
Lincoln City - Lancaster County

**PLANNING COMMISSION
AGENDA**

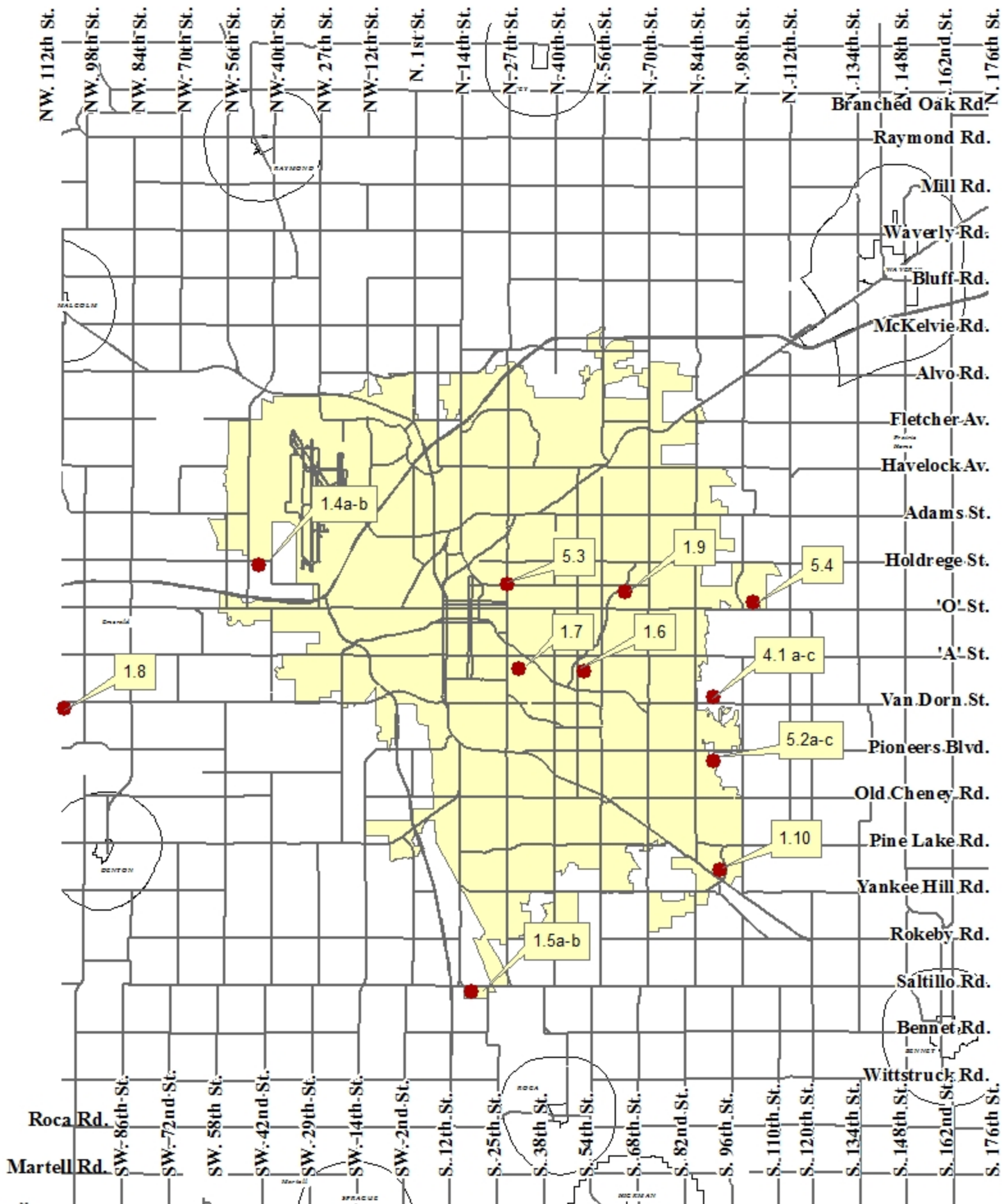
PLANNING COMMISSION

Dennis Scheer: Chair
Tracy Corr: Vice-Chair
Thomas Beckius
Tracy Edgerton
Deane Finnegan
Maja V. Harris
Chris Hove
Cristy Joy
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PLANNING STAFF

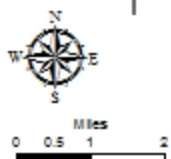
David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

December 6, 2017



Planning Commission Agenda Item Map

December 6, 2017



NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 6, 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, DECEMBER 6, 2017

Approval of minutes of the regular meeting held November 15, 2017.

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

TEXT AMENDMENTS:

Page 01 1.1a Text Amendment No. 17013, to amend Titles 26 and 27 of the Lincoln Municipal Code, by amending Section 26.15.030, Section 26.19.031, Section 27.64.010, Section 27.65.070, and Section 27.60.020 for CAD (Computer Aided Design/Drafting) Standards for Subdivision Submittal as maintained by the Public Works and Utilities Department, and repealing said sections as hitherto existing.

Staff recommendation: Conditional Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Page 29 1.1b County Text Amendment No. 17014, to amend the Lancaster County Zoning and Subdivision Regulations, by amending Section 7.02, and Section 8.05 of the Lancaster County Subdivision Regulations, and Section 14.013 of the Lancaster County Zoning Regulations for CAD (Computer Aided Design/Drafting) Standards for Subdivision Submittal as maintained by Lancaster County Engineer, and repealing said sections as hitherto existing.

Staff recommendation: Approval

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

- Page 45 1.2a Text Amendment No. 17017, to amend Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning by amending Section 27.59.070 to change a reference to the Building Official, change the reference to the State Department of Aeronautics to the Division of Aeronautics of the State of Nebraska Department of Transportation based on a merger of the departments effective July 1, 2017, adopting a revised Lincoln Airport Zoning Map, and repealing Section 27.59.070 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 53 1.2b County Text Amendment No. 17018, to amend Article 18 of the Lancaster County Zoning Resolution relating to Special Height and Use Near Airports to amend the Airport Zoning Map and making other miscellaneous changes.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 59 1.3 Text Amendment No. 17020, to amend Title 27, Chapter 27.69.260 regarding signage regulations pertaining to Nonresidential Healthcare Facilities and Post-Secondary Schools to provide for marquee and directional signs for internal way-finding and increase the allowable square footage for freestanding signs and wall signs; and repealing Section 27.69.260 of the Lincoln Municipal Code as hitherto existing
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

ANNEXATION AND RELATED CHANGE OF ZONE:

- Page 65 1.4a Annexation No. 17023, to annex approximately 21.16 acres, more or less, on property generally located at NW 48th and West Holdrege Streets.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 65 1.4b Change of Zone No. 07063B, from AG (Agricultural District) to R-3 (Residential District) PUD and H-3 (Highway Commercial District) PUD, on property generally located at NW 48th and West Holdrege Streets.
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

CHANGE OF ZONE AND RELATED PRELIMINARY PLAT:

- Page 85 1.5a Change of Zone No. 17033, from AG (Agriculture District) to I-1 (Industrial District), on property generally located at South 21st Street and Saltillo Road
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 91 1.5b Preliminary Plat No. 17005, to expand the boundary of the Saltillo Industrial Park Preliminary Plat to include the adjacent lot to the west and revise the lot sizes, on property generally located at South 21st Street and Saltillo Road.
****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

PERMITS:

Page 103 1.6 Special Permit No. 1219N, for authority to amend Special Permit No. 1219M to allow Bryan Medical Center East Campus to construct wall signage larger than 50 square feet and amend their campus signage plan, on property generally located at 48th and A Streets.
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 119 1.7 Special Permit No. 17041, for expansion of a non-standard dwelling, on property generally located at 2790 Arlington Avenue. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 129 1.8 County Special Permit No. 17043, to allow soil mining and excavation, on property generally located at SW 112th Street and West Van Dorn Street.
****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Page 143 1.9 Pre-Existing Use Permit No. 3AH, to amend the boundary of the Gateway Mall Use Permit by adding the property at 6400 Q Street for authority to construct a total of 300 dwelling units and 70,000 square feet of commercial space or some combination of both, including waivers to the maximum building height from 40 feet to 55 feet and to reduce residential parking requirements from 2 to 1.4 stalls per unit, on property generally located at 6400 Q Street.
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 157 1.10 Use Permit No. 140F, to adjust the required parking, on property generally located at 8900 Andermatt Drive.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@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. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS:

Page 167 4.1a Comprehensive Plan Amendment No. 17007, to amend the 2040 Lincoln Lancaster County Comprehensive Plan to designate the NW corner of South 98th Street and Van Dorn Street as a (N) Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers, and as "Commercial" on the Lincoln Area Future Land Use Map, on property generally located at the NW corner of South 98th and Van Dorn Streets.

Staff recommendation: Approval

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

Page 181 4.1b Annexation No. 17019, to annex approximately 73.53 acres, more or less, on property generally located at 91st and Van Dorn Streets.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 181 4.1c Change of Zone No. 17030, from AG (Agricultural District) to R-3 (Residential District) Planned Unit Development (PUD), for a residential area with single-family, multiple-family and residential transition uses, with various waivers, consisting of 78.66 acres, more or less, on property generally located at 91st and Van Dorn Streets.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

TEXT AMENDMENT:

Page 215 4.2 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.

Staff recommendation: Denial

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

5. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

TEXT AMENDMENT:

- Page 231
- 5.1 Text Amendment No. 17019, amending Title 27, Chapter 27.02.240 definitions to combine warehouses, wholesale and distribution centers into one use definition, and amending the requirements related to warehouses, wholesale and distribution uses as found in Chapters 27.06.180, 27.62.150, and 27.63.470 of the Lincoln Municipal Code and repealing said sections as hitherto existing.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

ANNEXATION AND RELATED CHANGE OF ZONE:

- Page 251
- 5.2a Annexation No. 17022, to annex approximately 11 acres, more or less, on property generally located at South 84th Street and Augusta Drive.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 251
- 5.2b Change of Zone No. 17034, from AG (Agricultural District) to R-3 (Residential District), on property generally located at South 84th Street and Augusta Drive.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- Page 261
- 5.2c Special Permit No. 1423K, to revise the existing HiMark Community Unit Plan to add 29 single-family lots, on property generally located at South 84th Street and Augusta Drive. ****FINAL ACTION****
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

CHANGE OF ZONE:

- Page 275
- 5.3 Change of Zone No. 17028, from I-1 (Industrial District) to B-3 (Commercial District), from I-1 (Industrial District) to H-3 (Highway Commercial District), from I-1 (Industrial District) to P (Public Use District), from I-1 (Industrial District) to R-4 (Residential District), from I-1 (Industrial District) to R-6 (Residential District), from P (Public Use District) to H-3 (Highway Commercial District), from R-2 (Residential District) to R-4 (Residential District), from R-4 (Residential District) to H-3 (Highway Commercial District), and from R-4 (Residential District) to R-6 (Residential District), on parcels of property located in the following subdivisions: Clark & MacFarland Subdivision, A.K. Griffiths Addition, Vine Street Addition, Tresters Addition, Whitmer Addition, Skolds Tract, Hartz & Braces Subdivision, Subdivision of Block One Peck's Grove, City Impact Addition, Hylander Subdivision, and Wood Bros. University Addition along with adjoining former Missouri Pacific

Railroad Right-of Way. These properties are generally located in the vicinity of the former Missouri Pacific Railroad corridor between North 22nd and North 35th Streets and include approximately 30.71 acres.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

STREET AND ALLEY VACATION:

Page
295

5.4 Street and Alley Vacation No. 17011, to vacate right-of-way, on property generally located at 1200 and 1221 Beechcraft Road.

Staff recommendation: Conformance with the Comprehensive Plan

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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

Adjournment:

PENDING LIST:

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Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov
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Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360	ezimmer@lincoln.ne.gov

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

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

ACCOMMODATION NOTICE

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



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #17013	FINAL ACTION? No	SECTIONS TO BE AMENDED Lincoln Municipal Code Title 26 Lincoln Municipal Code Title 27
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to modify the Title 26 Subdivision and Title 27 Zoning of the Lincoln Municipal Code (LMC) to include the requirement that CAD (computer-aided design/drafting) files be submitted for certain subdivision and zoning applications. Specifically, final plat drawings will be required to be submitted using CAD files. For preliminary plats, use permits, planned unit developments and community unit plans, CAD files will only be required to be submitted for the boundary survey and street centerline information.

JUSTIFICATION FOR RECOMMENDATION

Requiring a CAD file will allow for automated checking of many of the manual processes currently in place. Many City and County agencies already have CAD standards as part of their submittal process, and subdivision files very much lend themselves to this process as well.

It is intended to help improve internal review, and thus should help provide a better, more publically accessible product in a faster timeframe. This should benefit both internal public systems, and also the development community and the public at large.

APPLICATION CONTACT
Jeff McReynolds, (402)-441-6155
jmcreynolds@lincoln.ne.gov

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan calls for City and County to expand the information technology infrastructure, and to endorse efforts that integrate information technology into the delivery of services to the community. The Plan also encourages both the integration and enhancement of technology to facilitate efficiencies for the public, the development community, and local government. This text amendment is consistent with the goals of the Comprehensive Plan, helps the City and the County operate more efficiently, and helps provide the public and development community with better information and services.

KEY QUOTES FOR THE 2040 COMPREHENSIVE PLAN

Pg 11.23 - Information Technology - The City of Lincoln and Lancaster County promote the integration of information technology throughout the community by their use of technologies in the business of local government. Examples of such activities include: City and county departments, in partnership with other agencies, have created an extensive system of digital geographic information that includes hundreds of layers of information on features such as natural resources, topographic features, land use, structures, floodplains, jurisdictional boundaries, and infrastructure. A broad assortment of digital imagery – i.e., photographs, permit and property information – is also included in this GIS information base.

Pg. 11.24 - Strategies for Information Technology

- Support efforts to maintain, expand, and upgrade the community's information technology infrastructure.
- Further the cooperation between the City and County and local universities and colleges in applying information technology throughout the community.
- Endorse the on-going cooperation of City, County, and State governments to integrate information technology in the delivery of their services to the community.
- Investigate means for expanding the maintenance, development, and application of Geographic Information Systems data among public and private sector users.

ANALYSIS

1. This is a request to modify the Title 26 Subdivision and Title 27 Zoning of the Lincoln Municipal Code to include the requirement that CAD (computer-aided design/drafting) files be submitted for certain subdivision and zoning applications. Specifically, final plat drawings will be required to be submitted using CAD files. For preliminary plats and community unit plans, CAD files will only be required to be submitted for the boundary survey and street centerline information.
2. At the time of application for a preliminary plat, final plat, or community unit plan, the appropriate CAD file will be submitted in addition to the PDF files. The CAD standards are already in place and available online at the County/City website. A copy of the standards is attached.
3. The intent is to improve the timeliness and accuracy of the updates to the City and County digital representation of legal lots, rights-of-way, and property ownership. This information is used by all levels of government, the development community, and the public at large.
4. Reviewing agencies will be able to overlay CAD files in existing mapping systems and conduct reviews with digital accuracy. This is in contrast to the current system where the ability to overlay does not exist, and as a result the high level of electronic accuracy cannot be achieved as with CAD submittal.
5. Several meetings were held among staff and affected members of the development community to discuss this issue. The original proposal was to require digital submittal for all applications. During the last meeting among staff and members of the development community held on October 11, 2017, it was the consensus of those in attendance to revise the proposal to the one reviewed by this report. However, the original proposal to require all applications to include a digital submittal will be reviewed again with the development community at some future date.
6. An amendment to accomplish the same goal is also in process to amend the Lancaster County Zoning and Subdivision Regulations. The intent is for both Lancaster County and the City of Lincoln to adopt and adhere to the same standards.

Prepared by

Brian Will, Planner
November 21, 2017

F:\DevReview\TX\17000\TX17014 CAD Standards.bjw.docx

The following amendments are proposed for both Lancaster County and the City of Lincoln Zoning and Subdivision Regulations.

They are being proposed to do two things: First, to require boundary surveys and street centerlines for submittals for preliminary plats, use permits, planned unit developments, community unit plans to be submitted consistent with the CAD File Submittal Standards.

Second, to require final plats to be submitted consistent with the CAD File Submittal Standards.

COUNTY

County Subdivision Regulations

Preliminary Plat

7.02(f) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

Final Plat

8.05(c) CAD submittal Standards
(a) A Computer-Aided-Design (CAD) file representing all information being submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

County Zoning Regulations

Community Unit Plan

14.013(p) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

CITY

LMC Title 26

Preliminary Plat

26.15.030(e) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Final Plat

26.19.031 CAD submittal Standards
(a) A Computer-Aided-Design (CAD) file representing all information being submitted shall that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

LMC Title 27

Use Permits

27.64.010(c) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Community Unit Plan

27.65.070(p) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Planned Unit Development

27.60.020(c) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Overview

The City of Lincoln/Lancaster County has adopted geographic information system (GIS) technologies to store, manage and maintain geospatial –related data. The majority of the private engineering community utilizes computer aided design/drafting (CAD) tools for the creation of data such as subdivisions, water systems, storm drains, rights-of-way, pavement edges, etc. It is the goal of the City/County to expedite the review process by applying standards to the submittal of CAD and GIS data.

This document shall be considered the Standard for which contractors submitting data shall abide by. Data that does not adhere to these standards may be rejected by the City of Lincoln as inappropriate for use.

CAD\GIS Data Standards - Coordinate System

All geospatial data shall be submitted in the following Lancaster County Low-Distortion coordinate system, more defined as follows;

Projection:	Transverse (UTM)
Units:	U.S. Survey Feet
Spheroid:	GRS80
Datum:	NAD83
Scale Factor:	1.000054615
Central Meridian:	-96 41 17
Projection Origin:	40 15 00
False Northing – meters:	0.0
False Easting – meters:	50000
Vertical Datum:	NAVD88

CAD\GIS Data Standards - Format

Geospatial data shall be submitted in a format compatible with the City of Lincoln/Lancaster County’s GIS system. Acceptable formats are as follows;

1. ESRI Geodatabases (file or personal)
2. MicroStation .DGN (v8 and above)
3. AutoCAD .DWG

CAD Layering/Level Standard Naming Convention

The Layer/Level Naming standards listed below are a subset of the City of Lincoln\Lancaster County CADD standard specific to the submittal of subdivision plats, located at - <http://lincoln.ne.gov/city/pworks/engine/dconst/standard/cadd/pdf/level.pdf>.

Geodatabase Layer	CAD Layer Names	Color	Weight	Linestyle
Type5_Subdivisions.Type5Arcs	SUB-Subdivision	119	4	6
Type6_LotsUnits.Type6Arcs	SUB-Lot_Line	201	1	0
Type6_LotsUnits.Type6Arcs_R	SUB-ROW	66	3	0
StreetCenterline	SUB-Centerline	3	3	4
Type9_Encumbrances_BlanketUtility.Type9Arcs_BU	SUB-Easement_BlanketUtility	192	1	1
Type9_Encumbrances_Conservation.Type9Arcs_C	SUB-Easement_Conservation	192	1	1
Type9_Encumbrances_Electric.Type9Arcs_E	SUB-Easement_Electric	192	1	1
Type9_Encumbrances_Flood.Type9Arcs_F	SUB-Easement_Flood	192	1	1
Type9_Encumbrances_IngressEgress.Type9Arcs_IE	SUB-Easement_IngressEgress	192	1	1
Type9_Encumbrances_SanitarySewer.Type9Arcs_SS	SUB-Easement_SanitarySewer	192	1	1
Type9_Encumbrances_StormWater.Type9Arcs_SW	SUB-Easement_StormWater	192	1	1
Type9_Encumbrances_Utility.Type9Arcs_U	SUB-Easement_Utility	192	1	1
Type9_Encumbrances_WasteWater.Type9Arcs_WW	SUB-Easement_WasteWater	192	1	1
Type9_Encumbrances_WaterMain.Type9Arcs_WM	SUB-Easement_WaterMain	192	1	1
	Annotation Layer Names			
	SUB-Street_Txt_Name	64	0	0
	SUB-Subdivision_Txt_Name	0	0	0
	SUB-Subdivision_Txt_Dim	0	0	0
	SUB-BlockNumber_Txt	3	0	0
	SUB-Lot_Txt_Number	68	0	0
	SUB-Lot_Txt_Dim	0	0	0
	SUB-Streets_Txt_CurveData	0	0	0
	SUB-Subdivision_Txt_CurveData	0	0	0
	SUB-Lot_Txt_CurveData	0	0	0
	SUB-Easement_Txt	64	0	0

CAD File Submittal - Accuracy

All references to accuracy of the subdivision plat shall refer to the Lincoln Municipal Code, Chapter 26.19, as well as the County Zoning Regulations. Links to these are provided below;

<http://lincoln.ne.gov/city/attorn/lmc/ti26/ch2619.pdf>

and

<http://lincoln.ne.gov/city/plan/dev/zoning/stratreg/sub8.pdf>

CAD File Submittal - Supplemental Information

Line work Details;

All line work shall be represented by single part line segments consisting of a starting point, and an ending point only. Multiple vertex polylines are not allowed.

