Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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PLANNING STAFF

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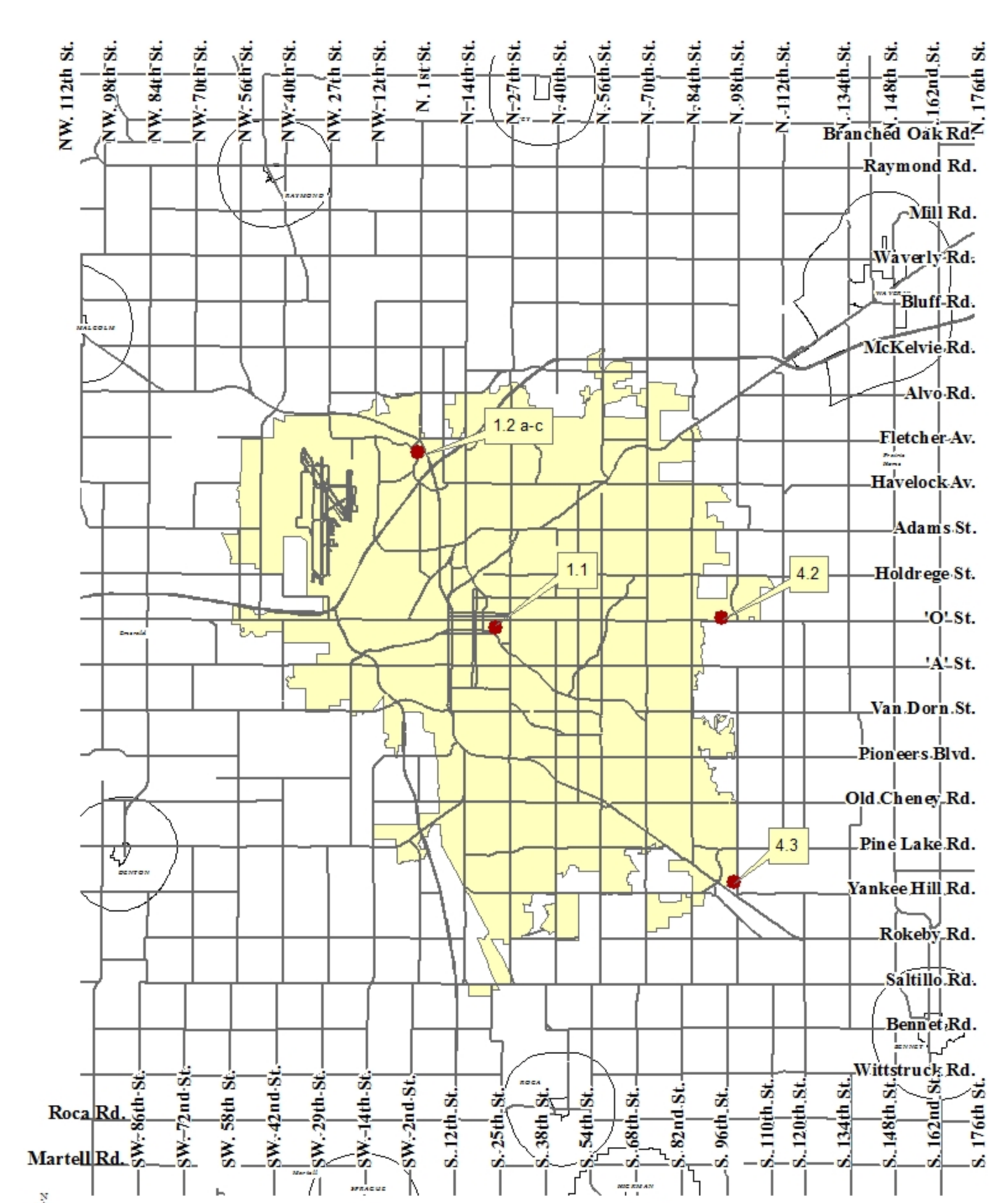
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

October 25, 2017



Planning Commission Agenda Item Map

October 25, 2017

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 25, 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, OCTOBER 25, 2017

Approval of minutes of the regular meeting held October 11, 2017.

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

COMPREHENSIVE PLAN CONFORMANCE:

1.1 Comprehensive Plan Conformance No. 17017, to review as to conformance with the 2040 Lincoln Lancaster County Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan that identifies the Telegraph District Phase 2 Redevelopment Project. The project area includes approximately 16 acres, more or less, consisting of 5 areas with connecting streetscape within the project. Telegraph Flats Commons will include a new mixed-use building and rehabs three buildings creating a mixed-use residential and retail area. Telegraph Lofts East will be a new, approximately 147,870 square foot, 4- to 5-story mixed-use building providing for first floor retail/restaurant uses and live/work loft and multi family housing with upper floors containing about 60 residential units and office space. Underground parking and off-street surface parking are also included. Telegraph Lofts West is a proposed companion building providing approximately 84 residential units in a 4- to 5-story building and parking. Telegraph Lofts South is another mixed-use building, located on the NW corner of 21st and M Streets, including approximately 30 residential units in a 4- or 5-story building, retail space and associated parking. Renovation of 1935 O Street will also provide a mix of uses in the 2-story building. Streetscape improvements are planned throughout the Phase 2 project area. The project is generally located between M and O Streets, 20th Street to the Antelope Valley channel.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

CHANGE OF ZONE AND RELATED APPLICATIONS:

1.2a Change of Zone No. 17029, from O-2 (Suburban Office District), O-3 (Office Park District), and I-2 (Industrial Park District) to I-3 (Employment Center District), on property generally located at NW 1st Street and W. Fletcher Avenue.
Page 17
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.2b Use Permit No. 17007, for a new I-3 (Employment Center District) Use Permit, with waivers to setbacks and sign regulations, on property generally located at NW 1st Street and W. Fletcher Avenue
Page 17
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

1.2c Street and Alley Vacation No. 17009, to vacate portions of the West Harvest Drive and West Grand Drive rights of way, generally located at NW 1st Street and West Grand Drive.
Page 41
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

2.1 _____

2.2 _____

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

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN CONFORMANCE:

4.1 Text Amendment No. 17001, an ordinance amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to delete the access door location requirement, and add exterior door opening requirements for a special permit for alcoholic beverages to be sold for consumption off the premises in zoning districts B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3, and repealing Section 27.63.685 as hitherto existing.
Page 51
Staff recommendation: Denial
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

ANNEXATIONS:

4.2 Annexation No. 17017, for a City-initiated annexation of approximately 156 acres, more or less, on property generally located between 84th and 105th Streets, adjacent to O Street on the north and south, also including the entire Hillcrest Heights Subdivision and the properties directly west and south of the subdivision.

Page 67

Staff recommendation: Approval

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

4.3 Annexation No. 17018, for a City-initiated annexation of 68 acres, more or less, on property generally located between 75th and 84th Streets, between Highway 2 and Yankee Hill Road, adjacent to Portsche Lane, Dunrovin Road, or Alimark Lane.

Page 79

Staff recommendation: Approval

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

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

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Adjournment:

PENDING LIST:

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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	FINAL ACTION?	DEVELOPER/OWNER
Comprehensive Plan Conformance 17017	No	B&J Partnership and Nelnet
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
October 25, 2017	None	Generally between M and O, 20th Street to the Antelope Valley Channel

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

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

JUSTIFICATION FOR RECOMMENDATION

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

APPLICATION CONTACT

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

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, promoting Downtown Lincoln as a vibrant mixed use neighborhood, focus on new residential reuse, infill, and redevelopment, strengthening the Downtown and support and implementation of the Antelope Valley Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

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

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

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

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

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

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

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

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

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

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

DOWNTOWN MASTER PLAN SPECIFICATIONS:

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

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

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

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

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

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

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

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

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

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

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

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

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

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

ANALYSIS

1. This is an amendment to the Antelope Valley Redevelopment Plan that identifies the Telegraph District Phase 2 Redevelopment Project and amends CPC17009 approved in July of 2017 by incorporating more into the 2nd phase than previously identified. Total area of the Project, which includes public rights of way, is approximately 16 acres. Previously with CPC17009 it included four building areas: Telegraph Flats, Telegraph Lofts East, Telegraph Lofts West and Telegraph Lofts South. The proposed amendment includes five areas:

    a) Telegraph Flats Commons rehabs and reuses the former Fisher Foods campus, creating a mixed-use residential and retail area located southeast of the S. 20th Street and N Street intersection. It should be noted that the Fisher Foods Dairy building is being demolished as the developer has determined that it is in very poor condition, making rehabilitation uneconomical. This building demolition would not be prohibited as part of redevelopment.

    b) Telegraph Lofts East will be a new, approximately 147,870 square foot, four to five story mixed-use building providing for first floor retail/restaurant uses and live/work loft and multi-family housing with upper floors containing about 60 residential units and office space located on the southeast corner of S. 21st and N Street.

    c) Telegraph Lofts West is a proposed companion building providing approximately 84 residential units in a

four or five-story building and parking located at the southwest corner of S. 21st and N Street.

d) Telegraph Lofts South is another proposed mixed use building, located on the northwest corner of S. 21st and M Street, including approximately 30 residential units in a four or five story building, retail space and associated parking.

e) 1935 O Street will also provide a mix of uses in the existing two story building, formerly the Awards Unlimited building.

2. The Project Area also includes the City-owned Muny Building and surrounding area, just west of the Antelope Creek channel. The site is encumbered by Land and Water Conservation Funds. As a result, reuse of the building and surrounding area for purposes other than those related to parks and recreation will require a conversion process through the U.S. National Park Service. Phase 2 proposes a public parking lot on the west side of the Muny Building with landscaping added adjacent to the building.

3. Upon completion of the Telegraph District Phase 2 projects, private investments will range from $51 million to over $61 million. In turn, the assessed value of the property is expected to increase by an estimated $44 to $54 million. This will result in an estimate range of $6.1 to $8.8 in Tax Increment Financing (TIF) over 15 years to help fun public improvements. Thus for every City TIF dollar invested, there will be $7.00 to $7.21 of private investment. The TIF dollars will help fund potential public improvements ranging from $13 to $14 million, with private investments funding the balance of the public improvements.

4. The project is consistent with the goals of the Antelope Valley Redevelopment Plan. Specifically, mixed use development and the creation of a distinct subdistrict place with streetscaping and other public space amenities.

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

EXISTING ZONING:

B-4 Lincoln Center Business District

EXISTING LAND USES:

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

SURROUNDING LAND USE AND ZONING:

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

APPLICATION HISTORY

1924	The Fisher Foods building (Dairy Building) was built in 1924 for Roberts Sanitary Dairy Company.
May, 1979	This property was rezoned from Light Industrial District (K), Multiple Dwelling District (D), and Commercial District (I) to B-4.

2000 The Antelope Valley Project was a large-scale, multiple agency improvement effort in the core of Lincoln accomplishing flood control, transportation enhancements, and neighborhood revitalization. The Joint Antelope Valley Authority (JAVA) that oversaw the effort was created by an interlocal agreement approved in 2000.

Nov 2004 The Antelope Valley Redevelopment Plan was approved to describe and assist in the community revitalization portion of the Antelope Valley Project, which was envisioned to continue beyond the completion of the infrastructure improvements of flood control and transportation. Numerous projects have been initiated under this plan in North Bottoms, Malone/Hawley, and on the east side of downtown, including the Assurity headquarters, Antelope Village housing by NeighborWorks Lincoln, and the Aspen Heights student housing project around 18th & P Streets. Other projects are currently underway, including the Telegraph District in the vicinity of 21st and N Streets.

2016 The first Phase of the Telegraph District Redevelopment was approved in 2016 and is under construction at 21st and L, providing office space for Nelnet at 401 S. 21st and associated redevelopment at 333 S. 21st. ALLO is occupying improved space in the former LT&T Warehouse at 330 S. 21st St.

July, 2016 JAVA completed its work and terminated in July 2016.

February, 2017 City Council approved Comprehensive Plan Conformance No. 16012 – Amendment to the Antelope Valley Redevelopment Plan to add the Telegraph District Phase 2: Telegraph Flats and Telegraph Loft East Redevelopment Project.

April, 2017 City Council approved Change of Zone No. 16045 Telegraph District PUD which modified portions of the Zoning Ordinance relating to signs and to Design Standards, modified Design Standards related to design review and to lighting, to foster a distinctive, mixed-use neighborhood within Downtown.

July, 2017 City Council approved Comprehensive Plan Conformance 17009 Antelope Valley Redevelopment Plan Amendment which included four areas with connecting streetscape within the project, including Telegraph Flats, Telegraph Lofts East, Telegraph Lofts West and Telegraph Lofts South.

APPROXIMATE LAND AREA: 16 acres

Prepared by

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

Date: October 12, 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

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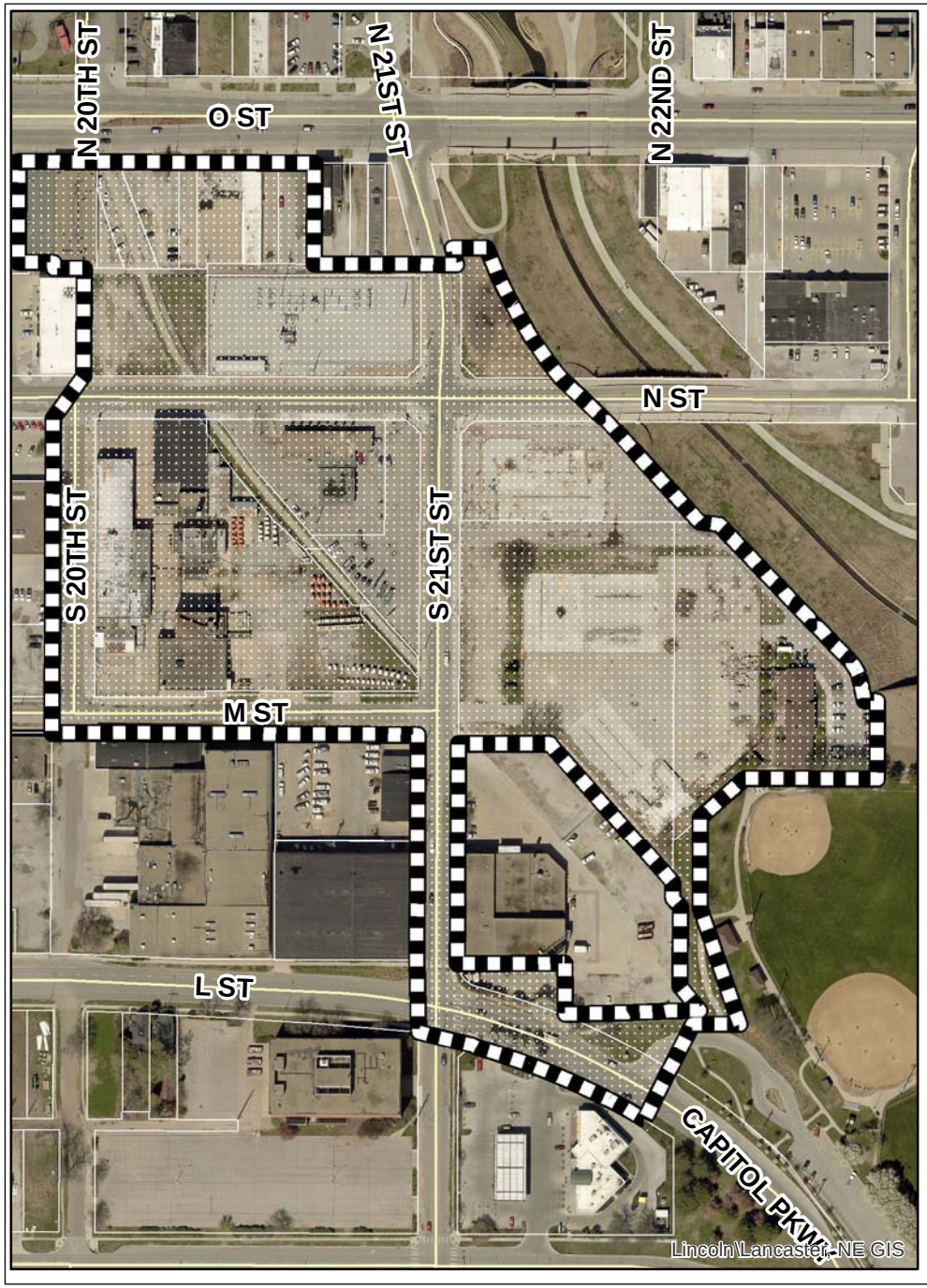
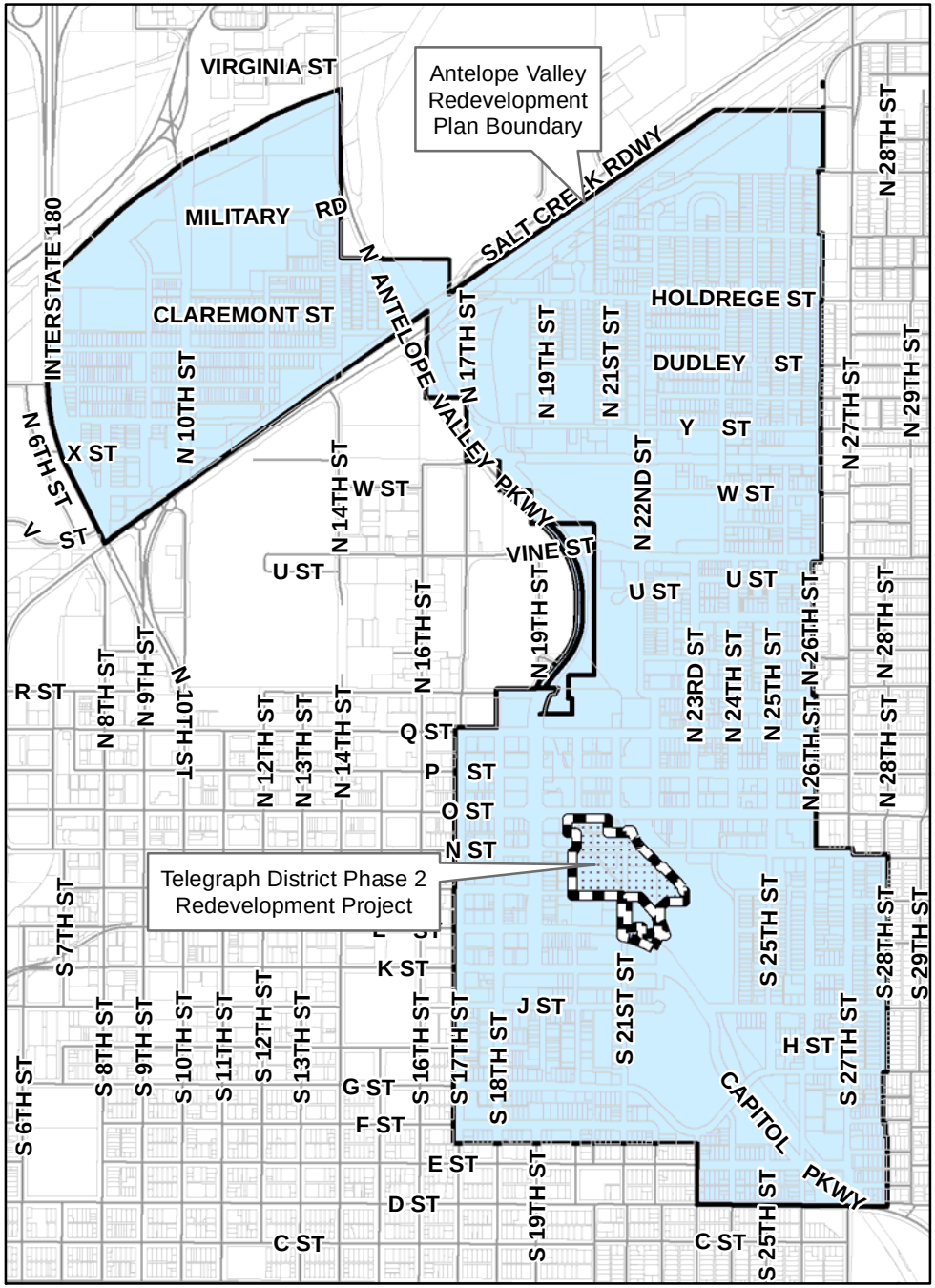




2016 aerial

m:\plan\arcview\CPCRevelopmentAreaDrawings.mxd (CPC17017)

Comprehensive Plan Conformance #17017

Antelope Valley Redevelopment Plan Amendment
Telegraph District Phase 2 Project

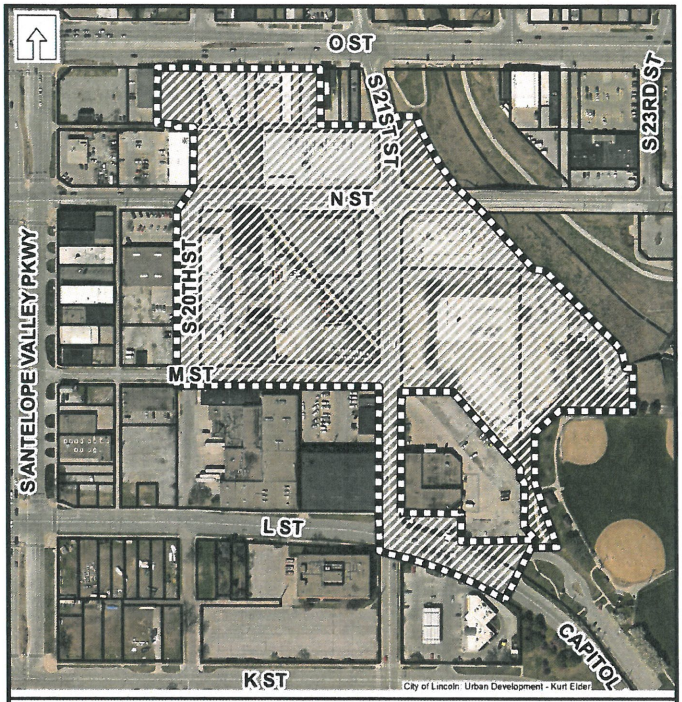
T. Telegraph District Phase 2: Telegraph Flats Commons, Telegraph Lofts & 1935 O Street

1. Project Area Description

Telegraph District Phase 2 includes up to five areas with connecting streetscape enhancements:

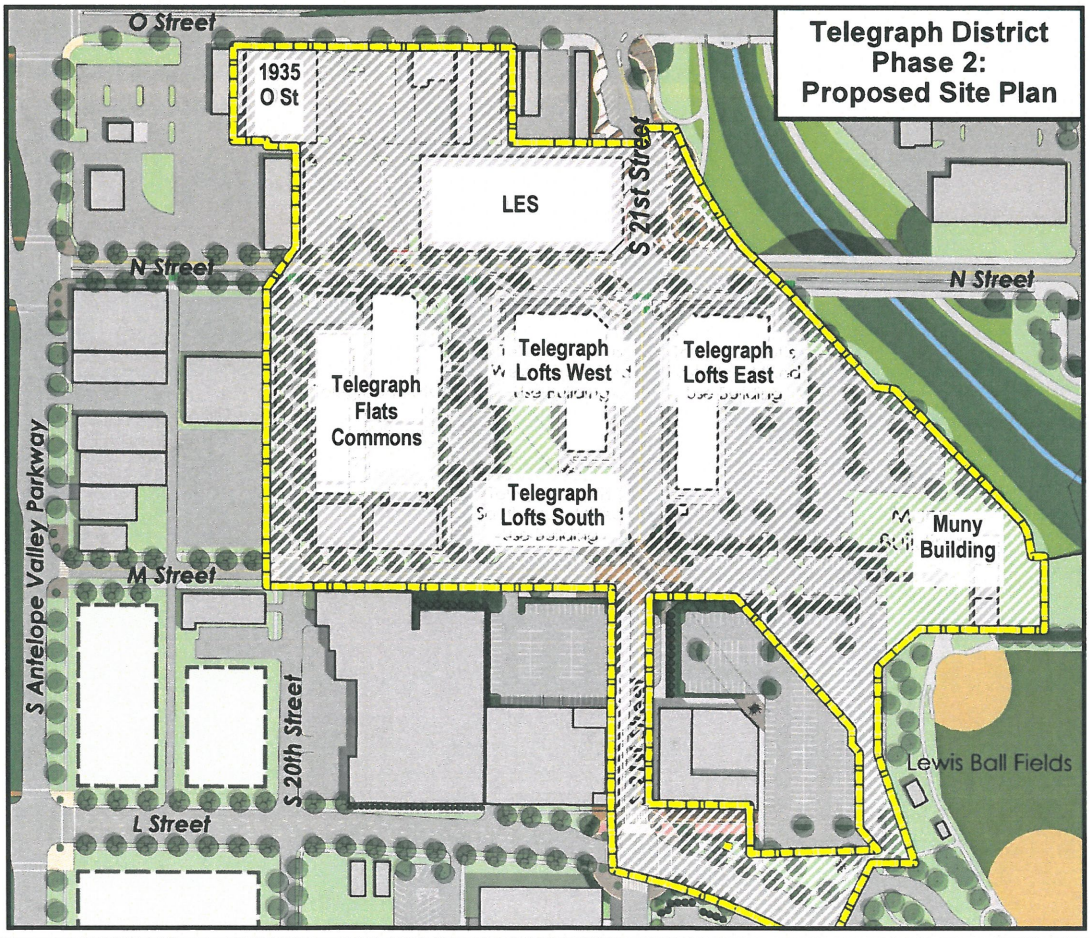
- ***Telegraph Flats Commons,*** which may include construction of a new building and rehabilitation of up to three existing buildings located southeast of the S. 20th Street and N Street intersection and a surface parking area located directly north across N Street.
- ***Telegraph Lofts East,*** which will include a new building constructed on the southeast corner of S. 21st & N Street.
- ***Telegraph Lofts West,*** which is planned for a new building constructed on the southwest corner of S. 21st & N Street.
- ***Telegraph Lofts South,*** which will include a new building constructed on the northwest corner of S. 21st and M Street.
- 1935 O Street, which will include renovation of 1935 O Street, the former Awards Unlimited building.

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



Telegraph District Phase II: Project Area, Context & Boundaries

Project Boundary

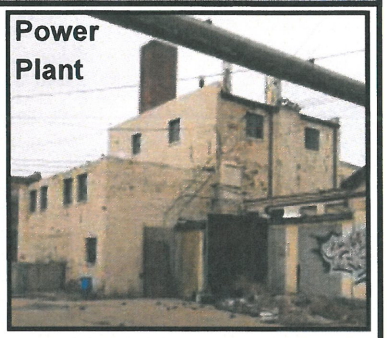


Telegraph Flats Commons

The former Fisher Foods industrial complex will be readapted and renovated into a new

Towel Building

Dairy Building


Power Plant

urban mixed-use campus called Telegraph Flats Commons. The Fisher Foods complex has a rich history. It was built in 1924 for Roberts Sanitary Dairy Company by J. R. Roberts who began delivering milk in Lincoln in 1906 from his herd of 60 dairy cows. He soon built a processing plant at 16th & N, then moved to this larger facility at 20th & N in 1924, as well as opening plants in Sioux City and Omaha. Roberts Dairy became a division of Prairie Farms-Hiland Dairy in 1981, a year after Fisher Foods bought the Lincoln property from Roberts Dairy. Fisher Foods manufactured dehydrated soups at the facility.

