this prohibits a deck or walkway attached to the house from being extended to a swimming pool located in the rear yard. Such an improvement on a residential lot does not appear to meet the original intent of what Section 27.72.120(a) was attempting to prohibit.
6. The practical application of the current interpretation relates to the applicant's home. It arose due to the applicant's use of a wheelchair and his desire to participate in the use of the pool with his children. A connection between the deck and the pool is the most practical way for this to occur.
7. The applicant has an above-ground swimming pool in his back yard, which is approximately 40" in height. The home has a daylight basement and a deck off the first floor, where the deck is also approximately 40' off the ground. But as it is illustrated on the attached site plan, a walkway connecting the deck to the pool is not allowed. The pool as a separate accessory structure can be located in the rear yard. However, once it is connected to the main building it would violate the 20' rear setback applicable to the main building and is not allowed.
8. Patios, terraces and decks are regulated by LMC Section 27.72.060. Adding this exception to Section 27.72.120(a) does nothing to change how patios, terraces and decks are regulated by other provisions of the Zoning Ordinance.

9. That an unenclosed deck or walkway was intended to be included in Section 27.72.120(a) is doubtful. This amendment addresses the issue by clearly stating the exception. The impact upon neighborhoods will be negligible, but will allow residential properties to develop in a manner otherwise consistent with all other provisions of the Zoning Ordinance.

Prepared by

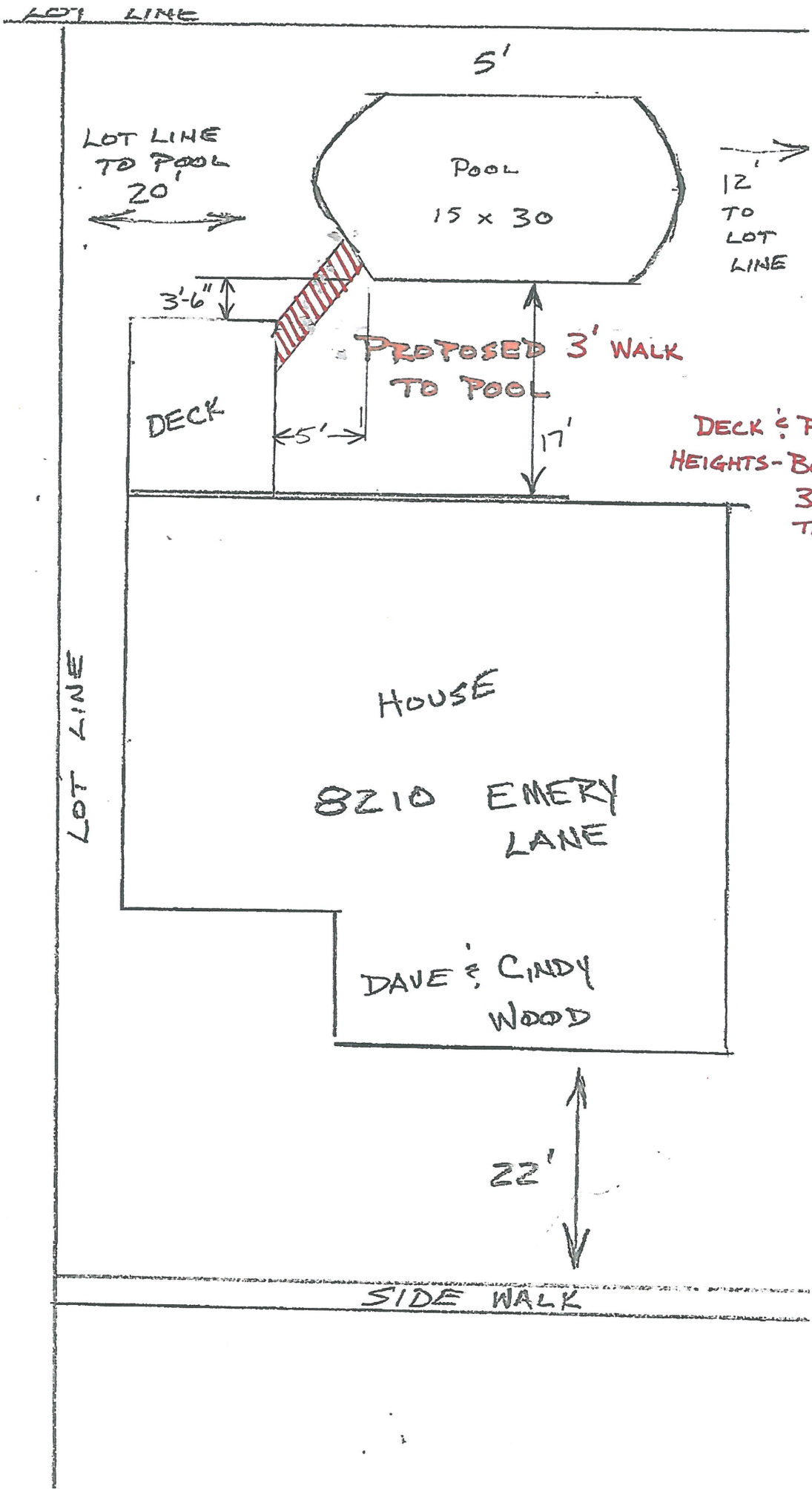
Brian Will, Planner
August 17, 2017

Applicant/Contact: David Wood
8210 Emery Lane
Lincoln, NE 68516
dwood@lps.org

F:\DevReview\TX\17000\TX17012 Accesory Building Connection Exception.bjw.docx

DEAR PLANNING BOARD

WE WERE DENIED A PERMIT FOR A WALKWAY FOR OUR SON. SO WE ARE NOW WORKING WITH PLANNING TO COORDINATE A WALKWAY FROM OUR EXISTING DECK TO OUR POOL, SO OUR ADULT BLIND WHEEL CHAIR BOUND SON CAN SAFELY ENTER THE POOL TO BE WITH HIS DAUGHTER. THIS IS AN ABOVE GROUND POOL. AND WE HAVE NO DOOR TO GROUND LEVEL, SO BUILDING A RAMP WOULD NOT WORK. OUR SUBMITTED DRAWING SHOWS THE POOL & DECK ARE AT THE SAME HEIGHTS WHICH WE FEEL IS THE SAFEST WAY.



ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.72 of the Lincoln Municipal Code relating to
2 the zoning ordinance height and lot regulations by amending Section 27.72.120 to provide that
3 an accessory building attached to the main building by an unenclosed deck or walkway shall not
4 be considered part of the main building and subject to the height and yard requirements of the
5 main building; and repealing Section 27.72.120 of the Lincoln Municipal Code as hitherto
6 existing.

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

8 Section 1. That Section 27.72.120 of the Lincoln Municipal Code be amended to read as
9 follows:

10 **27.72.120 Accessory Buildings.**

11 (*Only applies to accessory structures associated with a main dwelling)

12 (a) Accessory buildings which are attached to or not located more than (1) six feet from the
13 main building in the R-1 through R-8, O-1*, B-1*, B-3* zoning districts and (2) 10 feet
14 from the main building in the AG, AGR, O-2, O-3, B-4, B-5 all H, I-2 zoning districts shall
15 be considered a part of the main building and shall comply with the height, front, side, and
16 rear yard requirements of the main building. Exception: An accessory building attached to
17 the main building by an unenclosed deck or walkway shall not be considered part of the
18 main building, nor subject to the height and yard requirements of the main building.

19 (b) In all commercial and industrial zoning districts accessory buildings shall not extend into
20 any required yard, except as otherwise stated in this chapter.

21 (c) Accessory buildings not a part of the main building:

- 1 (1) May, if located not less than sixty feet from the front lot line, extend into the required
2 side yard though not closer than two feet to the side lot line in the R-1 through R-8,
3 O-1*, O-2, O-3, B-1*, B-3*, B-4, all H, and the I-2 zoning districts, provided that
4 such accessory buildings shall not be more than fifteen feet in height.
- 5 (2) May be located in the required rear yard, provided that such accessory buildings:
- 6 (i) Shall not be nearer than two feet to the side or rear lot line in the AG, AGR, R-
7 1 through R-8, O-1*, O-2, O-3, B-1*, B-3*, B-4, B-5, all H, and the I-2 zoning
8 districts.
- 9 (ii) Shall not occupy more than the following percent of the required rear yard:
- 10 - Forty percent in the R-1 through R-6, O-1*, B-1*and B-3* zoning
11 districts.
- 12 - Thirty percent in the AG, AGR, R-7, R-8, O2, O3, B-4, B-5, all H, and the
13 I-2 zoning districts.
- 14 (iii) Shall not be more than fifteen feet in height in the R-1 through R-8, O-1*, O-2,
15 O-3, B-1*, B-3*, B-4, B5, all H, and the I-2 zoning districts;
- 16 (iv) Notwithstanding the above, an accessory building used as a garage and taking
17 access from an alley shall not be located closer than ten feet to the alley line in
18 the R-1 through R-8, O-1*, O-2, O3, B-1*, B-3*, B-4, B5, all H, and the I-2
19 zoning districts.
- 20 (v) Shall not abut a residential district in the O-2, O-3, B-5, H-4, and I-2 zoning
21 districts.
- 22 (vi) Shall not be nearer than a distance equal to ten percent of the average lot width
23 from the side lot line in the AG zoning district on lots 20 acres or more.