Annotation Details;

Each segment included in the submittal shall be dimensioned to the 1/100th of a foot (X.XX'), and shall be denoted as either a Platted Distance or a Measured Distance. This shall be defined as placing a (M) for 'measured', or a (P) 'platted' behind the corresponding distance.

For example - 131.49'(P) 131.58'(M) or 131.50 (M&P)

Note: All Curve Data shall consist of information regarding any curve on a property, boundary, or centerline. Curve data shall include all of the following;

- a. Radius
- b. Angle
- c. Tangent
- d. Length
- e. Chord Distance
- f. Chord Bearing

All points must be stored as a "POINT" feature, or a "Block Reference" or a "Cell" with the insert point of the feature being the centroid.

CAD File Submittal - Template Files for Download

A listing of files which can be downloaded and used as templates is found below;

City2DSubdivision.dgn – MicroStation V8 seed file

City2DSubdivision.dwg – AutoCAD v2013 template file

City2DSubdivision.prj - ESRI Projection File

City2DSubdivision.zip – zip file containing an ESRI File Geodatabase

All files can be found at – http://lincoln.ne.gov/cad_standards/

ORDINANCE NO. _____

1 AN ORDINANCE amending Sections 26.15.030, 26.19.031, 27.60.020, 27.64.010, and
2 27.65.070 of the Lincoln Municipal Code to provide provisions to implement Computer-Aided-
3 Design (CAD) Standards for Preliminary Plats, Final Plats, Use Permits, Community Unit Plans,
4 and Planned Unit Developments; and repealing Sections 26.15.030, 26.19.031, 27.60.020,
5 27.64.010, and 27.65.070 as hitherto existing.

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

7 Section 1. That Section 26.15.030 of the Lincoln Municipal code be amended to read as
8 follows:

9 **26.15.030 Additional Required Information.**

10 Accompanying the preliminary plat submittal, the following information shall be
11 submitted in a statement from the subdivider:

12 (a) Any interest the subdivider has in the land surrounding the preliminary plat and
13 the nature of such interest;

14 (b) All requests to be submitted to the city for use permits, special use permits,
15 planned unit developments, changes of zone, and vacations which are required to complete the
16 development;

17 (c) The name, telephone number, and mailing address of the subdivider, any other
18 person the subdivider may want informed of the preliminary plat process, and any person
19 authorized to act on the subdivider's behalf;

1 (d) All deviations from this title and the adopted design standards shall be set forth,
2 reasons given for each deviation, reasons given on how the proposal meets the intent of this title,
3 and why the proposal should be accepted.

4 (e) A Computer-Aided-Design (CAD) file representing only the preliminary plat
5 boundary survey and street centerlines shall be submitted that comply with the CAD Standards
6 for Subdivision Submittals maintained by the Public Works and Utilities Department.

7 Section 2. That Section 26.19.031 of the Lincoln Municipal Code be amended to read as
8 follows:

9 **26.19.031 Data Required on a Final Plat.**

10 (a) The final plat shall be accurately and legibly drawn and shall show the following:

11 (1) All survey and mathematical information with sufficient linear, angular, and
12 curve data necessary to locate all existing and placed monuments and stakes, and to locate and
13 retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision.
14 Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of
15 all common lines and the street centerline points shall be shown and any differences in
16 measurements so noted.

17 (2) All dimensions on the final plat shall be to the nearest one-hundredth (.01) of
18 a foot with such other information necessary to reproduce the final plat on the ground.

19 (3) Lot, outlot, and block lines. All such lines shall be shown and dimensioned.

20 (i) Where such lines are curved at street intersections, the length of
21 tangents shall be shown.

22 (ii) Where such lines abut curvilinear streets, chord or arc distances shall
23 be shown and noted.

1 (iii) All angles of deflection or bearings of such lines other than those
2 which are at right angles to the centerline of a street or on a radial line of a curved street.

3 (4) Lot, outlot, and block identity. Within each block all lots shall be numbered
4 in sequence, beginning with the number one and continuing consecutively throughout each block
5 with no omission or duplication. All blocks shall be numbered in the same manner. Outlots
6 shall be assigned an alphabetical letter beginning with the letter "A" and continuing
7 consecutively through the alphabet. The proposed use of the outlot shall be designated on the
8 plat.

9 (5) Areas to be dedicated or reserved for public use. For streets, private
10 roadways, and other public ways within and adjacent to the subdivision, the location, name,
11 centerline, centerline radius, length, and interior angle of horizontal curves, tangent length, and
12 width. All areas shall be located and identified which are to be dedicated or reserved for public
13 use, including park land and other public areas. All such parcels shall be outlots except streets
14 dedicated to the public. A clear distinction shall be made as to which parcels are to be dedicated
15 to the public from those parcels to be privately owned but reserved for public use.

16 (6) Location, width, and purpose of all required easements for storm drains,
17 overland stormwater flow routes, flood corridors, detention/retention facilities, wastewater
18 collectors, water mains, other public utilities, and other easements for public use.

19 (7) The elevations of any building or structure along flow routes indicating that
20 no opening in the building or structure is subject to flooding at the post development flow route
21 elevations.

22 (8) The location and identification of all section corners, section lines,
23 monuments and stakes found and placed. The boundary lines shall be located in reference to

1 existing official monuments. Describe the stakes, monuments, or other evidence used to
2 determine the boundaries of the subdivision.

3 (9) The number of acres, the total number of lots and outlots within the
4 subdivision, and the lot area in square feet for each lot and outlot.

5 (b) The following data shall be shown on each sheet of the final plat:

6 (1) The name of the subdivision. The use of first (1st), second (2nd), third (3rd),
7 etc., for additions or subdivisions shall be made in sequence but only if the final plat is located
8 adjacent to a plat with the same name.

9 (2) Scale.

10 (3) North arrow.

11 (4) Sheet number and the total number of sheets comprising the final plat.

12 (5) The name and number of the preliminary plat upon which the final plat is
13 based. This information shall appear directly beneath the name of the final plat.

14 (c) A blank space at the top of the first page which is at least two and one-half inches
15 by six and one-half inches in size.

16 (d) A Computer-Aided-Design (CAD) file representing all information being
17 submitted shall comply with the CAD Standards for Subdivision Submittals maintained by the
18 Public Works and Utilities Department.

19 Section 3. That Section 27.60.020 of the Lincoln Municipal Code be amended to read as
20 follows:

21 **27.60.020 Requirements.**

22 (a) General Requirements.

1 (1) The City or owners of any tract of land, at least three acres in size, may
2 apply for a planned unit development designation in any district except the AG Agriculture and
3 AGR Agricultural Residential districts.

4 (2) All regulations of the underlying zoning district shall apply, except as
5 provided herein and/or specifically modified by the City Council through the adoption of a
6 development plan.

7 (3) The maximum residential density of a planned unit development shall be
8 determined in accordance with the City of Lincoln Design Standards for community unit plans.
9 Planned unit developments which comply with the City of Lincoln Design Standards for Density
10 Bonuses may receive dwelling bonuses per those standards.

11 (4) Signs shall conform to Section 27.69.340, unless modified by the City
12 Council.

13 (5) All development must meet the intent and spirit of the comprehensive
14 plan.

15 (b) Development Plan Requirements.

16 (1) The applicant shall submit a development plan for the proposed planned
17 unit development.

18 (2) The development plan may propose and the City Council may approve
19 any permitted use, conditional permitted use, or special permitted use allowed under the zoning
20 code. Notwithstanding any regulation to the contrary, a separate special permit or use permit is
21 not necessary to permit any such use.

22 (3) The development plan may propose and the City Council may approve
23 area, height, sign, parking, landscaping, screening, traffic access and setback regulations for the

1 project as a whole or for subareas or components of the project different from those within the
2 underlying zoning district. In making its determination regarding approval of such proposed
3 standards or restrictions, the City Council shall consider the character and scale of the proposed
4 development as it relates to other uses and structures both within the district and outside the
5 district, the character and scale of similar development within the area of the proposal, and
6 consistency with other adopted plans or standards. The City Council may impose alternate or
7 additional area, height, parking, landscaping, screening, traffic access, and setback regulations as
8 necessary to protect and enhance areas within or adjacent to the planned unit development and to
9 ensure compliance with the comprehensive plan and protect the health, safety, and general
10 welfare.

11 (4) The development plan shall address the site-related impact and needs of
12 the proposed development on existing and proposed street and utility systems. The City Council
13 may impose conditions, restrictions, or standards as appropriate to achieve the intent of this
14 ordinance, and require dedication of necessary rights-of-way or easements. In making its
15 determination regarding such conditions, restrictions, or standards, the Council shall consider the
16 adequacy of existing or adjacent facilities, the timely provision of adequate facilities, the impact
17 of the proposed development on existing and/or planned facilities, and the overall cost to the
18 community.

19 (5) Where any portion of the total land area of a land use within the planned
20 unit development is proposed to be adjacent to the perimeter of the planned unit development
21 and such land use is not permitted in the adjacent zoning district, then the development plan must
22 address how the proposal will mitigate any negative impacts. The City Council may impose

1 additional standards and requirements for perimeter treatment to protect adjoining properties
2 from adverse effects, and to achieve an appropriate transition of land uses and densities.

3 (6) For planned unit developments proposed over parcels in substantially
4 developed areas, the development plan must include appropriate standards and regulations to
5 assure that new development or renovations are in the scale and character of the existing
6 neighborhood and are sensitive to adjacent properties with respect to height, scale, use and form
7 of the surrounding neighborhood, including, but not limited to the following; land uses
8 (including limitations on allowed uses), design standards for new construction (related to the
9 scale and character of the surrounding neighborhood), height, parking, and setbacks, including
10 both minimum and maximum setbacks.

11 (c) A Computer-Aided-Design (CAD) file representing only the planned unit
12 development boundary survey and street centerlines shall be submitted that comply with the
13 CAD Standards for Subdivision Submittals maintained by the Public Works and Utilities
14 Department.

15 Section 4. That Section 27.64.010 of the Lincoln Municipal Code be amended to read as
16 follows:

17 **27.64.010 Procedures and Requirements.**

18 (a) Application: Applications for a use permit under this chapter for development in the O-
19 3, R-T, B-2, B-5, and I-3 zoning districts shall be filed by the owner in writing with the
20 Planning Department on a form provided by the City. Upon filing the application, the
21 City Council shall refer the application to the Planning Commission for its consideration
22 and final action as provided in subsection (g) below.

- 1 (b) Preliminary plan: The Planning Director may require a preliminary plan that may include
2 the following information:
- 3 (1) Boundary survey and gross acreage;
 - 4 (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
5 elevations on 100-foot grid shall be required to fully indicate the topography on
6 flat land;
 - 7 (3) Street right of way;
 - 8 (4) Utility easements;
 - 9 (5) Adjacent land use and zoning classifications;
 - 10 (6) Location of structures on property to be removed;
 - 11 (7) Vicinity map;
 - 12 (8) Date prepared, scale, and north point;
 - 13 (9) Schematic and location of existing buildings;
 - 14 (10) Parking areas and capacity;
 - 15 (11) Open space for residential uses (except in the R-T District);
 - 16 (12) Use of buildings, such as retail, service, restaurant, office, residential, and other
17 uses;
 - 18 (13) Height of buildings;
 - 19 (14) Location of existing trees and proposed landscape plan;
 - 20 (15) Proposed vehicular and pedestrian circulation system including egress and
21 ingress;
 - 22 (16) Building and parking setback lines;
 - 23 (17) Grading plan;

- 1 (18) On-site and off-site water and sanitary sewer improvements;
- 2 (19) On-site and off-site drainage and storm sewer improvements;
- 3 (20) Location of proposed free-standing signs;
- 4 (21) Cross-section for paving of parking lots and sidewalks;
- 5 (22) In the B-2 and B-5 districts, proposed name of the shopping center;
- 6 (23) Name, address, and telephone number of developer; certified record owner or
- 7 owners and addresses; and legal description of the proposed use permit area,
- 8 including the number of acres.

9 (c) A Computer-Aided-Design (CAD) file representing only the use permit boundary survey
10 and street centerlines shall be submitted that comply with the CAD Standards for
11 Subdivision Submittals maintained by the Public Works and Utilities Department.

12 (d) Environmental performance standards: Any applicant for a use permit under the
13 provisions of this section shall comply with environmental performance standards
14 relating to noise, emission, dust, odor, glare, and heat as shall be from time to time
15 established by various municipal departments and approved by resolution of the City
16 Council.

17 (ed) Environmental impact statement and market analysis: If any application for a change of
18 zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district
19 under the provisions of this section substantially deviates from the Comprehensive Plan
20 in terms of location or size, as determined by the Planning Director, the applicant shall
21 submit an environmental impact statement and a market analysis in accordance with
22 Chapters 3.05 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations
23 which shall serve as a guide to the Planning Commission for evaluation of such applica-

1 tion in terms of need, desirability, supportability, and its implications for the overall
2 growth of the community.

3 (fe) Planning Commission review: The Planning Commission shall hold a public hearing
4 upon such application and shall consider the effect of the proposed use upon the
5 surrounding neighborhood, the community as a whole, and other matters relating to
6 public health, safety, and general welfare.

7 (gf) Planning Commission action: After holding at least one public hearing, the Planning
8 Commission shall proceed to give final consideration to the application. The Planning
9 Commission shall impose such conditions as are appropriate and necessary to ensure
10 compliance with the Comprehensive Plan and protect the health, safety, and general
11 welfare in the issuance of any such use permits. Such conditions may include an increase
12 in the minimum parking and yard requirements and decrease in the maximum height
13 restrictions set forth in this chapter. Lots fronting on private roadways may be permitted.
14 Unless expressly modified by the terms of the use permit, all regulations of the applicable
15 R-T, O-3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require
16 that certain conditions be fulfilled by the applicant in conjunction with approval of the
17 use permit applied for which may include the requirement that applicant grant additional
18 right of way in accordance with the Comprehensive Plan. The Planning Commission may
19 also require the execution of a written agreement with the city relating to the installation
20 of public improvements by the applicant, together with the execution of performance
21 bonds or provision of other appropriate surety relating thereto. The installation of all
22 public improvements shall be accomplished in compliance with existing city standards as
23 provided by ordinance or by departmental publications approved by resolution of the City

1 Council. In the event the Planning Commission fails to act upon the application within
2 ninety days from the date of the Council's referral of the application to the Planning
3 Commission, the applicant may file a written request with the Planning Director
4 requesting the Planning Commission to take final action on the application. If the
5 Planning Commission fails to take such final action within thirty days following the
6 Planning Director's receipt of the written request, the Planning Director shall schedule
7 the application on the City Council's agenda for public hearing and final action.

8 (hg) Appeal of Planning Commission action:

9 (1) Any council member, the Mayor, any aggrieved person, or any person or group
10 officially designated to participate in the administration of this title may appeal
11 any action of the Planning Commission to the City Council by filing notice of
12 appeal with the Planning Director within fourteen days following the action of the
13 Planning Commission.

14 (2) Upon receipt of the appeal by the City Council, the council shall hold a public
15 hearing thereon within thirty days from the date of appeal. Notice of the public
16 hearing shall be given as provided in Chapter 27.81.

17 (3) In exercising its appellate jurisdiction, the action appealed from shall be deemed
18 advisory and the City Council may, after public hearing, in conformity with the
19 provisions of this title make such decision as ought to be made.

20 (ih) Adjustment: Upon request of the applicant, the City Council may, after report and
21 recommendation of the Planning Commission, adjust the minimum subdivision
22 requirements, minimum parking, height and lot requirements, sign regulations for
23 location, height, and area of a sign, and specific I-3 use regulations set forth in Title 26

1 and Title 27 provided the public welfare and interest of the City and surrounding area are
2 protected and the general interest and spirit of the regulations are preserved and provided
3 further that in the R-T district, the maximum height of a building shall not exceed the
4 height of the tallest residence on the same and facing block fronts. The Planning
5 Commission shall hold a public hearing upon the requested adjustment at the same time
6 that it hears the application for the use permit and shall make a report to the City Council
7 regarding the effect the proposed use and adjustment has upon the surrounding
8 neighborhood, the community as a whole, and other matters relating to public health,
9 safety, and general welfare. Upon receiving a report from the Planning Commission, the
10 City Council shall take final action upon the use permit and the adjustment.

11 (ii) Amendment: The Planning Director is authorized to approve amendments to the use
12 permit provided that:

- 13 (1) A request for amendment is filed with the Planning Director and, if appropriate,
14 accompanied by a plot plan showing all pertinent information;
- 15 (2) Minor increases in the number of dwelling units or total floor area originally
16 authorized by the Planning Commission or City Council may be approved if such
17 increases will not cause a significant adverse impact on the public infrastructure,
18 existing development within the use permit, and adjoining properties. Minor
19 increases shall not exceed more than fifteen percent (15%) cumulative additional
20 dwelling units or total floor area;
- 21 (3) Amendments shall preserve the intent and spirit of the approved development
22 plan;
- 23 (4) Amendments shall not violate any regulation set forth in this title;

1 (5) No change is made to the applicable setback, yard, or height requirements for lots
2 along the perimeter of the use permit;

3 (6) Minor internal changes to the applicable setback, yard, or height requirements
4 may be made within the use permit if they conform to the intent of the approved
5 use permit and do not adversely impact existing development within the use
6 permit;

7 (7) Any amendment not in conformance with this paragraph shall be submitted to the
8 Planning Commission in the same manner as a formal application for use permit.

9 (kj) Building permits, certificates of occupancy, and certificates of compliance: Upon the
10 approval of a use permit as provided for under this section, building permits and
11 certificates of occupancy may be issued. Certificates of compliance shall not be issued
12 until there has been compliance with all conditions of a use permit and subsequent
13 amendments within each phase of development of a use permit.

14 (lk) Preexisting uses: An existing use of a type permitted in this chapter which was lawfully
15 established in this district on the effective date of this title shall be deemed to have
16 received a use permit as herein required and shall be provided with such permit by the
17 Director of Building and Safety upon request, and it shall not be a nonconforming use;
18 provided, however, for any enlargement, extension, or relocation of such existing use, an
19 application in conformance with this section shall be required.

20 (m†) If an application for a use permit located within a flood plain is granted approval by the
21 city, it shall not be necessary for the applicant to make an application for a special permit
22 to be approved by the City Council as required by Resolution Nos. A-55150, A-56382,
23 and A-57540. It shall be presumed that the applicant has received all such approvals as

1 may be required by the foregoing resolutions by virtue of the city granting approval to the
2 use permit.

3 (~~1111~~) Expiration of Application. All applications for a use permit which have been placed on
4 pending by an applicant shall automatically expire and become null and void one year
5 thereafter. At least thirty days before the date of expiration, the Planning Director shall
6 cause notice of expiration to be sent to the applicant by regular United States mail,
7 postage prepaid. Said notice shall advise the applicant that the application shall
8 automatically expire unless prior to the expiration date, the Planning Director receives a
9 request from the applicant to remove the application from pending and reschedule the
10 matter on the Planning Commission or City Council agenda as appropriate.