Telegraph Flats Commons will be comprised of the entire Fisher Foods complex; this includes construction of a new building, renovation of three existing buildings and construction of a surface parking lot north of N Street.

- After extensive study, the yellow brick Dairy Building abutting S. 20th Street was found to be in serious disrepair and renovation is not economically feasible. Thus, the Dairy Building will be demolished and replaced with Telegraph Flats, a new four-story, 121,608 square feet building. The lower level will contain underground parking. The first floor will include approximately 14 first floor work/live dwelling units (with second level mezzanines). The upper three floors will contain approximately 69 residential units. The residential units will be bookended on the north and south by two commercial spaces. The building design will include durable brick masonry and complement the aesthetic design of the Telegraph District.
- The red brick Towel Building (10,547 sq. ft.) along N Street will be renovated into first floor commercial uses with the potential for approximately two residential dwelling units.
- The Power Plant Building (1,000 sq. ft.) will be renovated to provide amenities to the residents, including indoor and outdoor social areas, patios, commons, and open spaces.

Telegraph Flats, looking SE from 20th & N

- The Telegraph Flats Warehouse (16,500 sq. ft.) bordering M Street is two stories high. The building will receive an updated façade and restoration. Later, it will be transformed into commercial uses with the potential for residential uses.

Telegraph Lofts East

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

The new building, along with Telegraph Lofts West, will help form a central focal point for the Telegraph District. Telegraph Lofts East will designed to enforce the aesthetic character of the District. The first floor will include approximately 25,250 square feet of retail/ restaurant uses as well as some live/work loft and multi-family housing, with an elevated continuous covered porch dock adjacent to S. 21st Street. Upper floors will contain approximately 37,920 square feet comprised of office space and approximately 60 resi-

dential units. The new building will include both underground parking and off-street surface parking.

Telegraph Lofts West

This proposed footprint includes a car wash facility. If this parcel were combined with the City-owned property immediately to its east and south, the property could be transformed into approximately 19,743 square feet of retail and 84 residential units in a four or five-story building. It could include approximately 45 lower level parking spaces in addition to associated off-street surface parking. Along with the Telegraph Lofts East, this complementary building could help create a central focal point for the Telegraph District at the intersection of N and S. 21st Street. Telegraph Lofts West will be designed to enforce the aesthetic character of the District.

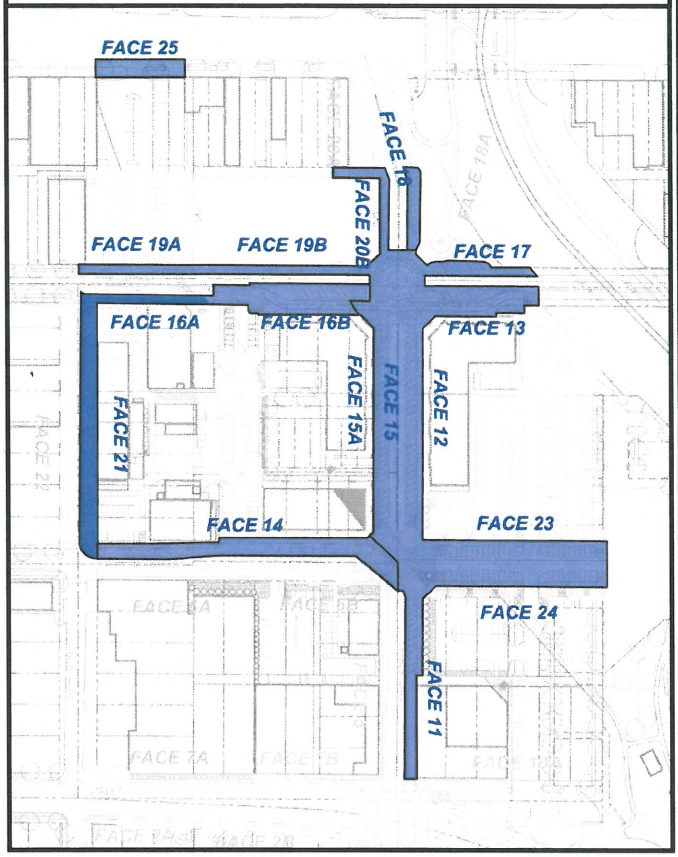
Telegraph Lofts South

Another mixed-use building is proposed at the northwest corner of S. 21st and M Street. The new building would contain approximately 12,000 square feet of retail and 30 residential units in a four or five story building and associated off-street surface parking. Again, the building design will include durable brick masonry and complement the aesthetics of the Telegraph District.

1935 O Street

The former Awards Unlimited building at 1935 O Street (23,210 sq. ft.) is located on the south side of O Street. The two-story building will be renovated and may include commercial uses on the first floor and 8 to 10 residential dwellings on the upper floor. Parking will be provided on adjacent parking lots to the east.

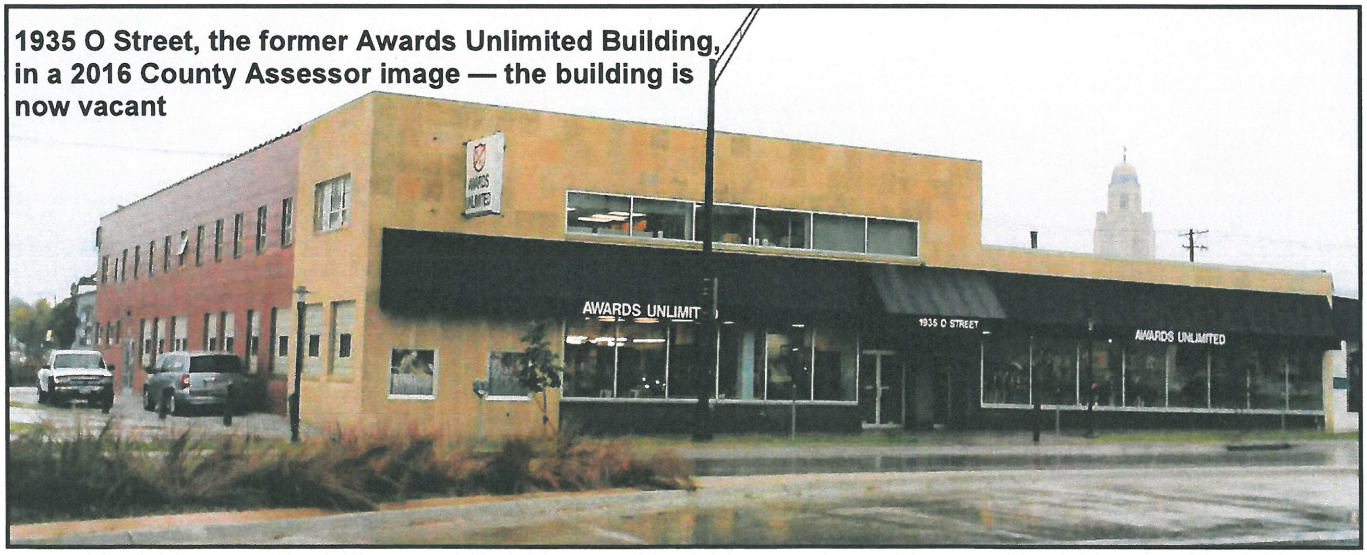
Block faces receiving streetscape improvements



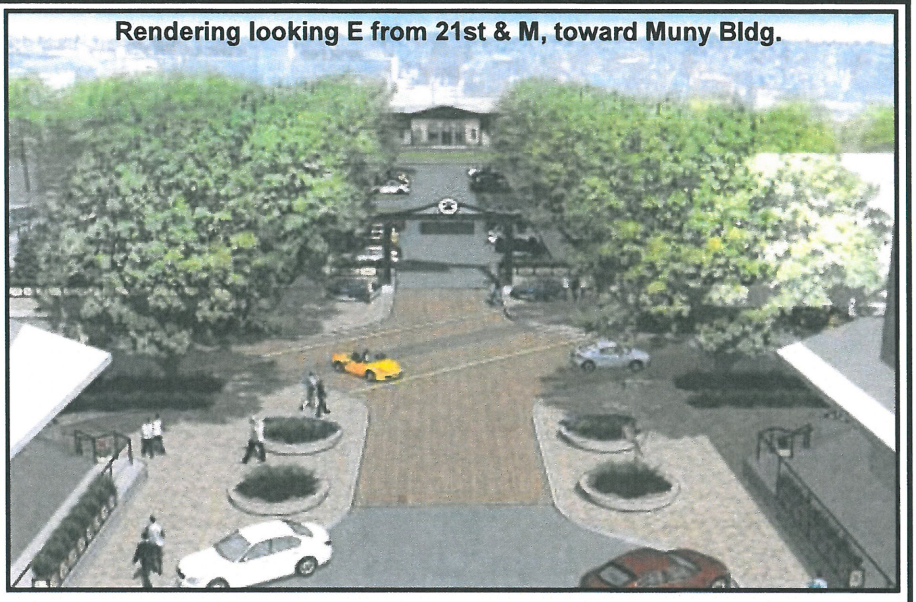
Streetscape Improvements

Subject to available funds, the Telegraph Flats Commons and Telegraph Lofts will be connected and abut

1935 O Street, the former Awards Unlimited Building, in a 2016 County Assessor image — the building is now vacant



new and renovated streetscape improvements constructed throughout the Project Area, including: sidewalks, utilities, additional on-street parking, curb lines, brick pavers, street lighting, pedestrian lighting, planters and planting areas, District identification and logo markers and banners, bioswales, stormwater improvements, bike share stations and other related public improvements and infrastructure. The Project's streetscape improvements will cover approximately 4,350 linear feet (0.8 of a mile).


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

An enhanced screen wall is planned for the LES substation located on the northwest corner of S. 21st & N Street. Enhancements on the northeast corner will complement Union Plaza.

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

The enhanced streetscape improvements will create a new sense of place for the Telegraph District.

Muny Building

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

The bath house was evaluated as not eligible for the National Register as part of the Antelope Valley Major Investment Study in 1998, on the basis of the loss of integrity due to the removal of the pool. However, the subsequent improvements to the building and its setting prompted its re-evaluation. The building's integrity and scale are compared to the few other surviving Lincoln parks buildings of similar era (Auld Pavilion of 1915, Ager Building of 1936, and Pioneers Park Golf Club House of 1937). The pool building has significance in the history of race relations in Lincoln as the surviving element of the venue of civil rights efforts to integrate the pool, especially for African American residents who lived immediately north of the pool on Monroe Avenue. It is likely the building could be successfully nominated to the National Register, which would add to its existing protection as a Lincoln Landmark.

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

Phase 2 proposes a public parking lot on the west side of the Muny Building with landscaping added adjacent to the building.

Zoning, Design Standards and Land Use:

The site is zoned B-4 Lincoln Center Business District Planned Unit Development (PUD) which includes modifications to the Downtown Design Standards. As

illustrated in ***Existing Zoning*** (right), the site is completely surrounded by the B-4 District with the exception of a small portion of P-Public zoning on the Lewis Ballfield area.

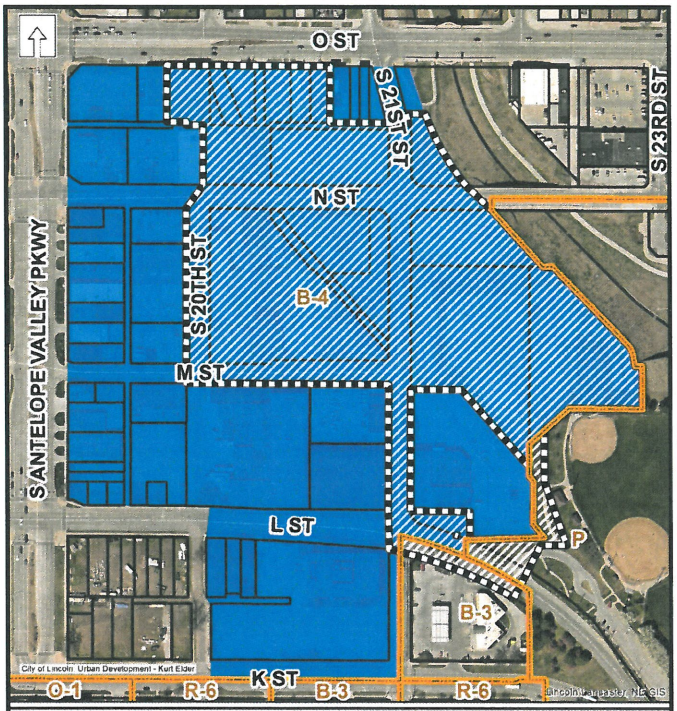
The Lincoln Downtown Design Standards, as amended in the PUD, will apply to the Telegraph District with additional design standards for new buildings constructed within the boundaries of the PUD to include:

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

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

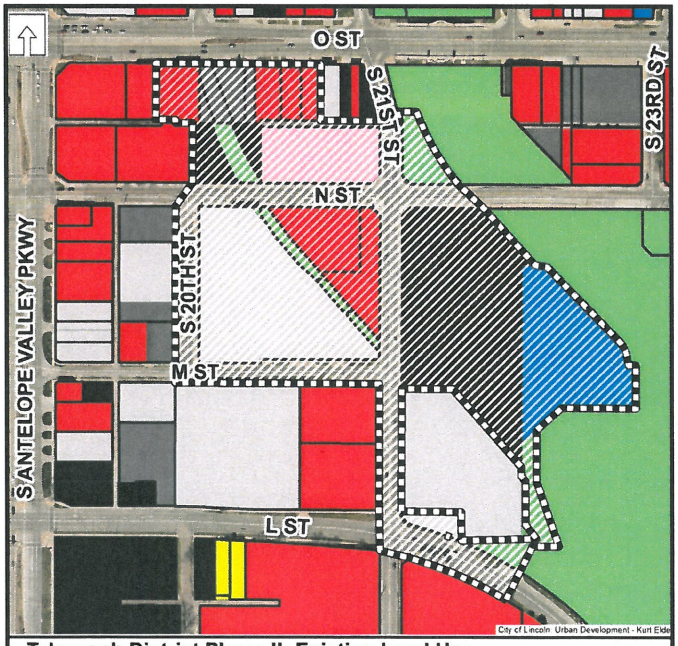
2. ***Statutory Elements***

- *Property Acquisition, Demolition, and Disposal:* No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the projects. The existing buildings proposed for renovation and rehabilitation will require extensive internal and external demolition, including asbestos removal and environmental remediation.
- *Population Density:* The proposed development within the Project Area will contain a minimum of 200 or more residential units which will result in a significant increase in population density.
- *Land Coverage:* Land coverage and building density will increase slightly with construction of Telegraph Lofts East on a parcel which is currently vacant. However, three buildings previously on the project site were demolished so future land coverage will not be as great as recent past land coverage, see ***Future Land Use*** (see next page).
- *Traffic Flow, Street Layouts, and Street Grades:* The City's Public Works and Utilities Department has indicated that the proposed Telegraph District Phase 2 projects are not likely to result in a significant increase in traffic and no turn lanes will be required.



Telegraph District Phase II: Zoning

Project Area | Zoning Boundaries | B-4 PUD



Telegraph District Phase II: Existing Land Use

Project Boundary | Single Family Detached | Apartments | Commercial | Light Industrial | Public & Semi-Public | Park Land | Utility Facility | Parking Lot | Vacant Land

- *Parking:* The Telegraph Flats Commons project will include approximately 80 off-street surface parking spaces abutting the Towel and Power Plant buildings as well as an improved surface parking lot

(approximately 65 stalls) across N Street to the north. The new Telegraph Flats mixed-use building is projected to have 54 underground parking stalls. Telegraph Lofts East will have approximately 62 parking stalls underneath the building and over 200 off-street surface parking stalls located southeast of the building. Telegraph Lofts West may include 52 underground parking stalls. Additional on-street angle parking will be added along S. 21st Street and N Street.

- *Zoning, Building Code, and Ordinances:* Current zoning is B-4 with no re-zoning required. Applicable building codes and downtown design standards will be met, consistent with the PUD.

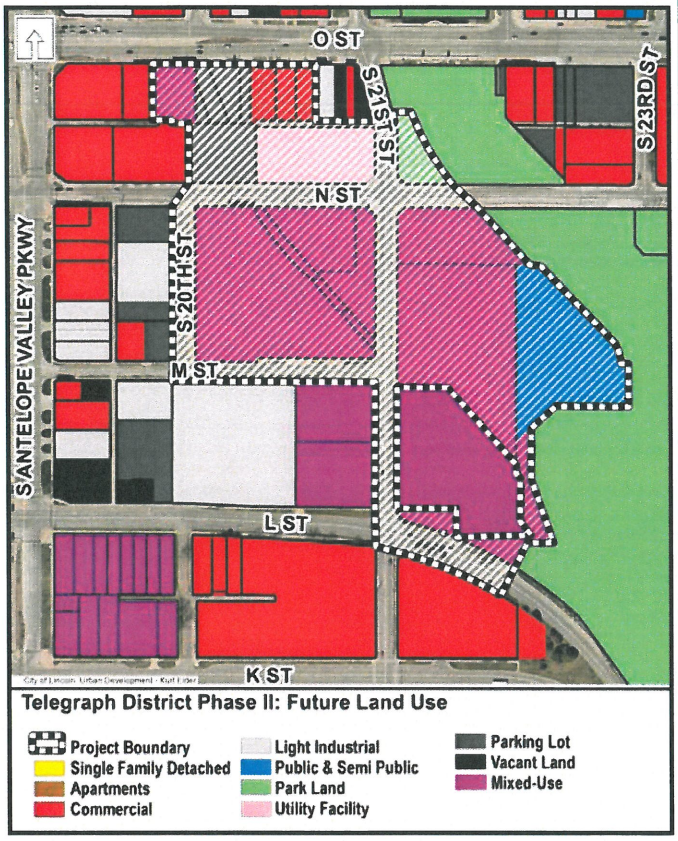
3. Financing and Cost Benefit Analysis

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

- *Tax Revenues:* Upon completion of the Telegraph District Phase 2 projects, private investments will range from $51 million to over $61 million. In turn, the assessed value of the property is expected to increase by an estimated $44 to $54 million. This will result in an estimated range of $6.1 to $8.8 million in Tax Increment Financing (TIF) over 15 years to help fund public improvements. Thus for every City TIF dollar invested, there will be $7.00 to $7.21 of private investment. The TIF dollars will help fund potential public improvements ranging from $13 to $14 million, with private investments funding the balance of the public improvements.

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

- *Public Infrastructure and Community Public Service Needs Impacts:* It is not anticipated that Telegraph District Phase 2 projects will have an adverse impact on existing public infrastructure or City services. In fact, the public improvements to be made as part of this redevelopment project will include new streetscapes, updated water lines, sidewalks, curb and gutters, on-street parking



stalls, stormwater improvements, street lights, pedestrian lighting, and pedestrian crossings.

In the future, to accommodate construction of Telegraph Lofts West and/or Telegraph Lofts South, portions of a 42 inch sanitary sewer main will need to be rerouted from its current location paralleling the former Rock Island Railroad right-of-way. Also, a new water main will need to be constructed in the M Street right-of-way between 20th and 21st to accommodate the buildings to be constructed within the Project Area abutting M Street and to encourage further redevelopment in the general area.

- *Employment Within & Outside the Redevelopment Project Area:* Telegraph District Phase 2 projects will not have any adverse impact on employment within or outside the Project Area. New retail and commercial businesses in the Project Area will increase employment in the area.

- *Other Impacts:* The reuse and renovation of 1935 O Street and significant portions of the Fisher Food complex into Telegraph Flats Commons and the new construction of the three potential Telegraph Lofts buildings will revitalize the area by bring-

ing new residential, commercial, and retail opportunities to the southeast portion of downtown. The current dilapidated and blighted area will become a vibrant, mixed-use district while maintaining the historic character of the area. Streetscape improvements will tie the overall area together and create a walkable neighborhood linked to Phase 1 of the Telegraph District. The entire District will change from a blighted area with vacant buildings to a desirable, walkable neighborhood close to traditional downtown, bike trails and Union Plaza Park. One or more bike share stations may be implemented in the Telegraph District, which will add transportation and recreational opportunities to the District and the community at large.

The proposed improvements will retain and create new jobs, increase business activity and expand the tax base without adverse effect on either public or private entities. The use of Tax Increment Financing will temporarily delay the realization of the expanded real property taxes generated in the area, but there will be significant personal property tax and other revenue generated for the immediate benefit of the community, including: impact fees, excise taxes, fees, licenses, sales taxes, and other taxes that occur and are paid in the course of normal operation of a business. Phase 2 projects will facilitate the redevelopment of underutilized buildings without the incurrence of significant public cost beyond the use of tax increment financing.

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

CITY OF LINCOLN NEBRASKA

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

September 27, 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 *Antelope Valley Redevelopment Plan* that identifies the Telegraph District Phase 2 Redevelopment Project. This project is generally located between M and O streets, 20th Street to the Antelope Valley channel. The site is approximately 16 acres.

There are five areas within the project with connecting streetscape: Telegraph Flats Commons constructs a new mixed-use building and rehabs and reuses three buildings at the former Fisher Foods complex, creating a mixed-use residential and retail area. Telegraph Lofts East will be a new, approximately 147,870 square foot, four to five story mixed-use building providing for first floor retail/restaurant uses and live/work loft and multi-family housing with upper floors containing about 60 residential units and office space. Underground parking and off-street surface parking are also included. Telegraph Lofts West is a proposed companion building providing approximately 84 residential units in a four- or five-story building and parking. Telegraph Lofts South is another mixed-use building, located on the NW corner of 21st and M Street, including approximately 30 residential units in a four or five story building, retail space and associated parking. Renovation of 1935 "O" Street will also provide a mix of uses in this two-story building. Streetscape improvements are planned throughout the Phase 2 project area.

Please forward the plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Plan Amendment should be on the October 25, 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,

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

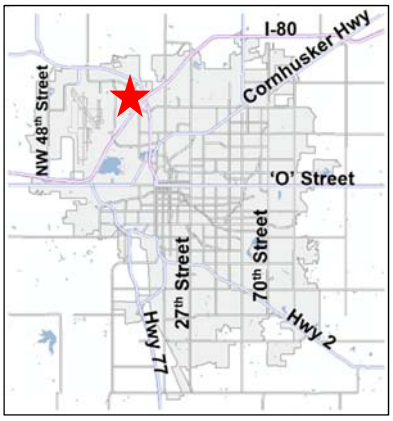
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER
Change of Zone #17029 and Use Permit #17007	No	Sandhills Publishing
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 25, 2017	Street & Alley Vacation #17009	N.W. 1st Street & W. Fletcher Avenue

RECOMMENDATIONS: APPROVAL (CHANGE OF ZONE); CONDITIONAL APPROVAL (USE PERMIT)

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from O-2, O-3, and I-2 to I-3 Employment Center District over the Sandhills Publishing campus and a new I-3 Use Permit to allow for waivers of the sign and setback regulations. The requested signage modifications will allow for additional and larger center and freestanding signs throughout the campus. A sculptural art installation is also proposed and will incorporate three-dimensional sign elements.



JUSTIFICATION FOR RECOMMENDATION

This is the site of a major employment center with surrounding support uses such as restaurant and office. The proposed I-3 zoning is appropriate, contingent upon the restriction of industrial uses within 300 feet of the apartments to the north as shown on the site plan.

APPLICATION CONTACT
Mike Eckert, (402) 434-8494 or
meckert@civildg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site as a combination of commercial and industrial reflective of the mix of office and industrial uses present on the campus today. The proposed I-3 zoning is appropriate based on the existing and future land uses. Industrial uses will be prohibited from locating within 300 feet of the existing residential to the north across Fletcher Avenue.

WAIVERS

1. 0-foot setback on all internal property lines. (Recommend Approval)
2. Allow the following adjustments to the regulations for freestanding and center signs: (Recommend Approval)
    a. Center "Campus Identification" signs are allowed up to 150 square feet and 18 feet high. All three-dimensional sign elements in the sculptural art shall not count against the total sign area and height limit. One center sign allowed per street frontage on Highway 34 and on I-80 and at the intersection of W. Fletcher Avenue & NW 1st Street. Unless otherwise noted center signs shall be spaced a minimum of 50 feet apart. No spacing requirement from other freestanding signs. The center sign may identify one or more businesses. One business name may also serve as the name of the center. For signage purposes, the campus boundary is the same as the use permit boundary.

b. Freestanding "Campus Entrance" signs may be located at each campus entrance. One sign per driveway or street entrance to the campus with no spacing requirements from other freestanding signs.
c. Freestanding "Building Identification" signs may be located at each building with no spacing requirement from other freestanding signs.
d. In addition to the freestanding and center signs described above, directional signs of up to 15 square feet and 6 feet high are allowed, one per driveway, with no spacing requirement from other freestanding signs.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future commercial and industrial 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. 12.4 - Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 4.8 - This application is located along a Secondary Entryway Corridor.

P. 4.7 - Entry Corridors and Public Art
- Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

P. 5.1-5.2 - Business & Economy Guiding Principles
- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Strive for predictability for neighborhoods and developers.

P. 5.18 - Public Health & Safety Measures: Industrial zoning districts should be primarily for industrial uses. Risk Reduction: In areas where industrial and residential uses are already close, efforts should focus on changes in the quantity and type of hazardous materials used and on increasing the distance between where hazardous materials are stored and residential districts. Notification: Persons living in close proximity to businesses with hazardous materials should be notified of the hazards.

ANALYSIS

1. This request is to re-zone the Sandhills Publishing campus from O-2, O-3, and I-2 to I-3 and for a new I-3 use permit.
2. The I-3 Employment Center zoning district is intended for the development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 district is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use. I-3 zoning is appropriate in this location because it is the site of a major employment center with commercial printing facilities. Commercial, restaurant, and office support uses are located nearby.
3. The use permit will allow for waivers to the signage and setback regulations. A waiver to reduce internal setbacks to zero is requested. There are also several requested waivers for signage, as listed above. The applicant is requesting additional and larger freestanding and center signs and waiver of spacing requirements between these signs. The properties within the use permit boundary are all Sandhills Publishing properties and encompass several buildings and driveway entrances. The Sandhills properties as a whole function as a single campus. Sandhills

places a high value on improved wayfinding to and between buildings for employees and visitors. Currently the buildings and driveway entrances have relatively little identification visible from the rights-of-way. The use permit boundary will be considered to be the boundary of the center ("campus") for purposes of center signs.