1 (3) May be located in the required front yard on double-frontage lots where at least one
2 frontage is along a major street in the R-1, R-2 and R-3, provided such accessory
3 buildings:

4 (i) Shall not occupy any portion of any required front yard along the local street.

5 (ii) Shall not be closer than two feet to the side lot line, closer than two feet to the
6 front lot line along the major street, or closer than two feet to an area specified
7 as a building line district.

8 (iii) Shall not occupy any portion of the required front yard along any major street
9 except when a landscape screen is located along all front lot lines of such lot
10 adjacent to any major street in conformance with the "Design Standards for
11 Screening and Landscaping" adopted by the City of Lincoln.

12 (iv) Shall not have direct vehicular access from any major street along any major
13 street frontage in the block.

14 (v) Shall not occupy more than 100 square feet for buildings and 600 square feet
15 for structures of the required front yard along the major street.

16 (vi) Shall not exceed fifteen feet in height and any accessory building or portion
17 thereof within twenty feet of the front lot line along the major street shall not
18 exceed eight feet in height.

19 (4) Accessory buildings in the AG and AGR districts are not permitted in the side yard
20 unless also located in the rear yard.

21 (d) Maximum and expanded maximum cumulative allowable area for all accessory buildings
22 on single family or two family residential lots or tracts in AG, AGR, and R-1 to R-8 zoning
23 districts:

1 (1) The maximum and the expanded maximum cumulative allowable area for all
 2 accessory buildings are as set out in Table 27.72.120(d) below. The applicable
 3 maximum cumulative allowable area may be increased up to the expanded maximum
 4 allowable area as provided in Table 27.72.120(d) Notes *1-4 below:

| Table 27.72.120(d) | | | | | | |
|--|---------------------|----------------------------|---|---------------------------------------|----------------------------------|---------------------|
| Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts | | | | | | |
| *#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1) | | | | | | |
| | | Lot or Tract Size | | | | |
| | | less than 7,500 sq. ft. | 7,500 sq. ft. to less than 20,000 sq. ft. | 20,000 sq. ft. to less than 1 acre | 1 acre or more | |
| R1- R-8 Accessory Building sq. ft. | Maximum | 1,000 | 1,500 | 2,000 | 2,000 | |
| | Expanded Maximum | 1,500*1 | 3,000*2 | 3,000*2 | 5,000*3 | |
| | | less than 1 acre | 1 acre to less than 2 acres | 2 acres to less than 4 acres | 4 acres to less than 10 acres | 10 acres or more |
| AGR Accessory Building sq. ft. | Maximum | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 |
| | Expanded Maximum | 3,000*2 | 6,000*4 | 8,000*4 | 20,000*4 | No maximum*4 |
| AG Accessory Building sq. ft. | Maximum | 2,000 | 2,000 | 2,000 | 2,000 | No maximum |
| | Expanded Maximum | 3,000*2 | 6,000*4 | 8,000*4 | 20,000*4 | |
| Notes: | | | | | | |
| *1. In the R-1 to R-8 zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided: | | | | | | |
| i. Total square footage for all accessory buildings does not exceed the total square footage, excluding basement, of the main building. | | | | | | |
| ii. The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks. | | | | | | |
| *2. In the R-1 to R-8 zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided: | | | | | | |
| i. The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building. | | | | | | |
| ii. The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks. | | | | | | |
| iii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks. | | | | | | |

*3. In the R-1 to R-8 zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
- ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.

1 Section 2. That Section 27.72.120 of the Lincoln Municipal Code as hitherto existing be
2 and the same is hereby repealed.

3 Section 3. This ordinance shall be published, within fifteen days after the passage hereof,
4 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the
5 official bulletin board of the City, located on the wall across from the City Clerk's office at 555
6 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of passage
7 and such posting to be given by publication one time in the official newspaper by the City Clerk.
8 This ordinance shall take effect and be in force from and after its passage and publication or after
9 its posting and notice of such posting given by publication as herein and in the City Charter
10 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017:

Mayor

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 #17020 | FINAL ACTION? No | DEVELOPER/OWNER Lancaster County |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS Special Permit 17030 | PROPERTY ADDRESS/LOCATION 2202 South 11 th Street |

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from P Public Use District to R-4 Residential District with landmark overlay. P Public Use District only applies to property in governmental ownership and use. R-4 Residential District is the adjacent district to the north, south and west. Lancaster County is preparing to sell this property so a new zoning designation is necessary. Landmark designation with the related Special Permit 17030 would allow prospective purchasers to continue office use—the predominant use of Trabert Hall since the 1970s, or return the building to residential use, or some combination of the two. Landmark designation also protects the historic structure and offers potential incentives for rehabilitation.



JUSTIFICATION FOR RECOMMENDATION

R-4 zoning with landmark overlay offer a predictable zoning for adjacent properties, with rehabilitation options and incentives for potential buyers. The former Nurses Residence/Trabert Hall meets the requirement for landmark designation as the largest freestanding building of Lincoln’s first general hospital, designed by a nationally prominent architectural firm. Landmark designation provides additional protection and supports redevelopment of the existing building, consistent with LMC27.57 (Historic Preservation District).

APPLICATION CONTACT

Kerry Eagan, Chief Admin. Officer
(402)441-6865
keagan@lancaster.ne.gov

STAFF CONTACT

Ed Zimmer, (402) 441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community’s historic places and utilization of incentives to encourage their preservation.

WAIVERS

None.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Public & Semi-Public on the 2040 Lincoln Area Future Land Use Plan and is adjacent to Urban Residential to the south and Commercial to the west.

P. 12.4 - Urban Residential areas have a mix of multi-family and single family uses of varying density; commercial areas mix retail, office, service and residential land uses.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods:

- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

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. 4.9 - Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 4.9---Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

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

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 a request for rezoning the property as R-4 Residential District, with landmark designation.
2. Saint Elizabeth Hospital Nurses Home was built in 1928 from designs by D. X. Murphy & Brother of Louisville, KY, a firm still in business as one of the oldest continuously operating architectural practices in the US. When Saint Elizabeth Hospital moved to S. 70th St. in 1969, Lancaster County acquired the property for Lancaster Manor nursing home. The nurses' residence was used primarily for offices and was named Trabert Hall in 1972 in honor of J. Earle Trabert, director of the Lancaster County Welfare Department.
3. Trabert Hall is a noteworthy local example of Gothic Revival architecture applied to an institutional use, employing durable brick and limestone materials in a handsome design.
4. Trabert Hall is the last freestanding building of the original Saint Elizabeth Hospital. The nearby Saint Francis Church, a Lincoln landmark, was originally constructed as a chapel wing at the rear of the main hospital. The scale of Trabert Hall is the best extant representation of the scale of the hospital complex and of the nurses' training program integral to its operation.
5. The proposed preservation guidelines for the Trabert Hall are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln landmarks.
6. The former Sophy Teeters Nurses' Residence of the former Lincoln General Hospital was landmarked in 2001 and demolished in 2016. The former nurses' residence at the Lincoln Veterans Administration Hospital is listed on the National Register of Historic Places as part of that historic campus.
7. The Historic Preservation Commission unanimously recommended approval of this application for landmark

designation on August 17, 2017 (excerpt from meeting record attached).

EXISTING LAND USE & ZONING: vacant; P Public Use District

SURROUNDING LAND USE & ZONING

North: Parking R-4 Residential District
South: Residences R-4 Residential District
East: Saratoga Elem. School P-Public Use District
West: Residences, R-4 Residential District
Lancaster Rehab. Center,
CenterPointe residential treatment program

APPROXIMATE LAND AREA: 2.47 acres more or less

LEGAL DESCRIPTION: Saint Francis 1st Addition, Lot 3, in SE ¼ of Section 35 T10N R06E, Lincoln, Lancaster County, Nebraska.

Prepared by

Ed Zimmer, Planner

Date: August 16, 2017

Applicant: Lancaster County Board of Commissioners
Suite 110, 555 South 10th Street
Lincoln, NE 68508

Contact: Kerry Eagan, Chief Administrative Officer
555 S. 10th Street, Suite 110
Lincoln, NE 68508
(402)441-6865
keagan@lancaster.ne.gov

Owner: Lancaster County Board of Commissioners
Suite 110, 555 South 10th Street
Lincoln, NE 68508
(402)441-7447
commish@lancaster.ne.gov

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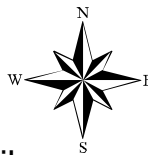
2016 aerial

**Change of Zone #: CZ17020 (P to R-4)
 & Special Permit #: SP17030
 Trabert Hall
 S 11th St & South St
 Zoning:**

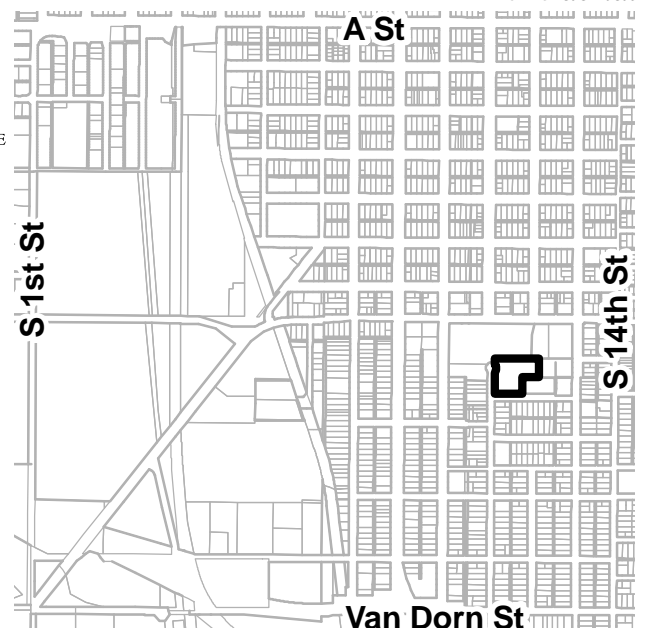
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
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- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