11 Section 5. That Section 27.65.070 of the Lincoln Municipal Code be amended to read as
12 follows:

13 **27.65.070 Form of Community Unit Plan in the R-1 through R-8 Zoning Districts and AG**
14 **and AGR Zoning Districts Not Within BTA Overlay District.**

15 A final plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in
16 a sufficient size and scale to show the details of the plan clearly and shall contain the following
17 information

18 (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown
19 thereon, and a certificate for showing the Planning Commission's approval or disapproval,
20 including the date and resolution number;

21 (b) Date prepared, north point, scale of plot plan, and location of section lines and
22 section corners;

1 (c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
2 elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

3 (d) Locations, name, tangent lengths, centerline radius of each curve and its interior
4 angle and width of all proposed and existing streets, highways, private roadways, and other
5 public ways within and adjacent to the development;

6 (e) Locations and widths of all existing and proposed easements for drainage, sewers,
7 and other public utilities and, if appropriate, access easements;

8 (f) Location, width, and direction of flow of all watercourses in and adjacent to the
9 community unit plan, including the limits of the floodplain and floodway as defined in Chapters
10 27.52 and 27.53;

11 (g) The location and size of all existing and proposed sanitary and storm sewers,
12 culverts, water mains, fire hydrants, and existing power lines and other underground structures or
13 cables within the tract of land and adjacent streets;

14 (h) All lot lines, building setback lines for all lots, dimensions of all lot lines and
15 building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

16 (i) Lot numbers shall begin with the number (1) and shall continue consecutively
17 through a block with no omission or duplication. Blocks shall be numbered in the same manner.
18 Letters shall be used to designate outlots in alphabetical order;

19 (j) Proposed areas for parks and playgrounds. Any parcels other than streets which are
20 to be dedicated or reserved for public use shall be clearly shown and said parcels shall be
21 designated as outlots and assigned an alphabetical designation;

22 (k) The location of all proposed and existing sidewalks, walkways, and other pedestrian
23 ways;

1 (l) Location, height, and use of proposed and existing buildings with an indication as to
2 whether an existing building is to be removed or to remain, and signs, if any, in accordance with
3 the provisions of Chapter 27.69;

4 (m) A certified accurate boundary survey showing sufficient linear, angular, and curve
5 data to determine the bearing and length of all boundary lines of the community unit plan.
6 Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any
7 common lines shall be shown and any differences in measurement noted. The total calculated
8 acres within the boundaries of the community unit plan shall be shown;

9 (n) The following data shall be shown on each sheet of the community unit plan:

10 (1) The name of the community unit plan;

11 (2) The name, address, and telephone number of the person or company
12 responsible for preparation of the community unit plan;

13 (3) North arrow, scale, date;

14 (4) Sheet number and the total number of sheets comprising the community unit
15 plan.

16 (o) Accompanying the community unit plan, the following information shall be
17 submitted to the Planning Department with the number of copies requested by the Planning
18 Director:

19 (1) Name, address, and telephone number of developer;

20 (2) Certified record owner or owners and their address;

21 (3) Legal description of the proposed community unit plan, including the number
22 of acres;

23 (4) Statement of present zoning and proposed use or uses of the property;

1 (5) Profiles along the centerline of the proposed streets and private roadways
2 which show the existing ground surface elevations and the proposed street grades including the
3 length of vertical curves between changes in grade with the profiles for stub streets ending at the
4 boundary of the community unit plan to be extended 300 feet beyond the limits of the
5 community unit plan into subdivided and unsubdivided land;

6 (6) The proposed method of providing sanitary sewer service to the area;

7 (i) If a public wastewater works or community wastewater works is
8 established, the size and location of all proposed sanitary sewers, the proposed manhole
9 locations, any necessary extension to the existing public system or to the proposed community
10 wastewater works, and the location of the proposed community wastewater works;

11 (ii) If the use of an on-site wastewater treatment system is permitted,
12 pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal
13 system and its location on each lot must be shown. If a septic tank system is proposed, soil and
14 percolation data and plans which show the location of one main subsurface disposal field for
15 each lot which is proposed to be served by a septic tank system shall be shown.

16 (7) The proposed method of providing an adequate potable water supply;

17 (i) If a public, or community water system, or rural water district is used,
18 the location and size of all proposed water mains, the proposed hydrant locations, and any
19 necessary extension of the proposed system to existing water mains or to a proposed community
20 well, the location of the proposed community well, and the type of water treatment to be used;

21 (ii) If a community water system other than a rural water district is proposed,
22 data on the quantity and quality of the water shall be obtained from a test well within the
23 immediate vicinity of the proposed water supply well. If an individual water well system for each

1 lot is proposed, data on the quantity and quality of the water shall be obtained from test wells
2 which shall be drilled on the ratio of one to each ten acres on a grid system. The results of these
3 preliminary tests shall in no way be construed to guarantee the quantity or quality of water to
4 individual lots in the proposed community unit plan and the data obtained from these tests shall
5 not be used to imply that an adequate quantity or acceptable quality of water is available in the
6 proposed community unit plan.

7 (8) A drainage study prepared in accordance with the current storm sewer design
8 standards of the city on file with the City Clerk. The following items must be included in the
9 drainage study:

10 (i) A map showing the drainage area and resulting runoff from any land
11 lying outside the limits of the community unit plan which discharges storm water runoff into or
12 through the community unit plan;

13 (ii) A map showing all internal drainage areas and resulting runoff;

14 (iii) Proposals as to how the computed quantities of runoff will be handled;

15 (iv) A copy of the drainage computations.

16 (9) A map or an aerial photograph showing the proposed streets, private roadways,
17 driveways, parking areas, buildings and lots which includes the location, and identifies, by
18 common name, all existing trees within the area of the community unit plan. Single trees which
19 are three inches in caliper or larger measured five feet above the ground must be shown.
20 However, if five or more trees are located so that each is within approximately ten feet of the
21 edge of another tree, they will be considered a tree mass and the outline of the tree mass may be
22 shown with a list of the common names of the trees which are within the tree mass. If the above-
23 stated procedure is followed, the individual location of each tree within the tree mass is not

1 necessary. An indication shall be made on the map showing which trees or tree masses are to
2 remain and which trees or tree masses are to be removed;

3 (10) A vicinity sketch showing the general location of the community unit plan in
4 relation to existing streets, section lines, and city limits;

5 (11) Site grading plan showing existing and proposed contour lines with intervals at
6 no greater distance than five feet, and if necessary, spot elevations showing complete proposed
7 grading of the community unit plan. Also, cross-sections may be required showing existing and
8 proposed ground lines and buildings. Information as to where fill will be obtained and the
9 amount of the fill shall be included if all or part of the property is located within the floodplain as
10 defined in Chapters 27.52 and 27.53. If the proposed location from which said fill is obtained is
11 later to be changed, the developer shall inform the Public Works and Utilities Department of the
12 location of the proposed new borrow area and obtain approval thereof from the Director of
13 Public Works and Utilities;

14 (12) All deviations from the provisions of this chapter shall be fully set forth and
15 reasons given for said deviations;

16 (13) In the event that said real property is located within a floodplain, the developer
17 shall comply with all requirements pertaining to floodplains contained in the Lincoln Municipal
18 Code and applicable state statutes.

19 (p) A Computer-Aided-Design (CAD) file representing only the Community Unit
20 Plan boundary survey and street centerlines shall be submitted that comply with the CAD
21 Standards for Subdivision Submittals maintained by the Public Works and Utilities Department.

22 Section 6. That Sections 26.15.030, 26.19.031, 27.60.020, 27.64.010, and 27.65.070 of
23 the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

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

Introduced by:

Approved as to Form & Legality:

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 Text Amendment #17014	FINAL ACTION? No	SECTIONS TO BE AMENDED Lancaster County Subdivision Regulations Lancaster County Zoning Regulations
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to modify the Lancaster County Zoning and Subdivision regulations to include the requirement that CAD (computer-aided design/drafting) files be submitted for certain subdivision and zoning applications. Specifically, final plat drawings will be required to be submitted using CAD files. For preliminary plats and community unit plans, CAD files will only be required to be submitted for the boundary survey and street centerline information.

JUSTIFICATION FOR RECOMMENDATION

Requiring a CAD file will allow for automated checking of many of the manual processes currently in place. Many City and County agencies already have CAD standards as part of their submittal process, and subdivision files very much lend themselves to this process as well.

It is intended to help improve internal review, and thus should help provide a better, more publically accessible product in a faster timeframe. This should benefit both internal public systems, and also the development community and the public at large.

APPLICATION CONTACT
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STAFF CONTACT
Brian Will, (402) 441-6362
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COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan calls for City and County to expand the information technology infrastructure, and to endorse efforts that integrate information technology into the delivery of services to the community. The Plan also encourages both the integration and enhancement of technology to facilitate efficiencies for the public, the development community, and local government. This text amendment is consistent with the goals of the Comprehensive Plan, helps the City and the County operate more efficiently, and helps provide the public and development community with better information and services.

KEY QUOTES FOR THE 2040 COMPREHENSIVE PLAN

Pg 11.23 - Information Technology - The City of Lincoln and Lancaster County promote the integration of information technology throughout the community by their use of technologies in the business of local government. Examples of such activities include: City and county departments, in partnership with other agencies, have created an extensive system of digital geographic information that includes hundreds of layers of information on features such as natural resources, topographic features, land use, structures, floodplains, jurisdictional boundaries, and infrastructure. A broad assortment of digital imagery – i.e., photographs, permit and property information – is also included in this GIS information base.

Pg. 11.24 - Strategies for Information Technology

- Support efforts to maintain, expand, and upgrade the community's information technology infrastructure.
- Further the cooperation between the City and County and local universities and colleges in applying information technology throughout the community.
- Endorse the on-going cooperation of City, County, and State governments to integrate information technology in the delivery of their services to the community.
- Investigate means for expanding the maintenance, development, and application of Geographic Information Systems data among public and private sector users.

ANALYSIS

1. This is a request to modify the Lancaster County Zoning and Subdivision regulations to include the requirement that CAD (computer-aided design/drafting) files be submitted for certain subdivision and zoning applications. Specifically, final plat drawings will be required to be submitted using CAD files. For preliminary plats and community unit plans, CAD files will only be required to be submitted for the boundary survey and street centerline information.
2. At the time of application for a preliminary plat, final plat, or community unit plan, the appropriate CAD file will be submitted in addition to the PDF files. The CAD standards are already in place and available online at the County/City website. A copy of the standards is attached.
3. The intent is to improve the timeliness and accuracy of the updates to the City and County digital representation of legal lots, rights-of-way, and property ownership. This information is used by all levels of government, the development community, and the public at large.
4. Reviewing agencies will be able to overlay CAD files in existing mapping systems and conduct reviews with digital accuracy. This is in contrast to the current system where the ability to overlay does not exist, and as a result the high level of electronic accuracy cannot be achieved as with CAD submittal.
5. Several meetings were held among staff and affected members of the development community to discuss this issue. The original proposal was to require digital submittal for all applications. During the last meeting among staff and members of the development community held on October 11, 2017, it was the consensus of those in attendance to revise the proposal to the one reviewed by this report. However, the original proposal to require all applications to include a digital submittal will be reviewed again with the development community at some future date.
6. An amendment to accomplish the same goal is also in process to amend Titles 26 and 27 of the Lincoln Municipal Code. The intent is for both Lancaster County and the City of Lincoln to adopt and adhere to the same standards.

Prepared by

Brian Will, Planner
November 21, 2017

F:\DevReview\TX\17000\TX17014 CAD Standards.bjw.docx

The following amendments are proposed for both Lancaster County and the City of Lincoln Zoning and Subdivision Regulations.

They are being proposed to do two things: First, to require boundary surveys and street centerlines for submittals for preliminary plats, use permits, planned unit developments, community unit plans to be submitted consistent with the CAD File Submittal Standards.

Second, to require final plats to be submitted consistent with the CAD File Submittal Standards.

COUNTY

County Subdivision Regulations

Preliminary Plat

7.02(f) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

Final Plat

8.05(c) CAD submittal Standards
(a) A Computer-Aided-Design (CAD) file representing all information being submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

County Zoning Regulations

Community Unit Plan

14.013(p) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Lancaster County Engineer.

CITY

LMC Title 26

Preliminary Plat

26.15.030(e) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Final Plat

26.19.031 CAD submittal Standards
(a) A Computer-Aided-Design (CAD) file representing all information being submitted shall that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

LMC Title 27

Use Permits

27.64.010(c) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Community Unit Plan

27.65.070(p) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Planned Unit Development

27.60.020(c) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary survey and street centerlines shall be submitted that complies with the CAD Standards for Subdivision Submittal maintained by the Public Works and Utilities Department.

Overview

The City of Lincoln/Lancaster County has adopted geographic information system (GIS) technologies to store, manage and maintain geospatial –related data. The majority of the private engineering community utilizes computer aided design/drafting (CAD) tools for the creation of data such as subdivisions, water systems, storm drains, rights-of-way, pavement edges, etc. It is the goal of the City/County to expedite the review process by applying standards to the submittal of CAD and GIS data.

This document shall be considered the Standard for which contractors submitting data shall abide by. Data that does not adhere to these standards may be rejected by the City of Lincoln as inappropriate for use.

CAD\GIS Data Standards - Coordinate System

All geospatial data shall be submitted in the following Lancaster County Low-Distortion coordinate system, more defined as follows;

Projection:	Transverse (UTM)
Units:	U.S. Survey Feet
Spheroid:	GRS80
Datum:	NAD83
Scale Factor:	1.000054615
Central Meridian:	-96 41 17
Projection Origin:	40 15 00
False Northing – meters:	0.0
False Easting – meters:	50000
Vertical Datum:	NAVD88

CAD\GIS Data Standards - Format

Geospatial data shall be submitted in a format compatible with the City of Lincoln/Lancaster County’s GIS system. Acceptable formats are as follows;

1. ESRI Geodatabases (file or personal)
2. MicroStation .DGN (v8 and above)
3. AutoCAD .DWG

CAD Layering/Level Standard Naming Convention

The Layer/Level Naming standards listed below are a subset of the City of Lincoln\ Lancaster County CADD standard specific to the submittal of subdivision plats, located at - <http://lincoln.ne.gov/city/pworks/engine/dconst/standard/cadd/pdf/level.pdf>.

Geodatabase Layer	CAD Layer Names	Color	Weight	Linestyle
Type5_Subdivisions.Type5Arcs	SUB-Subdivision	119	4	6
Type6_LotsUnits.Type6Arcs	SUB-Lot_Line	201	1	0
Type6_LotsUnits.Type6Arcs_R	SUB-ROW	66	3	0
StreetCenterline	SUB-Centerline	3	3	4
Type9_Encumbrances_BlanketUtility.Type9Arcs_BU	SUB-Easement_BlanketUtility	192	1	1
Type9_Encumbrances_Conservation.Type9Arcs_C	SUB-Easement_Conservation	192	1	1
Type9_Encumbrances_Electric.Type9Arcs_E	SUB-Easement_Electric	192	1	1
Type9_Encumbrances_Flood.Type9Arcs_F	SUB-Easement_Flood	192	1	1
Type9_Encumbrances_IngressEgress.Type9Arcs_IE	SUB-Easement_IngressEgress	192	1	1
Type9_Encumbrances_SanitarySewer.Type9Arcs_SS	SUB-Easement_SanitarySewer	192	1	1
Type9_Encumbrances_StormWater.Type9Arcs_SW	SUB-Easement_StormWater	192	1	1
Type9_Encumbrances_Utility.Type9Arcs_U	SUB-Easement_Utility	192	1	1
Type9_Encumbrances_WasteWater.Type9Arcs_WW	SUB-Easement_WasteWater	192	1	1
Type9_Encumbrances_WaterMain.Type9Arcs_WM	SUB-Easement_WaterMain	192	1	1
	Annotation Layer Names			
	SUB-Street_Txt_Name	64	0	0
	SUB-Subdivision_Txt_Name	0	0	0
	SUB-Subdivision_Txt_Dim	0	0	0
	SUB-BlockNumber_Txt	3	0	0
	SUB-Lot_Txt_Number	68	0	0
	SUB-Lot_Txt_Dim	0	0	0
	SUB-Streets_Txt_CurveData	0	0	0
	SUB-Subdivision_Txt_CurveData	0	0	0
	SUB-Lot_Txt_CurveData	0	0	0
	SUB-Easement_Txt	64	0	0

CAD File Submittal - Accuracy

All references to accuracy of the subdivision plat shall refer to the Lincoln Municipal Code, Chapter 26.19, as well as the County Zoning Regulations. Links to these are provided below;

<http://lincoln.ne.gov/city/attorn/lmc/ti26/ch2619.pdf>

and

<http://lincoln.ne.gov/city/plan/dev/zoning/stratreg/sub8.pdf>

CAD File Submittal - Supplemental Information

Line work Details:

All line work shall be represented by single part line segments consisting of a starting point, and an ending point only. Multiple vertex polylines are not allowed.

Annotation Details:

Each segment included in the submittal shall be dimensioned to the 1/100th of a foot (X.XX'), and shall be denoted as either a Platted Distance or a Measured Distance. This shall be defined as placing a (M) for 'measured', or a (P) 'platted' behind the corresponding distance.

For example - 131.49'(P) 131.58'(M) or 131.50 (M&P)

Note: All Curve Data shall consist of information regarding any curve on a property, boundary, or centerline. Curve data shall include all of the following;

- a. Radius
- b. Angle
- c. Tangent
- d. Length
- e. Chord Distance
- f. Chord Bearing

All points must be stored as a "POINT" feature, or a "Block Reference" or a "Cell" with the insert point of the feature being the centroid.

CAD File Submittal - Template Files for Download

A listing of files which can be downloaded and used as templates is found below;

City2DSubdivision.dgn – MicroStation V8 seed file

City2DSubdivision.dwg – AutoCAD v2013 template file

City2DSubdivision.prj - ESRI Projection File

City2DSubdivision.zip – zip file containing an ESRI File Geodatabase

All files can be found at – http://lincoln.ne.gov/cad_standards/

1 **Lancaster County Zoning Resolution**

2

3 14.013 Form of Community Unit Plan. A plot plan shall be accurately, clearly and legibly drawn
4 on tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and
5 shall contain the following information:

6 a) A surveyor's certificate certifying the accuracy of the boundary survey shown thereon
7 and a certificate for showing the Planning Commission's approval or disapproval, and a certificate
8 for the County Clerk to show the approval or disapproval by the Planning Commission, including
9 the date and resolution number; (Resolution No. R-11-0023, March 29, 2011)

10 b) Date prepared, north point, scale of plot plan and location of section lines and section
11 corners;

12 c) Contour lines at intervals not to exceed five (5) feet based on County data. Spot
13 elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

14 d) Locations, name, tangent lengths, center line radius of each curve and its interior angle
15 and width of all proposed and existing streets, highways, private roadways and other public ways
16 within and adjacent to the development;

17 e) Locations and widths of all existing and proposed easements for drainage, sewers and
18 other public utilities and if appropriate, access easements;

19 f) Location, width and direction of flow of all watercourses in and adjacent to the
20 community unit plan, including the limits of the flood plain and floodway as defined in Article 11;

21 g) The location and size of all existing and proposed sanitary and storm sewers, culverts,
22 water mains, fire hydrants and existing power lines and other underground structures or cables
23 within the tract of land and adjacent streets;

1 h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building
2 envelope lines. Chord distance shall be shown for lot lines abutting curvilinear streets;

3 i) Lot numbers shall begin with the number (1) and shall continue consecutively through a
4 block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall
5 be used to designate outlots in alphabetical order;

6 j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be
7 dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as
8 outlots and assigned an alphabetical designation;

9 k) The location of all proposed and existing sidewalks, walkways and other pedestrian
10 ways;

11 l) Location, height and uses of proposed and existing buildings with an indication as to
12 whether an existing building is to be removed or to remain;

13 m) A certified accurate boundary survey showing sufficient linear, angular and curve data
14 to determine the bearing and length of all boundary lines of the community unit plan. Where the
15 tract of land abuts on an existing plat, the distances, angles and bearing of any common lines be
16 shown and any differences in measurement, noted. The total calculated acres within the boundaries
17 of the community unit plan shall be shown;

18 n) The following data shall be shown on each sheet of the community unit plan:

- 19 1) The name of the community unit plan;
- 20 2) The name, address and telephone number of the person or company responsible
21 for preparation of the community unit plan;
- 22 3) North arrow, scale, date;

1 4) Sheet number and the total number of sheets comprising the community unit
2 plan;

3 o) Accompanying the community unit plan, the following information shall be submitted
4 to the Planning Department with the number of copies requested by the Planning Director:

5 1) Name, address and telephone number of developer;

6 2) Certified record owner or owners and their addresses;

7 3) Legal description of the proposed community unit plan, including the number of
8 acres;

9 4) Statement of present zoning and proposed use or uses of the property;

10 5) Profiles along the center line of the proposed streets and private roadways which
11 show the existing ground surface elevations and the proposed street grades
12 including the length of vertical curves between changes in grade with the profiles
13 for stub streets ending at the boundary of the community unit plan to be extended
14 three hundred (300) feet beyond the limits of the community unit plan into
15 subdivided and unsubdivided land;

16 6) The proposed method of providing sanitary sewer service to the area:

17 i. If a public or community sewage system is established, the size and
18 location of all proposed sanitary sewers the proposed manhole locations,
19 any necessary extension to the existing public system or to the proposed
20 community sewage treatment facility, and the location of the proposed
21 community sewage treatment facility;

22 ii. If the use of individual sewage disposal systems is permitted pursuant to
23 Resolution No. 2382 and amendment thereto of Lancaster County, plans for

1 the proposed disposal system and its location on each lot must be shown. If
2 a septic tank system is proposed, soil and percolation data and plans which
3 show the location of one main subsurface disposal field for each lot which
4 is proposed to be served by a septic tank system shall be shown.