A three-dimensional art installation incorporating sign elements is also proposed and will be visible from Highway 34. This stretch of Highway 34 is identified as a secondary entryway corridor in the Comprehensive Plan. The Comprehensive Plan supports public art along entryway corridors. Although this art will not be public or located in the right-of-way, it meets the spirit of the Comprehensive Plan and should be supported. With the proposed signage modifications, three-dimensional sign elements in the sculptural art will not count against the maximum sign area and height limit requirements for center signs.

4. The Planning and Health Departments recommend against locating new industrial zoning within 300 feet of residential zoning. The Comprehensive Plan also notes that hazardous materials in industrial areas close to residential uses should be limited and an appropriate distance between them should be maintained. To avoid potential conflict with the proposed industrial zoning relative to the apartments on the north side of Fletcher Avenue, a 300-foot buffer area is identified on the site plan where hazardous industrial uses will be prohibited.

5. A grading plan was not necessary to submit with the initial use permit application, as there is no major development anticipated in the immediate future. However, a final plat for Outlot A or the redevelopment of any existing facilities on the campus will require an amendment to the use permit that includes grading and drainage plans.

6. There is an existing unpaved driveway located approximately 60 feet south of the intersection of W. Fletcher Avenue and Highway 34. The driveway used to serve a house that has been torn down and the property incorporated into the Sandhills campus. The driveway access was relinquished in 2011 with City Council Resolution No. A-86362 for the US Hwy. 34 & West Fletcher Avenue Conditional Zoning Agreement. For clarity, the conditions of approval request that this information be noted on the site plan and the driveway be removed/regraded and reseeded.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Industrial, commercial, and vacant (office and commercial printing); O-2, O-3 and I-2

SURROUNDING LAND USE & ZONING

North: Apartments and commercial; B-2 and R-5
South: Commercial, vacant, and Interstate 80; O-3
East: Highway 34, golf course; R-3
West: Commercial; B-2

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 73.82 acres

LEGAL DESCRIPTIONS: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: October 17, 2017

Owner/Applicant: Par 5 Partners, LLC
P.O. Box 82545
Lincoln, NE 68501-2545
(402) 479-2142

Contact: Mike Eckert, Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

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APPLICATION HISTORY – USE PERMIT #17007

Feb. 1977 The Highland North final plat was approved by the City Council.

July 1977 The Highland Office Park preliminary plat was approved by the Planning Commission.

March 1978 The Highland Office Park final plat was approved by the City Council.

April 1985 Change of Zone #2172 to change Lots 2 & 3, Block 2, Highland Office Park from O-2 to I-2 located south and west of this application was approved by the City Council.

Feb. 1993 The Highlands Coalition final plat was approved by the Planning Commission.

Oct. 1993 The Highlands Coalition 1st Addition final plat was approved by the Planning Director.

Jan. 1994 The Highlands Coalition 2nd Addition final plat was approved by the Planning Director.

June 1994 Change of Zone #2827 to change Lot 5, Block 2, Highland Office Park from O- 2 to I-2 located south of this application was approved by the City Council.

Sept. 1994 The Highlands Coalition 3rd Addition final plat was approved by the Planning Director.

June 2011 Change of Zone #10028 to change Lots 4 and 20 I.T. from O-2, R-3, and AG to I-2 was approved by the City Council.

CONDITIONS OF APPROVAL – USE PERMIT #17007

This approval permits an I-3 use permit with a waiver to reduce setbacks to zero feet on all internal property lines and the following adjustments to the regulations for freestanding and center signs:

1. Center "Campus Identification" signs are allowed up to 150 square feet and 18 feet high. All three-dimensional sign elements in the sculptural art shall not count against the total sign area and height limit. One center sign allowed per street frontage on Highway 34 and on I-80 and at the intersection of W. Fletcher Avenue & NW 1st Street. Unless otherwise noted center signs shall be spaced a minimum of 50 feet apart. No spacing requirement from other freestanding signs. The center sign may identify one or more businesses. One business name may also serve as the name of the center. For signage purposes, the campus boundary is the same as the use permit boundary.

2. Freestanding "Campus Entrance" signs may be located at each campus entrance. One sign per driveway or street entrance to the campus with no spacing requirements from other freestanding signs.

3. Freestanding "Building Identification" signs may be located at each building with no spacing requirement from other freestanding signs.

4. In addition to the freestanding and center signs described above, directional signs of up to 15 square feet and 6 feet high are allowed, one per driveway, with no spacing requirement from other freestanding signs.

Site Specific Conditions:

1. The City Council approves associated request:

    1.1 Change of Zone #17029

2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below upon approval before receiving building permits.

    2.1 Add a note that reads, "The driveway access to W. Fletcher Avenue within approximately 60 feet of Highway 34 is relinquished per City Council Resolution No. A-86362 and will be removed/re-graded and seeded at the owner's expense."

    2.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Prior to building permit for new construction:

    3.1 Submit an administrative amendment with a grading plan for the area of construction.

    3.2 Dedicate the following easements if required: 1) a public storm drainage easement over the existing storm drainage ditch along W. Fletcher Avenue from Highway 34 to NW 1st Street; and 2) a minimum flood corridor easement over the large channel cutting across the southeast portion of Lot 1, Highland Coalition 3rd Addition, to the satisfaction of the Public Works and Utilities Department.

4. Prior to any final plat involving Outlot A, Highlands Coalition 1st Addition:

    4.1 Submit an administrative amendment with a grading plan for the area in Outlot A, Highlands Coalition 1st Addition.

Standard Conditions:

5. The following conditions are applicable to all requests:

5.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.

5.2 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.

5.3 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

5.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

2016 aerial

Change of Zone #: CZ17029
Sandhills Publishing Campus
NW 1st St & W Grand Dr

Zoning:

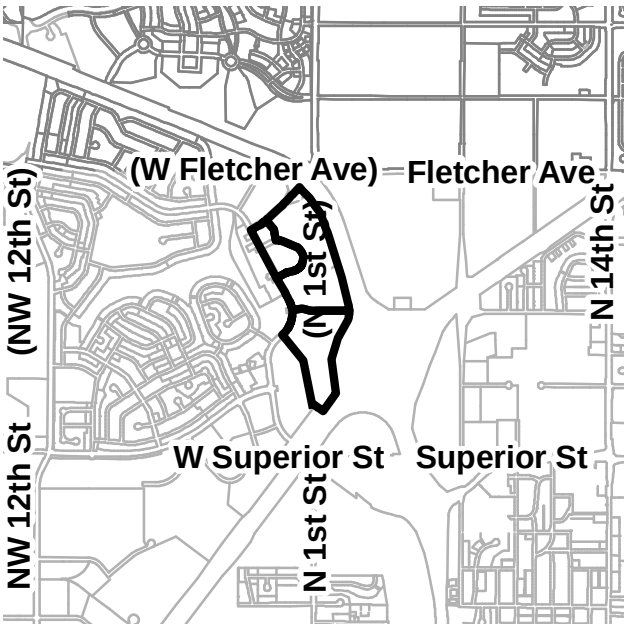
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

Two Square Miles:
Sec.03 T10N R06E
Sec.02 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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drawn by:	jds
checked by:	-
project no.:	2017-0210
date:	09/27/2017

CHANGE OF ZONE EXHIBIT
SANDHILLS PUBLISHING CAMPUS
LINCOLN, NEBRASKA

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Ph. 402-434-8494 Fax 866-215-8747
www.civildg.com

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

EXHIBIT

1

DWG: F:\Projects\2017\2017021\Cad\Planning\CUP_170210-CHZ.dwg, User: cschuderman
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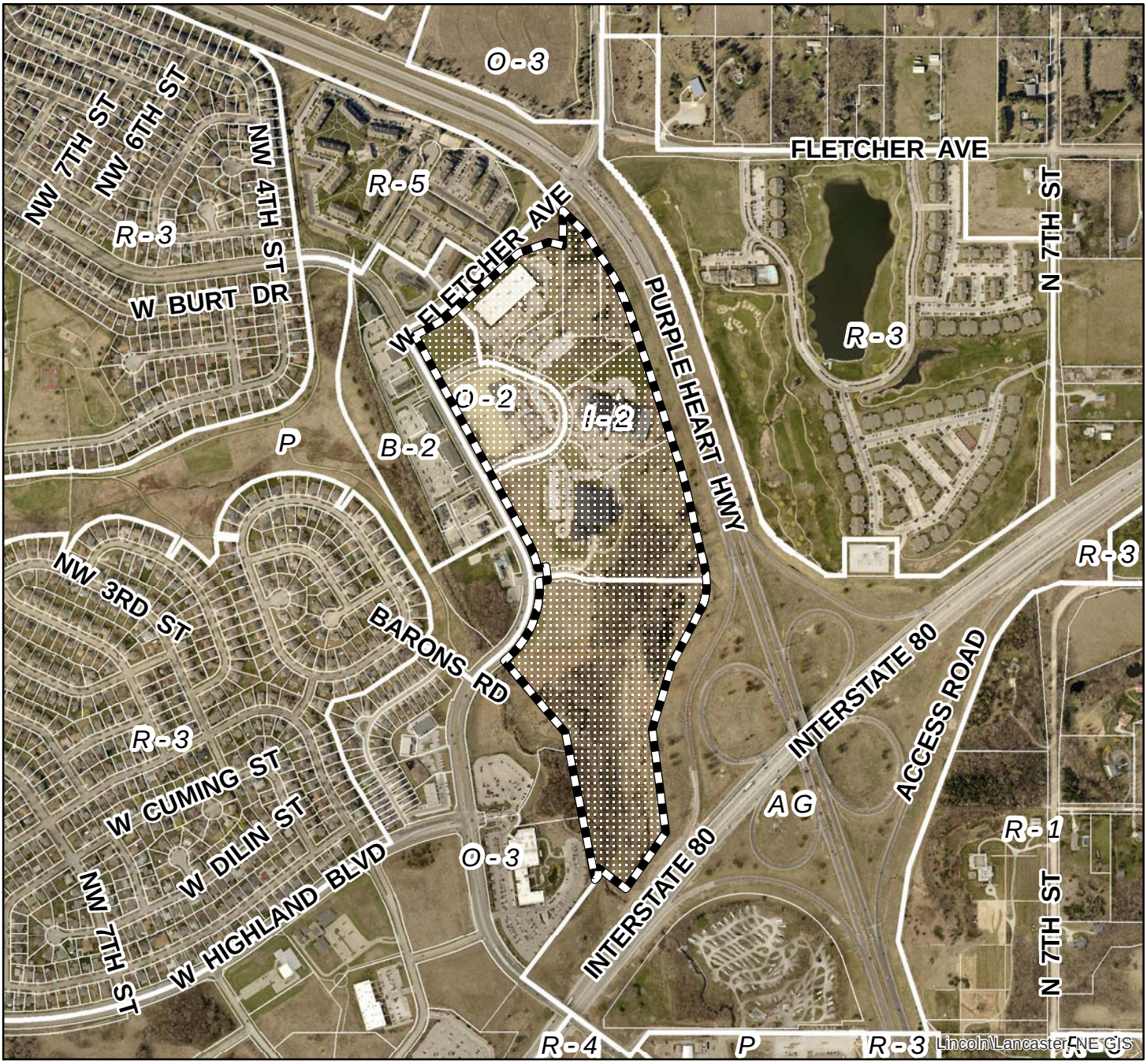


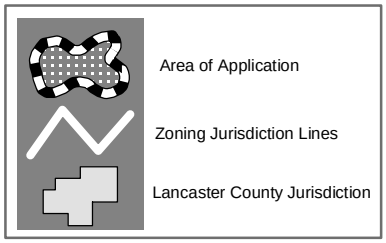
2016 aerial

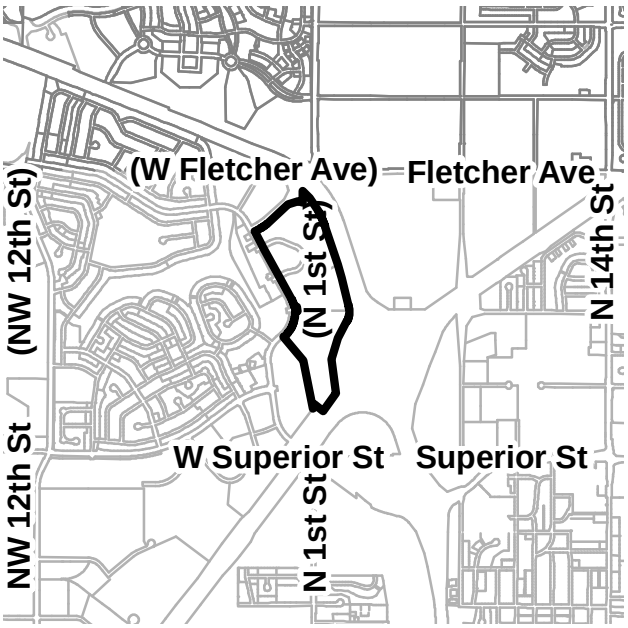
Use Permit #: UP17007
Sandhills Publishing Campus
NW 1st St & W Grand Dr

Zoning:

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

Two Square Miles:
Sec.03 T10N R06E
Sec.02 T10N R06E





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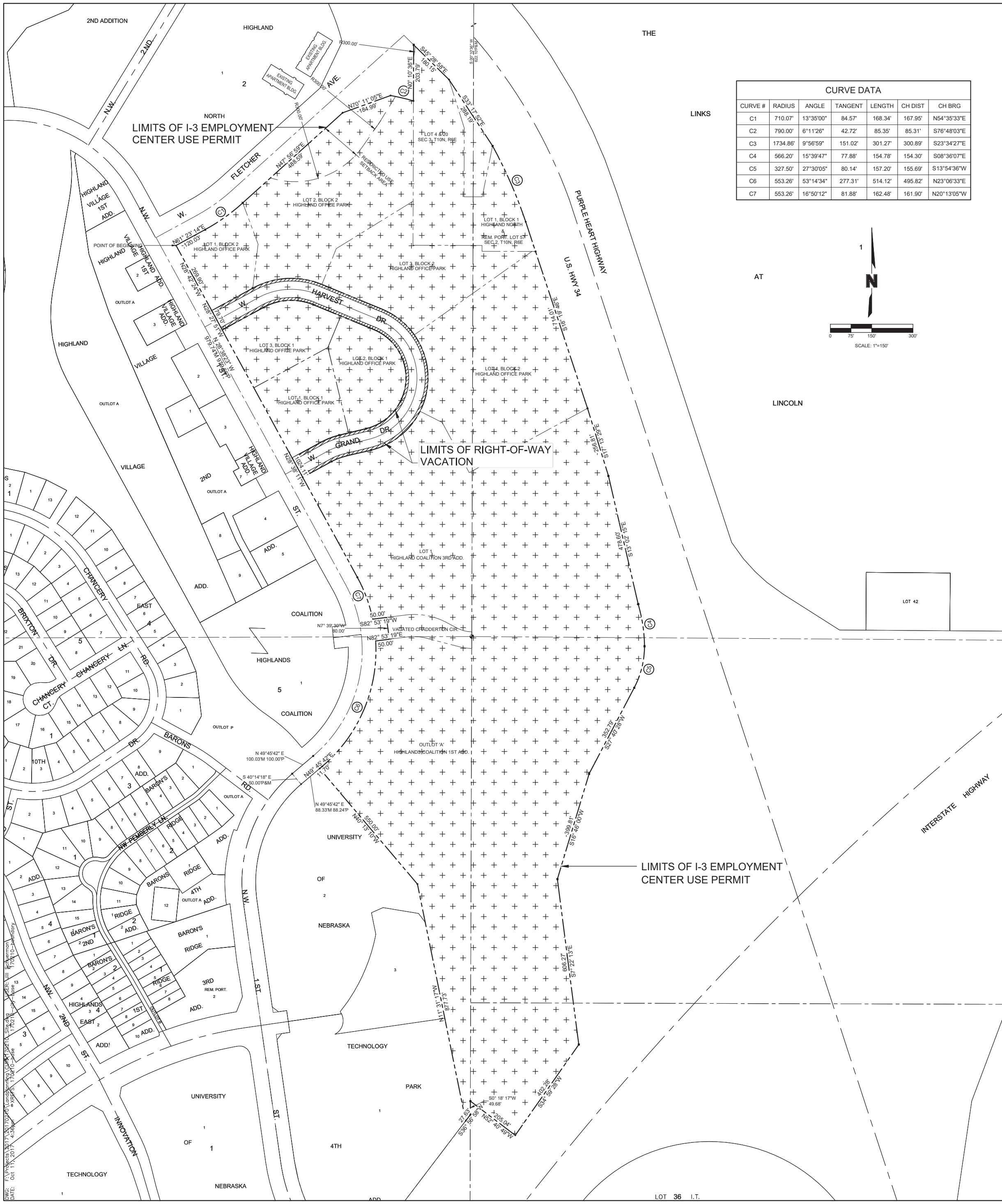
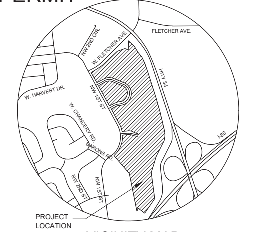
SANDHILLS PUBLISHING CAMPUS

USE PERMIT



CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	710.07'	13°35'00"	84.57'	168.34'	167.95'	N54°35'33"E
C2	790.00'	6°11'26"	42.72'	85.35'	85.31'	S76°48'03"E
C3	1734.86'	9°56'59"	151.02'	301.27'	300.89'	S23°34'27"E
C4	566.20'	15°39'47"	77.88'	154.78'	154.30'	S08°36'07"E
C5	327.50'	27°30'05"	80.14'	157.20'	155.69'	S13°54'36"W
C6	553.26'	53°14'34"	277.31'	514.12'	495.82'	N23°06'33"E
C7	553.26'	16°50'12"	81.88'	162.48'	161.90'	N20°13'05"W



VICINITY MAP

NO SCALE

USE PERMIT LEGAL DESCRIPTION

Meets and bounds description of 73.82 acre tract of land, said tract being the perimeter of the following Additions and Tracts of Land: Outlot "A" Highlands Coalition 1st Addition, Lot 1, Highlands Coalition 3rd Addition, Lots 1,2,3 and 4, Block 2, Highland Office Park, Lots 1, 2, & 3, Block 1, Highlands Office Park, Lot 4 of Irregular Tracts, Lot 20 of Irregular Tracts, Lot 57 of Irregular Tracts, All of the remaining portion of Lot 1, Block 1, Highland North, lying North of and contiguous to Lots 3 and 4, Highland Office Park, the West 33' of the South 176.8' of the North 1090.00' of the NW1/4 Section 2 T10N R6E, and Chadderton Circle from a line 50' East of the East Right-of-Way line of NW 1st Street to the East limits of Chadderton Circle (a distance of approximately 313') all located in the East Half of Section 3 T10N R6E AND in the West Half of Section 2 T10N R6E and more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, Highland Office Park, said point being located on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue and on the Easterly 50.00' Right-of-Way line of NW 1st Street; thence in a Northeasterly direction on the Northerly line of said Lot 1, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue and on an assumed bearing of N 61°23'14" E, for a distance of 120.03';

Thence continuing on the Northerly line of said Lot 1, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue, and on a curve turning to the left with an arc length of 168.34', a radius of 710.07', a chord bearing of N 54°35'33" E, for a chord length of 167.95' to the Northeast corner of said Lot 1, Block 2, Highland Office Park;

Thence N 47°56'59" E on the Northerly line of Lot 2, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue, for a distance of 488.59';

Thence N 70°11'05" E on the Northerly line of said Lot 2, Block 2, Highland Office Park and on the Southerly Right-of-Way line of West Fletcher Avenue, for a distance of 184.99';

Thence continuing on the on the Northerly line of Lot 2, Block 2, Highland Office Park and on the Southerly Right-of-Way line of West Fletcher Avenue, and on a curve turning to the right with an arc length of 85.35', a radius of 790.00', a chord bearing of S 76°48'03" E, for a chord length of 85.31' to a point on the West line of Lot 4 of Irregular Tracts said point being located 217.80' West of the East line of the Northeast Quarter of said Section 3;

Thence N 00°10'36" E on a line 217.80' West of and parallel to the East line of the Northeast Quarter of said Section 3 and on the West line of said Lot 4 of Irregular Tracts, for a distance of 203.79' to the Northwest corner of said Lot 4 of Irregular Tracts, said point being located on the Southerly Right-of-Way line of U.S. Highway #34;

Thence S 45°28'58" E on the Northerly line of said Lot 4 of Irregular Tracts and on the Southerly Right-of-Way line of U.S. Highway #34, for a distance of 180.15' to the Northwest corner of Lot 20 of Irregular Tracts;

Thence S 33°17'52" E on the Northerly line of Lots 20 and 57 of Irregular Tracts and on the Southerly Right-of-Way line of U.S. Highway #34, for a distance of 288.19' to the Northeast corner of said Lot 57 of Irregular Tracts;

Thence in a Southerly direction on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of the Remaining portion of Lot 1, Block 1, Highland North and on a curve turning to the right with an arc length of 301.27', a radius of 1734.86', a chord bearing of S 23°34'27" E, for a chord length of 300.89';

Thence S 18°19'46" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of the Remaining portion of Lot 1, Block 1, Highland North and on the Easterly line of Lot 4, Block 2, Highland Office Park, for a distance of 714.01' to the Northeast corner of Lot 1, Highlands Coalition 3rd Addition;

Thence S 17°13'29" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 256.81';

Thence S 13°02'15" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 478.60';

Thence continuing on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd and Outlot "A", Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 154.78', a radius of 566.20', a chord bearing of S 08°36'07" E, for a chord length of 154.30';

Thence continuing on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Outlot "A", Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 157.20', a radius of 327.50', a chord bearing of S 13°54'36" W, for a chord length of 155.69';

Thence S 27°40'28" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 352.79';

Thence S 16°46'00" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 399.81';

Thence S 07°22'13" E on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 606.27';

Thence S 34°59'28" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 402.28';

Thence N 52°40'49" W on the Northerly Right-of-Way line of U.S. Interstate Highway #80 and on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 205.04' to a point on the East line of the Southeast Quarter of said Section 3;

Thence S 00°18'17" W on the East line of the Southeast Quarter of said Section 3, for a distance of 49.68';

Thence S 36°56'58" W on the Northerly Right-of-Way line of U.S. Interstate Highway #80 and on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 27.63' to the most Southerly common corner between said Outlot "A" Highlands Coalition 1st Addition and University of Nebraska Technology Park 4th Addition;

Thence N 11°31'17" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 877.73';

Thence N 40°13'10" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 550.00' to the most Westerly corner of said Outlot "A" Highlands Coalition 1st Addition, said point being located on the Easterly 50.00' Right-of-Way line of NW 1st Street;

Thence N 49°45'42" E on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition and on the Easterly 50.00' Right-of-Way line of NW 1st Street, for a distance of 11.70';

Thence continuing on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition and on the Easterly 50.00' Right-of-Way line of NW 1st Street and on a curve turning to the left with an arc length of 514.12', a radius of 553.26', a chord bearing of N 23°06'33" E, for a chord length of 495.82' to the Northwest corner of said Outlot "A" Highlands Coalition 1st Addition, said point being located on the Southerly 30.00' Right-of Way line of Chadderton Circle;

Thence N 82°53'19" E on the Northerly line of said Outlot "A" Highlands Coalition 1st Addition and on the Southerly 30.00' Right-of-Way line of Chadderton Circle, for a distance of 50.00';

Thence N 07°39'30" W, for a distance of 80.00' to the Northerly 50.00' Right-of-Way line of Chadderton Circle, said point also being located on the Southerly line of Lot 1, Highlands Coalition 3rd Addition;

Thence S 82°53'19" W on the Northerly 50.00' Right-of-Way line of Chadderton Circle and on the Southerly line of Lot 1, Highlands Coalition 3rd Addition, for a distance of 50.00' to the Southwest corner of said Lot 1, Highlands Coalition 3rd Addition, said point being located on the Easterly 50.00' Right-of-Way line of NW 1st Street;

Thence in a Northerly direction on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of said Lot 1, Highlands Coalition 3rd Addition and on a curve turning to the left with an arc length of 162.48', a radius of 553.26', a chord bearing of N 20°13'05" W, for a chord length of 161.90';

Thence N 28°38'11" W on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of Lot 1, Highlands Coalition 3rd Addition and Lots 1 and 3, Block 1, Highland Office Park, for a distance of 1024.11' to the Northwest corner of said Lot 3, Block 1, Highland Office Park;

Thence N 28°27'51" W on the Easterly 50.00' Right-of-Way line of NW 1st Street, for a distance of 79.70' to the most Southerly corner of said Lot 1, Block 2, Highland Office Park;

Thence N 28°42'24" W on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of said Lot 1, Block 2, Highland Office Park, for a distance of 269.90' to the POINT OF BEGINNING and containing a calculated area of 73.82 acres, more or less.

Together with and subject to any covenants, easements, and restrictions of record.

SITE NOTES

1. THE EXISTING ZONING IS O-2, I-2 & O-3. PROPOSED ZONING IS I-3.

2. WITHIN 300 FEET OF RESIDENTIAL STRUCTURES, THE OWNER OR OPERATOR SHALL PROHIBIT THE USE, STORAGE, OR MANUFACTURE OF CHEMICALS LISTED IN 40 CFR PART 68, SECTION 130 IN QUANTITIES THAT EXCEED THE THRESHOLD VALUES SPECIFIED IN TABLE 1. IF 40 CFR PART 68, SECTION 130 IS AMENDED AND ADDITIONAL CHEMICAL(S) ARE ADDED TO THE LIST, THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WILL ESTABLISH A MODIFIED THRESHOLD QUANTITY FOR THE NEW CHEMICAL(S). IN ADDITION, THE OWNER OR OPERATOR SHALL PROHIBIT THE USE, STORAGE, OR MANUFACTURER OF EXPLOSIVES AS DEFINED BY LMC 19.03 FIRE CODE.