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

One Square Mile:
 Sec.35 T10N R06E



| | |
|--|-------------------------------|
| | Area of Application |
| | Zoning Jurisdiction Lines |
| | Lancaster County Jurisdiction |



APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE
LINCOLN, NEBRASKA

1. NAME

Historic
and/or Common
NeHBS Site

St. Elizabeth Hospital Nurses Home
Trabert Hall
LC13:C05-150

2. LOCATION

Address

2202 S. 11th Street, Lincoln, NE 68502

3. CLASSIFICATION

Proposed Designation

Category

Landmark District
 Landmark

district
 building(s)
 structure

site
 object

Present Use

agriculture
 commercial
 educational
 entertainment
 government

industrial
 military
 museum
 park
 private residence

religious
 scientific
 transportat'n
 other (Vacant)

4. OWNER OF PROPERTY

Name
Address

Lancaster County
555 S. 10th Street, Lincoln, NE 68508

5. GEOGRAPHICAL DATA

Legal Description

Saint Francis 1st Addition, Lot 3, Lincoln, Lancaster County, NE

Property ID Number

10-35-437-003-000

Number of Acres or Square Feet: 105201 Sq. ft., more or less

6. REPRESENTATION IN EXISTING SURVEYS

Title Historic and Architectural Survey of Lincoln

Date on-going State County Local

Is proposed Landmark or Landmark District listed in the National Register?

yes, date listed

no

7. DESCRIPTION AND HISTORY

Condition

excellent

deteriorated

unaltered

original site

good

ruins

altered (rear wing, ___ moved date

fair

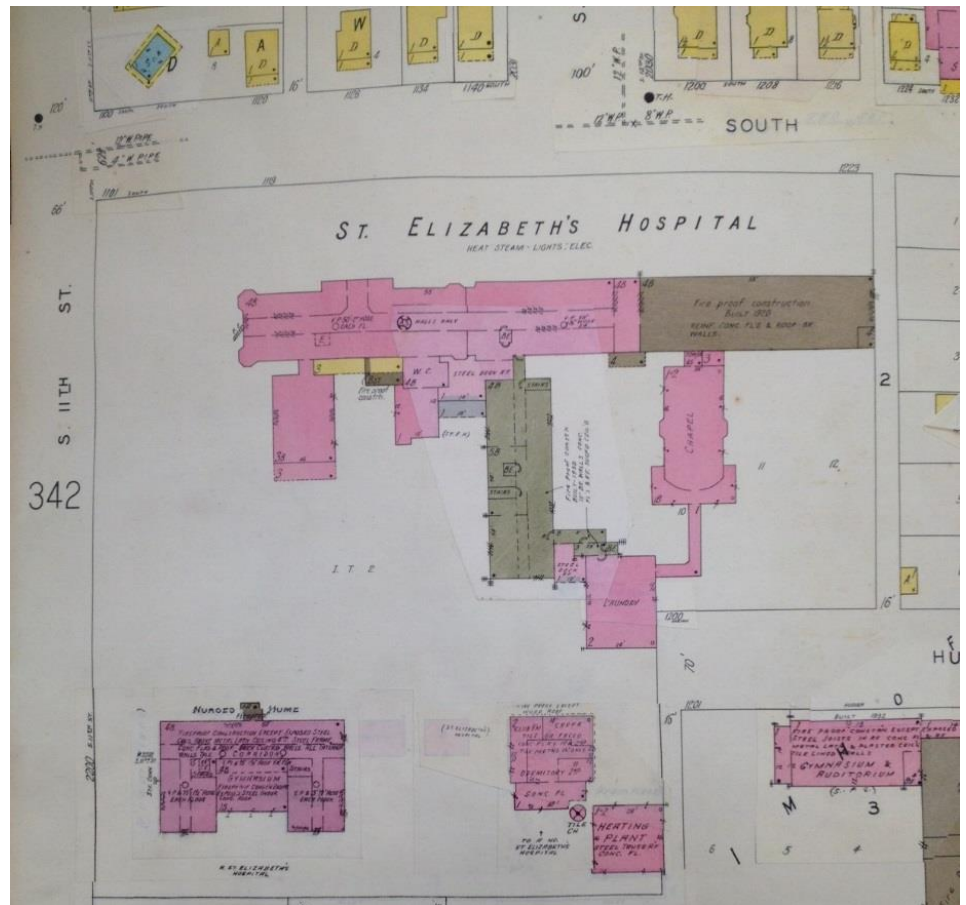
unexposed

1960)

DESCRIPTION:

Trabert Hall, the former Saint Elizabeth Hospital Nurses Home, is a five story red-brick and concrete structure located approximately 350 feet south of South Street, southeast of Lancaster Rehabilitation Center (formerly Lancaster Manor). The floor plan of the original Nurses Home measures about 130 feet east-west and 75 feet north-south, in the shape of an inverted "U."

The parking lot between Trabert Hall and South Street was formerly the location of Saint Elizabeth Hospital and the Nurses Home was located to the rear of that campus. Originally the Nurses Home was connected to the main hospital buildings by a tunnel/corridor that extended over 300 feet.



Sanborn Map Co. image of St. Elizabeth Hospital campus, updated to 1956. The Nurses Home/Trabert Hall is at lower left.

The ground floor of Trabert Hall is clad in limestone, topped with four brick stories with limestone trim. The main, symmetrical north façade is organized in five main bays framed by brick pilasters, which are also expressed in the limestone base and top. Central on the façade is a projecting entrance pavilion



View of the Nurses Home/Trabert Hall from northwest.

flanked by projecting pavilions at each corner. The pavilions are capped with carved limestone and gothic finials, while the recessed bays linking the pavilions are topped with plain limestone bands. The brick walls are laid in common bond, with one header course to each six stretcher courses.



The projecting entrance vestibule at the center of the north façade is limestone and has a corner date stone inscribed 1928 west of the center entrance.

Secondary entrances on the east and west facades are sheltered by metal-clad vestibules with crenelated tops. The east side also offers a ramp down to the basement level, screened by a brick wall.

A one-story gymnasium was added at the south, between the side wings, in the 1950s. A five-story, red brick wing was added to the east rear of the original building in 1960, extending that leg by about 70 feet.



Vestibule at west entrance to Nurses Home/Trabert Hall.



Rear view (from south) of Trabert Hall.

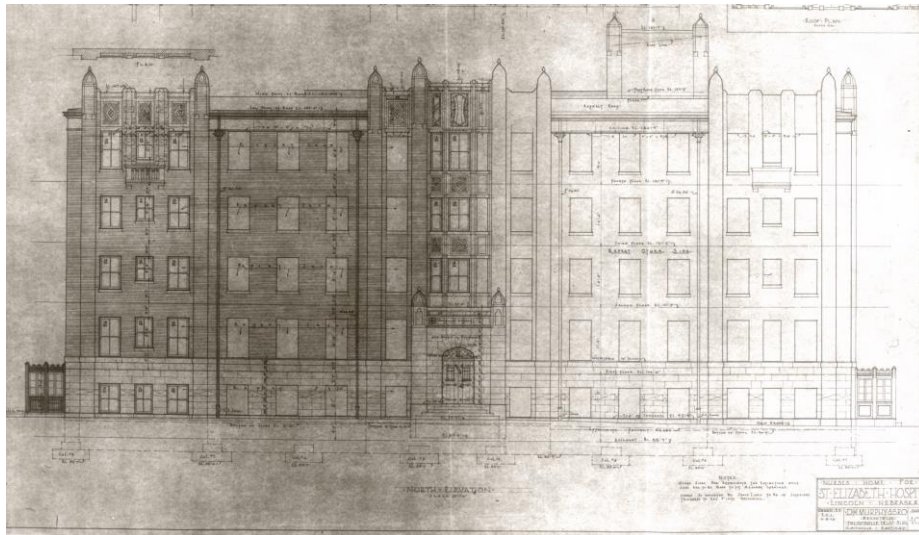
HISTORY:

Saint Elizabeth Hospital was founded in 1889 as Lincoln's first general hospital. Originally housed in a former residence, the hospital developed a major complex of red brick buildings stretching over four hundred feet along South Street by the 1920s. When the new Saint Elizabeth Medical Center was constructed on So. 70th Street in 1969, Lancaster County acquired the South St. campus and operated a nursing home, Lancaster Manor, in the old hospital until the mid-1980s. The complex was subsequently demolished in 1994 except for the chapel wing, now St. Francis Church, which had been designated as Lincoln Landmark in 1990.

Postcard view from SW, ca. 1920



The Nurses Home was added to the Saint Elizabeth campus in 1928, at an estimated cost of \$170,000.¹ W.



J. Assenmacher of Lincoln was the contractor and D. X. Murphy & Brother of Louisville, Kentucky were the architects. (The elevation outlines the penthouse of the elevator machinery, which is set well-back from the north façade and is inconspicuous from most vantage points.)