5 7) The proposed method of providing an adequate potable water supply:

6 i. If a public or community water system or rural water district is used, the
7 location and size of all proposed water mains, the proposed hydrant
8 locations and any necessary extension of the proposed system to existing
9 water mains or to a proposed community well, the location of the proposed
10 community well, and the type of water treatment to be used;

11 ii. If a community water system other than a rural water district is proposed,
12 data on the quantity and quality of the water shall be obtained from a test
13 well within the immediate vicinity of the proposed water supply well. If an
14 individual water well system for each lot is proposed, data on the quantity
15 and quality of the water shall be obtained from test wells which shall be
16 drilled on the ratio of one to each ten (10) acres on a grid system. The results
17 of these preliminary tests shall in no way be construed to guarantee the
18 quantity or quality of water to individual lots in the proposed community
19 unit plan and the data obtained from these tests shall not be used to imply
20 that an adequate quantity or acceptable quality of water is available in the
21 proposed community unit plan.

1 8) A drainage study prepared in accordance with any approved Storm Sewer Design
2 Standards of the County on file with the County Clerk. The following items must
3 be included in the drainage study:

4 i. A map showing the drainage area and resulting runoff from any land lying
5 outside the limits of the community unit plan which discharges storm water
6 runoff into or through the community unit plan;

7 ii. A map showing all internal drainage areas and resulting runoff;

8 iii. Proposals as to how the computed quantities of runoff will be handled;

9 9) A map or an aerial photograph showing the proposed streets, private roadways,
10 driveways, parking areas, building and lots which includes the location and
11 identifies, by common name, all existing trees within the area of the community
12 unit plan. Single trees which are three (3) inches in caliper or larger measured five
13 (5) feet above the ground must be shown. However if the five (5) or more trees are
14 located so that each end is within approximately ten (10) feet of the edge of another
15 tree, they will be considered a tree mass and the outline of the tree mass may be
16 shown with a list of the common names of the trees which are within the tree mass.
17 If the above-stated procedure is followed, the individual location of each tree within
18 the tree mass is not necessary. An indication shall be made on the map showing
19 which trees or tree masses are to remain and which trees or tree masses are to be
20 removed;

21 10) A vicinity sketch showing the general location of the community unit plan in
22 relation to existing streets, section lines and county limits;

1 11) Site grading plan showing existing and proposed contour lines with intervals at
2 no greater distance than five (5) feet, and if necessary, spot elevations showing
3 complete proposed grading of the community unit plan. Also, cross-sections may
4 be required showing existing and proposed ground lines and buildings. Information
5 as to where fill will be obtained and the amount of the fill shall be included if all or
6 part of the property is located within the flood plain as defined in Article 11. If the
7 proposed location from which said fill is obtained is later to be changed, the
8 developer shall inform the County Board of the location of the proposed new
9 borrow area and obtain approval thereof from the County Board;

10 12) All deviations from the provisions of this article shall be fully set forth and
11 reasons given for said deviations;

12 13) In the event that said real property is located within a flood plain, the developer
13 shall comply with all requirements pertaining to flood plains contained in the
14 Lancaster County Code and applicable state statutes.

15 p) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary
16 survey and street centerlines shall be submitted that complies with the CAD Standards for
17 Subdivision File Submittal maintained by the Lancaster County Engineer and City of Lincoln
18 Public Works and Utilities Engineering Services.

1 **Lancaster County Subdivision Resolution**

2

3 **Sec. 7.02. INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT.** The
4 following required information shall be identified and shown on the preliminary plat or on
5 accompanying sheets:

6 (a) Centerline profiles in NAVD 1988 of all existing and proposed streets and private
7 roadways within and adjacent to the subdivision. The profile shall show points of intersection with
8 all other streets and private roadways, stationing, the existing ground surface elevations, the
9 proposed street grades, the length of vertical curves between changes in grade, and the profiles and
10 horizontal alignment of temporary dead-end streets extending three hundred (300) feet beyond the
11 limits of the subdivision. (Resolution No. R-3, December 30, 1999)

12 (b) A drainage study in NAVD 1988. When utilizing National Geodetic Vertical Datum
13 1929 (NGVD 1929) based flood elevations from FEMA floodplain maps, 0.50 feet shall be added
14 to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an
15 established conversion program is demonstrated to the satisfaction of the County Engineer. The
16 drainage study shall include the following: (Resolution No. R-3, December 30, 1999)

17 (1) A topographic map showing the drainage area and resulting runoff from all
18 land lying outside the limits of the preliminary plat which discharges storm water runoff into or
19 through the plat.

20 (2) A topographic map showing proposed contour lines and all subdrainage areas
21 and resulting runoff within the limits of the preliminary plat.

22 (3) Directional flow arrows for surface drainage along all lot lines where:

23 i. The flow from one acre or more discharges along a common lot line; and

1 ii. The finished grade of the lot is proposed to be two percent (2%) or less.
2 The drainage study map shall provide sufficiently detailed information to determine the proposed
3 slope along all lot lines.

4 (4) The size and location of the pipes, ditch liners, and other drainage facilities
5 required to adequately drain the subdivision.

6 (5) A copy of the drainage computations.

7 (c) The location, size, and common name of all existing trees within and adjacent to the
8 subdivision. The location of the trees may be shown on an aerial photograph with the proposed
9 streets and lots accurately shown thereon. All existing trees which measure three (3) inches or
10 more in caliper five (5) feet above the ground shall be shown and each tree identified with its
11 common name. However, if five (5) or more trees are located so that each is within approximately
12 ten (10) feet of the edge of another tree, they may be considered a tree mass and the outline of the
13 tree mass shall be shown, with a list of the common name of the trees which are within the tree
14 mass and their general grouping. If this procedure is followed, the individual location of each tree
15 within the tree mass is not necessary. An indication shall be made on the map showing which trees
16 or tree masses are to remain and which trees or tree masses are to be removed.

17 (d) A vicinity sketch showing the general location of the preliminary plat in relation to
18 existing streets and section lines.

19 (e) Notwithstanding (a) and (b) above, centerline profiles and drainage studies submitted
20 before March 1, 20-00 may be submitted in NAVD 1988 or in City datum or other datum as
21 approved by the County Engineer. (Resolution No. R-3, December 30, 1999)

22 (f) A Computer-Aided-Design (CAD) file representing only the preliminary plat boundary
23 survey and street centerlines that complies with the CAD Standards for Subdivision File Submittal

1 maintained by the Lancaster County Engineer and City of Lincoln Public Works and Utilities
2 Engineering Services.

3

4 **Sec. 8.05. ADDITIONAL INFORMATION REQUIRED.** Accompanying the final plat
5 submittal, the following information shall be submitted:

6 (a) a statement from the subdivider indicating:

7 (1) Any interest the subdivider has in the land surrounding the final plat and the
8 nature of such interest.

9 (2) The name, telephone number, mailing address of the subdivider, record owner,
10 and any other person the subdivider may want informed of the final plat process, and any person
11 who has the authorization to act on behalf of the subdivider. (December 10, 2013, Resolution No.
12 R-13- 0070).

13 (b) a Computer-Aided-Design (CAD) file representing all information being submitted that
14 complies with the CAD Standards for Subdivision File Submittal maintained by the Lancaster
15 County Engineer and City of Lincoln Public Works and Utilities Engineering Services.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #17017	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS Text Amendment #17018

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a set of minor corrections to Chapter 27.59 of the City Zoning Ordinance on Airport Zoning Regulations, and the Airport Zoning Map. The text changes involve two minor wording updates. The map changes include updating the runway end elevations in accordance with the approved Airport Layout Plan and resulting changes in the Shaded Area and airport zone boundaries.

JUSTIFICATION FOR RECOMMENDATION

These changes are necessary updates and corrections to the airport zoning and should be approved.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendments are required for proper implementation of the airport zoning restrictions for building and structure height as noted in the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.19 - Existing Airports and Airfields

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

P. 10.39 - Airport and Airfields - 2040 Needs

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

P. 10.71 - Airports and Airfields

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

Strategies:

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

ANALYSIS

1. Revisions to the City airport zoning height permit regulations and accompanying changes to the Airport Zoning Map were approved in June 2017 with Text Amendment #17004.
2. The proposed text changes to the City airport zoning regulations include removing a gender specific reference and reflecting the consolidation of the former Nebraska Department of Aeronautics as a division within the new Nebraska Department of Transportation effective July 1, 2017.
3. The same text changes are proposed with the related Text Amendment #17018 to Article 18 of the County Zoning Resolution.
4. The proposed Airport Zoning Map changes include:
 - Changes to runway end locations and elevations in accordance with the approved Airport Layout Plan for the Lincoln Airport. All runway end locations changed. Based on revised locations, three runways had a change in elevation (Runways 14, 32 and 35). The primary reason for runway end changes has been relocation of runway thresholds over the years. The changes in runway elevation range from decimals of a foot to a maximum of 3 feet.
 - The runway end changes necessitated corresponding changes to the boundaries and elevations of the Shaded Area, Turning Zones, and Approach Zones for the three runways as well as corrections to the elevation markings.
 - Correct lengths of several 50:1 Slope Approach Zones. All of said zones that climb off the end of the runways should be 7,500 feet in length but some were too long.
 - Correct the look of the 150' Maximum Height Approach Zone segments to end at three miles from the end of the operation zone as described in the regulations, rather than continuing them out to the turning zone boundary. This change is most clearly seen on the Runway 32 and 35 approaches.
5. These changes should have no significant effect on development. The elevations for Runways 14 and 32 slightly increased and therefore raised the maximum heights for structures. The elevation for Runway 35 was the only runway end elevation that decreased (by 3 feet) resulting in a lowering of the maximum structure heights by 3 feet. Any existing structures affected by this change would be considered legal nonconforming and could be continued and reconstructed so long as the height of the structure is not increased over its preexisting height, as

described in the regulations on nonconforming airport zoning height, Section 27.59.080 of the City Zoning Ordinance and Article 18.008 of the County Zoning Ordinance. The changes are unlikely to affect any but the tallest structures such as cellular and broadcast towers.

Prepared by

Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Lincoln-Lancaster County Planning Department
Rachel Jones
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7603 or rjones@lincoln.ne.gov

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ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.59 of the Lincoln Municipal Code relating to
2 Airport Zoning Regulations by amending Section 27.59.070 to change the reference to the State
3 Department of Aeronautics to the Division of Aeronautics of the State of Nebraska Department
4 of Transportation based on a merger of the departments effective July 1, 2017; adopting a revised
5 Lincoln Airport Zoning Map; and repealing Section 27.59.070 as hitherto existing.

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

7 Section 1. That Section 27.59.070 of the Lincoln Municipal Code be amended to read as
8 follows:

9 **27.59.070 Airport Hazards.**

10 (a) The Building Official shall examine or cause to be examined any structures or
11 trees reported to ~~the Building Official~~ him as an airport hazard within the airport hazard area, and
12 if such is found to be an airport hazard as defined in Section 27.59.010, and is not otherwise
13 approved or authorized by this Chapter, it shall be the duty of the Building Official to give the
14 owner of the property where such airport hazard exists written notice thereof, and to take such
15 measures as are necessary and authorized by law to eliminate or alleviate said airport hazard.
16 For the purpose of aiding the Building Official to determine whether the existence of any such
17 reported structures or trees constitute an airport hazard, the Building Official may in each case
18 request a written report from the Division of Aeronautics of the State of Nebraska Department of
19 Transportation ~~State Department of Aeronautics~~ under the provisions of *Neb. Rev. Stat.* §§ 3-108
20 and 3-113 (Reissue 2012) to advise whether or not an airport hazard, as defined in this chapter,
21 exists.

1 (b) Notwithstanding any other provisions of this title, no use may be made of land
2 within any zone established by this ordinance in such a manner as to create electrical interference
3 with radio communication between the airport and aircraft, make it difficult for fliers to
4 distinguish between airport lights and others, result in glare in the eyes of fliers using the airport,
5 impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or
6 maneuvering of aircraft.

7 Section 2. That the Lincoln Airport Zoning Map dated February 15, 2017, as most
8 recently amended by Section 5 of Ordinance No. 20509 be superseded and the Lincoln Airport
9 Zoning Map dated August 11, 2017, a copy of which is attached hereto, is hereby adopted by
10 reference into Chapter 27 and shall constitute the Lincoln Airport Zoning Map referred to in
11 Chapter 27 and in Section 27.050.020 of the Lincoln Municipal Code.

12 Section 3. That Section 27.59.070 of the Lincoln Municipal Code as hitherto existing be
13 and the same is hereby repealed.

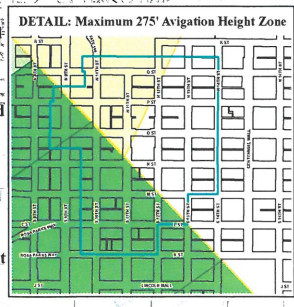
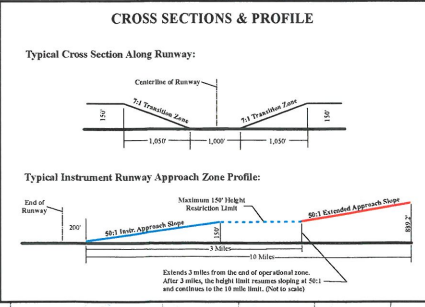
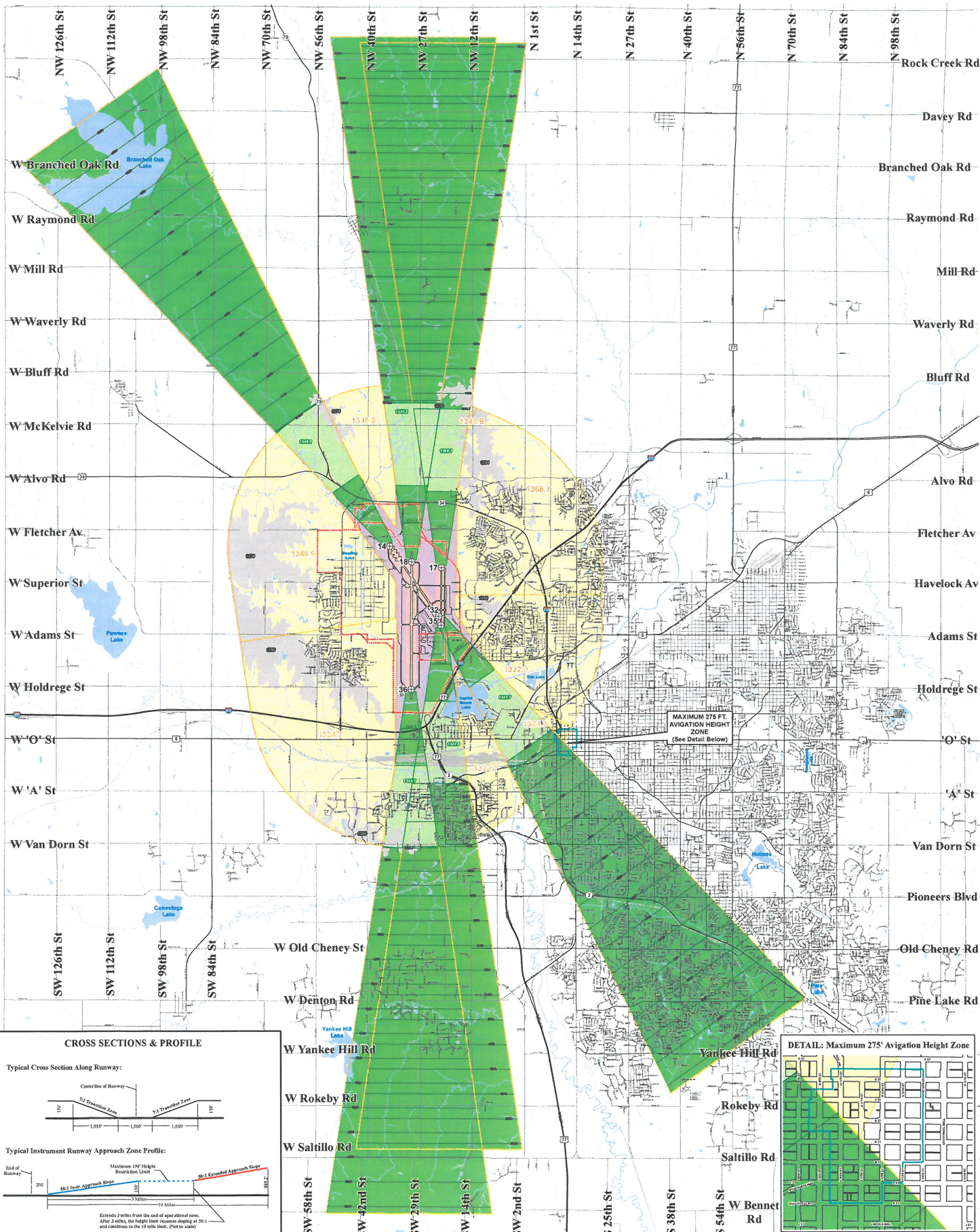
14 Section 4. This ordinance shall be published, within fifteen days after the passage hereof,
15 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the
16 official bulletin board of the City, located on the wall across from the City Clerk's office at 555
17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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017: _____ Mayor



LINCOLN AIRPORT ZONING MAP

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

Runway 14: Lat. 40 52 02.307' Long. -96 45 19.833' Elevation: 1,199.9 ft
 Runway 17: Lat. 40 51 49.841' Long. -96 45 27.14' Elevation: 1,218.7 ft
 Runway 18: Lat. 40 51 46.780' Long. -96 45 42.932' Elevation: 1,195.2 ft
 Runway 32: Lat. 40 50 52.275' Long. -96 45 43.932' Elevation: 1,177.7 ft
 Runway 35: Lat. 40 50 43.929' Long. -96 45 3.086' Elevation: 1,173.8 ft
 Runway 36: Lat. 40 49 39.313' Long. -96 45 42.928' Elevation: 1,174.7 ft

NOTE: All elevations are in NAVD (North American Vertical Datum) 1988. Runway elevations are surveyed and provided by the Lincoln Airport Authority. As of March 1, 2006, all project submittals are required to utilize NAVD 1988 vertical datum. Approach Zone extends 10 miles from the Operation Zone.

Plotted September 29, 2017

LINCOLN - LANCASTER COUNTY PLANNING DEPARTMENT
 ITS
 1100 West 10th Street, Lincoln, NE 68502
 Phone: (402) 441-1100
 Fax: (402) 441-1101
 Website: www.lincoln-airport.com



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #17018	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS Text Amendment #17017

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a set of minor corrections to Article 18 of the County Zoning Resolution on Special Height and Use Regulations Near Airports, and the Airport Zoning Map. The text changes involve two minor wording updates. The map changes include updating the runway end elevations in accordance with the approved Airport Layout Plan and resulting changes in the Shaded Area and airport zone boundaries.