3. FREESTANDING AND CENTER SIGNS ARE PERMITTED IN CONFORMANCE WITH THE ZONING ORDINANCE WITH THE FOLLOWING MODIFICATIONS:

   A. CENTER "CAMPUS IDENTIFICATION" SIGNS ARE ALLOWED UP TO 150 SQUARE FEET AND 18' HIGH. ALL THREE-DIMENSIONAL SIGN ELEMENTS IN THE SCULPTURAL ART SHALL NOT COUNT AGAINST THE TOTAL SIGN AREA AND HEIGHT LIMIT. ONE CENTER SIGN ALLOWED PER STREET FRONTAGE ON HWY 34 AND ON I-80 AND AT THE INTERSECTION OF W. FLETCHER AVE & NW 1ST STREET. UNLESS OTHERWISE NOTED CENTER SIGNS SHALL BE SPACED A MINIMUM OF 50' APART. NO SPACING REQUIREMENT FROM OTHER FREESTANDING SIGNS. THE CENTER SIGN MAY IDENTIFY ONE OR MORE BUSINESSES. ONE BUSINESS NAME MAY ALSO SERVE AS THE NAME OF THE CENTER. FOR SIGNAGE PURPOSES, THE CAMPUS BOUNDARY IS THE SAME AS THE USE PERMIT BOUNDARY.
   B. FREESTANDING "CAMPUS ENTRANCE" SIGNS MAY BE LOCATED AT EACH CAMPUS ENTRANCE. ONE SIGN PER DRIVEWAY OR STREET ENTRANCE TO THE CAMPUS WITH NO SPACING REQUIREMENTS FROM OTHER FREESTANDING SIGNS.
   C. FREESTANDING "BUILDING IDENTIFICATION" SIGNS MAY BE LOCATED AT EACH BUILDING WITH NO SPACING REQUIREMENT FROM OTHER FREESTANDING SIGNS.
   D. IN ADDITION TO THE FREE STANDING AND CENTER SIGNS DESCRIBED ABOVE, DIRECTIONAL SIGNS OF UP TO 15 SQUARE FEET AND 6' HIGH ARE ALLOWED, ONE PER DRIVEWAY, WITH NO SPACING REQUIREMENT FROM OTHER FREESTANDING SIGNS.

4. A FINAL PLAT FOR OUTLOT 'A' OR THE REDEVELOPMENT OF ANY EXISTING FACILITIES ON THE CAMPUS SHALL REQUIRE AN AMENDMENT TO THIS USE PERMIT THAT INCLUDES GRADING AND DRAINAGE PLANS FOR THEIR RESPECTIVE AREAS.

5. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE PERMITTED IF THEY ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.

6. THE SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, NON-HEATED ENCLOSED AREAS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.

7. 0' SETBACK ON ALL INTERNAL PROPERTY LINES.

8. PARKING IS SHARED BETWEEN ALL LOTS. THIS JOINT PARKING ARRANGEMENT MEETS THE REQUIREMENT OF SECTION 27.67.040(FF) AND NO JOINT USE AGREEMENT SHALL BE REQUIRED.

9. THE PUBLIC R.O.W. FOR W. FLETCHER AVENUE & W. GRAND DRIVE SHALL BE REDUCED TO 40' WITH 10' PUBLIC ACCESS EASEMENT AND PUBLIC UTILITY EASEMENT, INCLUDING SANITARY SEWER, STORM SEWER AND WATER MAIN ON EACH SIDE OF THE REMAINING R.O.W. LAND OWNER IS RESPONSIBLE FOR REMOVING IMPROVEMENTS PLACED IN THE 10' UTILITY EASEMENT AT THEIR COST AS NEEDED FOR REPAIRS AND INSTALLATION. THE SETBACK FOR PARKING AND SIGNAGE ALONG W. FLETCHER AVENUE & W. GRAND DRIVE SHALL BE 10'.

10. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY ABUT A PUBLIC ACCESS EASEMENT.

LEGEND

- EMPLOYMENT CENTER DISTRICT (I-3 USE PERMIT)
- LIMITS OF USE PERMIT BOUNDARY
- PROPOSED STREET CENTERLINE
- PROPOSED R.O.W.
- RIGHT OF WAY VACATION

PROPERTY OWNER

PAR 5 PARTNERS LLC
PO BOX 82545
LINCOLN, NE 68501-2545

DEVELOPER

PAR 5 PARTNERS LLC
PO BOX 82545
LINCOLN, NE 68501-2545

ENGINEER

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

SURVEYOR

ALLIED SURVEYING & MAPPING
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
(402) 434-2686

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

REVISIONS

DATE	DESCRIPTION

SANDHILLS PUBLISHING CAMPUS USE PERMIT

SITE PLAN

2017

LINCOLN, NEBRASKA

drawn by:	jds
checked by:	mte
approved by:	mte
project no.:	2017-0210
drawing no.:	-
date:	10/06/2017

SHEET 1 OF 1

DWG: F:\Projects\2017\20170210\Landplanning\CUP\170210_Site.dwg USER: Jill Schuerman
DATE: Oct 11, 2017 4:36pm XREFS: 170210-base 170210-city-base 170210-boundary

SITE NOTES

1. THE EXISTING ZONING IS O-2, I-2 & O-3. PROPOSED ZONING IS I-3.

2. WITHIN 300 FEET OF RESIDENTIAL STRUCTURES, THE OWNER OR OPERATOR SHALL PROHIBIT THE USE, STORAGE, OR MANUFACTURE OF CHEMICALS LISTED IN 40 CFR PART 68, SECTION 130 IN QUANTITIES THAT EXCEED THE THRESHOLD VALUES SPECIFIED IN TABLE 1. IF 40 CFR PART 68, SECTION 130 IS AMENDED AND ADDITIONAL CHEMICAL(S) ARE ADDED TO THE LIST, THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WILL ESTABLISH A MODIFIED THRESHOLD QUANTITY FOR THE NEW CHEMICAL(S). IN ADDITION, THE OWNER OR OPERATOR SHALL PROHIBIT THE USE, STORAGE, OR MANUFACTURER OF EXPLOSIVES AS DEFINED BY LMC 19.03 FIRE CODE.

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   C. FREESTANDING "BUILDING IDENTIFICATION" SIGNS MAY BE LOCATED AT EACH BUILDING WITH NO SPACING REQUIREMENT FROM OTHER FREESTANDING SIGNS.
   D. IN ADDITION TO THE FREE STANDING AND CENTER SIGNS DESCRIBED ABOVE, DIRECTIONAL SIGNS OF UP TO 15 SQUARE FEET AND 6' HIGH ARE ALLOWED, ONE PER DRIVEWAY, WITH NO SPACING REQUIREMENT FROM OTHER FREESTANDING SIGNS.

4. A FINAL PLAT FOR OUTLOT 'A' OR THE REDEVELOPMENT OF ANY EXISTING FACILITIES ON THE CAMPUS SHALL REQUIRE AN AMENDMENT TO THIS USE PERMIT THAT INCLUDES GRADING AND DRAINAGE PLANS FOR THEIR RESPECTIVE AREAS.

5. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE PERMITTED IF THEY ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES.

6. THE SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, NON-HEATED ENCLOSED AREAS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.

7. 0' SETBACK ON ALL INTERNAL PROPERTY LINES.

8. PARKING IS SHARED BETWEEN ALL LOTS. THIS JOINT PARKING ARRANGEMENT MEETS THE REQUIREMENT OF SECTION 27.67.040(FF) AND NO JOINT USE AGREEMENT SHALL BE REQUIRED.

9. THE PUBLIC R.O.W. FOR W. FLETCHER AVENUE & W. GRAND DRIVE SHALL BE REDUCED TO 40' WITH 10' PUBLIC ACCESS EASEMENT AND PUBLIC UTILITY EASEMENT, INCLUDING SANITARY SEWER, STORM SEWER AND WATER MAIN ON EACH SIDE OF THE REMAINING R.O.W. LAND OWNER IS RESPONSIBLE FOR REMOVING IMPROVEMENTS PLACED IN THE 10' UTILITY EASEMENT AT THEIR COST AS NEEDED FOR REPAIRS AND INSTALLATION. THE SETBACK FOR PARKING AND SIGNAGE ALONG W. FLETCHER AVENUE & W. GRAND DRIVE SHALL BE 10'.

10. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY ABUT A PUBLIC ACCESS EASEMENT.

Civil Design Group, Inc.
Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning
www.civildg.com

September 27, 2017

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

Re: Application for an I-3 Use Permit, a Change of Zone and a partial vacation of ROW for the "Sandhills Publishing Campus", comprised of approximately 74 acres located at W. Fletcher Ave & NW 1st St, CDG Project No. 2017-0210.

Dear Mr. Cary:

On behalf of Par 5 Partners, LLC, we submit the enclosed application for the "Sandhills Publishing Campus I-3 Employment Center Use Permit" along with the associated change of zone(s) and partial vacation of an internal ROW. This employment center use permit is being requested to streamline and create various campus identification, building identification and directional signage options for the campus. We are also requesting that all parking on the campus be shared for existing and future facilities.

Pre-application meetings with Planning Staff on all three items have been conducted. This includes the desire to vacate 10' of ROW on the outer edges of W. Grand Drive and W. Harvest Drive. This is primarily to allow for covered walkways to be closer to the paved streets and for flexibility in signage locations.

With this application, we submit the following items:

Applications for a Use Permit, Change of Zone, and Vacation of ROW
UP Fee of $4,283.00
Change of Zone Fee of $988.00
Vacation of ROW Fee of $206.00
Change of Zone Exhibit
Vacation of ROW Exhibit, and Use Permit Site Plan (via Project Dox)

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

Sincerely,

Mike Eckert, AICP

cc: Par 5 Partners, LLC

/Volumes/share/F/Projects/2017/20170210/Landplanning/Doc/UP submittal 09-27-17.doc

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747

LEGAL DESCRIPTION FOR CHANGE OF ZONE I-2 TO I-3
FOR THE FOLLOWING DESCRIBED TRACT OF LAND

Meets and bounds description of a 41.01 acre tract of land, said tract being the perimeter of the following: Lots 2, 3 and 4, Block 2, Highland Office Park and the Easterly 40.00' Right-of-Way of West Harvest Drive abutting said Lots 2, 3 and 4, Block 2, Highland Office Park, Lot 1, Highlands Coalition 3rd Addition and the Southerly 40.00' Right-of-Way of West Grand Drive abutting said Lot 1, Highlands Coalition 3rd Addition, the Easterly 50.00' Right-of-Way of Northwest 1st Street from the intersection of West Grand Drive to the intersection of Chadderton Circle, the Northerly Right-of-Way of Chadderton Circle, Lot 4 of Irregular Tracts, Lot 20 of Irregular Tracts, Lot 57 of Irregular Tracts, All of the remaining portion of Lot 1, Block 1, Highland North, lying North of and contiguous to Lots 3 and 4, Highland Office Park, the West 33' of the South 176.8' of the North 1090.00' of the NW1/4 Section 2 T10N R6E and the Southerly Right-of-Way of West Fletcher Avenue lying North of Lot 2, Block 2, Highland Office Park and West of Lot 4 of Irregular Tracts, all located in the East Half of Section 3 T10N R6E AND in the West Half of Section 2 T10N R6E and more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 2; thence in an Easterly direction on the South line of the Northwest Quarter of said Section 2 and on the south line of Lot 1, Highlands Coalition 3rd Addition and on an assumed bearing of S 89°36'14" E, for a distance of 626.24' to the Southeast corner of said Lot 1, Highlands Coalition 3rd Addition;

Thence in a Northerly direction on the East line of said Lot 1, Highlands Coalition 3rd Addition and on a curve turning to the left with an arc length of 124.09', a radius of 566.20', a chord bearing of N 10°09'17" W, for a chord length of 123.84';

Thence N 13°02'15" W on the East line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 478.60';

Thence N 17°13'29" W on the East line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 256.81' to the Southeast corner of said Lot 4, Highland Office Park;

Thence N 18°19'46" W on the Easterly line of said Lot 4, Highland Office Park and the Easterly line of the remaining portion of Lot 1, Block 1, Highland North, lying North of and contiguous to Lots 3 and 4, Highland Office Park, for a distance of 714.01';

Thence continuing on the Easterly line of said remaining portion of Lot 1, Block 1, Highland North, lying North of and contiguous to Lots 3 and 4, Highland Office Park and on a curve turning to the left with an arc length of 301.27', a radius of 1734.86', a chord bearing of N 23°34'27" W, for a chord length of 300.89' to the Northeast corner of said Lot 57 of Irregular Tracts;

Thence N 33°17'52" W on the Northeasterly line of said Lots 57 and 20 of Irregular Tracts, for a distance of 288.19' to the Northeast corner of said Lot 4 of Irregular Tracts;

Thence N 45°28'58" W on the Northeasterly line of said Lot 4 of Irregular Tracts, for a distance of 180.15' to the Northwest corner of said Lot 4 of Irregular Tracts;

Thence N 40°06'16" W on the Northeasterly Subdivision line of Highland North, for a distance of 89.01' to the Centerline of West Fletcher Avenue;

Thence S 43°24'25" W on the Centerline of West Fletcher Avenue, for a distance of 411.52';

Thence continuing on the Centerline of West Fletcher Avenue and on a curve turning to the

right with an arc length of 181.09', a radius of 2283.99', a chord bearing of S 45°40'42" W, for a chord length of 181.04';

Thence S 47°56'59" W on the Centerline of West Fletcher Avenue, for a distance of 257.46' to the Point of curvature on West Fletcher Avenue;

Thence S 42°11'57" E on a line radial with West Fletcher Avenue, for a distance of 60.00' to the most Westerly corner of said Lot 2, Block 2, Highland Office Park;

Thence S 42°11'57" E on the Westerly line of said Lot 2, Block 2, Highland Office Park, for a distance of 160.09';

Thence S 08°43'30" E on the Westerly line of said Lot 2, Block 2, Highland Office Park, for a distance of 160.77' to the Southwest corner of said Lot 2, Block 2, Highland Office Park;

Thence S 08°43'30" E on a line radial with West Harvest Drive, for a distance of 40.00' to the Centerline of West Harvest Drive;

Thence in a Southeasterly direction on the Centerline of West Harvest Drive and on a curve turning to the right with an arc length of 136.87', a radius of 252.08', a chord bearing of S 83°10'13" E, for a chord length of 135.19';

Thence S 67°36'57" E on the Centerline of West Harvest Drive, for a distance of 235.98';

Thence continuing on the Centerline of West Harvest Drive and on a curve turning to the right with an arc length of 578.17', a radius of 230.00', a chord bearing of S 04°22'02" W, for a chord length of 437.52';

Thence S 76°23'53" W on the Centerline of West Grand Drive, for a distance of 99.99';

Thence continuing on the Centerline of West Grand Drive and on a curve turning to the left with an arc length of 60.21', a radius of 230.00', a chord bearing of S 68°50'54" W, for a chord length of 60.04';

Thence S 61°20'54" W on the Centerline of West Grand Drive, for a distance of 170.02' to the Intersection of West Grand Drive and Northwest 1st Street;

Thence S 28°38'11" E on the Centerline of Northwest 1st Street, for a distance of 453.97';

Thence continuing on the Centerline of Northwest 1st Street and on a curve turning to the right with an arc length of 193.75', a radius of 503.26', a chord bearing of S 17°36'06" E, for a chord length of 192.56' to the Intersection of Northwest 1st Street and Chadderton Circle;

Thence N 82°53'19" E on the Centerline of Chadderton Circle, for a distance of 167.68';

Thence continuing on the Centerline of Chadderton Circle and on a curve turning to the right with an arc length of 73.99', a radius of 196.06', a chord bearing of S 86°18'01" E, for a chord length of 73.55';

Thence S 75°29'21" E on the Centerline of Chadderton Circle, for a distance of 128.07';

Thence continuing on the Centerline of Chadderton Circle and on a curve turning to the left with an arc length of 37.77', a radius of 150.00', a chord bearing of S 82°42'11" E, for a chord length of 37.67' to a point on the East line of the Southeast Quarter of said Section 3;

Thence N 00°10'25" E on the East line of the Southeast Quarter of said Section 3, for a distance of 13.17' to the POINT OF BEGINNING and containing a calculated area of 41.01 acres, more or less.

Together with and subject to any covenants, easements, and restrictions of record.

LEGAL DESCRIPTION FOR CHANGE OF ZONE O-2 TO I-3
FOR THE FOLLOWING DESCRIBED TRACT OF LAND

Meets and bounds description of a 10.52 acre tract of land, said tract being the perimeter of the following: Lot 1, Block 2, Highland Office Park and the Southerly 60.00' Right-of-Way of West Fletcher Avenue abutting said Lot 1, Block 2, Highland Office Park, Lots 1, 2, and 3, Block 1, Highland Office Park and the 30.00' Right-of-Way of West Harvest Drive and West Grand Drive abutting said Lots 1, 2, and 3, Block 1, Highland Office Park, and the Easterly 50.00' Right-of-Way of Northwest 1st Street from the intersection of West Grand Avenue to the intersection of West Fletcher Avenue, all located in the Northeast Quarter of Section 3 T10N R6E and more particularly described as follows:

Beginning at the Intersection of West Fletcher Avenue and Northwest 1st Street; thence in a Northeasterly direction on the Centerline of West Fletcher Avenue and on an assumed bearing of N 61°23'07" E, for a distance of 170.00';

Thence continuing on the Centerline of West Fletcher Avenue and on a curve turning to the left with an arc length of 154.11', a radius of 650.06', a chord bearing of N 54°35'32" E, for a chord length of 153.75';

Thence S 42°11'57" E on a line radial with West Fletcher Avenue, for a distance of 60.00' to the most Northerly corner of said Lot 1, Block 2, Highland Office Park;

Thence S 42°11'57" E on the Easterly line of said Lot 1, Block 2, Highland Office Park, for a distance of 160.09';

Thence S 08°43'30" E on the Easterly line of said Lot 1, Block 2, Highland Office Park, for a distance of 160.77' to the Southeast corner of said Lot 1, Block 2, Highland Office Park;

Thence S 08°43'30" E on a line radial with the Southerly line of said Lot 1, Block 2, Highland Office Park, for a distance of 40.00' to the Centerline of West Harvest Drive;

Thence in an Easterly direction on the Centerline of West Harvest Drive and on a curve turning to the right with an arc length of 136.87', a radius of 252.08', a chord bearing of S 83°10'13" E, for a chord length of 135.19';

Thence S 67°36'57" E on the Centerline of West Harvest Drive, for a distance of 235.98';

Thence on the Centerline of West Harvest Drive and West Grand Drive and on a curve turning to the right with an arc length of 578.17', a radius of 230.00', a chord bearing of S 04°22'02" W, for a chord length of 437.52';

Thence S 76°23'53" W on the Centerline of West Grand Drive, for a distance of 99.99';

Thence continuing on the Centerline of West Grand Drive and on a curve turning to the left with an arc length of 60.21', a radius of 230.00', a chord bearing of S 68°50'54" W, for a chord length of 60.04';

Thence S 61°20'54" W on the Centerline of West Grand Drive, for a distance of 170.02' to the Intersection of West Grand Drive and Northwest 1st Street;

Thence N 28°38'11" W on the Centerline of Northwest 1st Street, for a distance of 610.13' to the Intersection of Northwest 1st Street and West Harvest Drive;

Thence N 28°38'31" W on the Centerline of Northwest 1st Street, for a distance of 369.62' to the POINT OF BEGINNING and containing a calculated area of 10.52 acres, more or less.

Together with and subject to any covenants, easements, and restrictions of record.

LEGAL DESCRIPTION FOR CHANGE OF ZONE O-3 TO I-3
FOR THE FOLLOWING DESCRIBED TRACT OF LAND

Meets and bounds description of a 27.10 acre tract of land, said tract being the perimeter of the following: Outlot "A" Highlands Coalition 1st Addition and the Easterly 50.00' Right-of-Way of Northwest 1st Street abutting said Outlot "A" Highlands Coalition 1st Addition and the Easterly 50.00' Right-of-Way of N.W. 1st Street extending North to the Centerline of Chadderton Circle and the Southerly 30.00' Right-of-Way of Chadderton Circle abutting Outlot "A" Highlands Coalition 1st Addition, all located in the East Half of Section 3 T10N R6E AND in the West Half of Section 2 T10N R6E and more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 2; thence in an Easterly direction on the South line of the Northwest Quarter of said Section 2 and on the North line of Outlot "A" Highlands Coalition 1st Addition and on an assumed bearing of S 89°36'14" E, for a distance of 626.24' to the Northeast corner of said Outlot "A" Highlands Coalition 1st Addition;

Thence in a Southerly direction on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 30.69', a radius of 566.20', a chord bearing of S 02°19'24" E, for a chord length of 30.69';

Thence continuing on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 157.20', a radius of 327.50', a chord bearing of S 13°54'36" W, for a chord length of 155.69';

Thence S 27°40'28" W on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 352.79';

Thence S 16°46'00" W on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 399.81';

Thence S 07°22'13" E on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 606.27';

Thence S 34°59'28" W on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 402.28';

Thence N 52°40'49" W on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 205.04' to East line of the Southeast Quarter of said Section 3;

Thence S 00°18'17" W on the East line of the Southeast Quarter of said Section 3, for a distance of 49.68';

Thence S 36°56'58" W on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 27.63' to the Southwest corner of said Outlot "A" Highlands Coalition 1st Addition;

Thence N 11°31'17" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 877.73';

Thence N 40°13'10" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 550.00' to the most Westerly corner of said Outlot "A" Highlands Coalition 1st Addition;

Thence N 40°13'10" E on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition extended Northwest, for a distance of 50.00' to the Centerline of Northwest 1st Street

Thence N 49°45'42" E on the Centerline of Northwest 1st Street, for a distance of 11.68';

Thence continuing on the Centerline of Northwest 1st Street and on a curve turning to the left with an arc length of 494.52', a radius of 503.26', a chord bearing of N 21°34'39" E, for a chord length of 474.86' to the Intersection of Northwest 1st Street and Chadderton Circle;

Thence N 82°53'19" E on the Centerline of Chadderton Circle, for a distance of 167.68';

Thence continuing on the Centerline of Chadderton Circle and on a curve turning to the right with an arc length of 73.99', a radius of 196.06', a chord bearing of S 86°18'01" E, for a chord length of 73.55';

Thence S 75°29'21" E on the Centerline of Chadderton Circle, for a distance of 128.07';

Thence continuing on the Centerline of Chadderton Circle and on a curve turning to the left with an arc length of 37.77', a radius of 150.00', a chord bearing of S 82°42'11" E, for a chord length of 37.67' to a point on the East line of Southeast Quarter of said Section 3;

Thence N 00°10'25" E on the East line of Southeast Quarter of said Section 3, for a distance of 13.17' to the POINT OF BEGINNING and containing a calculated area of 27.10 acres, more or less.

Together with and subject to any covenants, easements, and restrictions of record.

LEGAL DESCRIPTION
USE PERMIT

Meets and bounds description of a 73.82 acre tract of land, said tract being the perimeter of the following Additions and Tracts of Land: Outlot "A" Highlands Coalition 1st Addition, Lot 1, Highlands Coalition 3rd Addition, Lots 1,2,3 and 4, Block 2, Highland Office Park, Lots 1, 2 & 3, Block 1, Highlands Office Park, Lot 4 of Irregular Tracts, Lot 20 of Irregular Tracts, Lot 57 of Irregular Tracts, All of the remaining portion of Lot 1, Block 1, Highland North, lying North of and contiguous to Lots 3 and 4, Highland Office Park, the West 33' of the South 176.8' of the North 1090.00' of the NW1/4 Section 2 T10N R6E, and Chadderton Circle from a line 50' East of the East Right-of-Way line of NW 1st Street to the East limits of Chadderton Circle (a distance of approximately 313') all located in the East Half of Section 3 T10N R6E AND in the West Half of Section 2 T10N R6E and more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, Highland Office Park, said point being located on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue and on the Easterly 50.00' Right-of-Way line of NW 1st Street; thence in a Northeasterly direction on the Northerly line of said Lot 1, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue and on an assumed bearing of N 61°23'14" E, for a distance of 120.03';

Thence continuing on the Northerly line of said Lot 1, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue, and on a curve turning to the left with an arc length of 168.34', a radius of 710.07', a chord bearing of N 54°35'33" E, for a chord length of 167.95' to the Northeast corner of said Lot 1, Block 2, Highland Office Park;

Thence N 47°56'59" E on the Northerly line of Lot 2, Block 2, Highland Office Park and on the Southerly 60.00' Right-of-Way line of West Fletcher Avenue, for a distance of 488.59';

Thence N 70°11'05" E on the Northerly line of said Lot 2, Block 2, Highland Office Park and on the Southerly Right-of-Way line of West Fletcher Avenue, for a distance of 184.99';

Thence continuing on the on the Northerly line of Lot 2, Block 2, Highland Office Park and on the Southerly Right-of-Way line of West Fletcher Avenue, and on a curve turning to the right with an arc length of 85.35', a radius of 790.00', a chord bearing of S 76°48'03" E, for a chord length of 85.31' to a point on the West line of Lot 4 of Irregular Tracts said point being located 217.80' West of the East line of the Northeast Quarter of said Section 3;

Thence N 00°10'36" E on a line 217.80' West of and parallel to the East line of the Northeast Quarter of said Section 3 and on the West line of said Lot 4 of Irregular Tracts, for a distance of 203.79' to the Northwest corner of said Lot 4 of Irregular Tracts, said point being located on the Southerly Right-of-Way line of U.S. Highway #34;

Thence S 45°28'58" E on the Northerly line of said Lot 4 of Irregular Tracts and on the Southerly Right-of-Way line of U.S. Highway #34, for a distance of 180.15' to the Northwest corner of Lot 20 of Irregular Tracts;

Thence S 33°17'52" E on the Northerly line of Lots 20 and 57 of Irregular Tracts and on the Southerly Right-of-Way line of U.S. Highway #34, for a distance of 288.19' to the Northeast corner of said Lot 57 of Irregular Tracts;

Thence in a Southerly direction on the Westerly Right-of-Way line of U.S. Highway #34 and on

the Easterly line of the Remaining portion of Lot 1, Block 1, Highland North and on a curve turning to the right with an arc length of 301.27', a radius of 1734.86', a chord bearing of S 23°34'27" E, for a chord length of 300.89';

Thence S 18°19'46" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of the Remaining portion of Lot 1, Block 1, Highland North and on the Easterly line of Lot 4, Block 2, Highland Office Park, for a distance of 714.01' to the Northeast corner of Lot 1, Highlands Coalition 3rd Addition;

Thence S 17°13'29" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 256.81';

Thence S 13°02'15" E on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd Addition, for a distance of 478.60';

Thence continuing on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Lot 1, Highlands Coalition 3rd and Outlot "A", Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 154.78', a radius of 566.20', a chord bearing of S 08°36'07" E, for a chord length of 154.30';

Thence continuing on the Westerly Right-of-Way line of U.S. Highway #34 and on the Easterly line of said Outlot "A", Highlands Coalition 1st Addition and on a curve turning to the right with an arc length of 157.20', a radius of 327.50', a chord bearing of S 13°54'36" W, for a chord length of 155.69';

Thence S 27°40'28" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 352.79';

Thence S 16°46'00" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 399.81';

Thence S 07°22'13" E on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 606.27';

Thence S 34°59'28" W on the Westerly Right-of-Way line of U.S. Interstate Highway #80 and on the Easterly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 402.28';

Thence N 52°40'49" W on the Northerly Right-of-Way line of U.S. Interstate Highway #80 and on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 205.04' to a point on the East line of the Southeast Quarter of said Section 3;

Thence S 00°18'17" W on the East line of the Southeast Quarter of said Section 3, for a distance of 49.68';

Thence S 36°56'58" W on the Northerly Right-of-Way line of U.S. Interstate Highway #80 and on the Southerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 27.63' to the most Southerly common corner between said Outlot "A" Highlands Coalition 1st Addition and University of Nebraska Technology Park 4th Addition;

Thence N 11°31'17" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 877.73';

Thence N 40°13'10" W on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition, for a distance of 550.00' to the most Westerly corner of said Outlot "A" Highlands Coalition 1st Addition, said point being located on the Easterly 50.00' Right-of-Way line of NW 1st Street;

Thence N 49°45'42" E on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition and on the Easterly 50.00' Right-of-Way line of NW 1st Street, for a distance of 11.70';

Thence continuing on the Westerly line of said Outlot "A" Highlands Coalition 1st Addition and

on the Easterly 50.00' Right-of-Way line of NW 1st Street and on a curve turning to the left with an arc length of 514.12', a radius of 553.26', a chord bearing of N 23°06'33" E, for a chord length of 495.82' to the Northwest corner of said Outlot "A" Highlands Coalition 1st Addition, said point being located on the Southerly 30.00' Right-of Way line of Chadderton Circle;

Thence N 82°53'19" E on the Northerly line of said Outlot "A" Highlands Coalition 1st Addition and on the Southerly 30.00' Right-of-Way line of Chadderton Circle, for a distance of 50.00';

Thence N 07°39'30" W, for a distance of 80.00' to the Northerly 50.00' Right-of-Way line of Chadderton Circle, said point also being located on the Southerly line of Lot 1, Highlands Coalition 3rd Addition;

Thence S 82°53'19" W on the Northerly 50.00' Right-of-Way line of Chadderton Circle and on the Southerly line of Lot 1, Highlands Coalition 3rd Addition, for a distance of 50.00' to the Southwest corner of said Lot 1, Highlands Coalition 3rd Addition, said point being located on the Easterly 50.00' Right-of-Way line of NW 1st Street;

Thence in a Northerly direction on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of said Lot 1, Highlands Coalition 3rd Addition and on a curve turning to the left with an arc length of 162.48', a radius of 553.26', a chord bearing of N 20°13'05" W, for a chord length of 161.90';

Thence N 28°38'11" W on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of Lot 1, Highlands Coalition 3rd Addition and Lots 1 and 3, Block 1, Highland Office Park, for a distance of 1024.11' to the Northwest corner of said Lot 3, Block 1, Highland Office Park;

Thence N 28°27'51" W on the Easterly 50.00' Right-of-Way line of NW 1st Street, for a distance of 79.70' to the most Southerly corner of said Lot 1, Block 2, Highland Office Park;

Thence N 28°42'24" W on the Easterly 50.00' Right-of-Way line of NW 1st Street and on the Westerly line of said Lot 1, Block 2, Highland Office Park, for a distance of 269.90' to the POINT OF BEGINNING and containing a calculated area of 73.82 acres, more or less.