D. X. Murphy & Brother, north elevation for Nurses Home

The Murphy firm was established in 1853 by Irish immigrant Henry Whitestone in partnership with Isaiah Rogers. Dennis Xavier Murphy (1853-1933) assumed leadership of the firm in 1880 and still led the firm as D. X. Murphy & Brother at the time of the Nurses Home construction. The firm did considerable institutional work for Catholic clients, probably accounting for the Lincoln commission. Now titled “Luckett & Farley,” the firm reportedly shares with one other firm the status of being the oldest continuously operating architecture firms in the U. S.² The firm’s most widely recognized work is the spires of Churchill Downs racetrack, of 1895.

During the hospital’s tenure on South Street, the Nurses Home gained a south gymnasium addition in the 1940s and a southeast addition in 1960. After the site was purchased by Lancaster County, the utilization of the campus was directed by the County Welfare Department led (since 1964) by J. Earle Trabert. He was a graduate of University of Nebraska and as a young man served a decade as superintendent of small school districts in southeast Nebraska. He sometimes also was the high school basketball coach, having been a member of the “Milford Eagles” state champion team of 1920.



J. Earle Trabert

¹Lincoln Building permit 17812, July 28, 1928.

²“Luckett & Farley,” Wikipedia, https://en.wikipedia.org/wiki/Luckett_%26_Farley Accessed August 4, 2017.

That claim of primacy among extant American architectural firms (which are not wholly owned subsidiaries) is shared by SmithGroupJJR of Detroit, also established in 1853. <https://en.wikipedia.org/wiki/SmithGroupJJR>

Trabert worked for 27 years for the Nebraska Dept. of Welfare, then almost a decade for Lancaster County. In 1972, the County Board named the former Nurses Home “Trabert Hall” in his honor. Mr. Trabert retired from Lancaster County in 1973 and died in 1998 at 97 years of age.³



Trabert Hall served primarily as offices after its acquisition by the County. It is currently vacant, in preparation for sale.

8. SIGNIFICANCE

| <u>Period</u> | <u>Areas of Significance-Check and justify</u> | |
|---------------------------|--|--|
| <u>_</u> prehistoric | <u>_</u> archeology-prehistoric | <u>_</u> landscape architecture |
| <u>_</u> 1400-1499 | <u>_</u> archeology-historic | <u>_</u> law |
| <u>_</u> 1500-1599 | <u>_</u> agriculture | <u>_</u> literature |
| <u>_</u> 1600-1699 | X architecture | <u>_</u> military |
| <u>_</u> 1700-1799 | <u>_</u> art | <u>_</u> music |
| <u>_</u> 1800-1899 | <u>_</u> commerce | <u>_</u> philosophy |
| X <u>1928-1969</u> | <u>_</u> communications | <u>_</u> politics/government |
| | <u>_</u> community planning | <u>_</u> religion |
| | <u>_</u> conservation | <u>_</u> science |
| | <u>_</u> economics | <u>_</u> sculpture |
| | <u>_</u> education | X social/humanitarian (health care) |
| | <u>_</u> engineering | <u>_</u> theater |
| | <u>_</u> exploration/settlement | <u>_</u> transportation |
| | <u>_</u> industry | <u>_</u> other-- Community Recreation |
| | <u>_</u> invention | |

Specific dates: 1928, 1928-1969

³ *Lincoln Star* Sept. 15, 1964, p. 8, Trabert’s appointment Lancaster County Welfare director.

Lincoln Star Dec. 20, 1973, p. 32, County Board honors Trabert by naming former Nurses Home “Trabert Hall.”

Lincoln Star Aug. 29, 1973, Trabert’s retirement from Lancaster County.

Lincoln Journal Star March 25, 1998, p. 4B, obituary.

Builder/Architect: Assenmacher/D. X. Murphy & Brother

Statement of Significance:

The former Nurses Home of Saint Elizabeth Hospital is indicative the scale of the original Saint Elizabeth Hospital complex and is the only original, freestanding structure of the complex still extant. (St. Francis Church was built as a chapel wing.) D. X. Murphy & Brother, architects of the building, were nationally significant practitioners and the Nurses Home is well-designed, of fine materials, and is the only identified example of their work in Nebraska.

9. STANDARDS FOR DESIGNATION

(Check one(s) that apply)

- Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

See Footnotes.

11. FORM PREPARED BY:

| | | |
|-----------------|--|-------------------------------|
| Name/Title: | Ed Zimmer, Historic Preservation Planner | |
| Organization | Lincoln/Lanc. County Planning Dept. | Date Submitted August 4, 2017 |
| Street & Number | 555 S. 10 th St., Lincoln, NE 68508 | Telephone (402)441-6360 |
| City or Town | Lincoln | State NE 68508 |

Signature

FOR HISTORIC PRESERVATION COMMISSION USE ONLY:

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED

LANDMARK/LANDMARK DISTRICT NUMBER

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PRESERVATION GUIDELINES FOR
St. Elizabeth Hospital Nurses Home (Trabert Hall)
2201 S. 11th St., Lincoln, NE

1. Architectural Review of Landmark:

- a. Photographs: On file in Planning Department.
- b. Important architectural features:
Exterior: five-story height, flat roofs, brick walls, limestone ornament, limestone main entry vestibule on north and metal-clad vestibules east and west
- c. Important landscape features: surrounding lawns and trees
- d. Architectural style and date: institutional Gothic Revival, by D. M. Murphy & Bro., 1928
- e. Additions and modifications: southeast wing of 1960

2. Notice of Work Needing Certificate:

- A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:
 1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
 2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
 3. Work involving:
 - a. Reduction of front planting area;
 - b. Replacement of exterior material and trim on north, east, or west facades;
 - c. Cleaning and maintenance of exterior masonry;
 - d. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from north parking area;
 - e. Addition of awnings;
 - f. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
 - g. The addition or replacement of signs;
 - h. Moving structures on or off the site;
 - i. Installation of electrical, utility, and communications services on principal (north) facade;
 - j. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the north facade.
- B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:
 1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
 2. Changes involving color and landscaping, except as previously noted;

3. Interior changes involving no exterior alteration.

- C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed \$100.00. Each and every day that such violation continues after notification may constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

3. Standards for Owner and Preservation Commission:

The following standards serve as a guide to the Landmark property owner in the preservation of their building. It is also intended that these Standards will aid the Commission in making decisions regarding issuance or denial of a Certificate.

When a decision on issuing or denying a Certificate is requested, the more definitive the presentation by the applicant, the easier it will be to convey and comprehend the effect of the proposed change. The owner or representative should plan to attend the public hearing to discuss the proposed work. When an application is being reviewed, it will be the responsibility of the applicant to demonstrate that the new work is compatible with these Standards.

A strict interpretation of these guidelines may be waived by the Preservation Commission if the applicant develops a design solution which meets the spirit and intent of the Historic Preservation Ordinance. In addition, although the owner of the landmark must receive Certificates for work identified above, a broader interpretation of the Guidelines for this property may be allowed by the Preservation Commission.

(Based on the Secretary of the Interior's Standards for Rehabilitation
and Guidelines for Rehabilitating Historic Buildings)

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be physical, based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

GUIDELINES FOR APPLYING THE SECRETARY OF THE INTERIOR'S
STANDARDS FOR REHABILITATION

THE ENVIRONMENT

Recommended

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs that have traditionally linked buildings to their environment.

Using new plant materials, fencing, walkways, street lights, signs and benches that are compatible with the character of the neighborhood in size, scale, material and color.

Not Recommended

Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.

Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.

Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials that are out of scale or inappropriate to the neighborhood.

BUILDING SITE

Recommended

Identifying plants, trees, fencing, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Retaining plants, trees, fencing, walkways, street lights, signs, and benches that reflect the property's history and development.

Not Recommended

Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

BUILDING SITE ----- continued

Recommended

Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.

Not recommended

Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.

BUILDING: STRUCTURAL SYSTEMS

Recommended

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.

Undertaking stabilization and repair of weakened structural members and systems.

Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.

Not Recommended

Disturbing existing foundations with new excavations that undermine the structural stability of the building.

Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.

BUILDING: EXTERIOR FEATURES

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco and mortar

Recommended*

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Applying waterproof or water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Not Recommended

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco and mortar ----- Continued

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco and mortar ----- Continued

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color and texture.

Duplicating old mortar in joint size, method of application, and joint profile.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with mortar joints of a differing size or joint profile, texture or color.

Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

*For more information consult Preservation Briefs: 1: "The Cleaning and Waterproof Coating of Masonry Buildings" and Preservation Briefs: 2: "Repointing Mortar Joints in Historic Brick Buildings." Both are available from Technical Preservation Services Division, Heritage Conservation & Recreation Service, U. S. Department of the Interior, Washington, D.C. 20240

Wood: Clapboard, weatherboard, shingles and other wooden siding

Recommended

Retaining and preserving significant architectural features, whenever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape and texture the old as closely as possible.

Not Recommended

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

Architectural Metals: Cast iron, steel, pressed tin, aluminum, zinc

Recommended

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

Not Recommended

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

Recommended

Preserving the original roof shape.

Retaining the original roofing material, whenever possible.

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Roofs and Roofing, continued

Not Recommended

Recommended

Providing adequate roof drainage and insuring that the roofing materials provide a weather-tight covering for the structure.

Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

Windows and Doors

Recommended

Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware

Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.

Installing visually unobtrusive storm windows and doors, where needed, that do not damage existing frames and that can be removed in the future.

Using original doors and door hardware when they can be repaired and reused in place.

Not Recommended

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Stripping the roof of architectural features important to its character.