JUSTIFICATION FOR RECOMMENDATION

These changes are necessary updates and corrections to the airport zoning and should be approved.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendments are required for proper implementation of the airport zoning restrictions for building and structure height as noted in the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.19 - Existing Airports and Airfields

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

P. 10.39 - Airport and Airfields - 2040 Needs

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

P. 10.71 - Airports and Airfields

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

Strategies:

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

ANALYSIS

1. Revisions to the City airport zoning height permit regulations and accompanying changes to the Airport Zoning Map were approved in June 2017 with Text Amendment #17004.
2. The proposed text changes to the County airport zoning regulations include removing a gender specific reference and reflecting the consolidation of the former Nebraska Department of Aeronautics as a division within the new Nebraska Department of Transportation effective July 1, 2017.
3. The same text changes are proposed with the related Text Amendment #17017 to Chapter 27.59 of the City Zoning Ordinance.
4. The proposed Airport Zoning Map changes include:
 - Changes to runway end locations and elevations in accordance with the approved Airport Layout Plan for the Lincoln Airport. All runway end locations changed. Based on revised locations, three runways had a change in elevation (Runways 14, 32 and 35). The primary reason for runway end changes has been relocation of runway thresholds over the years. The changes in runway elevation range from decimals of a foot to a maximum of 3 feet.
 - The runway end changes necessitated corresponding changes to the boundaries and elevations of the Shaded Area, Turning Zones, and Approach Zones for the three runways as well as corrections to the elevation markings.
 - Correct lengths of several 50:1 Slope Approach Zones. All of said zones that climb off the end of the runways should be 7,500 feet in length but some were too long.
 - Correct the look of the 150' Maximum Height Approach Zone segments to end at three miles from the end of the operation zone as described in the regulations, rather than continuing them out to the turning zone boundary. This change is most clearly seen on the Runway 32 and 35 approaches.
5. These changes should have no significant effect on development. The elevations for Runways 14 and 32 slightly increased and therefore raised the maximum heights for structures. The elevation for Runway 35 was the only runway end elevation that decreased (by 3 feet) resulting in a lowering of the maximum structure heights by 3 feet. Any existing structures affected by this change would be considered legal nonconforming and could be continued and reconstructed so long as the height of the structure is not increased over its preexisting height, as

described in the regulations on nonconforming airport zoning height, Section 27.59.080 of the City Zoning Ordinance and Article 18.008 of the County Zoning Ordinance. The changes are unlikely to affect any but the tallest structures such as cellular and broadcast towers.

Prepared by

Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Lincoln-Lancaster County Planning Department
Rachel Jones
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7603 or rjones@lincoln.ne.gov

F:\DevReview\TX\17000\TX17017 Airport Zoning.rkj.docx

ARTICLE 18

SPECIAL HEIGHT AND USE REGULATIONS NEAR AIRPORTS

18.007. Airport Hazards.

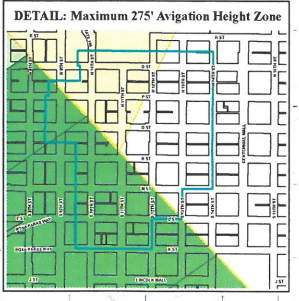
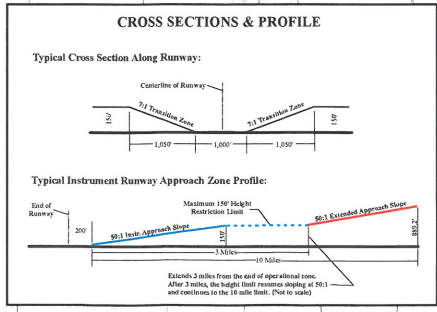
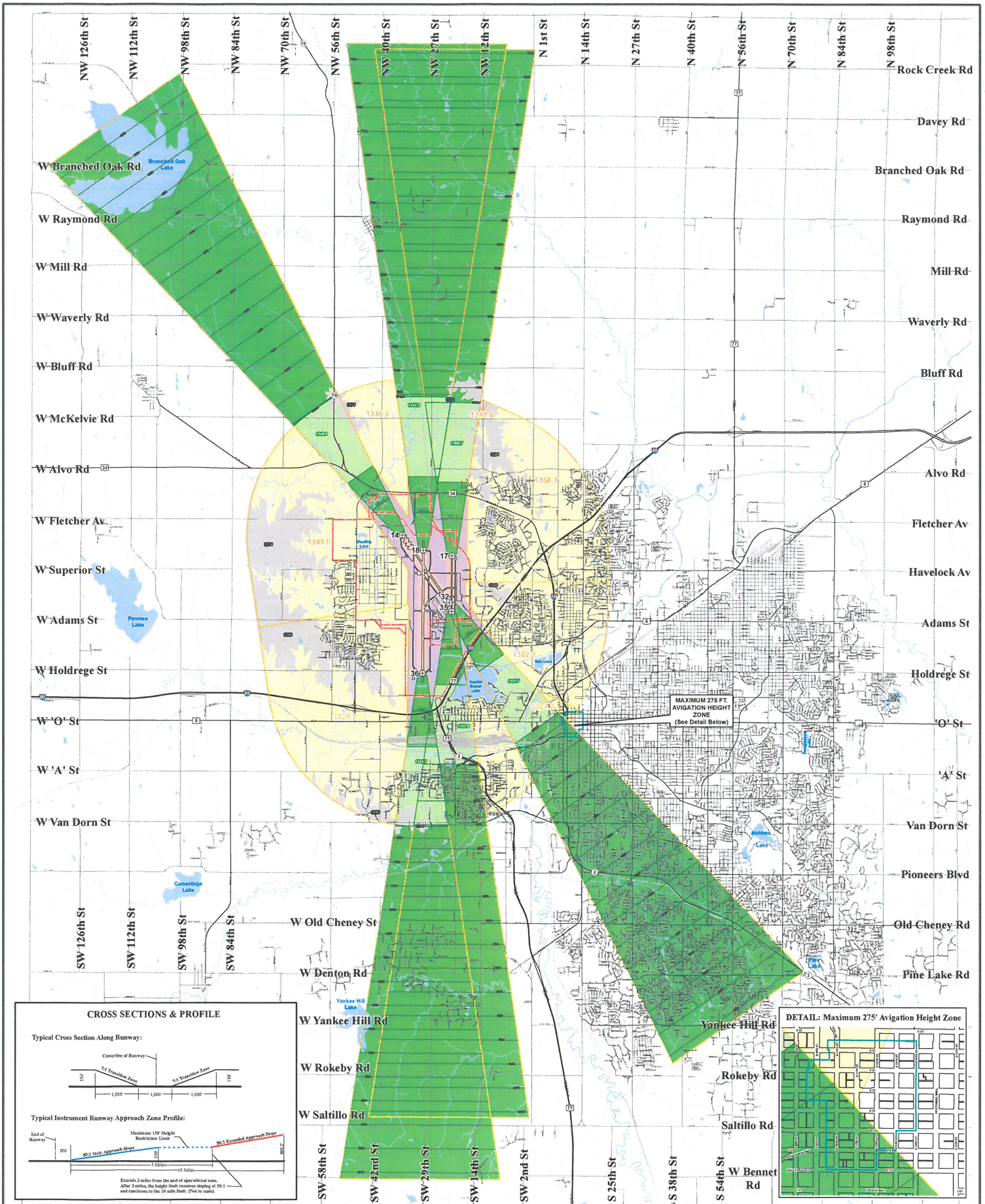
a) The Building Official shall examine or cause to be examined any structures or trees, reported to ~~him~~ the Building Official as an airport hazard within the airport hazard area, and if such is found to be an airport hazard as defined in Section 18-002, and is not otherwise approved or authorized by this Article, it shall be the duty of the Building Official to give the owner of the property where such airport hazard exists written notice thereof, and to take such measures as are necessary and authorized by law to eliminate or alleviate said airport hazard. For the purpose of aiding the Building Official to determine whether the existence of any such reported structures or trees constitute an airport hazard, the Building Official may in each case request a written report from the ~~State Department of Aeronautics~~ Division of Aeronautics of the State of Nebraska Department of Transportation under the provisions of Neb. Rev. Stat. § 3-108 and § 3-113 to advise whether or not an airport hazard, as defined in this Article, exists.

b) Notwithstanding any other provisions of this ~~Title~~ Resolution, no use may be made of land within any zone established by this Article in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take-off, or maneuvering of aircraft.

18.009. Marking of Non-conforming Structures.

ATTACHMENT B

1 Whenever the Building and Safety Department shall determine that a specific non-
2 conforming structure or object exists and has existed prior to the passage of these regulations and
3 within the zoned area hereinbefore described at such height or in such a position as to constitute
4 a hazard to the safe operation of aircraft landing at or taking off from said airport or airfield, the
5 owner or owners and the lessor or lessors of the premises on which such structure or object is
6 located shall be notified in writing by the said official, and shall within a reasonable time permit
7 the marking thereof by suitable lighting or other signals designated by the said agency and based
8 on the recommendations of lighting officials or ~~the Nebraska Department of Aeronautics~~ the
9 Division of Aeronautics of the State of Nebraska Department of Transportation.



LINCOLN AIRPORT ZONING MAP

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

Runway 14 Lat: 40 52 02.307° Long: -96 45 10.858° Elevation: 1,195.9 ft	Runway 32 Lat: 40 50 52.275° Long: -96 44 43.92° Elevation: 1,177.8 ft
Runway 17 Lat: 40 51 40.841° Long: -96 45 27.14° Elevation: 1,218.8 ft	Runway 35 Lat: 40 50 43.529° Long: -96 43 30.8° Elevation: 1,173.8 ft
Runway 18 Lat: 40 51 46.780° Long: -96 45 42.92° Elevation: 1,195.3 ft	Runway 36 Lat: 40 49 39.333° Long: -96 44 42.858° Elevation: 1,174.8 ft

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

Plotted: September 29, 2017

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #17020	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS SP1219N

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

A text amendment is proposed to update the Zoning Ordinance as it pertains to sign regulations for non-residential health care and post secondary education facilities, including hospitals and private colleges/universities. The proposal would provide for marquee and directional signs to be permitted as internal way finding signs while allowing for additional square footage up to 100 square feet for freestanding signs and up to 200 square feet for wall signs.

JUSTIFICATION FOR RECOMMENDATION

The text amendment will allow flexibility for campus signage associated with non-residential health care facilities and post-secondary education facilities. These facilities generally are found in residential districts which have more limiting regulations in so far as allowable signage and are located on large campuses which have larger scale buildings. The proposal would still limit these facilities to less signage than would otherwise be allowed in other zoning districts.

APPLICATION CONTACT

DaNay Kalkowski (402) 435-6000 or danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2040 Comprehensive Plan supports health care facilities and community colleges, trade schools and universities by recognizing the need to plan for further construction on medical campuses and support the necessary expansion of education facilities while remaining sensitive to surrounding neighborhoods. This request is compatible with the Comprehensive Plan because it allows for a reasonable increase in the allowable signage for non-residential health care facilities and post-secondary schools which are in a campus setting.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 8.6 - Health Care

- Hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses such as Bryan LGH East and West, St. Elizabeth's Regional Medical Center, Madonna Rehabilitation hospital.

p. 8.7 - Health Care

- Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods.
- Plan for further construction on medical campuses.

p. 8.9 - Community Colleges and Trade Schools and Universities

- Lincoln has multiple institutions of higher learning, with campuses located throughout the city.
- Support the necessary expansion of education facilities while remaining sensitive to surrounding neighborhoods.

ANALYSIS

1. This request is for a text amendment to amend the Zoning Ordinance 27.69.260 pertaining to Nonresidential Health Care Facilities and Post-Secondary Schools. This section of the Zoning Ordinance pertains to campuses having more than one building and two acres of land. The request is to provide for marquee and directional signs to be permitted for internal way finding, to increase the allowable square footage for freestanding signs to 100 square feet and to increase allowable square footage for wall signs to 200 square feet or 30% of the total square footage of said architectural elevation.
2. Currently, the Zoning Ordinance (27.69.260) does not specifically allow for marquee and directional signs as permitted for internal way finding. The current Ordinance also limits freestanding signs to 50 square feet in sign area and makes distinction between a major street and other streets whereby if the sign is on a major street the 50 square feet is permitted, but otherwise 32 square feet for any other street. The current regulations also limit wall signs to 50 square feet; anything over these regulations may be approved by the City Council through a Special Permit as part of a campus signage plan.
3. Proposed modifications to the text are specifically as follows:
 - 27.69.260 (a) Add text that the signing plan shall identify all signage.
 - 27.69.260 (b) Delete text requiring that signs proposed in required yards shall be approved as part of the landscaping plan and add text that marquee and directional signs shall be permitted for internal way finding
 - 27.69.260 (c) Delete text pertaining to if the freestanding sign is on a major street and delete text limiting height to six feet and square footage to 32 square feet for any other street and increase the allowable square footage to 100 square feet.
 - 27.69.260 (e) Delete text concerning all wall signs over 50 square feet in sign area shall be approved in the permit and permit wall signs on each architectural elevation of a building which do not exceed 200 square feet or 30% of the total square footage of the architectural elevation.
4. A general listing of schools, community colleges, colleges and academies through prior special permits includes the following known entities:
 - Union College (S 52nd Street and Stockwell Street)
 - Private School (5000 Tipperary Tr)
 - Seventh Day Adventists School (S. 31st Street & C Street)
 - Pioneer Gymnastics (7545 Pioneers Blvd)
 - Tara Hill Dance Studio (S. 61st Street and Pine Lake Road)
 - Okinawan Karate School (S. 9th Street and Pioneers Blvd)
 - Club Kicks (S. 48th Street & Rent Worth Drive)
 - Thompson Creek (56th and Thompson Creek)
 - Nebraska Wesleyan University (N. 50th & St. Paul)

A general listing of special permits with entities associated with Healthcare Facilities; Non-Residential below includes the following:

Eastmont Towers (S 63rd Street & O Street)
Madonna (S 56th Street & South Street)
Tabitha (S 47th Street & Randolph Street)
The Ambassador Lincoln (Normal Blvd & Cotner Blvd)
Homestead Health Care (S 54th Street & LaSalle)
Nebraska Heart Institute (S 91st Street & Heritage Lakes Drive)
Bickford Cottage (S 45th & Old Cheney Road)
Medical Clinic (S 13th Street & Dakota Street)
Lutheran Family Services of Nebraska (S 17th Street & South Street)
Bryan Medical Center East Campus (S. 50th Street & A Street)
Health Care Facility (S. Coddington and W. O Street)
Bryan Medical Center West (S. 17th Street and South Street)
Briarpark Plaza Health Care Facility (S. 48th Street and Old Cheney Road)
Convalescent Home (S 14th Street and Van Dorn Street)
St. Monica's (Lakewood Dr. & Wedgewood Dr)
Bryan LGH (S. 27th Street and Tamarin Ridge Road)
Center Point, Inc. (N. 26th & P Street)

Since the provisions of 27.69.260 pertaining to Nonresidential Health Care Facilities and Post-Secondary Schools. require more than one building and two acres of land not all of the above entities will necessarily qualify for the proposed amendment since this section is geared toward a campus environment as opposed to a single building/parcel.

5. The proposed text amendment will allow flexibility for campus signage associated with non-residential health care facilities and post-secondary education facilities. These facilities generally are found in residential districts which are more limited in so far as allowable signage. In addition, these facilities generally existing on large campuses and have larger scale buildings. The proposal would still limit these facilities to less allowable signage than would otherwise be allowed in other districts. Wall signs are allowed up to 500 square feet in size in the O-3 District, which is a comparable zoning district.
6. Related Special Permit 1219N includes sign amendments for the Bryan East Campus, specifically five wall signs up to 200 square feet and one wall sign up to 150 square feet are proposed to allow identification of buildings within the campus. Bryan Medical Center held a neighborhood meeting on November 7, 2017 to discuss the proposed signage amendments to the Bryan East campus signage plan. No opposition was expressed by the neighbors in attendance.
7. This request is compatible with the Comprehensive Plan because it allows for a reasonable increase in the allowable signage for growing non-residential health care facilities and post-secondary schools which are in a campus setting.

Prepared by

George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov Date: November 2, 2017

Applicant	Bryan Medical Center 1600 S. 48 th Street Lincoln, NE 68506 (402) 481-8983 or don.sheets@bryanyhealth.org	Contact:	DaNay Kalkowski 1128 Lincoln Mall, Suite 105 Lincoln, NE 68508 (402)-435-6000 or danay@sk-law.com
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F:\DevReview\TX\17000\TX17020 Hospitals and Private Universities Campus Signage .gjlw.docx

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (the
2 “Zoning Ordinance”) by amending Section 27.69.260 to revise the sign provisions for
3 Nonresidential Health Care Facilities and Post Secondary Schools and repealing Section
4 27.69.260 as hitherto existing.

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

6 Section 1. That Section 27.69.260 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.69.260 Nonresidential Health Care Facilities and Post Secondary Schools.**

9 Campuses of nonresidential health care facilities and private post secondary schools
10 having more than one building and two acres of land, may have a campus signing plan approved
11 under the provisions of Section 27.63.080 and 27.63.075 to provide for public safety and to
12 accommodate the unique requirements for services, provided:

13 (a) The signing plan shall identify all signage and be designed to minimize adverse
14 impact on surrounding properties;

15 (b) Marquee and directional signs shall be permitted for internal way finding~~Any signs~~
16 ~~proposed in required yards shall be approved as part of the landscaping plan;~~

17 (c) No freestanding sign shall exceed eight feet in height or one hundred~~fifty~~ square feet
18 in sign area ~~if on a major street, and six feet in height and thirty two square feet on any other~~
19 ~~street;~~

20 (d) Signage shall have no exposed illumination, except one "emergency" sign may have
21 direct lighting;

1 (e) The total square footage of all wall signs on each architectural elevation of a
2 building shall not exceed 200 square feet or 30% of the total square footage of said architectural
3 elevation, whichever is less~~All wall signs over fifty square feet in sign area shall be approved in~~
4 ~~the permit.~~

5 Said campus signing plan may be approved by administrative amendment as provided in
6 Section 27.63.030 if a special permit ~~is~~ ~~exists~~ ~~sent~~ for the health care facility or secondary school
7 and plot plan.

8 The campus signing plan regulations ~~in subparagraphs (c), (d), and (e)~~ above may be
9 modified by the City Council in connection with the granting of a special permit in conformance
10 with the requirements of Chapter 27.63.

11 Section 2. That Section 27.69.260 of the Lincoln Municipal Code as hitherto
12 existing be and the same is hereby repealed.

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

Introduced by:

17-XXX

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 Annexation #17023 and Change of Zone #07063B	FINAL ACTION? No	DEVELOPER/OWNER Ringneck Development, LLC
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY LOCATION NW 48 th and W. Holdrege Streets

**RECOMMENDATIONS: ANNEXATION (APPROVAL)
CHANGE OF ZONE (CONDITIONAL APPROVAL)**

BRIEF SUMMARY OF REQUEST

This is a combined staff report for an annexation and change of zone for the I-80 West Lincoln Business Center Planned Unit Development (PUD).

The proposed annexation includes approximately 21.16 acres. The annexation area is comprised of 20.31 acres within the PUD boundary along with an additional property proposed for annexation by the City which is outside the PUD that would be surrounded by the City limits on three sides and should be annexed along with the PUD area.

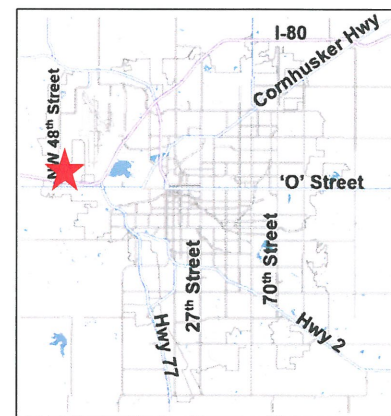
A change of zone is requested from AG Agriculture District to R-3 Residential District PUD and H-3 Highway Commercial District PUD for the annexation area within the PUD.