Together with and subject to any covenants, easements, and restrictions of record.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Health	chris schroeder	1	Corrections Required	Replace Site Note #2 with the following: Within 300 feet of residential structures, the owner or operator shall prohibit the use, storage, or manufacture of chemicals listed in 40 CFR Part 68, Section 130 in quantities that exceed the threshold values specified in Table 1. If 40 CFR Part 68, Section 130 is amended and additional chemical(s) are added to the list, the Lincoln-Lancaster County Health Department will establish a modified threshold quantity for the new chemical(s). In addition, the owner or operator shall prohibit the use, storage, or manufacturer of explosives as defined by LMC 19.03 Fire Code.	Individual
Department of Roads - Planning & Projects	david schoenmaker	1	Recommend Approval	NDOR Intermodal Planning has no comments.	First In Group
Development Review Manager	steve henrichsen	1	Recommend Approval		Individual
LES	les reviews	1	Corrections Required	10/17/2017 Easements will be requested as necessary for Development. LR Any redevelopment of existing facilities will require LES approval due to high voltage transmission line being on the ease side of the property. See note on sheet 1. TK	First In Group
Lower Platte South NRD	kyle hauschild	1	Recommend Approval	There are Flood Pool Easements that cover the new zone to the south O-3 to I-3 and the I-2to I-3. Please be advised to this flood pool area.	Individual
Public Works - Engineering Services	brion perry	1	Corrections Required	Need to note that driveway, within 60+ ft of hwy 34, access to W Fletcher Ave. will be relinquished. In part the driveway will be removed and finish grading complete	First In Group
Public Works - Watershed	jared nelson	1	Corrections Required	1. Existing storm drainage is conveyed in a ditch along W Fletcher Ave from Hwy 34 to NW 1st St. A public storm	First In Group

Current Project - Agency Review Report

Management				drainage easement is needed over this, and a grading and drainage plan is needed to ensure conveyance will be maintained, and that minimum opening elevations are set high enough. 2. There is a large channel cutting across the southeast portion of lot 1. A minimum flood corridor easement is needed for this. Otherwise, add Lot 1 to the list of lots in Site Note #4. 3. There are public storm sewer systems in W Harvest Dr and W Grand Dr. Clarify if these are to be converted to private, and if so, at what point or structure that ownership ends.	
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	There are sanitary sewer mains in the road ROW and going across other lots. Easements need to be retained.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	There are water mains in the road ROW, easements need to be retained.	First In Group

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER
Street and Alley Vacation #17009	No	Sandhills Publishing
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 25, 2017	Use Permit #17007 Change of Zone #17029	N.W. 1st Street & W. Fletcher Avenue

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Vacate 10 feet of right-of-way along the outer edges of W. Harvest Drive and W. Grand Drive for purposes of constructing covered walkways over the sidewalk. This application is associated with the proposed change of zone to I-3 and new use permit for the Sandhills Publishing campus.

JUSTIFICATION FOR RECOMMENDATION

Vacation of the public right-of-way will allow for construction of covered walkways while retaining necessary easements for public access and utilities. Any structures in the easements will be removed at owner's cost if repair or replacement of utilities becomes necessary.

W. Harvest Drive and W. Grand Drive are completely internal to the Sandhills Publishing campus. The existing rights-of-way are significantly wider than is typical for local streets. The proposed reduction of the right-of-way width would still allow for a width that is close to the standard. This is a unique proposal that may not be appropriate in other circumstances, but because these streets function as internal streets adjacent to a single owner, considering the wider-than-standard street width, it is appropriate.

APPLICATION CONTACT
Mike Eckert, (402) 434-8494 or
meckert@civildg.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is in conformance with the Comprehensive Plan. These are local streets that provide access to adjacent properties. Reduction of the right-of-way width is acceptable because the necessary easements will be retained.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 – These streets are not shown on the Functional Street and Road Classification plan. Local streets are not included in the functional classification.

P. 10.15 - Local or residential streets provide the greatest access. These streets provide very limited opportunities for through traffic; their primary function is to provide access to adjacent properties.

ANALYSIS

1. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
2. The adjoining property owner is Par 5 Partners, LLC. The owner has agreed to purchase the vacation area.
3. W. Harvest Drive and W. Grand Drive are classified as local streets in the Access Management Policy.
4. The vacation area is comprised of two 10-foot wide strips on either side of the W. Harvest Drive and W. Grand Drive rights-of-way. These two streets connect in a U-shape to N.W. 1st Street and serve the Sandhills Publishing properties. The right-of-way widths will be reduced by 20 feet, from 80 feet to 60 feet. The standard right-of-way width for local streets in commercial and industrial districts is 66 feet in most cases.
5. The purpose of the request is to allow construction of covered walkways over the sidewalk to serve Sandhills Publishing employees.
6. There are existing water, wastewater, and storm sewer facilities in the vacation area. Public access easements will be retained to ensure continued access to the sidewalk. Permanent underground utility easements and permanent construction easements above grade will also be retained to have access to repair and replace the underground utilities. Any structures in the vacation area are installed at the risk of the owner and must be removed at owner's expense if necessary for repair work.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING

North: Commercial, church and apartments; B-2 and R-5
South: Commercial, vacant, and Interstate 80; O-3
East: Highway 34 and apartments; R-3
West: Commercial; B-2

APPLICATION HISTORY

July 1977 W. Harvest Drive and W. Grand Drive were dedicated with the Highland Office Park final plat.

APPROXIMATE LAND AREA: 29,753.92 square feet

LEGAL DESCRIPTION: See attached.

Prepared by

_____
Rachel Jones, Planner

Date: October 17, 2017

Owner/Applicant: Par 5 Partners, LLC
P.O. Box 82545
Lincoln, NE 68501-2545
(402) 479-2142

Contact: Mike Eckert, Civil Design Group
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

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LEGAL DESCRIPTION – STREET AND ALLEY VACATION #17009

A portion of West Harvest Drive and West Grand Drive described as the ten feet of West Harvest Drive and West Grand Drive immediately adjacent to Lots 1-3, Block 1, Highland Office Park Addition, Lincoln, Lancaster County, Nebraska;

and

a portion of West Harvest Drive and West Grand Drive described as the ten feet of West Harvest Drive and West Grand Drive immediately adjacent to Lots 1-4, Block 2, Highland Office Park Addition;

and

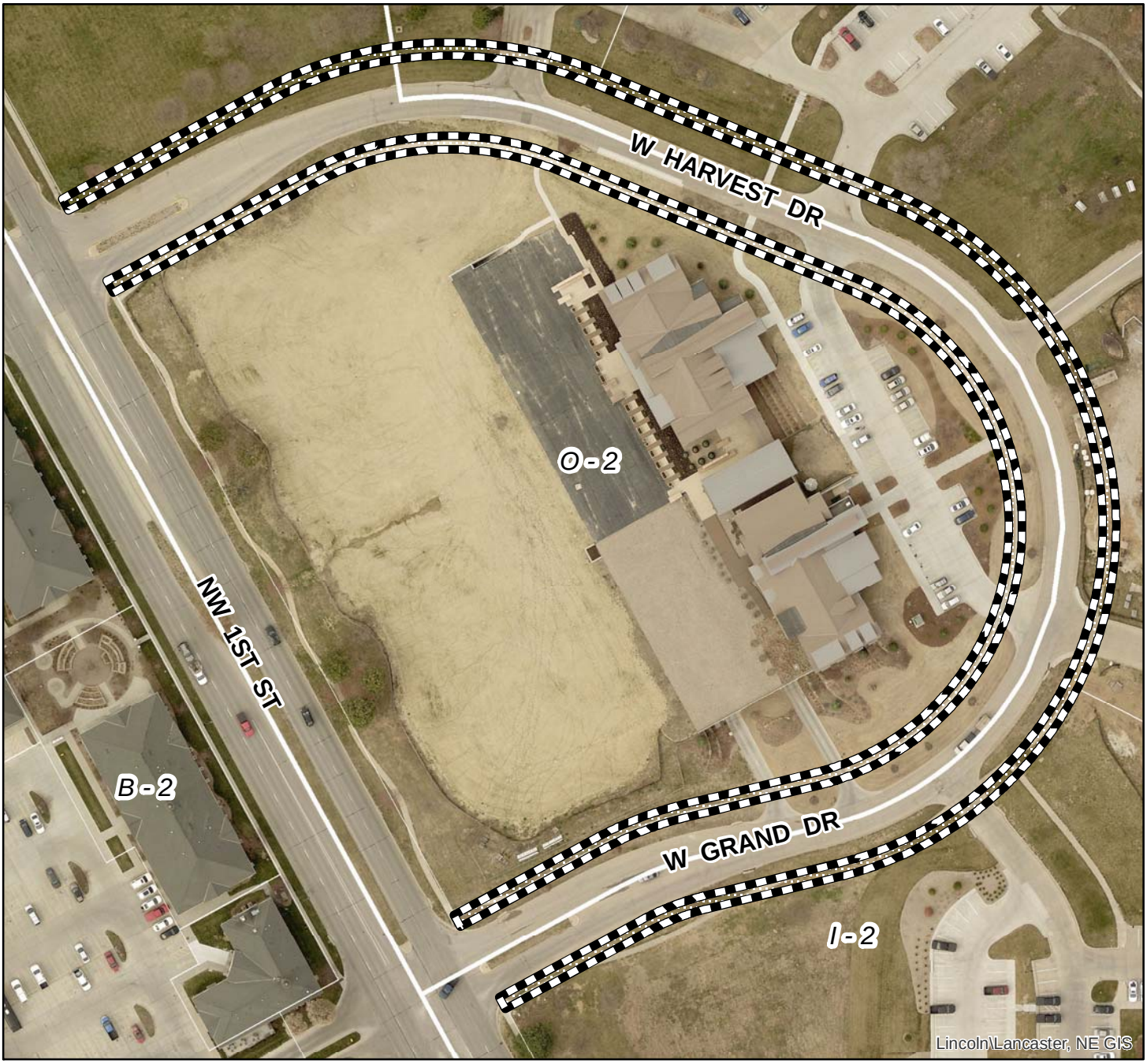
a portion of West Grand Drive described as the ten feet of West Harvest Drive immediately adjacent to Lot 1, Highland Coalition 3rd Addition, Lincoln, Lancaster County, Nebraska.

CONDITIONS OF APPROVAL – STREET AND ALLEY VACATION #17009

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

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

1.2 Include retention of public access, water, sanitary sewer, storm sewer, and utility easements by City with deed transfer, including permanent underground utility easements and permanent construction easements with any above ground projections into the easements removed at owner's cost should repair or replacement of utilities be necessary.



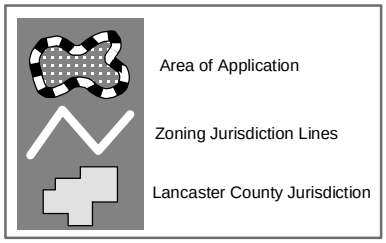
2016 aerial

Street and Alley Vacation #: SAV17009
W Harvest Dr & W Grand Dr

Zoning:

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

One Square Mile:
Sec.03 T10N R06E



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Civil Design Group, Inc.
Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning
www.civildg.com

September 27, 2017

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

Re: Application for an I-3 Use Permit, a Change of Zone and a partial vacation of ROW for the "Sandhills Publishing Campus", comprised of approximately 74 acres located at W. Fletcher Ave & NW 1st St, CDG Project No. 2017-0210.

Dear Mr. Cary:

On behalf of Par 5 Partners, LLC, we submit the enclosed application for the "Sandhills Publishing Campus I-3 Employment Center Use Permit" along with the associated change of zone(s) and partial vacation of an internal ROW. This employment center use permit is being requested to streamline and create various campus identification, building identification and directional signage options for the campus. We are also requesting that all parking on the campus be shared for existing and future facilities.

Pre-application meetings with Planning Staff on all three items have been conducted. This includes the desire to vacate 10' of ROW on the outer edges of W. Grand Drive and W. Harvest Drive. This is primarily to allow for covered walkways to be closer to the paved streets and for flexibility in signage locations.

With this application, we submit the following items:

Applications for a Use Permit, Change of Zone, and Vacation of ROW
UP Fee of $4,283.00
Change of Zone Fee of $988.00
Vacation of ROW Fee of $206.00
Change of Zone Exhibit
Vacation of ROW Exhibit, and Use Permit Site Plan (via Project Dox)

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

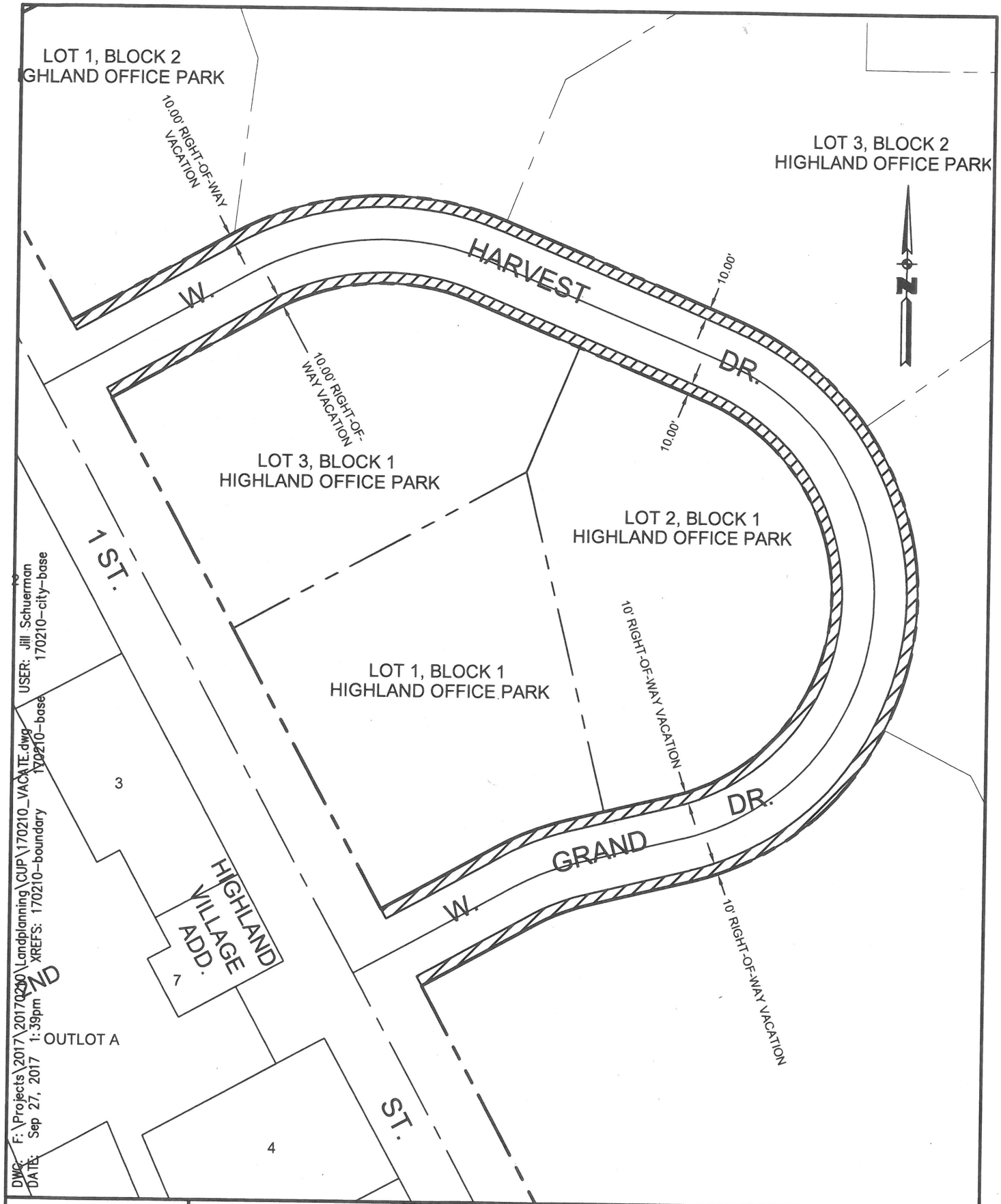
Sincerely,

Mike Eckert, AICP

cc: Par 5 Partners, LLC

/Volumes/share/F/Projects/2017/20170210/Landplanning/Doc/UP submittal 09-27-17.doc

Office 402•434•8494 8535 Executive Woods Dr., Suite 200 • Lincoln, NE 68512 Fax 866•215•8747



drawn by: jds checked by: - project no.: 2010-0210 date: 09/27/2017	**PETITION TO VACATE R.O.W. SANDHILLS PUBLISHING CAMPUS LINCOLN, NEBRASKA**	Civil Design Group, Inc. 8535 EXECUTIVE WOODS, DR., SUITE 200 Lincoln, Nebraska 68512 Ph. 402-434-8494 Fax 866-215-8747 www.civildg.com CONSULTING ENGINEERS • LAND USE PLANNERS CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING	EXHIBIT 1

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Black Hills Corp	randy kreifels	1	Recommend Approval	BHE operates a 3" gas main in the ROW of Grand Avenue although it lays 26' from centerline so if this is a 80'ROW then the 10' vacation request would be permissible to BHE.	First In Group
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
Law Department	rick peo	1	Recommend Approval	The Law Department has reviewed the Petition to Vacate Public Way submitted for SAV 17009. The ownership set forth in the Petition is correct and the Petition has been properly executed and acknowledged. 10/3/17	First In Group
LES	les reviews	1	Corrections Required	10/16/17 Retain easements as noted. LR Two ornamental Street lights on north side of W Harvest Dr are outside of ROW Vacation Limits. ES	First In Group
Public Works - Engineering Services	brion perry	1	Corrections Required	9-29-17 Need wording that states city utilities has rights to remove items in the 10 ft vacation area to remove, repair, and /or add as needed.	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	There are sanitary sewer mains in the road ROW and going across other lots. Easements need to be retained.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	There are water mains in the road ROW. Easements need to be retained.	First In Group

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	SECTION TO BE AMENDED
Text Amendment #17001	No	Lincoln Municipal Code (LMC) 27.63.685
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	
October 25, 2017	None	

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

This is a request from the Open Harvest Co-op Grocery to amend the special permit for the sale of alcohol for consumption off the premises. It proposes to create an exception for grocery stores which reduces the required separation distance between the licensed premises and a first floor residential use, a day care facility, park, church state mental health facility and residential zoning district from 100' to 25'.

JUSTIFICATION FOR RECOMMENDATION

The proposed text is vague and subject to interpretation, and can create enforcement difficulties.
There is little to no distinction between a grocery store and other retail uses such as convenience stores, pharmacies, and others which also sell food. It would allow the sale of alcohol both in more locations and closer to residential areas and uses.
Approving this request would increase the number of locations where off-sale alcohol is allowed without any demonstration that there is currently a shortage of suitable sites, or that there are parts of the city which are underserved by alcohol sales.
It increases the likelihood of future amendments to allow alcohol sales to be expanded to include convenience stores, pharmacies, and other similar retail uses due to the lack of distinction between these uses and a grocery store.
This proposal would weaken the protection provided by the separation requirement between alcohol sales and sensitive uses, which is contrary to a basic goal of the alcohol regulations when they were originally adopted.

APPLICATION CONTACT
Brande Payne, (402)-202-2018
Board@openharvest.coop

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment decreases protection for residential, and so does not appear to further any principle or goal of the Comprehensive Plan as justification for the change. There are numerous sites in the city that meet the requirements for the sale of alcohol and which meet the 100' setback, and many have been granted special permits to do so.

ANALYSIS

1. This is a request to amend the Zoning Ordinance by modifying the special permit conditions under which the sale of alcohol for consumption off the premises is allowed in the B-1,B-3, H-1, H-2, H-3, H-4, I-1 and I-3 zoning districts. It would affect the entire city and the three-mile extraterritorial jurisdiction, although the applicant's goal is to be allowed alcohol sales at the Open Harvest Co-op Grocery located at South 17th & South Streets. No change to the special permit for on-sale alcohol is proposed.

2. This request was originally submitted to the Planning Department on March 1, 2017. The applicant agreed to delay moving the application forward for consideration at the request of the Planning Department to allow time for the City to review the zoning ordinance alcohol regulations.

3. The Planning Commission was designated to conduct the review, and held three public meetings on the subject. The first meeting was informational, and the planning Commission was presented with a brief history of alcohol regulation in Lincoln.

   The second meeting was for the purpose of taking public comment, and was an opportunity for those interested in the subject to make their concerns known. Seven people spoke at the meeting, six of which were in favor of no changes to the regulations. Written comments in opposition were also submitted by two others. Brande Payne of Open Harvest was the only speaker in favor of the proposed text amendment.

   At the third meeting, questions raised during the process were addressed, and a background summary of the process was presented to the Planning Commission. A copy of that summary titled 'Alcohol Regulation Summary Memo to Planning Commission 8/2/18' is attached to this report.

4. The proposed text seeks to amend LMC 27.63.685 by creating what is termed the 'grocery store exception'. That is, it attempts to define a grocery store, and then proposes reduced separation criteria for that specific use. This is similar to the 'restaurant' exception in LMC 27.63.680 for on-sale alcohol, which allows restaurants to be within 25' of a residential zoning district. The proposed significant provisions are listed individually (in italics, underline) below, with staff comments after each.

   A. *The licensed premises of any building approved for such activity must be located no closer than (i) 25 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, place of religious assembly, or state mental health institution, or (ii) 25 feet from a residential district, and (iii) the nearest public entrance shall be located at least 100 feet away from a residential zoning district.*

      This proposed provision changes the way the required separation is measured in two ways. First, it reduces the separation from the licensed premises to a first-floor residential use, day care facility, park, place of religious assembly, or state mental health institution from 100' to 25'. Second, it goes on to change the required separation from a residential zoning district from 100' as measured to the licensed premised, to 100' as measured to the nearest public entrance.

      Reducing the required separation from the licensed premises from 100' to 25' is identical to the separation provision associated with restaurants and on-sale alcohol special permits. Allowing the 100' separation to be measured around the building to the main public entrance is similar to the provision in the B-2 and B-5 zoning districts where the sale of alcohol is a conditional use.

      The reduced separation for restaurants associated with on-sale alcohol special permits was approved because: 1 – Restaurants were deemed to be different from other on-sale outlots as the consumption of food is the primary activity, not the consumption of alcohol; 2 - restaurants are a defined use type, easily discernable from other land uses; 3 – Sit-down style restaurants are a lower intensity impact land use.

      This amendment would apply to the B-1, B-3, H-1 – H-4, I-1 and I-3 zoning districts, but measuring the 100' separation around the building to the front door copies a provision from the B-2 and B-5 zoning districts. The B-2 and B-5 have a different measurement standard due to the design of the zoning district regulations.

      The B-2 and B-5 zoning districts were designed to integrate with adjacent residential areas. The districts include larger setbacks, screening/landscaping, and site plan review on the part of the City. The development found in most all B-2 and B-5 zoning districts is in contrast to that found in the older commercial centers. The suburban centers are characterized by larger (minimum 5 acres in B-2, 30 acres in B-5), deeper sites with

multiple tenants. Buildings are typically oriented inward and towards each other, or face onto major streets and away from adjacent residential uses. They are also typically surrounded by landscaped buffer areas which help screen them and separate them from adjacent uses.

The B-1 and B-3 zoning districts exist in the older parts of the city. These older commercial centers such as Havelock, University Place, College View, Bethany, and even West O Street have an entirely different development pattern. It is not unusual for the commercially-zoned properties to share alleys or lot lines with residential uses. There are many instances where the zoning district boundary line extends through the middle of a block, where one half is commercial and the other half is residential. Screening and buffering is also typically lacking.