Not Recommended

Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.

Installing inappropriate new window or door features such as aluminum storm and screen window insulating glass combinations that require the removal of original windows and doors.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing plastic, canvas, or metal strip awnings or fake shutters that detract from the character and appearance of the building.

Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, and Steps

Recommended

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Not Recommended

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as handrails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

Recommended

Discovering the historic paint colors and finishes of the structure and repainting with those colors to illustrate the distinctive character of the property.

Not Recommended

Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.

Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

New Construction

Recommended

Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.

Not Recommended

Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.

New Construction, continued

Recommended

Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.

Using contemporary designs compatible with the character and mood of the building or the neighborhood.

Not Recommended

Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.

Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades.

Adding new floors or removing existing floors that destroy important architectural details, features and spaces of the building.

Mechanical Systems: Heating and Air Conditioning, Electrical, Plumbing, Fire Protection

Recommended

Installing necessary mechanical systems in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.

Utilizing early mechanical systems, including plumbing and early lighting fixtures, where possible.

Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.

Placing television antennas and mechanical equipment, such as air conditioners, in an inconspicuous location.

Not Recommended

Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical system.

Attaching exterior electrical and telephone cables to the principal elevations of the building.

Installing the vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.

Concealing or “making invisible” mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.

Installing “dropped” acoustical ceilings to hide mechanical equipment. This destroys the proportions and character of the rooms.

Mechanical Systems, continued

Recommended

Insuring adequate ventilation of attics, crawlspaces, and cellars to prevent moisture problems.

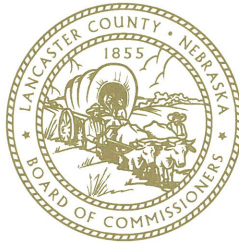
Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.

Not Recommended

Installing foam, glass fiber, or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.

Placing television antennas and mechanical equipment, such as air conditioners where they can be seen from the street.

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LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Jennifer Brinkman Deb Schorr Todd Wiltgen Bill Avery
Kerry Eagan, *Chief Administrative Officer* Ann E. Ames, *Deputy Chief Administrative Officer*

July 28, 2017

David Cary, Director
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Ste 213
Lincoln, NE 68508

Dear David:

Included with this letter is Lancaster County's application for a Change of Zone from P-Public to R-4 Residential for the County's Trabert Hall property located at 2202 South 11th Street, and an accompanying application for a Special Permit for Historic Preservation under the provisions of Section 27.63.400 of the City of Lincoln Zoning Ordinance. Specifically, the County is seeking a local landmark designation for the Trabert Hall building, allowing up to 55,735 sq. ft. of the building to be used for office space, or 60 dwelling units, or some combination of office space and dwelling units.

The Lancaster County Board is in the process of declaring the Trabert property as surplus and selling it at public sale. Through this process the County Board hopes to sell the property at the highest possible price for the benefit of our taxpayers, while at the same time guaranteeing that future use of the property will be compatible with the surrounding neighborhood. The Board believes R-4 zoning with a Special Permit for historic designation and local landmark designation is the best approach to accomplish these goals.

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

Sincerely,



Kerry P. Eagan
Chief Administrative Officer

Cc: County Board
David Derbin, Deputy County Attorney

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**EXCERPT FROM
MEETING RECORD**

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, August 17, 2017, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Liz Bavitz, Jim Hewitt, Jim Johnson, Greg McCown and Jim McKee; (Melissa Dirr Gengler and Greg Munn absent).

OTHERS IN ATTENDANCE: Ed Zimmer and Teresa McKinstry of the Planning Department; Deb Schorr, County Board of Commissioners; Susan McIntosh Kriz with the Lux Center for the Arts; John and Terry Thomas from the Burgess House; Chelsey Pounds; and Matt Olberding from the Lincoln Journal Star.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

Acting Chair Jim McKee called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

McKee requested a motion approving the minutes for the meeting of July 20, 2017. Motion for approval made by Johnson, seconded by McCown and carried 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting 'yes'; Dirr Gengler and Munn absent.

RECOMMENDATIONS ON TWO APPLICATIONS FOR TRABERT HALL, 2202 S. 11TH STREET: DESIGNATION AS LANDMARK (CZ17020) AND SPECIAL PERMIT FOR HISTORIC PRESERVATION (SP17030)

PUBLIC HEARING: **AUGUST 17, 2017**

Members present: Bavitz, Hewitt, Johnson, McCown and McKee; Dirr Gengler and Munn absent.

Ed Zimmer stated that the County needs to establish a fair price and the zoning for the planned sale of Trabert Hall. It is zoned P Public Use today. It can't be sold out of public ownership and

retain the P zoning. The adjacent zoning is principally R-4 Residential. This property has been in office use for about half a century. The application on behalf of the County is for a change of zone to R-4 zoning, with landmark designation and a special permit for historic preservation. Zimmer mentioned that the Commission doesn't usually see a pre-emptive special permit prior to a sale. In this case it is necessary to establish for potential purchasers how this property can be used. It will likely come back at some point in the future for any adjustments. He believes this gives a predicable path forward. He recommends this easily qualifies for a landmark. He recommends approval of the landmark designation. Then, with a landmark designation, it will be eligible for a special permit. These two applications will go as a package to appear before Planning Commission, then onto City Council.

Historically, Saint Elizabeth Hospital had a large, complex site. It was probably the largest square footage in a single building in Lincoln in the 1920s. The building was designed in 1928 by a Kentucky architect, D.X. Murphy & Brother. The firm still operates today under a different name. He would call the design institutional gothic revival. There is a limestone vestibule at the main, north entrance and metal-clad vestibules at the east and west entrances. There was an addition in 1960. The hospital itself was torn down in 1994, except for the chapel, which is now a landmark. When St. Elizabeth moved to S. 70th St., the County acquired the property. The former Nurses Home was named for J. Earle Trabert, Director of the County Welfare Department. He worked for the Nebraska Dept. of Welfare for 27 years, then almost a decade for Lancaster County. In 1972, the County Board named this Trabert Hall in his honor.

The special permit request is for 60 dwelling units. 60 units would work well with the existing parking stalls on the Trabert parcel, east of the building. There is an easement across the north parking lot. Most of that parking lot belongs to the Lancaster Rehabilitation Center. There is shared use of the parking lot. Trabert Hall backs against the neighborhood and the school grounds. Either residential or office use would have minimal impact to the neighborhood.

Deb Schorr stated that this was presented to the neighborhood at a meeting earlier this week. She didn't hear any objections.

McCown questioned the size of the parcel. Zimmer replied it is 2.7 acres. McCown wondered about the size of the building footprint. Zimmer believes it is around 1/4 acre for the building footprint. McCown asked if the potential buyers would have the option to build on this parcel. Zimmer noted it would only occur under landmark review. You can't simply come in and subdivide the land. There would be steps under the Preservation Ordinance to tear down the building and do something different.

McKee doesn't believe anything could be built to the east. Zimmer believes there is some area behind the property. You could possibly build a southern addition.

McCown wondered about the overall condition of the property. Zimmer replied it is not great but it is sturdily built with “strong bones.” It has been office space for a long time.

McCown questioned if this is all on one big boiler, or if there are any asbestos issues. Schorr is not aware of the condition of the boiler. Asbestos concerns were discussed regarding pipe wraps in some locations. Zimmer has heard it is behind drywall and encapsulated. Demolition would have to deal with any asbestos removal. He would guess any rehab use would involve mechanicals and asbestos removal.

Zimmer noted that this doesn’t determine what happens to this property. It provides opportunities.

McCown asked if there has been any interest in this property. Schorr stated there have been four inquiries.

ACTION:

Johnson moved to recommend approval of the change of zone to R-4 Residential zoning, with a landmark designation, seconded by Bavitz and carried 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting ‘yes’; Dirr Gengler and Munn absent.

Johnson moved to recommend approval of the special permit for historic preservation as described, seconded by Bavitz and carried 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting ‘yes’; Dirr Gengler and Munn absent.

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 #17030 | FINAL ACTION? No | DEVELOPER/OWNER Lancaster County |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS Change of Zone 17020 | PROPERTY ADDRESS/LOCATION 2202 South 11 th Street |

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

The Lancaster County Board is preparing to sell Trabert Hall. Resolving its future zoning is a key step in obtaining an accurate appraisal, on which basis the property can be offered for sale. The County Board is requesting R-4 Residential zoning, with a landmark overlay, and accompanying special permit to continue using the building as offices, as it has been used for nearly 50 years, or rehabilitate it as housing. This would allow them an accurate appraisal of the land and the building, and provide some certainty of use to a prospective buyer.



JUSTIFICATION FOR RECOMMENDATION

Obtaining a fair price for the sale of Trabert Hall is in the best interest of Lancaster County taxpayers. Encouraging the retention of a significant historic structure in an established neighborhood, and facilitating incentives for its continued productive use, is strongly encouraged by the Lincoln/Lancaster County 2040 Comprehensive Plan.

APPLICATION CONTACT

Kerry Eagan, Chief Admin. Officer
(402)441-6865
keagan@lancaster.ne.gov

STAFF CONTACT

Ed Zimmer, (402) 441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

WAIVERS

None.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as future Public & Semi-Public on the 2040 Lincoln Area Future Land Use Plan and is adjacent to Urban Residential to the south and Commercial to the west.