JUSTIFICATION FOR RECOMMENDATION

This property is contiguous to the City limits on the north and east. It is located in the Tier I, Priority A Growth Area. The proposed zoning is appropriate based on the Future Land Use Map in the Comprehensive Plan and generally matches the approved PUD, subject to a condition of approval requiring that the PUD site plan be revised to reflect the Comprehensive Plan land use areas.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2010 Comprehensive Plan update changed the future land uses south of W. Holdrege Street within the PUD to show residential and commercial uses and removal of the future industrial designation as requested by the developer. The proposed zoning is in conformance with the future land use map.



APPLICATION CONTACT

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

STAFF CONTACT

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Commercial and Urban Residential 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 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

Pg. 1.10 - This site is shown in Tier I Priority A on the Growth Tier Map.

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

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

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

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

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

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

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

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

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

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

ANALYSIS

1. This request is to annex a total of 21.16 acres, a change of zone from AG to R-3 PUD over approximately 8.12 acres, and a change of zone from AG to H-3 PUD over approximately 12.19 acres. The I-80 West Lincoln Business Center PUD is generally located west of NW 48th Street and north of Interstate 80. The annexation area is contiguous to the City limits on the north and east.
2. The applicant requests to annex 20.31 acres within the PUD, which corresponds to the same area as the proposed changes of zone. The City requests to annex an additional 0.85 acres corresponding to a property on the southwest corner of NW 48th and Holdrege Streets (Lot 67 I.T.) that would be surrounded on three sides by the City limits if the first annexation were approved. Lot 67 was added to the annexation request to ensure there is not a jurisdictional gap in the NW 48th Street right-of-way or overly complex city limits in this location, both of which create confusion for first responders.

Lot 67 is not within 300 feet of a sanitary sewer line so the owner would not be required to connect to city sewer. Water is available in NW 48th Street and it is a tapable water main should they want to connect to city water.

3. The approved PUD site plan shows industrial and commercial uses south of W. Holdrege Street. However, it has been understood for some time that there is not sufficient demand for industrial uses in this area. For that reason, the 2010 Comprehensive Plan update revised the future land uses to show only residential and commercial uses. The proposed changes of zone are in conformance with the Comprehensive Plan. A condition of approval requires that the PUD plans be updated to match the Comprehensive Plan.
4. The PUD site plan is conceptual. Details of grading, street profiles, and lot layout typically required for a preliminary plat are allowed to be approved by administrative amendment prior to final platting for this PUD. The submitted changes of zone are strictly revisions to the zoning boundaries and were not accompanied by other site plan details that will be approved at a later time.
5. The following describes the availability of utilities and services in this area:
 - a. A sewer line is currently being installed west of the annexation area between I-80 and W. Holdrege. Sanitary sewer can be extended from the west to serve this area.
 - b. There is a 16" water main in NW 48th Street.
 - c. A conditional zoning and annexation agreement was approved with the PUD in 2011. The agreement addresses the paving of NW 48th, W. Holdrege, and NW 56th Streets. W. Holdrege Street is currently a gravel road. The developer would be required to dedicate necessary easements and right-of-way to the City at the time W. Holdrege Street is improved.
 - d. A future trail is planned on the north side of W. Holdrege Street.
 - e. Emergency Services: This area is in the Southwest Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is located at NW 36th and W. Luke Streets.
6. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority A serves as the "future urban area" for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture and single-family dwelling

SURROUNDING LAND USE & ZONING

North: Vacant; R-3
South: Agriculture; AG
East: Agriculture and vacant; AG and B-2
West: Agriculture; AG

APPROXIMATE LAND AREA:

Annexation #17023: 21.16 acres, more or less
Change of Zone from AG to R-3 PUD: 8.12 acres, more or less
Change of Zone from AG to H-3 PUD: 12.19 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #4

LEGAL DESCRIPTIONS: See attached.

Prepared by


Rachel Jones, Planner

Date: November 26, 2017

Applicant: Mike Preston
11904 Arbor Street, Suite 200
Omaha, NE 68144
(402) 330-2274 or mpreston@mffi.com

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

Owner: Ringneck Development, LLC
11904 Arbor Street, Suite 200
Omaha, NE 68144
(402) 330-2274 or mpreston@mffi.com

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APPLICATION HISTORY

- Jan. 2005 Airport West Subarea Study adopted by City Council. This PUD is within the plan boundaries.
- Feb. 2008 Change of Zone No. 07063 was recommended for approval by Planning Commission.
- Annexation No. 07005 was recommended for approval by Planning Commission pending completion of an Annexation Agreement.
- Comprehensive Plan Amendment No. 07003 was recommended for approval by Planning Commission. The 2010 Comprehensive Plan update made the amendment irrelevant and the application was never heard by the City Council.
- Nov. 2011 Change of Zone No. 07063 and Annexation No. 07005 were approved by City Council for approximately 448 dwelling units, 1.5 million square feet of commercial, office, and industrial floor area, and up to 200 hotel/motel rooms. Also included was approval of the I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement.
- Feb. 2017 Change of Zone No. 07063A and Annexation No. 16014 were approved by City Council for approximately 41 dwelling units in the northern portion of the PUD.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #07063B

This approval permits a Change of Zone from AG to R-3 PUD over approximately 8.12 acres and a Change of Zone from AG to H-3 PUD over approximately 12.19 acres.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Annexation No. 17023
2. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 2.1 Add a note on the PUD Site Plan that states, "Right-of-way and easements on W. Holdrege Street, N.W. 48th Street, and N.W. 56th Street shall be dedicated at no cost when requested by the City for improvements to said streets."
 - 2.2 Revise the PUD Site Plan and Development Plan to change the designation of the area south of W. Holdrege Street from I-3 PUD to H-3 PUD and reflect the future Residential and Commercial land uses shown on the Future Land Use Map.
3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
 - 3.2 Verification that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds,

filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

- 4.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.

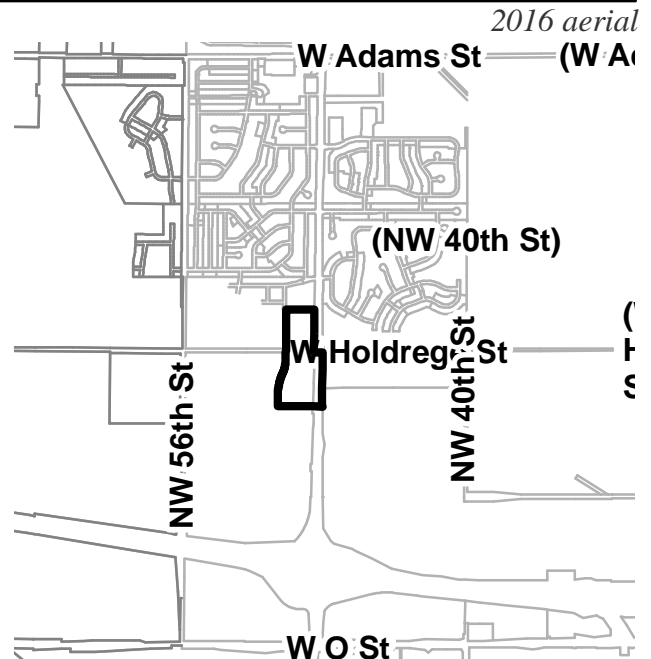
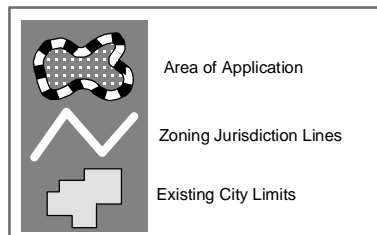


Annexation #: AN17023
I-80 West Lincoln Business Center
NW 48th St & W Holdrege St

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

Two Square Miles:
 Sec.18 T10N R06E
 Sec.19 T10N R06E





Lincoln/Lancaster, NE GIS

2016 aerial

Change of Zone #: CZ07063B
I-80 West Lincoln Business Center PUD
NW 48th St & W Holdrege St

Zoning:

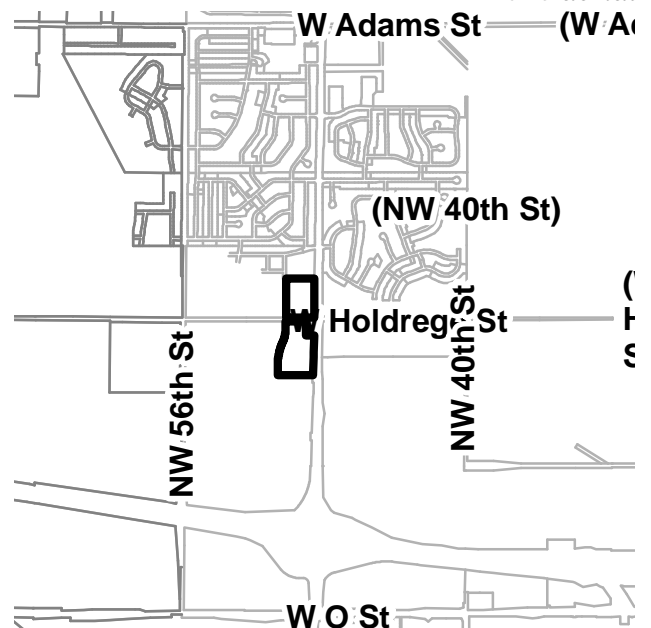
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- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
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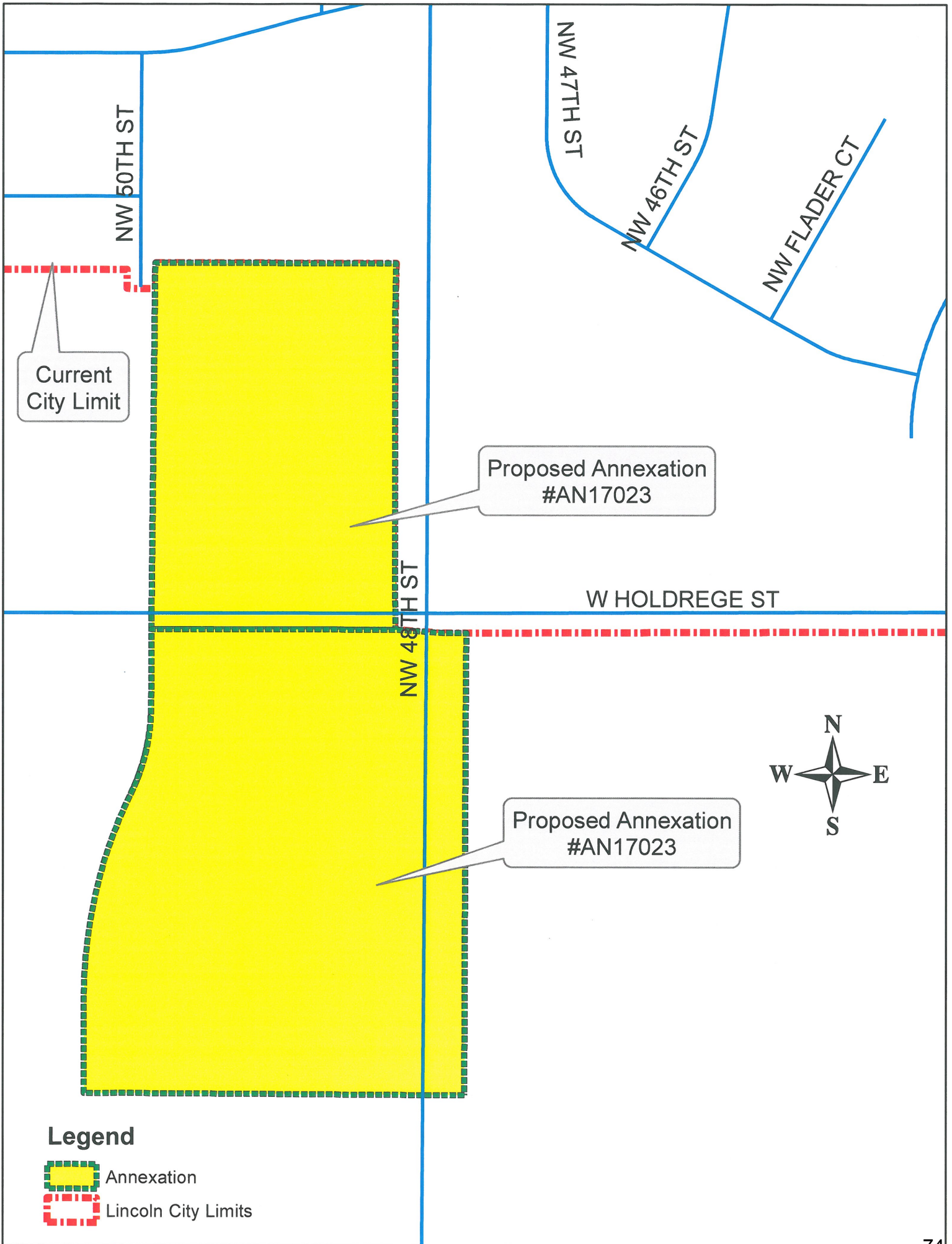
Two Square Miles:
 Sec.18 T10N R06E
 Sec.19 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Existing City Limits







Current
City Limit

Proposed Annexation
#AN17023

Proposed Annexation
#AN17023



Legend

-  Annexation
-  Lincoln City Limits

**LEGAL DESCRIPTION
ANNEXATION**

Annexation Requested by Applicant

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 40 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.20' TO THE SOUTHEAST CORNER OF LOT 40 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET; THENCE N00°23'06"E, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.00' TO **THE TRUE POINT OF BEGINNING**; THENCE N89°54'57"W, ON A LINE LOCATED 33.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 503.16' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY OF NORTHWEST 50TH STREET; THENCE N00°14'27"E, ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID RIGHT-OF-WAY, AND ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 701.20' TO A NORTH CORNER OF SAID LOT 40 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "B", VILLAGE WEST ADDITION; THENCE S89°54'57"E, ON A NORTH LINE OF SAID LOT 40 I.T., SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 506.04' TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT BEING 104.25' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°51'57"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 133.17' TO AN EAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°23'06"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 568.05' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 353,508.57 SQUARE FEET OR 8.12 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 252.24' TO THE

NORTHEAST CORNER OF LOT 70 I.T., SAID POINT BEING THE NORTHWEST CORNER OF LOT 67 I.T.; SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE S00°25'49"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING THE WEST LINE OF SAID LOT 67 I.T., A DISTANCE OF 283.00' TO AN EAST CORNER OF SAID LOT 70 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 67 I.T.; THENCE S89°54'57"E, ON A NORTH LINE OF SAID LOT 70 I.T., SAID LINE BEING THE SOUTH LINE OF SAID LOT 67 I.T., A DISTANCE OF 148.09' TO AN EAST CORNER OF SAID LOT 70 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 67 I.T., SAID POINT ALSO BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET; THENCE S13°35'19"E, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 6.44' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE S00°30'12"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 295.96' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°45'16", A RADIUS OF 270.00', AN ARC LENGTH OF 31.83' ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 31.81', A TANGENT LENGTH OF 15.93', AND A CHORD BEARING OF S07°29'13"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°28'31", A RADIUS OF 330.00', AN ARC LENGTH OF 60.33' ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 60.25', A TANGENT LENGTH OF 30.25', AND A CHORD BEARING OF S05°37'41"W TO A POINT; THENCE S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 306.11' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE N89°36'35"W, ON A SOUTH LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, DISTANCE OF 8.00' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 24.89' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE N89°37'51"W, A DISTANCE OF 629.26' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 201.05' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS OF 967.00', AN ARC LENGTH OF 440.04', A CHORD LENGTH OF 436.25', A TANGENT LENGTH OF 223.90', AND A CHORD BEARING OF N13°07'14"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS OF 416.50', AN ARC LENGTH OF 189.53', A CHORD LENGTH OF 187.90', A TANGENT LENGTH OF 96.44', AND A CHORD BEARING OF N13°07'14"E TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 195.42' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°54'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 362.42' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 543,078.46 SQUARE FEET OR 12.47 ACRES, MORE OR LESS.

Additional Annexation Requested by City

LOT 67, I.T., LOCATED IN THE NW 1/4 OF SECTION 19-10-6, LANCASTER COUNTY, NEBRASKA.

**LEGAL DESCRIPTION
CHANGE OF ZONE TO R-3 PUD**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 40 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**LEGAL DESCRIPTION
CHANGE OF ZONE TO H-3 PUD**

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96.44', AND A CHORD BEARING OF N13°07'14"E TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 195.42' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°54'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 362.42' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 543,078.46 SQUARE FEET OR 12.47 ACRES, MORE OR LESS.

Wednesday, November 22, 2017

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November 8, 2017

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

RE: I-80 West Lincoln Business Center H-3 Planned Unit Development
Applications for Annexation and Change of Zone

Dear Mr. Cary:

On behalf of the Owner, Ringneck Development, LLC ("Ringneck"), we are requesting an application for Annexation and Change of Zone. Ringneck Development, LLC is a party to the Conditional Annexation and Zoning Agreement ("Agreement") approved by the City on November 9, 2011 that master planned the infrastructure to provide the future annexation of the property.

Ringneck is requesting to annex and change of zone two areas totaling 20.31 acres and is legally described as shown on Exhibits "A" and "B" enclosed herein.

Exhibit "A" describes the area seeking to annex and change zone from AG to R-3 Planned Unit Development ("R-3 Property"). Exhibit "B" describes the area seeking to annex and change zone from AG to H-3 Planned Unit Development ("H-3 Property").

The proposed R-3 PUD area for the Property contains 8.12 acres of Neighborhood Business Area and the H-3 PUD area contains 12.19 acres of Highway Commercial Area. Regulations applicable to these properties of the PUD are described the adopted Development Plan contained in the Agreement.

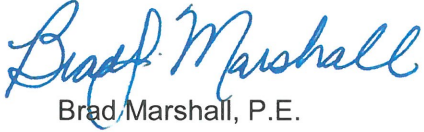
Ringneck's request for annexation and change of zone for the Properties to entitle and zone the property to prepare it for the next stage of development. The PUD plans show conceptual uses and street layouts for the unannexed areas of the Property. Ringneck understands it will need to submit application to amend the PUD for the Property prior to submitting applications for final plat to show more detail of the uses and grading/drainage.

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

1. Application for Change of Zone and Annexation
2. Application Fees (\$988)
3. Exhibits and Legal Descriptions

If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olssonassociates.com or (402) 458-5672.

Sincerely,



Brad Marshall, P.E.

Enclosures

cc with enclosures: Mike Preston
Todd Lorenz
File

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Change of Zone #17033

FINAL ACTION?
No

OWNER
M.W.H. Leasing LLC

PLANNING COMMISSION HEARING DATE
December 6, 2017

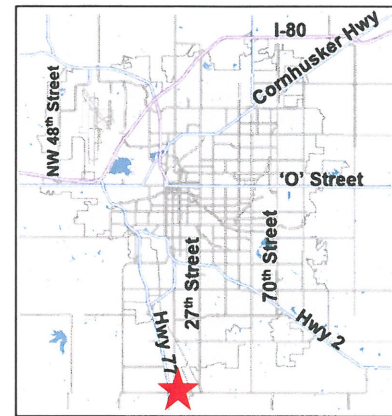
RELATED APPLICATIONS
Preliminary Plat #17005

PROPERTY LOCATION
S. 25th Street & Saltillo Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG Agriculture District to I-1 Industrial District over a small portion of one lot. The change of zone corresponds to an approximately 1-acre area proposed to be added into the buildable lots shown on the revised Saltillo Industrial Park Preliminary Plat (PP17005).