B. *For the purposes of this section, grocery store shall mean a retail establishment that (i) is used for the display and sale of fresh and packaged foods (meat, produce, and dairy products), cleaning supplies, paper goods, pet supplies, health and beauty products, and similar items and may include a bakery, delicatessen or prescription pharmacy; (ii) maintains a complete assortment of saleable food products for off-site consumption; (iii) derives at least 65% of its gross income from the retail sale of non-taxable food items; (iv) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders; and (v) maintains at all times that it is open to the public.*

A grocery store is not a defined use in the Zoning Ordinance. As such, it is treated as a retail use along with many others. Some uses sell some or most all of the products listed above. Those with the closest resemblance would be convenience stores, pharmacies, or 'dollar' stores. The distinction between them is not significant, and is increasingly hard to define.

Among retail uses, which in general have similar operating characteristics, it is difficult to say that one operates in a safer, more professional, or less obtrusive manner that the other retail uses. If an exception is appropriate for grocery stores, it could be argued that a similar exception is also appropriate for other retail uses, such as convenience stores, pharmacies or 'dollar' stores.

The definition provided above is not clear and would be difficult to interpret and enforce. It is especially unclear what the statement 'maintains a complete assortment of saleable food products for off-site consumption' means. The terms 'complete assortment' and 'saleable food products' are not defined, and as such would be difficult to enforce. Also, it is not clear what the statement 'relinquishes possession of food to a consumer directly or indirectly through a delivery service' means or what unique condition it attempts to describe.

Beyond the unclear wording noted above, the practice of including provisions which have limits on percentages of gross sales for particular items, or the inclusion of definitions as specific as the one listed above for a grocery store, are discouraged. When adopted as part of the Zoning Ordinance, the City assumes the responsibility to uphold them. The practical matter is that such zoning provisions are very difficult to enforce and can require inordinate amounts of resources to administer.

5. The distinction between a grocery store and other retail uses is becoming harder to make. Today, convenience stores, pharmacies, even retailers categorized as 'dollar stores' sell food products. Convenience stores are increasingly selling a wider range of products including pet supplies, paper products, food, prepared food-to-go, and limited fresh food and meat.
6. During the public meetings held by the Planning Commission, there was no support for changing the regulations beyond that of the applicant. With that exception, the written and verbal comment was in support of maintaining the status quo.
7. Beyond amending the Zoning Ordinance, other options are available to the applicant with respect to the sale of alcohol. For example, a separate area within the existing store could be established. This area would need to be separated from the rest of the store by walls and have its own separate entrance. Done this way it would be treated as just another tenant bay, but one which meets the 100' separation requirements.

8. This proposed amendment should be denied both because there are flaws with the proposed text, and because it will be difficult for it to not be expanded to include other retail uses. As proposed, the effect will be to reduce the 100' separation and allow the sale of alcohol in more locations throughout the city. Within Lancaster County there are approximately 620 liquor licenses across all classes. Approximately 470 of those are on and off-sale licenses within the City of Lincoln. So while there are some commercial locations throughout the city that do not meet the requirements for a special permit, there are many that do. It does not appear there is an issue regarding a shortage of locations which can sustain alcohol sales that needs to be addressed by the City.

Prepared by

_____
Brian Will, Planner
October 10, 2017

Applicant/
Contact: Open Harvest Co-op Grocery
c/o Brande Payne
1618 South Street
Lincoln, NE 68502
402-475-9069

F:\DevReview\TX\17000\TX17001 Open Harvest Off-sale.bjw.docx

RELEVANT HISTORY (for the off-sale alcohol special permit)

APR 1994 - CZ#2808 adopted special permits regulating both on and off-sale alcohol. Ordinance (ORD) 16593

JUL 1994 - CZ#2839 to modify the access provision by removing the prohibition to access to a local a street, and adding instead language to discourage it. ORD 16627

FEB 1995 - CZ#2877 to add the provision that no special permit was required for an internal expansion of an existing licensed premises. ORD 16743

NOV 1995 - CZ#2940 added a provision allowing the City Council to waive the conditions of the special permit. ORD 16899

MAR 1997 - CZ#3047 to correct an error and removed the H-1 zoning district as one where a special permit for off-sale could be granted. The H-1 district was not originally intended to be included for alcohol sales. ORD 17153

AUG 1997 - CZ#3070 added H-1 as a zoning district where a special permit for off-sale could be granted. ORD 17229

AUG 1997 - CZ#3064 added I-3 as a zoning district where a special permit for off-sale could be granted. ORD 17232

MAY 2001 - The Nebraska Supreme Court affirms the City's authority to regulate the sale of alcohol by special permit.

MAR 2004 - CZ#04003 eliminated the mitigation provisions to allow a reduction in the 100' minimum separation, and granted the Planning Commission the authority to approve the special permits. ORD 18325

APR 2004 - CZ#04014 amended the requirements for on and off-sale alcohol making both conditional (instead of permitted) uses in the B-2 and B-5 zoning districts. ORD 18345

JUN 2007 - CZ#07007 relocated the parking requirements to the parking chapter. ORD 18903

JUN 2010 - CZ#10012 included the statement that the licensed premises must be located no closer than (I) 100' from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health facility, or (ii) 100' from a residential zoning district. ORD 19405

NOV 2016 – CZ#16013 was a request to amend the Zoning Ordinance by modifying the special permit conditions under which the sale of alcohol for consumption off the premises is allowed in the B-1,B-3, H-1, H-2, H-3, H-4, I-1 and I-3 zoning districts. It proposed to allow the separation measurement to be measured from the front door, and to reduce the required separation from 100' to 50'. This request was denied by the City Council.

ALCOHOL REGULATION SUMMARY MEMO TO PLANNING COMMISSION 8/2/17

BACKGROUND RECAP

Current Alcohol Spacing Requirements:

A special permit is required in the older commercial areas in the city. These areas can be zoned B-1, B-3, H-1 – H-4, and I-1 - I-3, where the "licensed premises" (usually the footprint of the building) for alcohol sales must be a minimum of 100 feet from any residential zoning, first floor residential use, day care, park, church or state mental health facility.

The sale of alcohol is a conditional use in the newer commercial areas. These areas are the areas zoned B-2 and B-5 and also require the front door to be a minimum 100 feet from any residential zoning, first floor residential use, day care, park, church or state mental health facility. However, instead of a straight line measurement to the nearest point of the licensed premises, the separation is measured around the building to the front door.

The sale of alcohol is a permitted use in the Downtown core where it is zoned B-4. In the B-4 there is no spacing requirement.

FREQUENTLY ASKED QUESTIONS

1. Why are some alcohol retailers allowed to sell alcohol even though they are less than the required 100' spacing?

A. The alcohol regulations were adopted in 1994, and since then all new alcohol sales are required to comply. However, the majority of alcohol sales outlets pre-existed 1994, and therefore are 'grandfathered' and allowed to legally continue to operate.

B. The original alcohol regulations included a provision that allowed the City Council to grant waivers to the spacing requirement as part of the special permit. That waiver provision was eliminated in 2004, but a number of permits with waivers were approved between 1994 and 2004. Because they were legally established, those with waivers are allowed to continue to operate as non-conforming uses until such time as they cease operations for a period of two years or more.

C. It is also possible that a retailer could construct a separate area within the larger store for alcohol sales, but with its own separate entrance and check-out that meets the required separation. In that circumstance, the separate area is considered the licensed premises and the 100 foot spacing is measured from that licensed premises, and not the entire building.

2. Why can restaurants sell alcohol with less than 100 feet of separation?

There is a specific subset of conditions that apply to restaurants, and which are only available with the special permit for on-sale consumption. Restaurants meeting those conditions are allowed a reduced separation of 25'.

This special circumstance was allowed because restaurants were deemed to be different from other on-sale outlets. Specifically, the majority of their income is generated by food sales, and the sale of alcohol is incidental to serving food.

3. Why are the spacing requirements different for the older parts of town versus the newer parts (i.e. B-1 and B-3 versus B-2 and B-5)? Why don't we measure from the residential zoning district to the front door instead of to the nearest wall of the building in all districts?

The rationale for treating the B-2 and B-5 zoning districts with respect to zoning for the sale of alcohol is primarily two-fold. First, the B-2 and B-5 districts are 'use permit' districts. This means that the City has site plan review authority via the use permit prior to any development on the site. A special permit in addition to that review was deemed redundant.

Second, the B-2 and B-5 zoning districts were specifically designed for suburban development. The standards of each district were purposefully designed to maintain compatibly between the commercial centers and adjacent neighborhoods, and include appropriate setbacks, landscaping and buffering. The standards are integral to these districts, and help ensure the centers can coexist with adjacent neighborhoods with a minimum of nuisance and land use conflict. For example, the rear setback abutting residential in the B-5 is 100', compared to 30' in the B-3.

4. What does the Nebraska State Supreme Court say about alcohol regulations in Lincoln?

Lincoln's authority to regulate alcohol sales with spacing requirements via the zoning ordinance has been tested and affirmed by the Nebraska State Supreme Court. There is ongoing concern however, that additional exemptions and exceptions to the alcohol regulations may have the potential to undermine the consistency of the ordinance and make legal defense more difficult.

ALTERNATIVE REGULATION SUGGESTION

1. What amendments to the regulations have been suggested regarding the alcohol spacing requirements? What impacts/issues do they raise?

A. Bring back the waiver provision which allowed the City Council to waive the required separation by special permit on a case-by-case basis.

IMPACT/ISSUES:

-The waiver provision was originally eliminated partially over concern for the proliferation of alcohol sales, and the associated potential negative impacts upon neighborhoods.

-The original waiver provision included language stating that the 100' separation could be reduced if any adverse effects were mitigated by an approved screening or landscape plan approved by the Planning Director. The waiver process proved difficult to apply uniformly and equitably as the City attempted to be consistent in the application of the standard. Also, adequate screening/landscaping with respect to mitigating the sale of alcohol was difficult to define.

-There were complaints from the public that the waivers were not being treated equitably.

-After the waiver provision was eliminated, all requests for special permits had to provide the required 100' separation, there were no more exceptions.

B. Change the B-1 and B-3 zoning districts to match the B-2 and B-5 districts

IMPACT/ISSUES:

-The B-2 and B-5 zoning districts were designed to integrate with adjacent residential areas. The districts include larger setbacks, screening/landscaping, and site plan review on the part of the City. The development found in most all B-2 and B-5 zoning districts is in contrast to that found in the older commercial centers. The suburban centers are characterized by larger (minimum 5 acres in B-2, 30 acres in B-5), deeper sites with multiple tenants. Buildings are typically oriented inward and towards each other, or face onto major streets and away from adjacent residential uses. They are also typically surrounded by landscaped buffer areas which help screen them and separate them from adjacent uses.

-The B-1 and B-3 zoning districts exist in the older parts of the city. These older commercial centers such as Havelock, University Place, College View, Bethany, and even West O Street have an entirely different development pattern. It is not unusual for the commercially-zoned properties to share alleys or lot lines with residential uses. There are many instances where the zoning district boundary line extends through the middle of a block, where one half is commercial and the other half is residential. Screening and buffering is also typically lacking.

C. Create an exemption for Grocery Stores to sell alcohol at less than 100' of separation.

IMPACT/ISSUES:

-Both the Planning and Law Departments believe it will be very difficult to define and enforce regulations specific to a "grocery store". The reason is that there is a wide range of retail outlets that sell food products beyond grocery stores. This would include convenience stores, some pharmacies, and dollar stores to name a few. The distinction between any of these uses is not significant and hard to define.

-There is no rationale staff is aware of to say that that a grocery store operates in a safer or more professional manner than a convenience store or pharmacy. Given the lack of operational distinction, it is a reasonable assumption that other retail uses would also request exemptions similar to that of grocery stores. The basis for an argument to deny such an amendment is not apparent.

D. Leave the ordinance as-is.

IMPACT/ISSUES:

-The current regulations have been in effect since 1994, and the 100' separation has been part of them from the start. While there are some commercial locations throughout the city that do not meet the requirements for a special permit, there are many that do. Within Lancaster County there are approximately 620 liquor licenses across all classes. Approximately 470 of those are on and off-sale licenses within the City of Lincoln.

-At the Planning Commission's second briefing on this topic, several citizens spoke. Of them, only one spoke of the need to modify the regulations. All the other public comment (and submitted written comment) was in support of maintaining the status quo.

-Staff has surveyed multiple communities over years with regard to the regulation of the sale of alcohol. There is no consistent finding as a result of those surveys. That is, the way various communities choose to regulate alcohol is as varied as the communities themselves. It ranges from no special treatment for the sale of alcohol, to regulation more restrictive than Lincoln's.

-Only two applicants, Open Harvest and Walgreens, have submitted applications recently to revise the regulations. The request to revise the regulations for the Walgreens at 48th & O Streets was denied. The Open Harvest application for the 'grocery store exception' is still pending. Open Harvest agreed to delay the application to allow the Planning Commission time to gather information, but it is anticipated they will now request that the application proceed to public hearing.

-With respect to the current regulations which have been in effect since 1994, it can be said that they represent a community standard. There are any number of ways to regulate the sale of alcohol, but the current regulations were discussed by the community with public hearings, and then eventually adopted by the City.

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OPEN HARVEST CO-OP GROCERY

February 18, 2017

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

RE: Text Amendment Request - Section 27.63.685 of the Lincoln City Municipal Code

Dr. Mr. Cary:

Attached is an application for a Text Amendment to Section 27.63.685 of the Lincoln City Municipal Code and the proposed language of said Text Amendment. The purpose of this Text Amendment is to establish requirements and conditions for a special permit to allow alcoholic beverages to be sold for consumption off the premises of a grocery store in the B-1, B-3, H-1, H-2, H-3, H-4, I-1 and I-3 zoning districts.

Thank you for accepting this application on behalf of Open Harvest Co-op Grocery. Please contact Brande' Payne at board@openharvest.coop or 402-202-2018 if you have any questions or require any additional information.

Sincerely,

Brande' Payne
Board Chair
Open Harvest Co-op Grocery

CC: Brian Will, Planner, City of Lincoln - Planning Department

1618 South Street
Lincoln, NE 68502

402-475-9069
harvest@openharvest.coop

17-
TX 17001

Introduce: 00-00-17

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to delete the access door location requirement, and add exterior door opening requirements for a special permit for alcoholic beverages to be sold for consumption off the premises in zoning districts B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3, and repealing Section 27.63.685 as hitherto existing.

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

Section 1. That Section 27.63.685 of the Lincoln Municipal Code be amended to read as follows:

27.63.685 Sale of Alcoholic Beverages for Consumption Off the Premises.

(a) Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(1~~a~~) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal Code.

(2~~b~~) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under Section 27.63.680 of this code.

(3~~c~~) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, place of religious

assembly, or state mental health institution, or (ii) 100 feet from a residential district.

(4~~d~~) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

(5~~e~~) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(6~~f~~) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(7~~g~~) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

(8~~h~~) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

(9~~i~~) All other regulatory requirements for liquor sale shall apply, including licensing by the state.

(b) In addition, a special permit may be granted to allow alcoholic beverages to be sold for consumption off the premises of a grocery store in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(1) The Permittee, as the holder of any liquor license issued on the beverages for consumption off the premises of a grocery store, shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue the liquor license contingent upon the premises having such special permit.

(2) The licensed premises of any building approved for such activity must be located no closer than (i) 25 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, place of religious assembly, or state mental health institution, or (ii) 25 feet from a residential district, and (iii) the nearest public entrance shall be located at least 100 feet away from a residential zoning district.

(3) Gross sales from the sale of alcoholic beverages shall not exceed ten percent (10%) of total gross sales. Upon request of the City, the license holder/operator shall provide sales receipts for the past six (6) months for the purpose of demonstrating that no more than 10% of the grocery store's gross sales are derived from the sale of alcohol.

(4) No drive-through windows shall be allowed.

(5) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a separate special permit under Section 27.63.680 of this code.

(c) For the purposes of this section, grocery store shall mean a retail establishment that (i) is used for the display and sale of fresh and packaged foods (meat, produce, and dairy products), cleaning supplies, paper goods, pet supplies, health and beauty products, and similar items and may include a bakery, delicatessen or prescription pharmacy; (ii) maintains a complete assortment of saleable food products for off-site consumption; (iii) derives at least 65% of its gross income from the retail sale of non-taxable food items; (iv) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders; and (v) maintains at all times that it is open to the public.

(dj) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Notwithstanding the above, no special permit or amendment thereto shall be required for interior expansions of existing licensed liquor premises ~~or for a farm winery~~.

Section 2. That Section 27.63.685 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after passage and publication in one issue of a daily or weekly newspaper of general circulation in the City, according to law.

Introduced by:

_____

Approved as to Form & Legality:

_____

City Attorney

Approved this ____ day of _____, 2017:

_____

Mayor

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

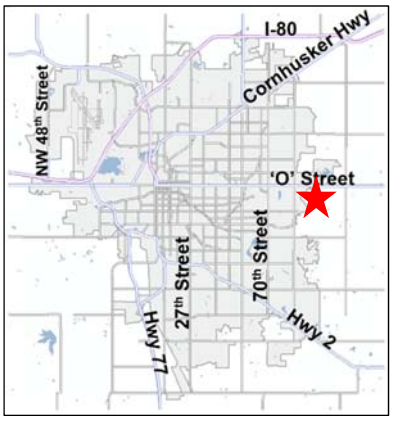
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	
Annexation #17017	No	
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
October 25, 2017	None	93rd & O Streets

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a City-initiated request to annex approximately 156 acres that are contiguous with city limits. The area is mostly developed as acreages, and includes 56 dwelling units (primarily located in the Hillcrest Heights subdivision), recreational fields, and an LES substation.



JUSTIFICATION FOR RECOMMENDATION

The area was recommended for annexation in the 2017 Annexation Study completed by the Planning Department. It is in Growth Tier I Priority B, contiguous to the city, urban in character, and basic infrastructure is available.

APPLICATION/STAFF CONTACT

Andrew Thierolf, Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Per the Annexation Policy in the Comprehensive Plan, the City should annex areas in Growth Tier 1, Priority B that are engulfed by the city. The City should also annex contiguous land that is urban in character with basic infrastructure available. This area is in Growth Tier 1, Priority B, contiguous to the city, urban in character, and basic infrastructure is available.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

Pg. 1.10 - This site is shown in Tier 1, Priority B on the Growth Tier Map.

Pg. 12.7 – Priority B areas are designated for development in the first half of the planning period (to 2026), are generally contiguous to existing development, and should be provided with basic infrastructure as they develop.

The ANNEXATION POLICY- page 12.14-12.15 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I, Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

A. Sanitary Sewer: All areas within this annexation are located in the general vicinity of a sewer line. A tappable sewer line is located in the recreational fields and connects to Anthony Lane in the northern portion of Hillcrest Heights. That same sewer line can be tapped by the acreage property directly north of Hillcrest. The remaining properties in Hillcrest Heights could be served by extending the sewer line through the remaining portion of the neighborhood. The single residential property north of the golf course is located next to a 24" main, and could be served by sewer if a local main were connected to the 24" main. The residential property north of O Street can connect to the sewer in Waterford Estates by extending a local main. Extension of local sewer mains can be requested by property owners and would primarily be paid for through assessment districts.

B. Water: A 24" main is located in O Street and ends at 98th Street. Extension of local mains to serve individual properties north and south of O Street can be requested by property owners and would primarily be paid for through assessment districts. A tappable main is located in front of the residential property north of the golf course. The residential property north of O Street can connect to the water in Waterford Estates by extending a local main.

C. Roads: This annexation includes approximately 2.1 miles of local roads and two small portions of O Street. The roads are in generally good condition.

D. Fire Protection: The site is currently served by Southeast Rural Fire and Rescue. It would be served by Lincoln Fire and Rescue (LFR) upon annexation. The nearest LFR station is at 84th Street south of A Street, approximately 2.25 miles from this area. Hydrants are available in O Street east to 98th Street.

ANALYSIS

1. This request is to annex approximately 156 acres that are contiguous with city limits. The property owners did not initiate the annexation; the applicant is the City of Lincoln. Most of the area consists of residential acreages in the Hillcrest Heights subdivision, but the area also includes LPS recreational fields west of the subdivision and several individual parcels contiguous to city limits. Neighboring urban development includes Shadow Creek, Waterford Estates, White Horse, and Gable Pines assisted living.

2. This site was identified for annexation in the 2017 Annexation Study completed by the Planning Department (see attached page on this area from the study). The annexation recommendation is based on the Annexation Policy found in the Comprehensive Plan and page 2 of this staff report. The complete study is available at lincoln.ne.gov keyword: annstudy17.

3. The following paragraph from the Annexation Policy describes areas appropriate for annexation.

   To demonstrate the City's commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

   The 2017 Annexation Study used this policy to identify four specific criteria for annexation. Areas that meet at least one of the following criteria may be appropriate for annexation. This site meets multiple criteria (A and D), so it is appropriate for annexation.

   a. *Land in Tier I Growth Area, Priorities A and B.* This area is within Tier I, Priority B.

   b. *Land which is engulfed by the city limits.* This area is contiguous to the city on multiple sides.

   c. *Land which is contiguous to the city limits and in urban zoning.* This area is zoned AG, so it is not in urban zoning.

   d. *Land which is contiguous to the city limits, in agricultural zoning, in which basic infrastructure is in place or planned in the near term, and is in urban character.* The site is contiguous to city limits, urban infrastructure is available, and it is primarily developed into residential uses.

4. Reasons for annexation include:
    a. Equity for taxpayers. Property owners north and west of this area pay City taxes. These properties benefit from being within an urban setting, and they should be subject to the same tax levy as their neighbors.
    b. Clarity for emergency services. This area is within the jurisdiction of Southeast Rural Fire and Rescue, while the neighboring areas inside city limits are served by LFR. The area would be served by LFR upon annexation. The annexation also addresses small portions of O Street right-of-way that alternate between County and City jurisdiction. Following annexation all of O Street in this area will be within City jurisdiction.
    c. Allow for continued growth of Lincoln in an efficient and orderly fashion. As Lincoln continues to grow, it doesn't make sense to have areas in rural jurisdictions surrounded by the City.
5. Acreage residential subdivisions typically have lots of at least three acres in size to accommodate septic systems and wells. The lots in Hillcrest Heights are around one acre in size. The subdivision has a history of problems with individual wells and septic systems due to insufficient spacing. Some owners have inquired about annexation in order to receive City sewer and water.
6. The existing zoning is AG Agriculture. This annexation would not change the zoning on the site.
7. This area is within the Waverly Public Schools district. Upon annexation it would change to Lincoln Public Schools (LPS). Annexed property owners are required to continue paying the levy on outstanding bonds that were approved while they were within the Waverly school district. Property owners paying for bonds in other districts do not have to pay for past LPS bonds; however, they will have to pay for any LPS bonds approved after annexation. Residents with children attending Waverly Public Schools can request to have their children remain in that school.
8. The large acreage property north of O Street is currently designated as Greenbelt for tax purposes. The Greenbelt program is regulated by the State and provides reduced valuations for properties in agricultural use near cities. Property owners cannot keep their Greenbelt designation once the property is annexed unless a conservation easement is obtained. The site currently does not include a conservation easement; it does not appear to be located within a floodplain or otherwise environmentally sensitive area, so it is unlikely that the City or any agencies would accept an easement in this location.
9. Eight properties along Anthony Lane in the northern portion of Hillcrest Heights are within 300 feet of an available sewer main, so per City ordinance they will be required to connect to City sewer within six months following annexation. The Public Works & Utilities Department and Health Department have an established protocol for assisting affected property owners with the transition.
10. The 2017 assessed value of this land is approximately $17,391,300. Estimated annual property tax revenue for the City, based on the existing levy, would be approximately $51,500. The total valuation would likely change upon annexation due to loss of the Greenbelt designation for the larger acreage property. The valuations of non-Greenbelt properties should not be impacted by annexation.
11. The City of Lincoln's ability to annex property comes from State authorization. Per Nebraska Revised Statute 15-104, the City Council may "at any time" annex "any contiguous or adjacent lands, lots, tracts, streets, or highways". Additional information about state statutes and court cases relating to annexation in Nebraska can be found in the 2017 Annexation Study.
12. Urban character is defined by a site's relation to the urban area. The Nebraska Supreme Court has consistently determined (Sullivan v. City of Omaha, Holden v. City of Tecumseh) that areas contiguous to a city or part of the larger urban context, even if being currently used for agriculture, are urban or suburban in character due to their development potential and are subject to annexation per State Statute. The larger Greenbelt parcel in this area may be used for agricultural purposes, but it is urban in character due to its relation to the surrounding urban area.
13. The Annexation Policy found in the Comprehensive Plan provides guidance for annexing acreage areas.

    The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Staff sent out initial notification letters to impacted property owners on August 1st. Four informational meetings were held in late August. One of the informational meetings was at Southeast Community College and focused on this annexation area. Staff from Planning, Public Works and Utilities, LFR, and the Health Department answered questions about the annexation process and potential impact on annexed properties. Approximately 40 residents attended the meeting at Southeast Community College.

14. Annexation would not significantly change the character of the area. Existing roads would remain, and residents can keep their well and septic systems if they choose to do so. Upgrading streets to an urban standard, or installing local water and sewer mains to serve individual properties, can be requested by property owners and would primarily be paid for through assessment districts. Any assessment district would need to be approved by City Council as a separate action from this annexation.

15. There would be several impacts on annexed properties as they switch from rural to City jurisdiction. Property taxes would increase approximately 21 percent based on preliminary estimates from the Assessor's Office. The property tax increase would go into effect for the 2018 tax year, to be paid in 2019. Property owners would be subject to other taxes and fees, such as wheel tax, well permit fees, and pet licensing fees (if applicable). In addition, there are miscellaneous City ordinances that property owners would now be subject to, including restrictions on fireworks, discharging firearms, animals, and open burning.

16. The area to the east, including the Hillcrest Country Club, will be considered for annexation at a future date as the surrounding area continues to develop. The area identified for annexation currently has more immediate access to utilities than the area to the east. In addition, annexing the country club would require the City to annex the adjacent 98th Street right-of-way. The County has an agreement to participate in improvements to 98th Street at a future date, and City annexation of the right-of-way could complicate that agreement. As additional land is annexed for development and utilities are installed in this area, the golf course property will become contiguous on multiple sides and will be considered for annexation.

EXISTING LAND USE & ZONING: Residential, Electrical Substation, Recreational Fields, Agriculture
AG Agriculture

SURROUNDING LAND USE & ZONING

North:	Developing/Urban Residential	B-2 Planned Neighborhood Business, R-3 Residential
South:	Agriculture	AG Agriculture, R-3
East:	Golf Course, Agriculture	AG
West:	Urban Residential, Commercial	O-3 Office Park, R-3

APPLICATION HISTORY

June 1956	Original approval of Hillcrest Heights plat.
May 2006	Southeast Community College campus annexed, located northwest of this annexation area.
	Waterford Estates annexed, located north of this annexation area.
January 2015	Gable Pines annexed, located directly east of Hillcrest Heights.
January 2016	Shadow Creek annexed, located directly west of Hillcrest Heights.
April 2017	White Horse annexed, located southwest of the LPS fields.