P. 12.4 - Urban Residential areas have a mix of multi-family and single family uses of varying density; commercial areas mix retail, office, service and residential land uses.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods:

- Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

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. 4.9 - Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 4.9---Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

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

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 a request for a special permit for historic preservation to allow non-governmental use of Trabert Hall for 57,735 sq. ft. of office space, or for up to 60 dwelling units, or for some combination thereof.
2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:
 - 2.1. **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

The significance of the structure is presented in the landmark application attached to the associated report on CZ17020, which states: *The former Nurses Home of Saint Elizabeth Hospital is indicative the scale of the original Saint Elizabeth Hospital complex and is the only original, freestanding structure of the complex still extant. (St. Francis Church was built as a chapel wing.) D. X. Murphy & Brother, architects of the building, were nationally significant practitioners and the Nurses Home is well-designed, of fine materials, and is the only identified example of their work in Nebraska.* The landmark application has been recommended for approval by the Historic Preservation Commission.

The key variations requested from permitted uses in the R-4 Residential District is the option for continued office use of the building, and the density of potential residential use. Trabert Hall is an existing building which is larger than would typically be constructed in this District, but it also occupies a parcel with 120 parking stalls currently paved on the site. Either office, residential, or mixed office-with-residential use would likely have similar impact to the County's use of the building since the early 1970s.

2.2 The extent to which economic factors necessitate the change in use:

The appraiser working for the County Board on the Trabert Hall sale indicates there would be a substantial difference between the appraised value of the property as simply R-4 Residential and the proposed approach of R-4 Residential with landmark overlay and this requested Special Permit.

2.3 The extent of proposed exterior change to the structure or site:

Usually applications for special permits for historic preservation come from owners or developers interested in rehabilitating the landmark themselves. This is a somewhat unique situation in which the seller of the property has an interest in guiding future development of the landmark, for the benefit of both the taxpayers of Lancaster County and the owners of surrounding property. The request is not for a specific development proposal, but rather to set parameters for potential purchasers' future uses.

Landmark designation and the accompanying design review process provide protection for the building and site. A condition is included in this recommendation to require a more specific, dimensioned site plan to accompany any future proposals for the site.

2.4 The impact on the surrounding area:

The site is located within an area zoned R-4 (Residential), with Saratoga Elementary School adjacent to the southeast, St. Francis Church to the northeast, and Lancaster Rehabilitation Center to the northwest. The request would allow either continuation of the office use which has been accommodated on the site since the 1970s, or adapting the building into residential use, more similar to its original function in the 1928-1969 era. Either use, or a combination of the two, combined with preservation of the existing building, are intended to minimize any adverse impact on the surrounding area.

2.5 The compatibility of the proposed use to the structure or site and the surrounding area:

The requested special permit is intended to minimize impacts on the surrounding area by continuing uses similar to those made of the building by the Hospital or by Lancaster County.

2.6 The manner in which the public will be benefitted by such proposed use:

Assisting Lancaster County with the sale of Trabert Hall benefits county taxpayers. Reusing the building appropriately preserves a historic structure and makes uses of resources already expended in the construction of the building and surrounding public infrastructure. Private rehabilitation of the building would increase the local property tax base.

The Historic Preservation Commission unanimously recommended approval of this application for a special permit for historic preservation on August 17, 2017 (excerpt from meeting record attached).

EXISTING LAND USE & ZONING: vacant; P Public Use District

SURROUNDING LAND USE & ZONING

| | |
|--|--------------------------|
| North: Parking | R-4 Residential District |
| South: Residences | R-4 Residential District |
| East: Saratoga Elem. School | P-Public Use District |
| West: Residences, | R-4 Residential District |
| Lancaster Rehab. Center, | |
| CenterPointe residential treatment program | |

APPROXIMATE LAND AREA: 2.47 acres more or less

LEGAL DESCRIPTION: Saint Francis 1st Addition, Lot 3, in SE ¼ of Section 35 T10N R06E, Lincoln, Lancaster County, Nebraska.

Prepared by

Ed Zimmer, Planner

Date: August 17, 2017

Applicant: Lancaster County Board of Commissioners
Suite 110, 555 South 10th Street
Lincoln, NE 68508

Contact: Kerry Eagan, Chief Administrative Officer
555 S. 10th Street, Suite 110
Lincoln, NE 68508
(402)441-6865
keagan@lancaster.ne.gov

Owner: Lancaster County Board of Commissioners
Suite 110, 555 South 10th Street
Lincoln, NE 68508
(402)441-7447
commish@lancaster.ne.gov

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CONDITIONS OF APPROVAL - SPECIAL PERMIT #17030

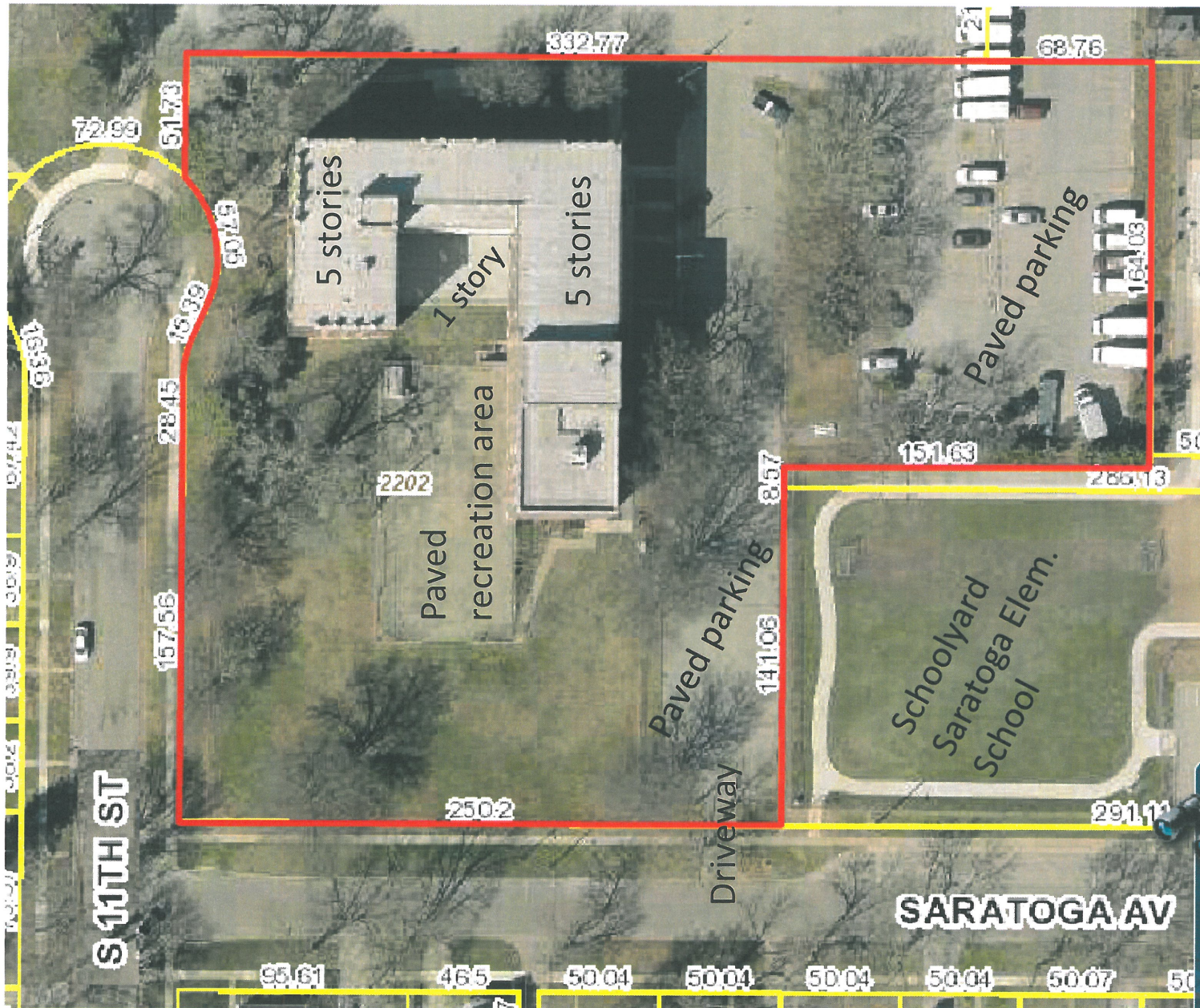
Per Section 27.63.400 this approval permits historic preservation use of Trabert Hall and its site for up to 57,735 square feet of office space, or for up to 60 dwelling units, or for a combination thereof approved by the Planning Director.

Site Specific Conditions:

- 1 The City Council approved designation of Trabert Hall, formerly Saint Elizabeth Hospital Nurses Home, as a Landmark.
- 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, showing all setbacks and yards, buildings, parking and circulation elements, and similar matters.
- 3 Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.
- 4 Before receiving building permits provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the building, 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 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.



105,201 sq. ft.