JUSTIFICATION FOR RECOMMENDATION

The proposed I-1 zoning is not within 300 feet of a residential zoning district. The area is shown as future industrial and agricultural stream corridor on the future land use map. This minor change of zone avoids split zoning on the expanded buildable lots while preserving the remainder of the expanded preliminary plat area as AG zoning in accordance with its designation as an outlot for open space and conservation easement.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use is identified as both industrial and agricultural stream corridor. The change of zone to I-1 would only cover the area to be added to the buildable lots of the preliminary plat. It is a small area of change that conforms to the overall future land use pattern for the site.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Industrial, Environmental Resources, Agricultural Stream Corridor, and Lakes and Streams on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

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

P. 5.5-5.6 - Commercial and Industrial Development Strategies

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

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

ANALYSIS

1. This is a request for a change of zone from AG Agriculture to I-1 Industrial over approximately 1.05 acres.
2. The area proposed for re-zoning would be added to expanded lots on the west side of the Saltillo Industrial Park Preliminary Plat (PP17005). The rezoning represents a portion of the Lot 50 I.T. being added to the preliminary plat. The remainder of Lot 50 I.T. would remain zoned AG.
3. The applicant's original proposal was that the entire Lot 50 be re-zoned to I-1. However, it was revised to the small area being added to the lots rather than all of Lot 50, since the annexation agreement for this area did not include re-zoning Lot 50 I.T. to industrial. The revised preliminary plat shows the industrial lots on the west side to be slightly expanded west into Lot 50 I.T., necessitating that sliver of land to be zoned I-1 in accordance with the rest of the preliminary plat to avoid split zoning on those lots. Although it was not approved as part of the annexation agreement, the change of zone still meets the intent of the annexation agreement as it is a minor amount of additional area.
4. The Comprehensive Plan shows the change of zone area as future industrial and agricultural stream corridor. This change of zone conforms with the overall future land use plan for this site which shows future industrial on portions of Lot 50 I.T. The areas of land shown as future agricultural stream corridor loosely follow the floodplain boundary and floodplain issues have been addressed as part of the grading and drainage review for the preliminary plat.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Temporary rock crushing operation and agriculture; I-1
South: Agriculture; AG
East: Agriculture (approved for existing Saltillo Industrial Park); I-1
West: Agriculture; AG

APPLICATION HISTORY

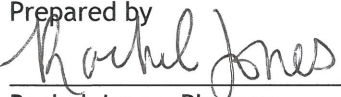
Feb. 2007 Annexation of this site and a change of zone from AG Agriculture District to I-1 Industrial District were approved by the City Council with Annexation #06012 and Change of Zone #06012.

Dec. 2016 Preliminary Plat #16006 for Saltillo Industrial Park was approved by the Planning Commission.

APPROXIMATE LAND AREA: 1.05 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by



Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Tim Gergen, The Clark Enersen Partners
 1010 Lincoln Mall, Suite 200
 Lincoln, NE 68508
 tim.gergen@clarkenersen.com or (402) 477-9291

Owner: M.W.H. Leasing LLC
 P.O. Box 22133
 Lincoln, NE 68542

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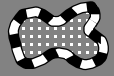


2016 aerial

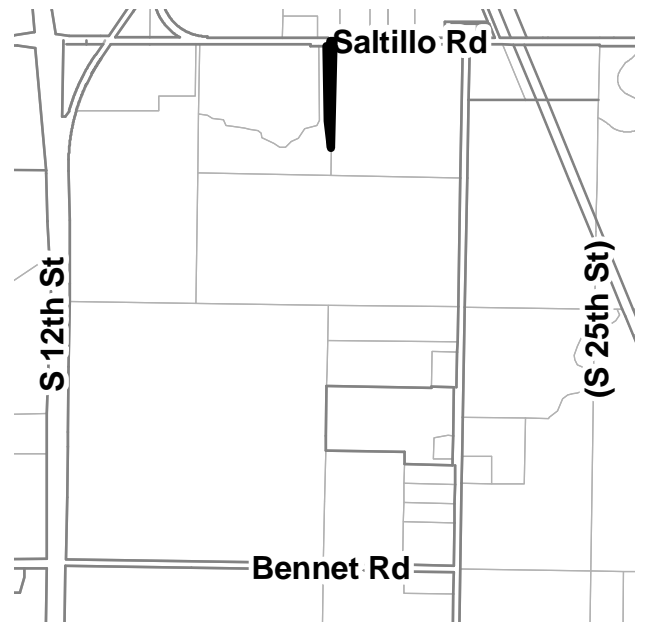
**Change of Zone #: CZ17033 (AG to I-1)
S 21st St & Saltillo Rd**

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.01 T08N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





THAT PART OF LOT 50 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLO:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 50, S 1°03'15"W 1070.83'; THENCE NORTHERLY N 6°56'04"W 276.28'; THENCE N 1°03'16"W 746.61', TO A POINT ON THE SOUTH 50' RIGHT OF WAY LINE FOR SALTILLO ROAD; THENCE EASTERLY ON SAID SOUTH LINE, S 89°55'10"E 37.46'; THENCE NORTHERLY, N 0°04'50"E 50.00', TO A POINT ON THE NORTH LINE OF SAID SECTION; THENCE EASTERLY ON SAID NORTH LINE, S 89°55'10"E 29.27', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 45,627.25 SQUARE FEET OR 1.05 ACRES, MORE OR LESS.

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 Preliminary Plat #17005	FINAL ACTION? Yes	OWNER M.W.H. Leasing LLC
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS Change of Zone #17033	PROPERTY LOCATION S. 25 th Street & Saltillo Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a preliminary plat consisting of 9 lots and 2 permanent outlots with a waiver of the requirement to provide pedestrian way easements when block length exceeds 1,000 feet. This is a revision of the existing Saltillo Industrial Park Preliminary Plat to add additional area and adjust the lot layout.



JUSTIFICATION FOR RECOMMENDATION

The preliminary plat is in conformance with the Zoning Ordinance and subdivision regulations and should be approved. The waiver was previously approved and is acceptable due to the limited need for pedestrian access to Saltillo Road and the floodplain and drainage way to the west of this property.

APPLICATION CONTACT
Tim Gergen, (402) 477-9291 or tim.gergen@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates this site for future industrial land uses.

WAIVERS

1. Waiver of the requirement to provide pedestrian way easements for blocks exceeding 1,000 feet. (Previously approved; Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Industrial, Environmental Resources, Agricultural Stream Corridor, and Lakes and Streams on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

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

P. 5.5-5.6 - Commercial and Industrial Development Strategies

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

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

ANALYSIS

1. The preliminary plat proposes 9 lots for an industrial park. The Saltillo Industrial Park Preliminary Plat #16006 was approved in 2016. This proposal would expand the boundary of the preliminary plat by approximately 15.88 acres to include an adjacent drainageway as a permanent outlot for conservation easement and open space. The lot layout would also be revised to slightly change the lot layout and expand several lots on the west side that are covered under the related Change of Zone #17033 from AG to I-1. The number of lots would not increase over what is currently approved.
2. A waiver is requested to the requirement to provide pedestrian way easements. This waiver was previously approved with PP16006. Pedestrian ways are required when a block exceeds 1,000 feet in length and where needed for pedestrian traffic. Although both Blocks 1 and 2 exceed the minimum block length, pedestrian access is not necessary to the west through Block 1 due to the floodplain and drainageway on the adjacent property. There would likely be little pedestrian traffic going north through Block 2 to Saltillo Road given the industrial and commercial uses within and north of the industrial park.
3. Although this preliminary plat is within the city limits and partially zoned industrial, it will not be served by public water or wastewater in the near term according to the approved annexation agreement. There are a number of prohibited uses on the site such as refining, distillation, and manufacturing of certain chemicals or materials, blast furnaces, smelting, garbage dumping, and mining.

4. The expanded portion of the preliminary plat is almost entirely within the floodplain and shown within a permanent outlot. This development is required to meet the Flood Regulations for New Growth Areas.
5. All lots are required to be 3+ acres and have individual wastewater systems unless there is a community sewer system. The subdivision will be serviced by Lancaster County Rural Water District #1. In the long term, the lots will be provided with City water. This property has already been released from the Rural Water District but will be served by them until the City extends water mains to the area.
6. According to Lincoln Municipal Code Section 24.38.030, Requirements for On-site Wastewater Treatment Systems, individual onsite wastewater treatment systems are not allowed on lots of less than 3 acres net area. All lots will be at least 3 net acres each after right-of-way dedication.
7. The Comprehensive Plan designates this site for future industrial land uses. The preliminary plat is in conformance with the zoning code and subdivision regulations.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture; AG and I-1

SURROUNDING LAND USE & ZONING

North: Industrial, commercial (kennel), vacant, and agriculture; I-1
 South: Agriculture; AG
 East: Agriculture; I-1 and AG
 West: Temporary rock crushing operation and agriculture; I-1 and AG

APPLICATION HISTORY

Feb. 2007 Annexation of this site and a change of zone from AG Agriculture District to I-1 Industrial District were approved by the City Council with Annexation #06012 and Change of Zone #06012.

Dec. 2016 Preliminary Plat #16006 for Saltillo Industrial Park was approved by the Planning Commission.

APPROXIMATE LAND AREA: 55.18 acres, more or less

LEGAL DESCRIPTION: The northwest quarter of the northeast quarter of Section 1-8-6 along with Lot 50 I.T., located in the north half of Section 1-8-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: November 26, 2017

Applicant/Contact: Tim Gergen, The Clark Enersen Partners
 1010 Lincoln Mall, Suite 200
 Lincoln, NE 68508
tim.gergen@clarkenersen.com or (402) 477-9291

Owner: M.W.H. Leasing LLC
 P.O. Box 22133
 Lincoln, NE 68542

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CONDITIONS OF APPROVAL - PRELIMINARY PLAT #17005

Approval of a waiver to the requirement to provide pedestrian way easements.

Site Specific Conditions:

1. The subdivider shall complete the following instructions and submits the documents and plans and 3 copies to the Planning Department.

1.1 Revise turn lanes to show measurement for length of storage starting after the radius of the cross street to the satisfaction of the Public Works and Utilities Department.

2. The City Council approves associated request:

2.1 Change of Zone #17033

3. Final Plats will be approved by the Planning Director after:

A Letter of Map Amendment/Letter of Map Revision is required prior to final plat.

The community wastewater system and community water system if any have been constructed and approved.

The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

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

to complete the installation of sidewalks along both sides of South 21st Street, both sides of Production Drive, and the west side of South 25th Street as shown on the final plat within four (4) years following the approval of this final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

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

to complete the installation of public street lights along South 21st Street, South 25th Street, and Production Drive within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along South 21st Street, the west side of South 25th Street, and Production Drive within this plat within six (6) years following the approval of this final plat.

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

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

to timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the preliminary plat.

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

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land subdivider.

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

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

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to inform all purchasers and users of land located within the 100 year floodplain that said land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Saltillo Industrial Park Preliminary Plat #16006 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to relinquish the right of direct vehicular access of all lots to Saltillo Road as shown on the preliminary plat.

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



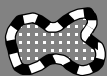


2016 aerial

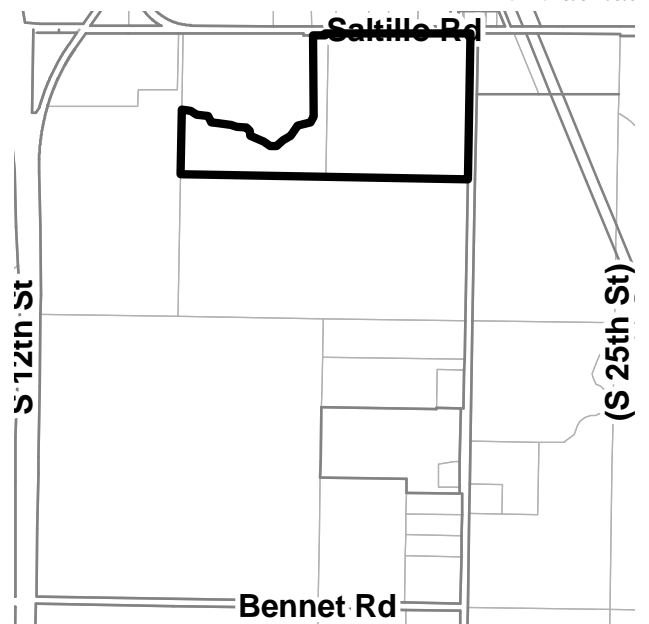
Preliminary Plat #: PP17005
Saltillo Industrial Park
S 25th St & Saltillo Rd

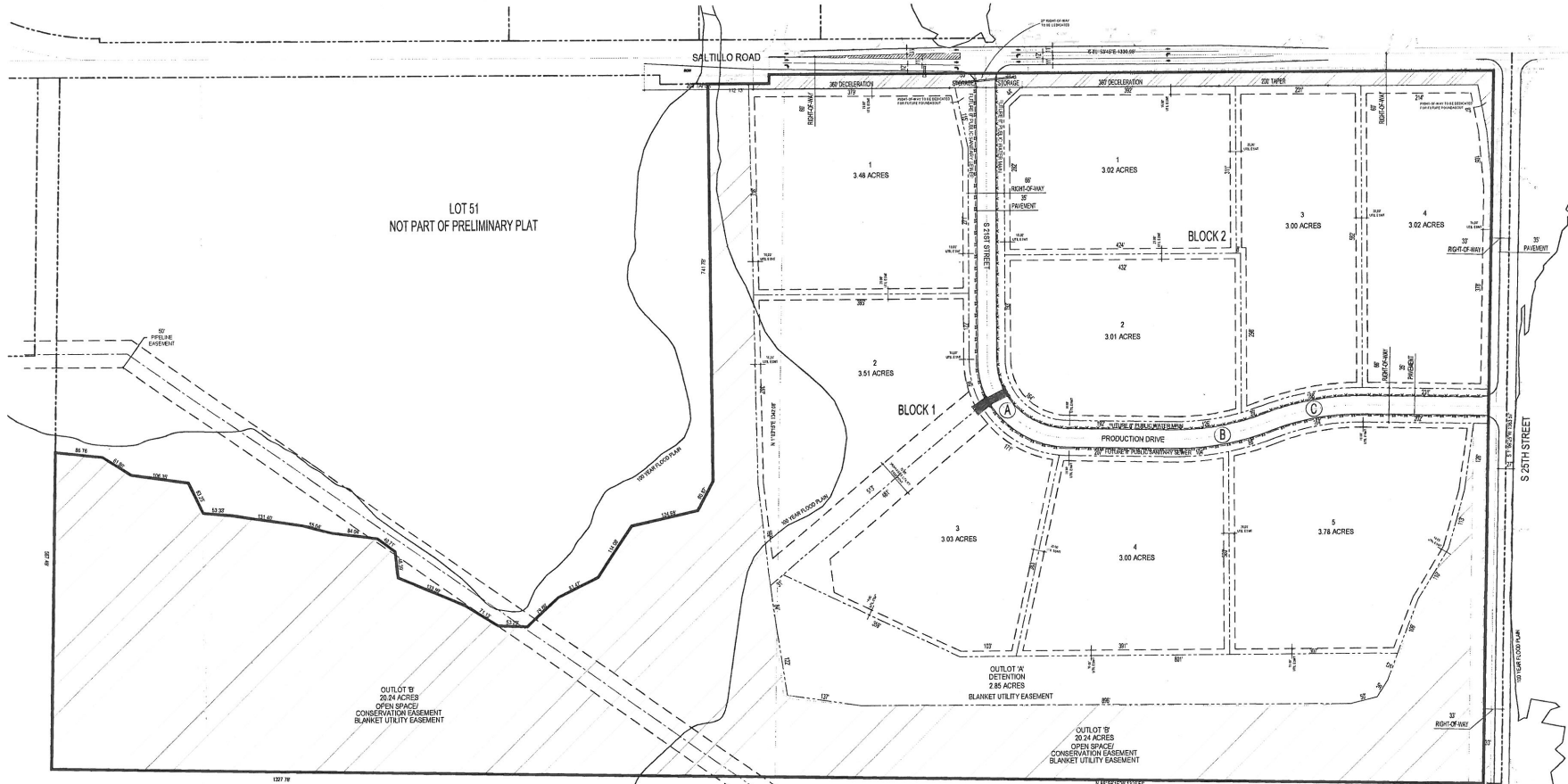
Zoning:

- 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.01 T08N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





LOT 51
NOT PART OF PRELIMINARY PLAT

ENGINEER & PREPARER
THE CLARK ERNSEN PARTNERS
303 W. LINCOLN AVENUE
SUITE 300
LINCOLN, NE 68508

DEVELOPER & OWNER
M.W.M. LEASING LLC
PO BOX 22318
LINCOLN, NE 68542

PRELIMINARY PLAT LEGAL DESCRIPTION

THE CERTAIN QUARTERS OF THE DISTRICT OF BUTTE COUNTY, NEB., OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 10 WEST OF THE 10TH MERIDIAN, LINCOLN COUNTY, NEBRASKA, ALONG WITH LOT 51, TOWNSHIP 18 NORTH, RANGE 10 WEST OF THE 10TH MERIDIAN, LINCOLN COUNTY, NEBRASKA, TOGETHER WITH COVENANTS, APPROPRIATELY TO BE COVENANTS.

CHANGE OF ZONE AG TO I-1

LOT 51, SECTION 16, TOWNSHIP 18 NORTH, RANGE 10 WEST OF THE 10TH MERIDIAN, LINCOLN COUNTY, NEBRASKA, CONTAINING APPROXIMATELY 10.86 ACRES.

GENERAL NOTES

1. ALL LOTS TO HAVE THEIR OWN INDIVIDUAL WELL ACCEPTED BY CITY TO BE LOCATED ON THE INDIVIDUAL LOTS AND APPROVED TO NEED STANDARD LOTS. SUCH TIME WHEN THESE LOTS WERE CONNECTED TO PUBLIC WATER AND/OR SEWER.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVERS TO BE 30' UNLESS OTHERWISE NOTED.
5. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
6. THE ZONING IS INDUSTRIAL, DISTRICT AND AN AGRICULTURAL. A CHANGE OF ZONE IS BEING REQUESTED TO BE AGRICULTURAL. PROPERTY IN THE PRESENT PLAT BOUNDARY TO 1 INDUSTRIAL DISTRICT.
7. DIRECT VEHICULAR ACCESS TO SALTILLO ROAD & 25TH STREET IS PROHIBITED EXCEPT AS SHOWN.
8. ALL ELEVATIONS ARE BASED ON NAVD 1988.
9. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
10. ALL SIDEWALKS SHALL BE 6' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE UNLESS OTHERWISE NOTED.
11. THE LOT LAYOUT IS CONCEPTUAL AND LAYOUT OF LOT LINES AT THE TIME OF THIS PLAT IS ACCEPTABLE AS LONG AS THE LOTS ARE AT LEAST 3 ACRES IN AREA AFTER RIGHT OF WAY DEDICATION.
12. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
13. INDIVIDUAL LOTS ARE RESPONSIBLE FOR WATER AND SEWER SERVICES.
14. SOUTH 25TH STREET FROM SALTILLO ROAD TO PRODUCTION DRIVE SHALL BE CONSTRUCTED WITH IN-PAVEMENT ATTACHED LOT & BLOCK 2 SOUTH 25TH STREET FROM PRODUCTION DRIVE TO THE SOUTHERN END OF THE PLAT. BLOCK 1 SOUTH 25TH STREET SHALL BE CONSTRUCTED WITH AN ADJACENT EASEMENT TO THE SOUTHERN END OF THE PLAT. ORIGINAL RECORDS FOR THE PLAT ARE ON FILE AT THE CLARK ERNSEN PARTNERS OFFICE. ORIGINAL RECORDS FOR THE PLAT ARE ON FILE AT THE CLARK ERNSEN PARTNERS OFFICE. ORIGINAL RECORDS FOR THE PLAT ARE ON FILE AT THE CLARK ERNSEN PARTNERS OFFICE. ORIGINAL RECORDS FOR THE PLAT ARE ON FILE AT THE CLARK ERNSEN PARTNERS OFFICE.
15. WITH THE FIRST FINAL PLAT, CONSTRUCTION OF RIGHT-OF-WAY TURNLAPES IN SALTILLO ROAD AT SOUTH 21ST STREET SHALL BE PROVIDED.
16. A LODA WILL BE REQUIRED BEFORE FINAL PLAT TO SHOW THAT THE SETBACK SPACES ARE GREATER THAN THE MINIMUM REQUIRED.