APPROXIMATE LAND AREA: 156 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 1 (north of O Street), District 2 (south of O Street)

LEGAL DESCRIPTION: Lot 1 excluding portion dedicated for ROW, Lots 2-6, Block 1, Lots 1-4, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4, Lots 1-5, Block 5, Lots 1-4, Block 6, Lots 1-9, Block 7, Lots 1-8, Block 8, and adjacent rights-of-way, Hillcrest Heights, SE ¼ of NW ¼ excluding railroad, Lot 7 Irregular Tract, W 370' of Lot D lying north of railroad, portion of Lot B in NE corner, located in 26-10-07; Lot 25 and Lot 26 Irregular Tracts, located in the SE ¼ 23-10-07; Lot 10 Irregular Tract and adjacent right-of-way, located in the SW ¼ of 24-10-07; Lancaster County, Nebraska.

Prepared by

_____
Andrew Thierolf, Planner

October 17, 2017

Applicant/ Contact: Andrew Thierolf
Lincoln-Lancaster County Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov

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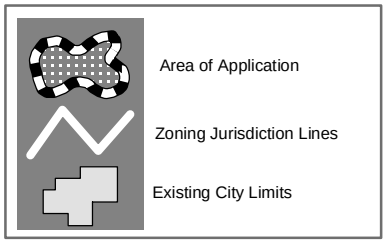
2016 aerial

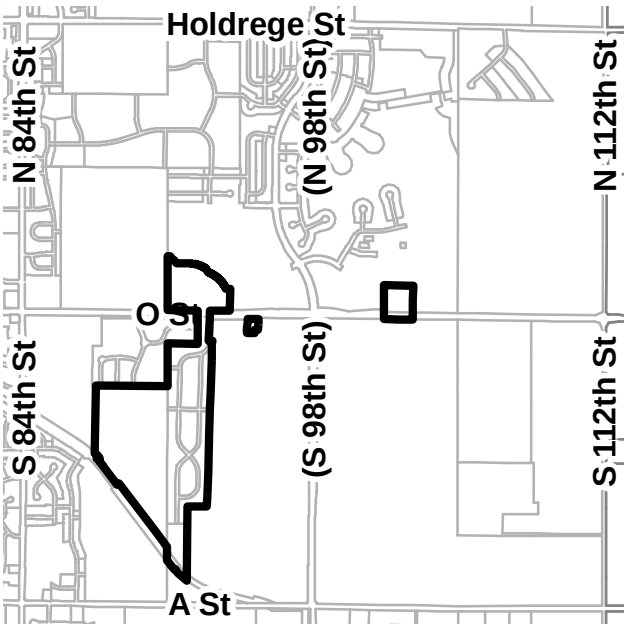
Annexation #: AN17017
93rd St & O St

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

Four Square Miles:
Sec.23, 24, 25 & 26
T10N R07E





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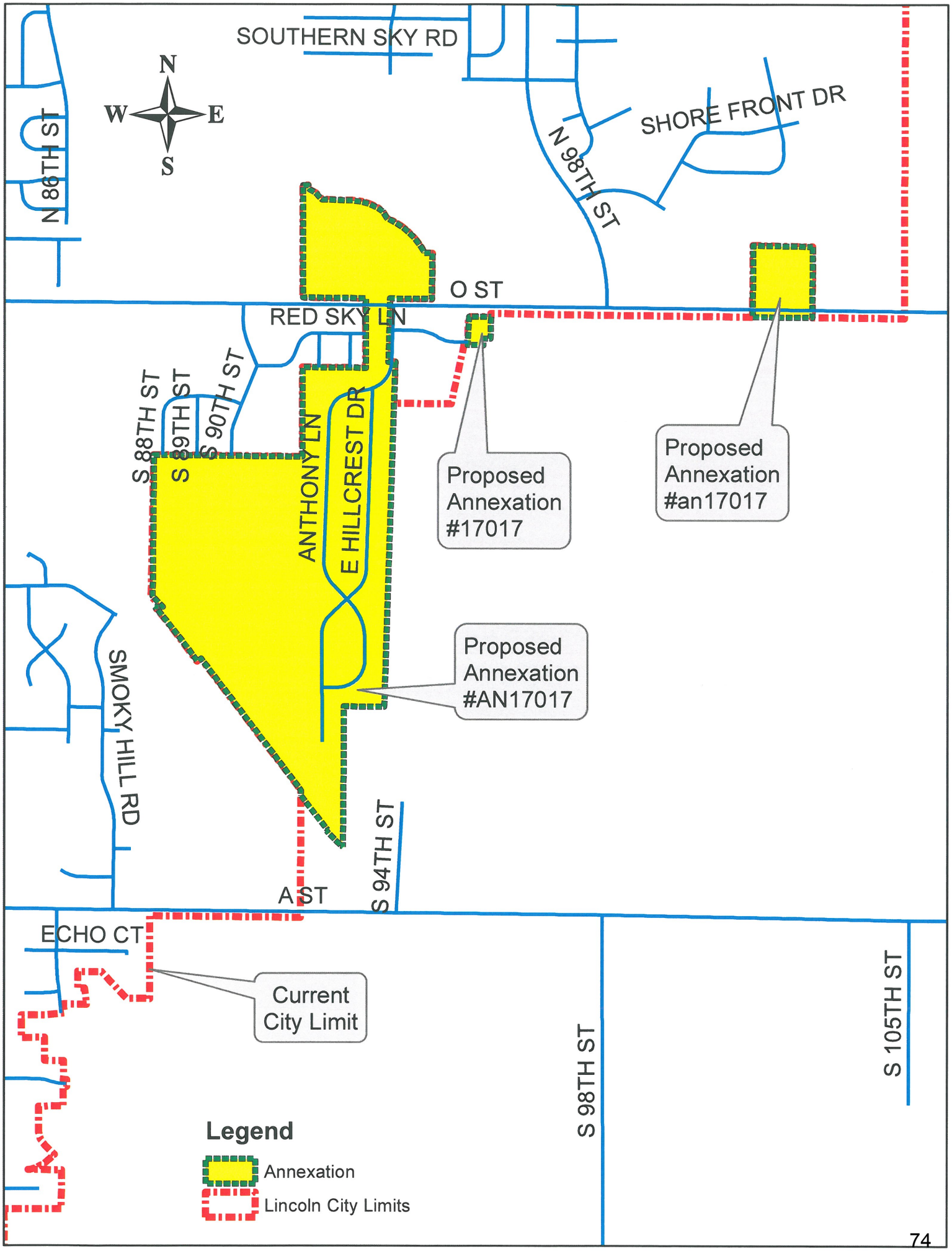
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Current City Limit
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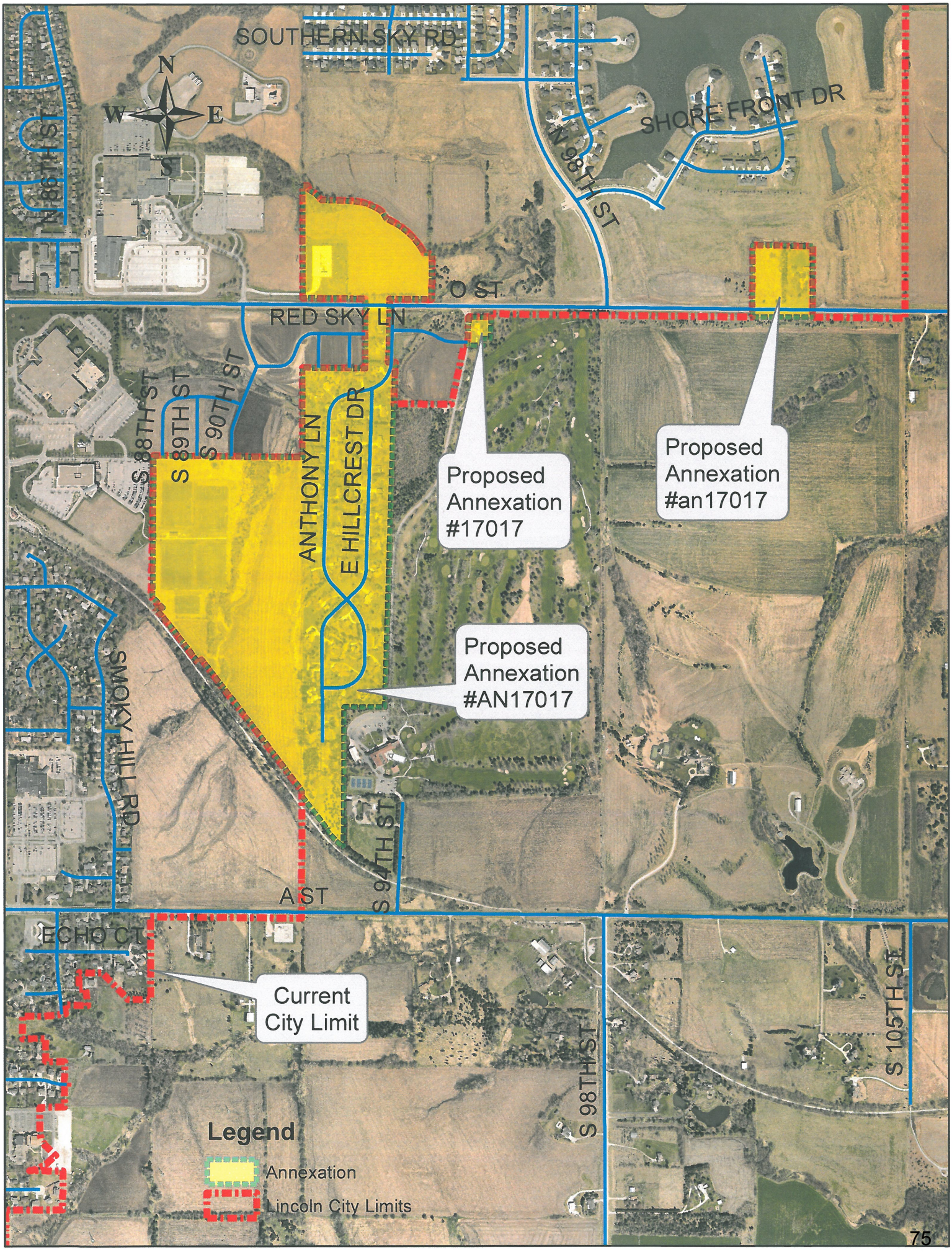
Lincoln City Limits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SMOKY HILL RD
S 94TH ST
A ST
ECHO CT
Current City Limit
S 98TH ST
S 105TH ST
Legend
Annexation
Lincoln City Limits

AREA D

93RD STREET & O STREET

Area	156 Acres
Uses	56 dwelling units, LES substation, LPS recreational fields
Assessed Valuation	$17,391,300
Zoning	AG
Comprehensive Plan	Growth Tier I, Priority B
Current Jurisdictions	Waverly Public Schools Southeast Rural Fire and Rescue

The areas north of O Street are surrounded on three sides by existing City. The areas south of O Street are adjacent to the City on two sides. The area includes the Hillcrest Heights subdivision.

The nearest LFR station is at 84th Street south of A Street, approximately 2.25 road miles from this area.

UTILITIES

The properties could be served by sanitary sewer and water if lines are extended to individual properties. A new City sewer line is located along Anthony Lane in the north part of the Hillcrest subdivision. If the property owners in the remaining portions of Hillcrest request an assessment district, and if approved by City Council, the cost would be assessed to the properties. The City may provide a partial subsidy in some cases. Separate assessment districts would be required for water and sewer. Property owners would also be required to pay impact fees when connecting to City utilities.

It appears that eight properties may be within 300 feet of a sewer line and have direct access. Those properties would need to connect to City sewer within six months of being notified by the Health Department.

Most of the lots in Hillcrest are less than one acre in size but have well and septic. The Health Department requires a minimum of three acres for a new septic system to prevent health and safety hazards. This is a requirement in both the City and County, so annexation does not change the status of the septic systems. The majority of the existing systems can remain, but the residents may want to eventually request an assessment district for City sewer and water.

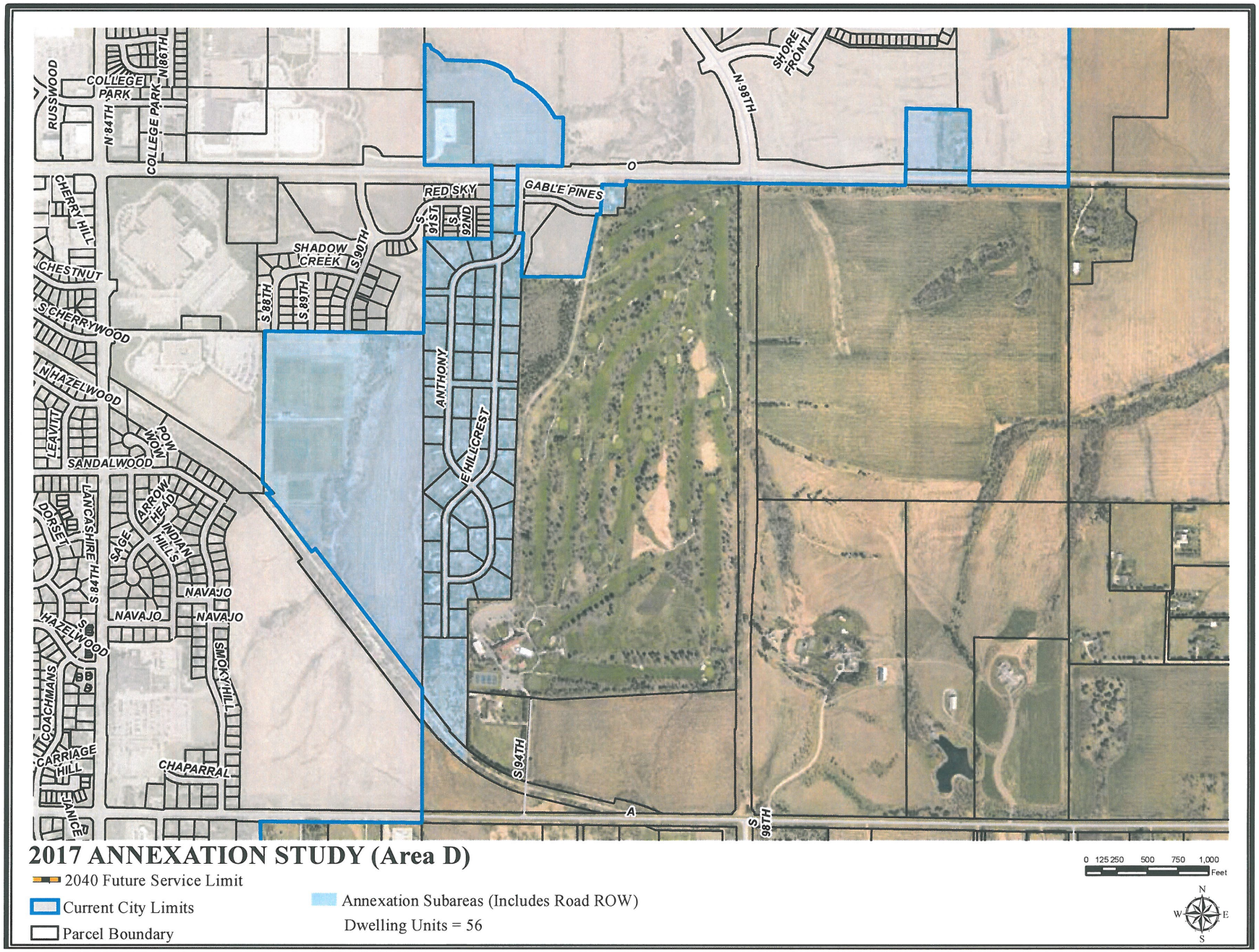
ROADS

The area includes approximately 2.1 miles of paved local roads and two small portions of O Street. O Street is maintained by the City with funding from the Nebraska Department of Transportation. The County has been crack sealing the local roads in Hillcrest. The City will need to continue crack sealing, and a mill and overlay will likely be needed on the local roads within the next five years. A mill and overlay would cost approximately $400,000 and come out of the maintenance budget.

SUMMARY OF ESTIMATED CITY COSTS AND REVENUES

Annual City Costs and Revenues				One-Time Payments by City	
Property Tax[1]	Wheel Tax[2]	Motor Vehicle Tax[3]	Streets O&M[4]	Rural Fire Costs[5]	Rural Water Costs[6]
$51,500	$9,900	$3,100	($8,400)	$0	$0

1. Taxes are based on 2016/2017 rates and 2017 proposed valuations.
2. Wheel tax is $74 per automobile, with an assumption of 2.4 automobiles per dwelling unit.
3. Motor vehicle tax based on the following assumptions for the typical vehicle: cost when new of $32,000-$34,000, average vehicle age 9-11 years, 2.4 vehicles per household. The value shown represents the 18 percent allocation of the tax that Lincoln receives.
4. Water and wastewater O&M costs are offset by user fees.
5. The fire department has no net debt per the formula used to calculate reimbursement.
6. This area is not within the RWD boundary.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N 86TH
COLLEGE PARK
CHERRY HILL
CHESTNUT
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N HAZELWOOD
LEAVITT
POW WOW
SANDALWOOD
DORSET
LANCASHIRE
S 84TH
SAGE
ARROW HEAD
INDIAN HILLS
NAVAJO
NAVAJO
NAVAJO
HAZELWOOD
COACHMANS
CARRIAGE HILL
CHAPARRAL
JANICE
SMOKY HILL
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2017 ANNEXATION STUDY (Area D)
2040 Future Service Limit
Current City Limits
Parcel Boundary
Annexation Subareas (Includes Road ROW)
Dwelling Units = 56
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Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Engineer	ken schroeder	1	Recommend Approval	Upon review, this office has no direct objections to this submittal. Recommend approval. October 3, 2017 (kds)	Individual
County Health	chris schroeder	1	Recommend Approval	Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller. If the city sewer system is more than 300 feet away from the building or premise, the building or premise may maintain its current on-site wastewater system provided the system is not failing. When the city sewer is within 300 feet and Public Works determines its availability, the building or premise must connect to the city sewer. The existing system must then be properly abandoned a licensed wastewater treatment system installer.	Individual
County Sheriff	Todd Duncan	1	Pending		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue is in the process of acquiring land in the area of 84th and Holdrege to build station 16 which has been approved by tax payers. When land is secured in this area and constructed, we will be able to serve the area of 93rd and O and meet travel time goals of approx. four minutes.	Individual
LES	LES	1	Pending		First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Norris PPD	Norris PPD	1	Pending		First In Group
Public Works - Engineering Services	brion perry	1	Recommend Approval	9-29-17 See other remarks	First In Group
Public Works - Survey Check	troy griffin	1	No Review Required		First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Approval	Note: Private streets are all rural sections. If and when revised to urban section will need to include urban storm drain system. Existing culverts for the main drainage thru the area are undersized	First In Group
School District 145 - Waverly	School District 145 - Waverly	1	Pending		First In Group

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

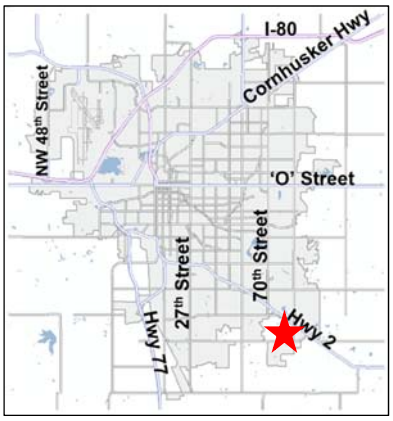
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	
Annexation #17018	No	
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY LOCATION
October 25, 2017	None	84th Street & Yankee Hill Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a City-initiated request to annex approximately 68 acres that are contiguous with city limits. The area is developed as acreages and includes 18 dwelling units. The south annexation area includes the Dunrovin Acres subdivision, and the north annexation area includes the Portsche Heights subdivision.



JUSTIFICATION FOR RECOMMENDATION

The area was recommended for annexation in the 2017 Annexation Study completed by the Planning Department. It is in Growth Tier I Priority B, contiguous to the city, urban in character, and basic infrastructure is available. There are nearby properties that meet this criteria as well and are not currently being proposed for annexation, but this proposal is focused on the areas that can most clearly be served by utilities. The area adjacent to this proposal will be considered for annexation within the next 2-3 years.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Per the Annexation Policy in the Comprehensive Plan, the City should annex areas in Growth Tier 1, Priority B that are engulfed by the city. The City should also annex contiguous land that is urban in character with basic infrastructure available. This area is in Growth Tier 1, Priority B, contiguous to the city, urban in character, and basic infrastructure is available.

APPLICATION/STAFF CONTACT

Andrew Thierolf, Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is shown as Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

Pg. 1.10 - This site is shown in Tier 1, Priority B on the Growth Tier Map.

Pg. 12.7 – Priority B areas are designated for development in the first half of the planning period (to 2026), are generally contiguous to existing development, and should be provided with basic infrastructure as they develop.

The ANNEXATION POLICY- page 12.14-12.15 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I, Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES & SERVICES

A. Sanitary Sewer: A tappable sewer main is located in 84th Street north of Dunrovin Road and continues along the north boundary of Dunrovin Acres. Local mains could be extended through Dunrovin Road to serve the properties in Dunrovin Acres. A north-south tappabe sewer main bisects Portsche Lane, and an additional tappable sewer main is located south of Highway 2. A sewer main could be extended through Portche Lane to serve all of the properties in the Portsche Heights annexation area. Extension of local sewer mains can be requested by property owners and would primarily be paid for through assessment districts.

B. Water: Mains are located in Yankee Hill Road and 84th Street. Local mains could be extended through Dunrovin Road to serve the properties in Dunrovin Acres. A north-south tappable water main bisects Portsche Lane. A sewer main could be extended through Portche Lane to serve all of the properties in the Portsche Heights annexation area. Extension of local water mains can be requested by property owners and would primarily be paid for through assessment districts. Dunrovin Acres is currently within the rural water district. The subdivision can remain on rural water until residents request city water.

C. Roads: This area includes approximately 0.4 miles of gravel roads (Dunrovin Acres) and 0.2 miles of paved roads (Portsche Heights). The roads are in generally good condition. Assessment districts would be required to improve roads to city standards.

D. Fire Protection: The site is currently served by Southeast Rural Fire and Rescue. It would be served by Lincoln Fire and Rescue (LFR) upon annexation. The nearest LFR station is near 48th Street and Highway 2, approximately 3.5 miles from this area. A joint LFR/LPD station is under construction near 66th Street and Pine Lake Road, nearly adjacent to this area. Hydrants are available in 84th Street and Yankee Hill Road near Dunrovin Acres.

ANALYSIS

1. This request is to annex approximately 68 acres that are contiguous with city limits. The property owners did not initiate the annexation; the applicant is the City of Lincoln. The area consists of residential acreages in the Dunrovin Acres and Portsche Heights subdivisions. Neighboring urban development includes the Woodlands at Yankee Hill, Yankee Hill Townhomes, Grand Terrace, Pine Lake Plaza, and the Pemberly Place assisted living facility. Moore Middle School and Copple YMCA are located immediately southeast of Dunrovin Acres.
2. This site was identified for annexation in the 2017 Annexation Study completed by the Planning Department (see attached page on this area from the study). The annexation recommendation is based on the Annexation Policy found in the Comprehensive Plan and page 2 of this staff report. The complete study is available at lincoln.ne.gov keyword: annstudy17.
3. The following paragraph from the Annexation Policy describes areas appropriate for annexation.

   To demonstrate the City's commitment to the urbanization of land in Tier I, Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

   The 2017 Annexation Study used this policy to identify four specific criteria for annexation. Areas that meet at least one of the following criteria may be appropriate for annexation. This site meets multiple criteria (A and D), so it is appropriate for annexation.

   a. *Land in Tier I Growth Area, Priorities A and B.* This area is within Tier I, Priority B.

   b. *Land which is engulfed by the city limits.* This area is nearly engulfed by city limits, and contiguous to the city on multiple sides.

   c. *Land which is contiguous to the city limits and in urban zoning.* This area is zoned AGR, so it is not in urban zoning.

d. *Land which is contiguous to the city limits, in agricultural zoning, in which basic infrastructure is in place or planned in the near term, and is in urban character.* The site is contiguous to city limits, urban infrastructure is available, and it is primarily developed into residential uses.

4. Reasons for annexation include:

   a. Equity for taxpayers. Property owners surrounding this area pay City taxes. These properties benefit from being within an urban setting, and they should be subject to the same tax levy as their neighbors. The only way to access the properties in Dunrovin Acres and Portsche Heights is via city roads, and residents are not currently paying taxes to maintain those roads.

   b. Clarity for emergency services. This area is within the jurisdiction of Southeast Rural Fire and Rescue, while the neighboring areas inside city limits are served by LFR. The area would be served by LFR upon annexation.

   c. Allow for continued growth of Lincoln in an efficient and orderly fashion. As Lincoln continues to grow, it doesn't make sense to have areas in rural jurisdictions surrounded by the City.

5. The existing zoning is AGR Agriculture Residential. This annexation would not change the zoning on the site.

6. This area is already within the Lincoln Public Schools district.

7. Four properties in Portsche Heights and two in Dunrovin Acres are within 300 feet of an available sewer main, so per City ordinance they will be required to connect to City sewer within six months following annexation. The Public Works & Utilities Department and Health Department have an established protocol for assisting affected property owners with the transition.

8. The 2017 assessed value of this land is approximately $7,301,700. Estimated annual property tax revenue for the City, based on the existing levy, would be approximately $24,400. The valuations should not be impacted by annexation.

9. The City of Lincoln's ability to annex property comes from State authorization. Per Nebraska Revised Statute 15-104, the City Council may "at any time" annex "any contiguous or adjacent lands, lots, tracts, streets, or highways". Additional information about state statutes and court cases relating to annexation in Nebraska can be found in the 2017 Annexation Study.

10. The Annexation Policy found in the Comprehensive Plan provides guidance for annexing acreage areas.

    The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

    Staff sent out initial notification letters to impacted property owners on August 1st. Four informational meetings were held in late August. One of the informational meetings was at Wysong Elementary and focused on this annexation area. Staff from Planning, Public Works and Utilities, LFR, and the Health Department answered questions about the annexation process and potential impact on annexed properties. Approximately 25 residents attended the meeting at Wysong Elementary.

11. Annexation would not significantly change the character of the area. Existing roads would remain, and most residents can keep their well and septic systems if they choose to do so. Upgrading streets to an urban standard, or installing local water and sewer mains to serve individual properties, can be requested by property owners and would primarily be paid for through assessment districts. Any assessment district would need to be approved by City Council as a separate action from this annexation.

12. There would be several impacts on annexed properties as they switch from rural to City jurisdiction. Property taxes would increase approximately 18 percent based on preliminary estimates from the Assessor's Office. The property tax increase would go into effect for the 2018 tax year, to be paid in 2019. Property owners would be subject to other taxes and fees, such as wheel tax, well permit fees, and pet licensing fees (if applicable). In addition, there are miscellaneous City ordinances that property owners would now be subject to, including restrictions on fireworks, discharging firearms, animals, and open burning.