Approx. 120
parking stalls east
of building

Access easement
to South Street

Former Saint Elizabeth Nurses Residence 2202 So. 11th St.
"TRABERT HALL"

North





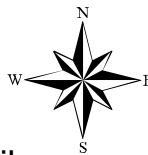
2016 aerial

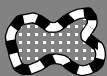


**Change of Zone #: CZ17020 (P to R-4)
 & Special Permit #: SP17030
 Trabert Hall
 S 11th St & South St
 Zoning:**

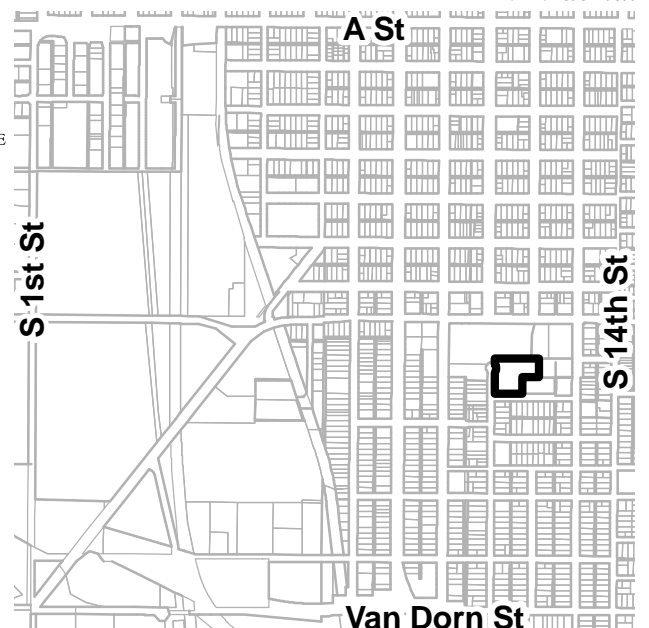
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

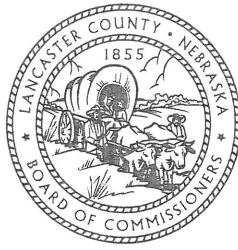
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One Square Mile:
 Sec.35 T10N R06E



| | |
|---|-------------------------------|
|  | Area of Application |
|  | Zoning Jurisdiction Lines |
|  | Lancaster County Jurisdiction |





LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Jennifer Brinkman Deb Schorr Todd Wiltgen Bill Avery
Kerry Eagan, *Chief Administrative Officer* Ann E. Ames, *Deputy Chief Administrative Officer*

July 28, 2017

David Cary, Director
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Ste 213
Lincoln, NE 68508

Dear David:

Included with this letter is Lancaster County's application for a Change of Zone from P-Public to R-4 Residential for the County's Trabert Hall property located at 2202 South 11th Street, and an accompanying application for a Special Permit for Historic Preservation under the provisions of Section 27.63.400 of the City of Lincoln Zoning Ordinance. Specifically, the County is seeking a local landmark designation for the Trabert Hall building, allowing up to 55,735 sq. ft. of the building to be used for office space, or 60 dwelling units, or some combination of office space and dwelling units.

The Lancaster County Board is in the process of declaring the Trabert property as surplus and selling it at public sale. Through this process the County Board hopes to sell the property at the highest possible price for the benefit of our taxpayers, while at the same time guaranteeing that future use of the property will be compatible with the surrounding neighborhood. The Board believes R-4 zoning with a Special Permit for historic designation and local landmark designation is the best approach to accomplish these goals.

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

Sincerely,

Kerry P. Eagan
Chief Administrative Officer

Cc: County Board
David Derbin, Deputy County Attorney

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**EXCERPT FROM
MEETING RECORD**

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, August 17, 2017, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Liz Bavitz, Jim Hewitt, Jim Johnson, Greg McCown and Jim McKee; (Melissa Dirr Gengler and Greg Munn absent).

OTHERS IN ATTENDANCE: Ed Zimmer and Teresa McKinstry of the Planning Department; Deb Schorr, County Board of Commissioners; Susan McIntosh Kriz with the Lux Center for the Arts; John and Terry Thomas from the Burgess House; Chelsey Pounds; and Matt Olberding from the Lincoln Journal Star.

STATED PURPOSE OF MEETING: Regular Historic Preservation Commission Meeting

Acting Chair Jim McKee called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

McKee requested a motion approving the minutes for the meeting of July 20, 2017. Motion for approval made by Johnson, seconded by McCown and carried 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting 'yes'; Dirr Gengler and Munn absent.

RECOMMENDATIONS ON TWO APPLICATIONS FOR TRABERT HALL, 2202 S. 11TH STREET: DESIGNATION AS LANDMARK (CZ17020) AND SPECIAL PERMIT FOR HISTORIC PRESERVATION (SP17030)

PUBLIC HEARING: **AUGUST 17, 2017**

Members present: Bavitz, Hewitt, Johnson, McCown and McKee; Dirr Gengler and Munn absent.

Ed Zimmer stated that the County needs to establish a fair price and the zoning for the planned sale of Trabert Hall. It is zoned P Public Use today. It can't be sold out of public ownership and

retain the P zoning. The adjacent zoning is principally R-4 Residential. This property has been in office use for about half a century. The application on behalf of the County is for a change of zone to R-4 zoning, with landmark designation and a special permit for historic preservation. Zimmer mentioned that the Commission doesn't usually see a pre-emptive special permit prior to a sale. In this case it is necessary to establish for potential purchasers how this property can be used. It will likely come back at some point in the future for any adjustments. He believes this gives a predicable path forward. He recommends this easily qualifies for a landmark. He recommends approval of the landmark designation. Then, with a landmark designation, it will be eligible for a special permit. These two applications will go as a package to appear before Planning Commission, then onto City Council.

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ACTION:

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Johnson moved to recommend approval of the special permit for historic preservation as described, seconded by Bavitz and carried 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting ‘yes’; Dirr Gengler and Munn absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

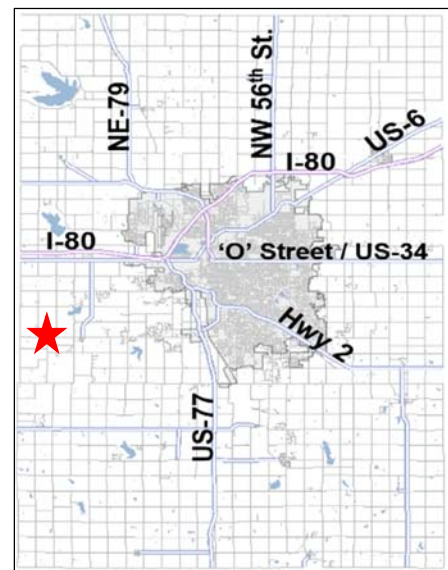
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

| | | |
|---|------------------------------|---|
| APPLICATION NUMBER Special Permit #16021A | FINAL ACTION? No | DEVELOPER/OWNER Tyler & Melissa Smith |
| PLANNING COMMISSION HEARING DATE August 30, 2017 | RELATED APPLICATIONS None | PROPERTY ADDRESS/LOCATION 12400 West Denton Road |

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to clarify Site Specific Condition #5 in Resolution R-16-0039 established with Special Permit #16021 regarding landscaping. The proposed language seeks to clarify what the size of the plant needs to be at the time of planting. The special permit is for Expanded Home Occupation for Hillside Events Center.



JUSTIFICATION FOR RECOMMENDATION

The amendment to the condition requiring landscaping is consistent with past practices and with the City of Lincoln Design Standards. The percentage of screening required is not changing. All other conditions previously approved remain in effect.

APPLICATION CONTACT

Melissa Smith 402-304-3179

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This special permit for Expanded Home Occupation allows for an accessory home business which is encouraged in the Comprehensive Plan.

WAIVERS

None

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P 5.5 Continue to encourage and permit accessory home businesses, and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation.

ANALYSIS

1. With the approval of Special Permit (SP) #16021 a condition was required for landscaping. The condition is, "Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area or parking lot." This amendment is to clarify what this condition means.
2. It has been common practice that when landscaping is required per the City of Lincoln Design Standards the landscaping does not have to be the required 10 feet at the time of planting. It only needs to have a mature height of at least 10 feet. The tree/shrub needs to meet the planting size as shown on Lincoln's Plant Material List.
3. When the condition for landscaping was written in the staff report for SP #16021 it was the intent to follow City of Lincoln Design Standards. However, the condition did not specify to follow the City of Lincoln Design Standards. Therefor currently the condition requires any landscaping to be 10 feet tall at the time of planting. The proposed language would clarify that the screening does not need to be 10 feet tall at the time of planting as is the normal practice.
4. The landscape plan approved with SP#16021 shows Eastern Red Cedar trees along the south boundary and Amur-privat hedge along the east boundary. These both have a mature height of at least 10 feet.
5. The site plan approved with SP#16021 and the conditions required by resolution R-16-0039 are still in effect. This amendment does not change anything other than the one condition regarding landscaping.
6. Landscaping has been installed on both the south and east lot lines. If this amendment is approved, the installed landscaping does meet the requirements of the condition.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Agriculture and single family house

SURROUNDING LAND USE & ZONING

| | |
|------------------------|-------------------------------|
| North: AG Agricultural | Farm ground with one house |
| South: AG Agricultural | Farm ground with three houses |
| East: AG Agricultural | Farm ground with two houses |
| West: AG Agricultural | Farm ground with one house |

APPLICATION HISTORY

July 12, 2016 Special Permit #16021 for Expanded Home Occupation for Hillside Events Center was approved by the County Board.

APPROXIMATE LAND AREA: 22 acres, more or less.

LEGAL DESCRIPTION: Lot 19 I.T. located in the SW ¼ of Section 17, Township 9 North, Range 5 East; Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date: August 17, 2017

Applicant: Tyler and Melissa Smith
12400 W. Denton Rd.
Denton, NE 68339
402-304-3179

Contact: Mark Hunzeker
Baylor Evnen
600 Wells Fargo Center
1248 "O" St.
Lincoln, NE 68508
402-475-1075

Owner: Same as applicant

F:\DevReview\SP\16000\SP16021A Hillside.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #16021A

Per Article 13, Section 13.032 of the Lancaster County Zoning Resolution this approval permits Expanded Home Occupation subject to the following conditions.

Site Specific Conditions:

1. Owner shall provide a landscape plan (screen) that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area used for the business or parking lot. Landscape screen shall be as defined in the City of Lincoln Design Standards Chapter 3.50, Section 2. The percentage of screening attributed to the plants shown on the landscape plan approved by the Planning Department shall be calculated by attributing to each plant its mature height and spread.
2. Any landscaping shall follow the planting size as specified in Lincoln's Plant Material List. The "mature height and spread" of a plant shall mean the "Design Size" of the plant specified in Lincoln's Plant Material List (November 2007), as amended. Plants not listed on Lincoln's Plant Material List may be permitted by submitting a request to the Director of Planning.
3. The owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of watering, weeding, fertilizing, controlling diseases and insects, pruning, removing the stakes and wires used to secure the plant when planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.
4. Except for the Site Specific Condition Number 5 of Resolution R-16-0039 (approving Special Permit SP16021), all other waivers and conditions of Resolution R-16-0039 (approving Special Permit SP16021) are hereby incorporated into this Resolution approving Special Permit SP16021A, and approval of Special Permit SP16021A shall be subject to those waivers and conditions as if those waivers and conditions were set forth in their entirety herein.

Standard Conditions:

1. The following conditions are applicable to all requests:
 - 1.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 1.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.
 - 1.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters shall be in substantial compliance with the location of said items as shown on the approved site plan.
 - 1.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 1.5 The owner 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.



Lincoln Lancaster, NE GIS

2016 aerial

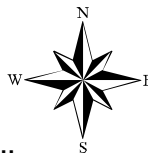
Special Permit #: SP16021A
Hillside Events
SW 126th St & W Denton Rd

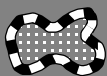


Zoning:

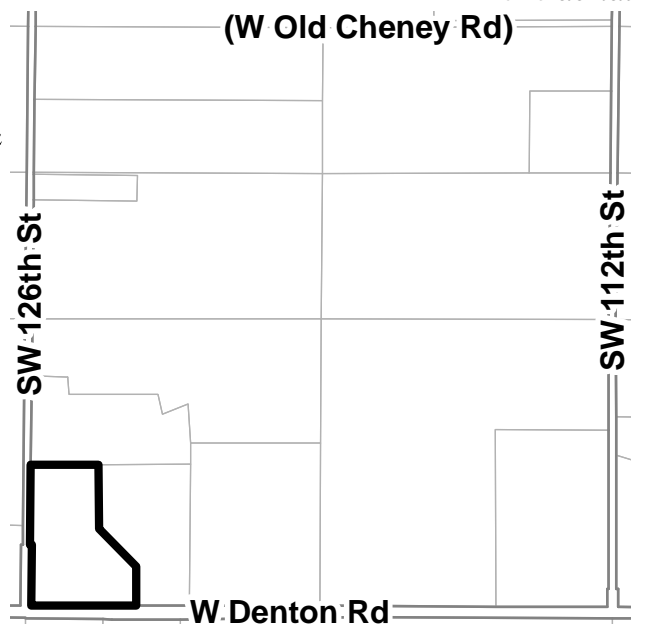
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

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

One Square Mile:
 Sec.17 T09N R05E



| | |
|---|------------------------------|
|  | Area of Application |
|  | Zoning Jurisdiction Lines |
|  | City of Lincoln Jurisdiction |



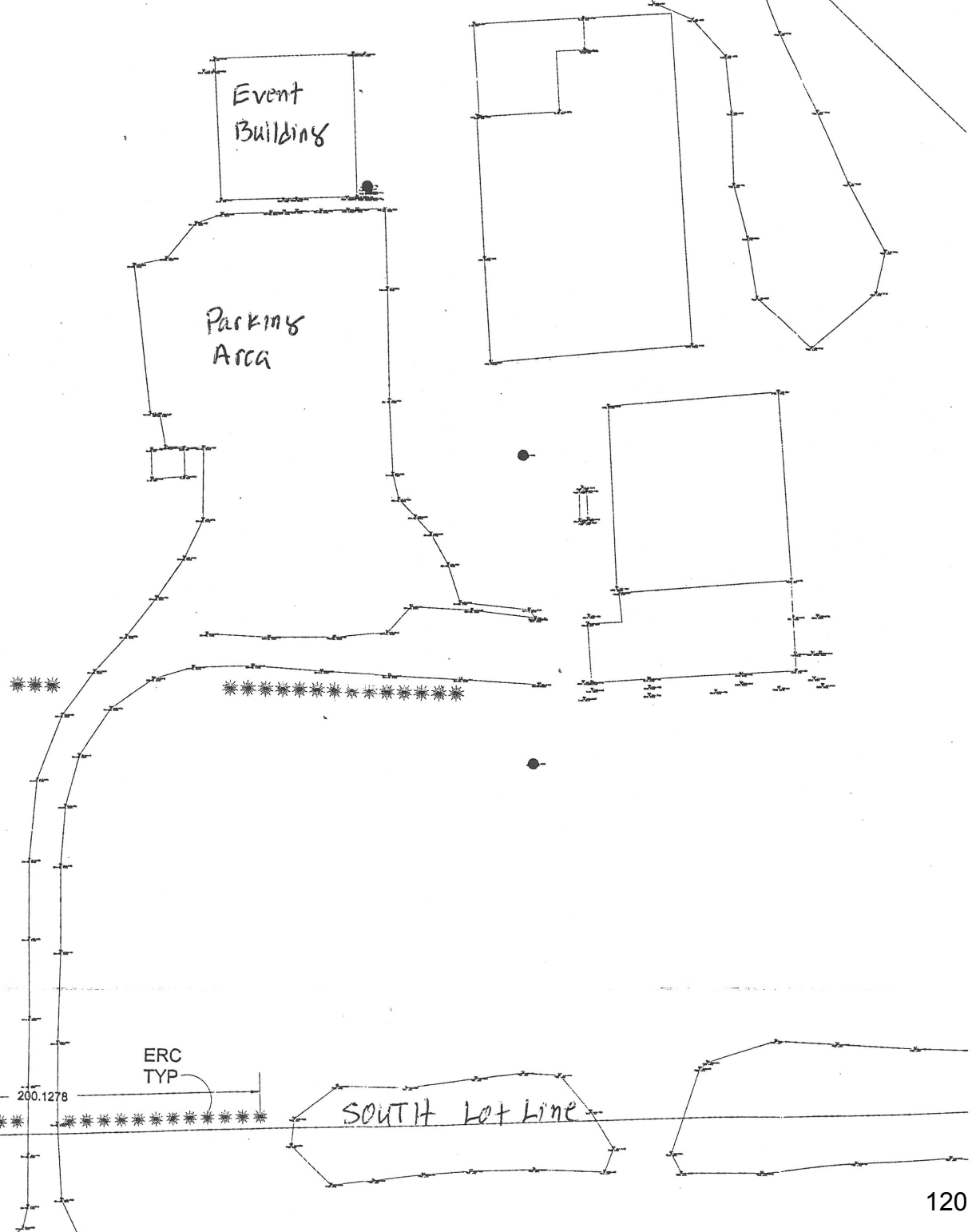
AP
TYP

150.3323

East Lot Line

LAND SCAPE SCHEDULE

| KEY | COMMON NAME / BOTANICAL NAME | SIZE | METHOD | SPREAD | HEIGHT | QUAN. |
|-----|------------------------------|----------|--------|---------|----------|----------|
| AP | AMUR PRIVET HEDGE | 2-3 FT | 3 GAL | 6-8 FT | 8-12 FT | AS SHOWN |
| ERC | EASTERN REDCEDAR | 4.5-6 FT | SPADE | 8-20 FT | 40-50 FT | 24 |





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 DALLAS D. JONES
 JILL GRADWOHL SCHROEDER
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 ANDREA D. SNOWDEN
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 ALSO ADMITTED IN:
 *IOWA
 **KANSAS
 ♦ MISSOURI

August 9, 2017

RECEIVED

AUG 09 2017

Lincoln/Lancaster Co.
 Planning Department

David Cary, Director
 Lincoln/Lancaster County Planning Department
 555 S. 10th Street
 Lincoln, NE 68508

RE: Proposed amendment to County SP16021

Dear Mr. Cary:

Due to confusion and uncertainty surrounding the interpretation of the landscape screening requirements of the above Special Permit, the attached application requests amendment of Site Specific Condition #5 to clarify the intent and interpretation of the condition. The proposed new language is attached to the application.

If you have questions or need further information, please feel free to call.

Sincerely,

Mark A. Hunzeker
 For the Firm
 mhunzeker@baylorevnen.com

Enclosure

1750711

OMAHA OFFICE
 ONE PACIFIC PLACE

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

LINCOLN MAIN OFFICE
 WELLS FARGO CENTER

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

SYRACUSE OFFICE

920 12TH STREET SYRACUSE, NE 68446
 PHONE 402.269.3200

Owners shall provide a landscape plan (screen) that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area used for the business or parking lot. Landscape screen shall be as defined in the City of Lincoln Design Standards Chapter 3.50, Section 2. The percentage of screening attributed to the plants shown on the landscape plan approved by the Planning Department shall be calculated by attributing to each plant its mature height and spread.