Several residents asked about burning native prairie vegetation on their properties. Grass burning is generally prohibited in the City by the Health Department and LFR. The Parks and Recreation Department maintains native prairies in several parks. They maintain the prairies through a mix of baling and specific treatments for certain types of woody vegetation.

13. This area was proposed for City-initiated annexation in 2008. The application was withdrawn in 2010 because details needed to be worked out regarding reimbursement to the RWD for the potential lost customers. Dunrovin Acres is in the RWD service area and has 12 existing RWD customers. In 2013 an agreement was reached between the City and RWD that established a set reimbursement rate for annexations in the RWD area. The reimbursement amount partially depends on the timing of when existing RWD customers switch to City water. It the customers in Dunrovin Acres immediately switch to City water, the City would be required to reimburse the RWD approximately $80,000 for the lost customers. The cost is reduced ten percent each year the customers remain on rural water. There would be no payment if the customers remain on rural water for more than ten years.
14. The neighboring areas outside city limits will be considered for annexation in the next 2-3 years. The area identified for annexation currently has more immediate access to utilities than the areas not included with this proposal.

EXISTING LAND USE & ZONING: Residential
AGR Agriculture Residential

SURROUNDING LAND USE & ZONING

North:	Commercial, Residential	AGR Agriculture Residential, R-3 Residential, O-3 Office Park
South:	Agriculture, Residential	AG Agriculture, R-3
East:	Commercial, Residential	AG, R-3, B-5 Planned Regional Business, H-4 General Commercial
West:	Residential	AGR, R-3

APPLICATION HISTORY

2006 7941 Portsche Lane added to the Grand Terrace Community Unit Plan (CUP) with Special Permit No. 06001A. The area includes a layout for six urban lots and a street connection. If this annexation is approved, 7941 Portsche would also need a change of zone and final plat in order to subdivide the lots as shown on the plan.

2008 A portion of this area, including Portsche Heights, was included in the City-initiated Annexation No. 08010. The application was denied by City Council so that questions about water and sewer could be addressed. Note that most of the proposed Annexation No. 08010 is not included in the current proposal.

2008-2010 This area, along with several surrounding properties to the north and south, were included in Annexation No. 08029. The City withdrew the application in 2010.

APPROXIMATE LAND AREA: 68 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 2

LEGAL DESCRIPTION: Lots 2-5, Block 1, and additional right-of-way, Portsche Heights 3rd Addition; Lots 1-2, and additional right-of-way, Portsche Heights 4th Addition; Lot 72 Irregular Tract; Lot 1 -3, Block 1, and Lot 1, Block 4, and additional right-of-way, Dunrovin Acres; Lots 1-3, Block 1, and Lot 1, Block 2, and additional right-of-way, Dunrovin Acres 1st Addition; Lot 1, Block 1, and Lot 1, Block 2, and additional right-of-way, Dunrovin Acres 2nd Addition; Lot 1, Block 1, and additional right-of-way, Dunrovin Acres 3rd Addition, located in the SE ¼ of 22-09-07, Lancaster County, Nebraska

Prepared by

_____
Andrew Thierolf, Planner

October 17, 2017

Applicant/ Andrew Thierolf
Contact: Lincoln-Lancaster County Planning Department
(402) 441-6371, athierolf@lincoln.ne.gov

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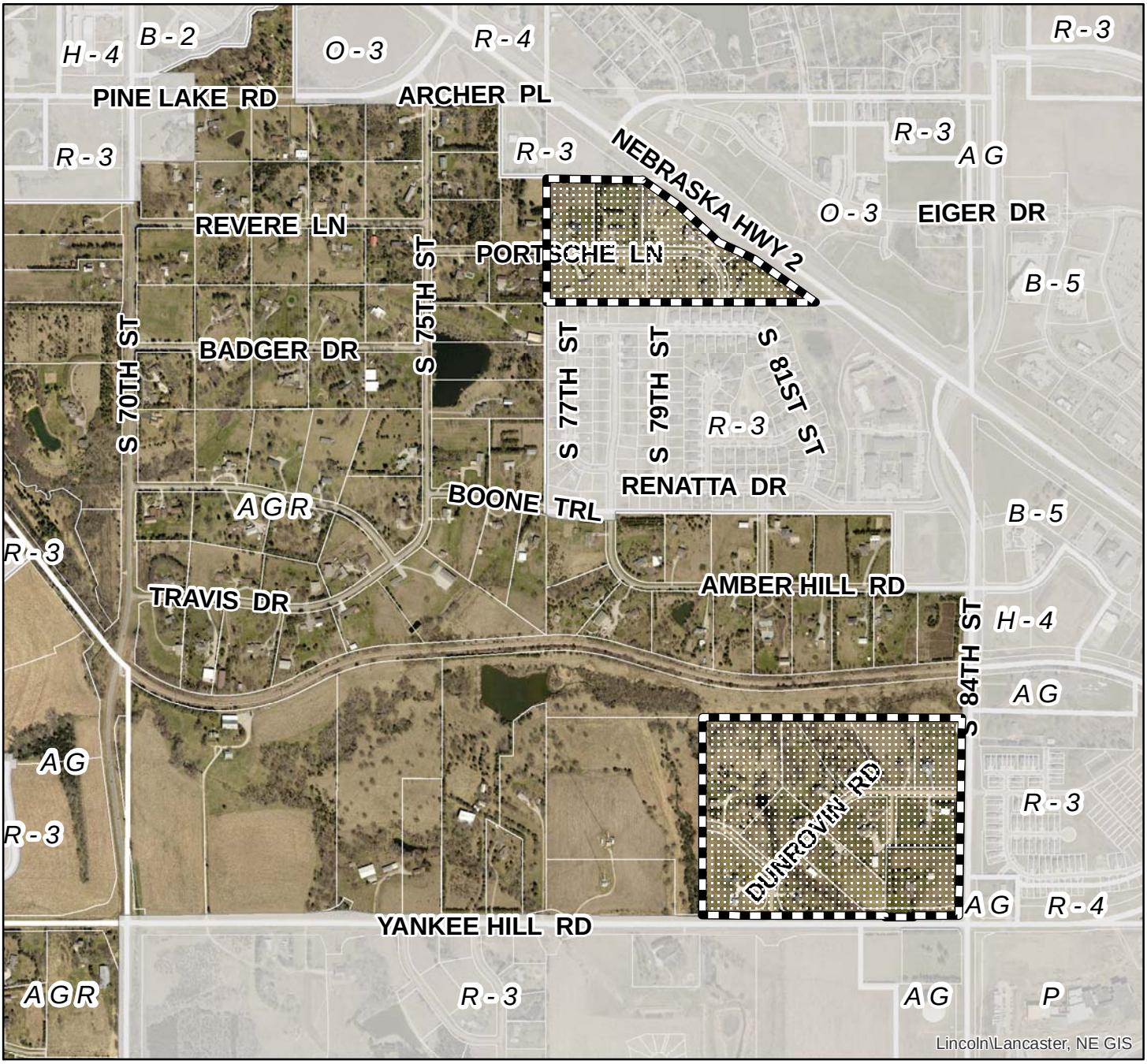


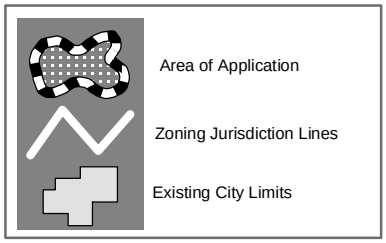
2016 aerial

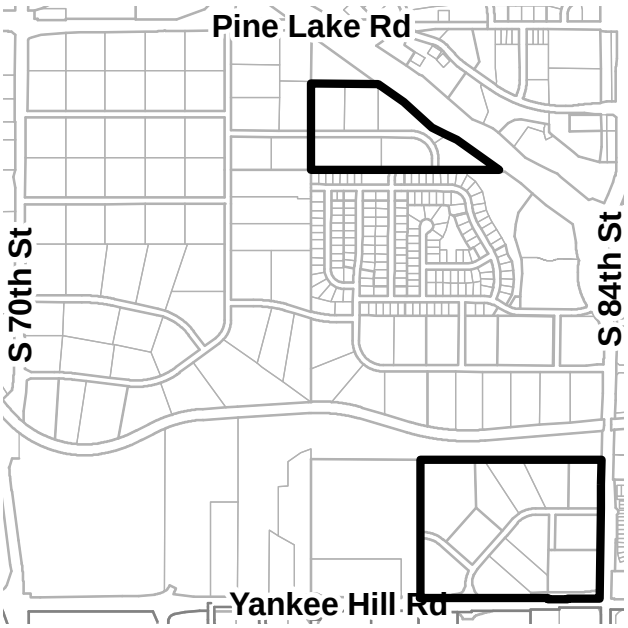
Annexation #: AN17018
S 84th St & Yankee Hill Rd

Zoning:

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

One Square Mile:
Sec.22 T09N R07E





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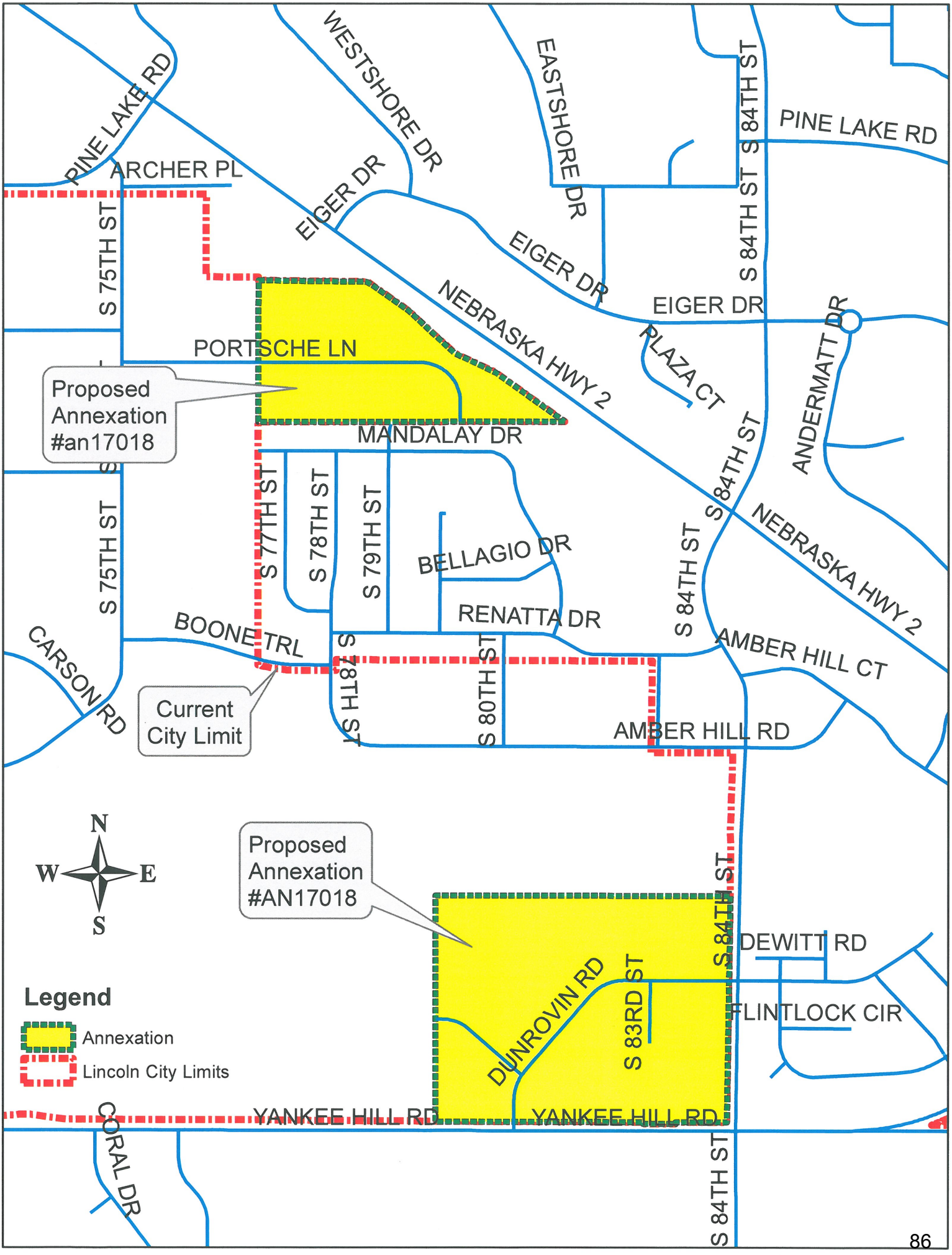
PINE LAKE RD
ARCHER PL
WESTSHORE DR
EASTSHORE DR
EIGER DR
EIGER DR
EIGER DR
S 84TH ST
PINE LAKE RD
S 75TH ST
NEBRASKA HWY 2
PORTSCHE LN
Proposed
Annexation
#an17018
PLAZA CT
ANDERMATT DR
MANDALAY DR
S 84TH ST
S 77TH ST
S 78TH ST
S 79TH ST
BELLAGIO DR
NEBRASKA HWY 2
S 75TH ST
RENATTA DR
S 84TH ST
BOONE TRL
AMBER HILL CT
CARSON RD
Current
City Limit
S 78TH ST
S 80TH ST
AMBER HILL RD
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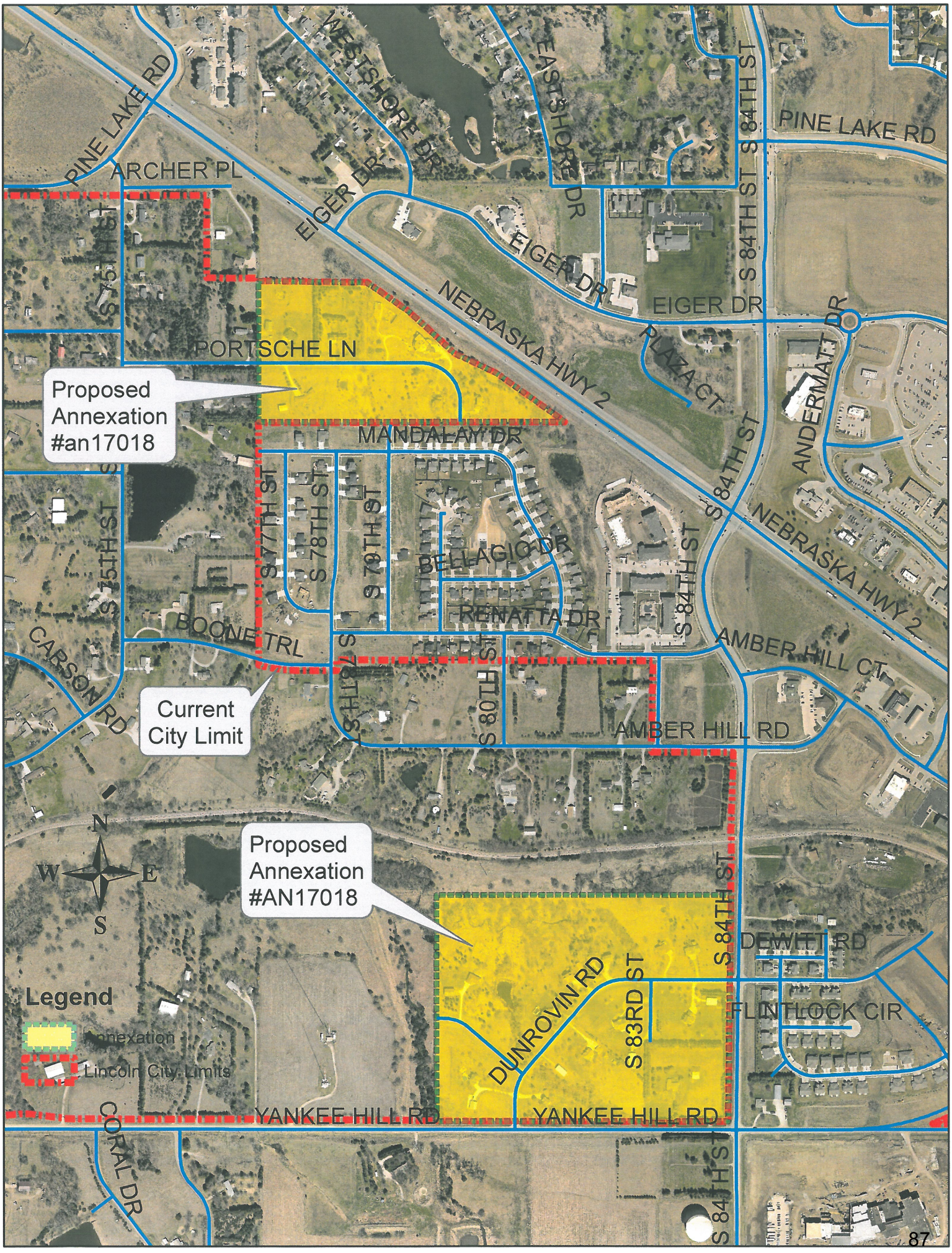
Proposed
Annexation
#AN17018
S 84TH ST
DEWITT RD
DUNROVIN RD
S 83RD ST
FLINTLOCK CIR
Legend
Annexation
Lincoln City Limits
YANKEE HILL RD
YANKEE HILL RD
CORAL DR
S 84TH ST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S 83RD ST
FLINTLOCK CIR
Legend
Annexation
Lincoln City Limits
YANKEE HILL RD
CORAL DR

AREA E

S 84TH STREET & YANKEE HILL ROAD

Area	68 Acres
Uses	18 dwelling units
Assessed Valuation	$7,301,700
Zoning	AGR
Comprehensive Plan	Growth Tier I, Priority B
Current Jurisdictions	Lincoln Public Schools Southeast Rural Fire and Rescue

This area is nearly surrounded by existing City. It will probably be completely surrounded in the near future as further development occurs along Yankee Hill Road. The area includes portions of the Portsche Heights and Dunrovin Acres subdivisions.

The specific annexation areas were identified due to their access to City water and sewer. A study is currently underway to determine the future sewer layout of the remaining area located outside the City. This study will not be completed until later this year at the earliest and will inform timing of additional annexations.

A joint LPD/LFR station is under construction near 66th and Pine Lake adjacent to this area.

UTILITIES

The properties could be served by sanitary sewer and water if lines were extended to individual properties. Sewer is available in Portsche Lane and along the south side of the railroad tracks. Dunrovin Acres is served by rural water. If the property owners request an assessment district, and if approved by City Council, the cost would be assessed to the properties. The City may provide a partial subsidy in some cases. Separate assessment districts would be required for water and sewer. Property owners would also be required to pay impact fees when connecting to City utilities.

It appears that six properties may be within 300 feet of a sewer line and have direct access. Those properties would need to connect to City sewer within six months of being notified by the Health Department.

ROADS

The area includes approximately 0.4 miles of gravel roads and 0.2 miles of paved local roads. Portsche Lane is paved and in generally good condition. Yankee Hill Road is currently being upgraded to an urban cross section with roundabouts. Pine Lake Road from 61st Street to Highway 2 will be upgraded to a 4-lane arterial road standard in the near future.

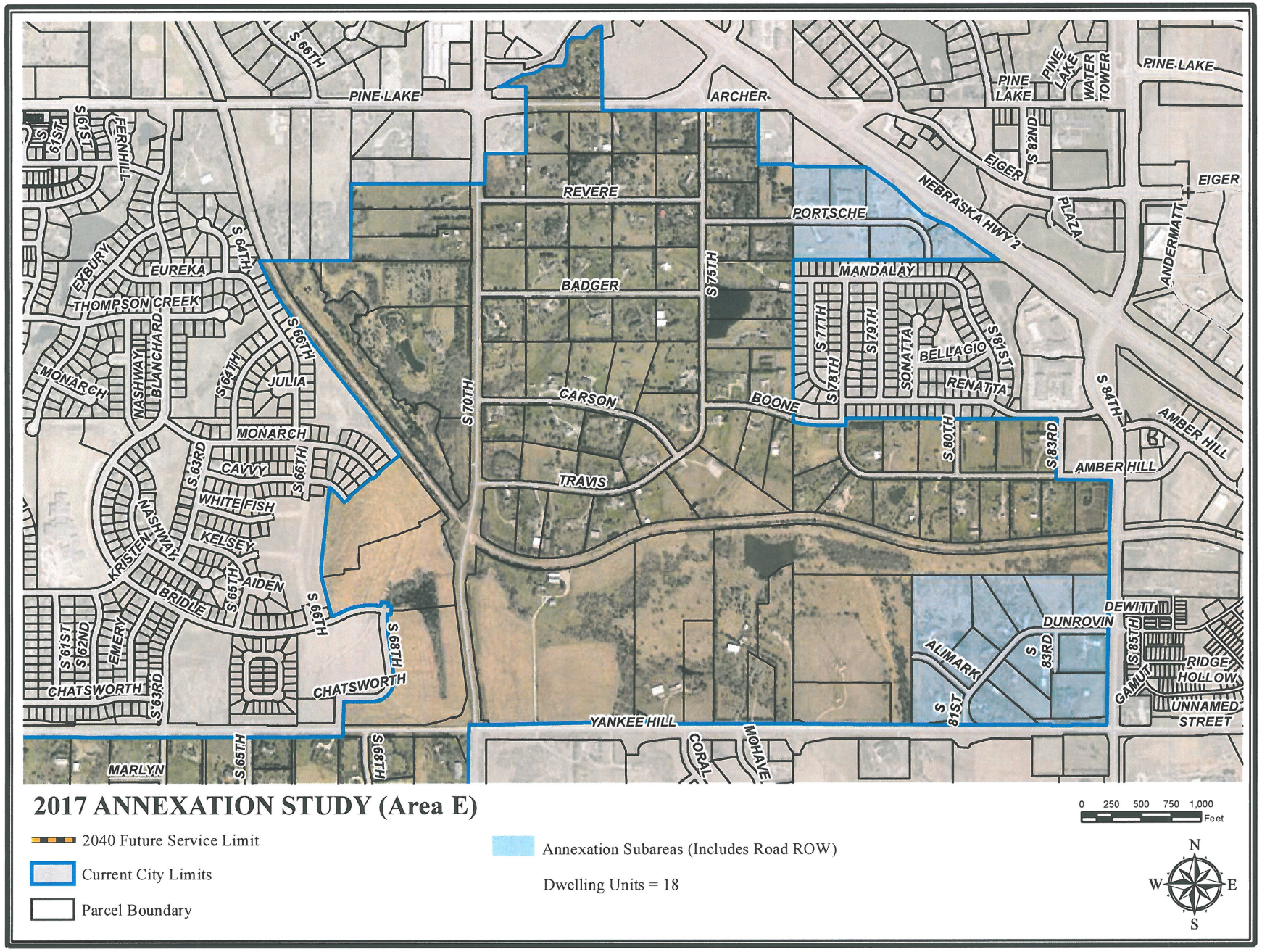
SUMMARY OF ESTIMATED CITY COSTS AND REVENUES

Annual City Costs and Revenues				One-Time Payments by City	
Property Tax[1]	Wheel Tax[2]	Motor Vehicle Tax[3]	Streets O&M[4]	Rural Fire Costs[5]	Rural Water Costs[6]
$24,400	$3,200	$1,000	($1,600)	$0	($80,000)

1. Taxes are based on 2016/2017 rates and 2017 proposed valuations.
2. Wheel tax is $74 per automobile, with an assumption of 2.4 automobiles per dwelling unit.
3. Motor vehicle tax based on the following assumptions for the typical vehicle: cost when new of $32,000-$34,000, average vehicle age 9-11 years, 2.4 vehicles per household. The value shown represents the 18 percent allocation of the tax that Lincoln receives.
4. Water and wastewater O&M costs are offset by user fees.
5. The fire department has no net debt per the formula used to calculate reimbursement.
6. This area has 12 RWD customers. These costs would be due if/when the customers switch from rurual to City water, subject to an annual 10% payment reduction.

FUTURE ANNEXATIONS

The residential subdivisions north of the railroad tracks are identified for annexation within the next 2-4 years once the sewer study is completed. The larger parcels on the south are candidates for future urban development, so they would be annexed when developed; however, if the area becomes completely surrounded it may be appropriate to annex all remaining parcels.


2017 ANNEXATION STUDY (Area E)
2040 Future Service Limit
Current City Limits
Parcel Boundary
Annexation Subareas (Includes Road ROW)
Dwelling Units = 18
0 250 500 750 1,000
Feet
N
W
E
S
PINE LAKE
ARCHER
REVERE
BADGER
CARSON
TRAVIS
BOONE
PORTSCHE
MANDALAY
BELLAGIO
SONATTA
RENATTA
EIGER
NEBRASKA HWY 2
PLAZA
ANDERMATT
AMBER HILL
DUNROVIN
ALIMARK
DEWITT
RIDGE HOLLOW
UNNAMED STREET
GAMU
YANKEE HILL
CORAL
MOHAVE
CHATSWORTH
MARLYN
EXBURY
EUREKA
THOMPSON CREEK
MONARCH
NASHWAY
BLANCHARD
JULIA
CAVVY
WHITE FISH
KELSEY
KRISTEN
AIDEN
BRIDLE
EMERY
FERNHILL
S 66TH
S 67TH
S 61ST
S 62ND
S 63RD
S 64TH
S 65TH
S 68TH
S 70TH
S 75TH
S 77TH
S 78TH
S 79TH
S 80TH
S 81ST
S 82ND
S 83RD
S 84TH
S 85TH
PINE LAKE WATER TOWER

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Engineer	ken schroeder	1	Recommend Approval	Upon review, this office has no direct objections to this submittal. Recommend approval. October 3, 2017 (kds)	Individual
County Health	chris schroeder	1	Recommend Approval	Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. An annual well permit is required for all wells within the city limits. Unused wells must be properly decommissioned by a licensed well driller. If the city sewer system is more than 300 feet away from the building or premise, the building or premise may maintain its current on-site wastewater system provided the system is not failing. When the city sewer is within 300 feet and Public Works determines its availability, the building or premise must connect to the city sewer. The existing system must then be properly abandoned a licensed wastewater treatment system installer.	Individual
County Sheriff	Todd Duncan	1	Pending		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this annexation as long as all parties are aware we, currently, cannot meet our travel time goal of four minutes to this property. In the spring of 2019 when station 15 is open, we will be able to reach the intersection of 84th and Yankee Hill in approx. four minutes.	Individual
LES	LES	1	Pending		First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Norris PPD	Norris PPD	1	Pending		First In Group
Public Works - Engineering Services	brion perry	1	Recommend Approval	9-29-17 see others remarks	First In Group
Public Works - Survey Check	troy griffin	1	No Review Required		First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Approval	Note: Private streets are all rural sections. If and when revised to urban section will need to include urban storm drain system.	First In Group