ROADWAY CENTERLINE CURVE DATA

Curve	Stationing	Radius (R)	Length (L)	Delta (Δ)	Delta/2 (Δ/2)	Delta/4 (Δ/4)	Delta/8 (Δ/8)	Delta/16 (Δ/16)
A	1+00.00	100.00'	117.00'	117.00°	58.50°	29.25°	14.62°	7.31°
B	1+100.00	100.00'	117.00'	117.00°	58.50°	29.25°	14.62°	7.31°
C	1+200.00	100.00'	117.00'	117.00°	58.50°	29.25°	14.62°	7.31°

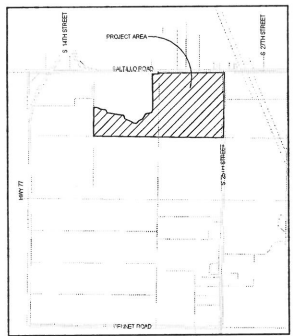
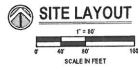
ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

DATE: 2017.11.01
DATE: 2017.11.01

THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED.

LEGEND

- LIMITS OF PRELIMINARY PLAT
- PROPERTY LINE
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER MAIN
- PROPOSED CURB INLET
- FLARED END SECTION
- EXISTING FREELINE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING POWER POLE



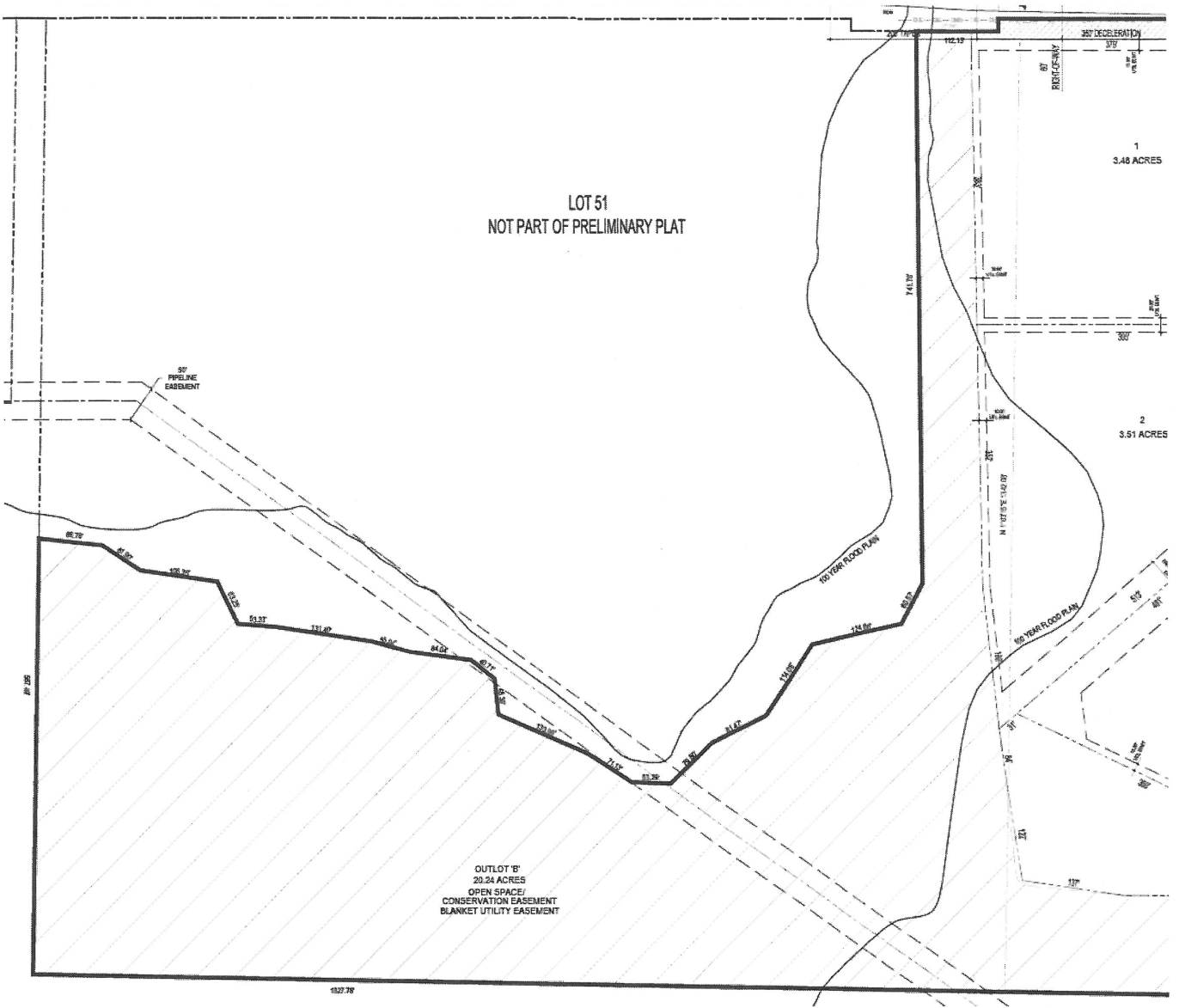
VICINITY MAP
30 SCALE

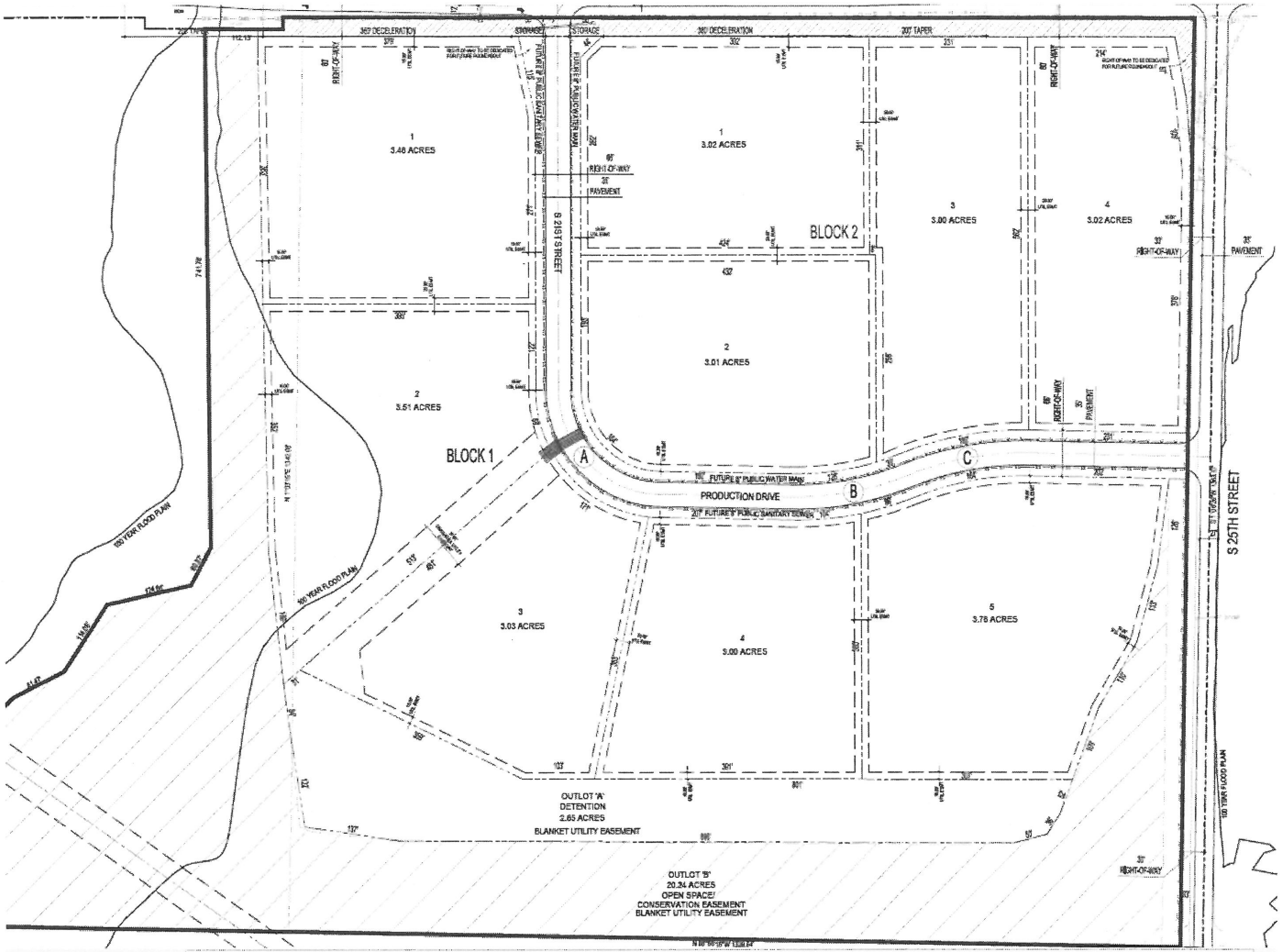
Salttillo Industrial Park
25th & Salttillo
Lincoln, NE

TCEP No.: 056-001-16

November 1, 2017

Site Layout
1 of 3





GENERAL NOTES

1. ALL LOTS TO HAVE THEIR OWN INDIVIDUAL WELL AND SEPTIC SYSTEM TO BE LOCATED ON THE INDIVIDUAL LOTS AND APPROVED TO NDEQ STANDARDS UNTIL SUCH TIME WHEN THOSE LOTS CAN BE CONNECTED TO PUBLIC WATER AND/OR SEWER.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL PAVING RADII TO BE 30' UNLESS OTHERWISE NOTED.
4. ALL INTERSECTION ANGLES SHALL BE $90^{\circ} \pm 10^{\circ}$ UNLESS OTHERWISE NOTED.
5. THE ZONING IS I-1 INDUSTRIAL DISTRICT AND AG AGRICULTURAL. A CHANGE OF ZONE IS BEING REQUESTED TO REZONE ALL PROPERTY IN THE PRELIMINARY PLAT BOUNDARY TO I-1 INDUSTRIAL DISTRICT.
6. DIRECT VEHICULAR ACCESS TO SALTILLO ROAD & S. 25TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
7. ALL ELEVATIONS ARE BASED ON NAVD 1988.
8. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
9. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
10. THE LOT LAYOUT IS CONCEPTUAL AND ADJUSTMENT OF LOT LINES AT THE TIME OF FINAL PLATTING IS ACCEPTABLE AS LONG AS THE LOTS ARE AT LEAST 3 ACRES IN AREA AFTER RIGHT-OF-WAY DEDICATION.
11. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
12. INDIVIDUAL LOTS ARE RESPONSIBLE FOR WATER AND SEWER SERVICES.
13. SOUTH 25TH STREET FROM SALTILLO ROAD TO PRODUCTION DRIVE SHALL BE CONSTRUCTED WITH FINAL PLATTING OF LOT 4, BLOCK 2. SOUTH 25TH STREET FROM PRODUCTION DRIVE TO THE SOUTHERN PRELIMINARY PLAT BOUNDARY SHALL BE CONSTRUCTED WITH ADJACENT DEVELOPMENT ON THE EAST SIDE OF SOUTH 25TH STREET UNLESS THE JAMAICA NORTH/HOMESTEAD CORRIDOR TRAIL OVERPASS HAS BEEN BUILT AT THAT TIME. A PAVING DISTRICT MAY BE REQUESTED TO SHARE IN THE COST OF CONSTRUCTING THIS ROADWAY. AN ESCROW FOR CONSTRUCTION OF SOUTH 25TH STREET SHALL BE PROVIDED WITH FINAL PLATTING OF LOT 5, BLOCK 1 IF THE LAND TO THE EAST REMAINS UNDEVELOPED AT THAT TIME.
14. WITH THE FIRST FINAL PLAT, CONSTRUCTION OF RIGHT AND LEFT TURN LANES IN SALTILLO ROAD AT SOUTH 21ST STREET SHALL BE REQUIRED.
15. A LOMA WILL BE REQUIRED BEFORE FINAL PLAT TO SHOW THAT THE EXISTING GRADES ARE HIGHER THAN THE BASE FLOOD ELEVATION.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Health	chris schroeder	1	Recommend Approval	The LLCHD recommends approval of this proposed preliminary plat amendment.	Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application as long as all parties involved in this application understand the travel time alone from our nearest fire station is near 10 minutes. Arrival of first arriving unit will not be for another couple of minutes due to call processing time and turn out time.	Individual
LES	les reviews	1	Recommend Approval	11/8/17 No comments.	First In Group
Public Works - Engineering Services	brion perry	1	Corrections Required	11-10-17 Saltillo thru lanes width need to be the same as what is currently existing, when widening is done. Review city standards on where turnlanes are measured from.	First In Group
Public Works - Watershed Management	ben higgins	1	Recommend Approval	OK, \$10K surety for detention with final plat. LOMA/LOMR required prior to final plat	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	Sanitary sewer is not available, nor it is planned within the next 6 years. Septic systems will need to be installed per NDEQ/health regulations.	Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Special Permit #1219N

FINAL ACTION?
No

DEVELOPER/OWNER
Bryan Medical Center

PLANNING COMMISSION HEARING DATE
December 6, 2017

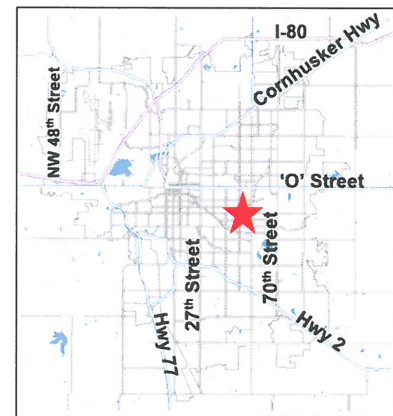
RELATED APPLICATIONS
TX17020

PROPERTY ADDRESS/LOCATION
1600 S 48th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit per Section 27.63.080 Health Care Facilities - Non-Residential for a new campus sign plan for the Bryan Medical Center East Campus. The applicant is requesting five wall signs up to 200 square feet and one wall sign up to 150 square feet to allow identification of buildings within the campus with additional wall signage area allowed exceeding 200 square feet of wall sign per building facade in two instances associated with the Falkner Building and the new 5055 A Street building. All of the proposed new wall signs are oriented toward the interior of the campus except for signage on the north side of the 5055 A Street building. This special permit is being requested in conjunction with Text Amendment 17020 which is a related item that modifies the sign regulations pertaining to hospitals and post-secondary education facilities.



JUSTIFICATION FOR RECOMMENDATION

The zoning for Bryan Medical Center East Campus and other such facilities is residential which limits the allowable signage in comparison to other districts. The proposal, while permitting additional signage for the growing hospital campus, still limits the square footages allowed. In addition, the specific proposed signs with the exception of the 5055 A Street building signage are oriented to the interior of the campus and are not exterior facing toward residential areas. In the case of the 5055 A Street, this building will be setback approximately 200 feet from A Street with significant landscaping and parking in front.

APPLICATION CONTACT

DaNay Kalkowski (402) 435-6000 or danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the Comprehensive Plan which recognizes hospitals as one of “the highest and most important community service land uses” and supports plans for further construction on medical campuses.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 8.6 - Health Care

- Hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses such as Bryan LGH East and West, St. Elizabeth’s Regional Medical Center,

Madonna Rehabilitation hospital.

p. 8.7 - Health Care

- Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods.
- Plan for further construction on medical campuses.

p. 8.9 - Community Colleges and Trade Schools and Universities

- Lincoln has multiple institutions of higher learning, with campuses located throughout the city.
- Support the necessary expansion of education facilities while remaining sensitive to surrounding neighborhoods.

ANALYSIS

1. This is a request per Section 27.63.080 Health Care Facilities - Non-Residential for a new campus signage plan for the Bryan Medical Center East Campus. Section 27.69.260 Nonresidential Health Care Facilities and Post-Secondary Schools provides provisions for signage such that a campus signage plan may be approved by City Council through Special Permit where modifications to the regulations are requested. The existing provisions of 27.69.260 include a wall sign limitation of 50 square feet and requires that all wall signs over 50 square feet shall be approved by Special Permit.
2. The proposal includes five new wall signs at 200 square feet or less in area and one new wall sign at 150 square feet or less. Four of the new wall signs will be located in the southwest part of their campus where the signs would largely be internally oriented. One of these signs involves the Falkner Building which already has an existing 100 square foot Bryan Heart sign. So in addition to this existing sign a new wall sign up to 200 square feet is also proposed. Two of the new wall signs will be located in the new expansion area in the northeast part of the campus. The latter two new signs would be associated with the new medical office building which will be setback approximately 200 feet from A Street. In this case, on the north facade of the building there will be two signs together which will equal up to 350 square feet. Specifically, a wall sign of up to 200 square feet including lettering on the north facade that will identify the building as the "5055 Building" and there will also be a wall sign of up to 150 square feet that will be the Bryan Health logo. In addition, as part of the new expansion area there will be two new freestanding signs at 50 square feet or less along A Street, three new directional signs, and two new marquee signs.
3. The request complies with Section 27.63.080 of the Zoning Ordinance. Non-residential health care facilities may be allowed by special permit in various districts. The proposal pertains to the campus signage plan. No new buildings or parking areas are proposed.
4. Related Text Amendment No. 17020 includes modifications to the signage regulations for Section 27.69.260 Nonresidential Health Care Facilities and Post-Secondary Schools to include marquee and directional signs for wayfinding and to allow additional square footage for freestanding signs and wall signs. Specifically, maximum freestanding sign area would be increased from 50 to 100 square feet while removing the distinction for whether the sign is on a major street or other street. In addition, the total square footage of wall signs would be increased from 50 square feet to 200 square feet or 30% of the total square footage of the architectural elevation. The City Council may still modify the campus sign plan to allow signage outside of the limits of the requirements.
5. Bryan Medical Center held a neighborhood meeting on November 7, 2017 to discuss the proposal. No opposition was expressed by the neighbors in attendance.
6. The proposal would not be detrimental to nearby residential areas as the signs are largely internal to the campus and set back significantly from the exterior property boundaries. In addition, while the proposed wall sign areas would be more than allowed in residential districts, the wall sign areas would still be significantly less than the maximum of other districts. In the O-3 district, which is a comparable district, a wall sign may be allowed up to 500 square feet.
7. The special permit is warranted because the intent of the additional signage is largely for building

identification within the large campus setting of Bryan East Campus. None of the proposed signs would be in close proximity to any adjacent residential use. The proposal is consistent with the Comprehensive Plan which recognizes that hospitals are an important land use and will continue to grow.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Hospital, R-2 Residential

SURROUNDING LAND USE & ZONING:

North:	Single Family Residential, Church, Fire Station	R-2 Residential
South:	Single Family Residential, Duplex	R-2 Residential
East:	Single Family Residential, School	R-2 Residential, P Public
West:	Single Family Residential	R-2 Residential

APPLICATION HISTORY:

- March, 2016 City Council approved Special Permit No. 1219M to permit Bryan Medical Center to construct a 93,286 square foot medical office building, parking and green space.
- September, 2013 City Council approved Special Permit 1219L, which reduced the front yard setback from 25 to 6 feet on S. 48th Street and from 33.8 feet to 0 feet on Sumner Street.
- May, 2002 City Council approved Special Permit 1219K to expand the School of Nursing to accommodate 250 students and increased the maximum building coverage from 38.2% to 42%.
- June, 2001 City Council approved Special Permit No. 1219J, which increased building coverage on the site to 38.2%, and added a parking structure and medical offices.
- August, 1997 City Council denied Special Permit No. 1219H, which would have allowed Bryan Hospital to increase the height and size of two signs.
- August, 1997 City Council approved Special Permit No. 1219I for authority to expand the hospital campus in order to construct a parking lot generally located at 51st and Sumner Streets.
- June, 1992 City Council denied Special Permit No. 1219F, which would have allowed Bryan Hospital permission to use the parking lot at Christ United Methodist Church during construction.
- 1992 Special Permits 1219 No. D, E, and G were approved by the Planning Commission granting Bryan Hospital employees, students and staff permission to use parking lots in the nearby vicinity to the hospital during construction of the medical office building.
- 1990 Special Permits No. 1219 B and C were approved by the Planning Commission granting Bryan Hospital employees, students and staff permission to use parking lots in the nearby vicinity to the hospital during construction of the medical office building.
- January, 1990 City Council approved Special Permit No. 1219A granting Bryan Hospital authority to construct an outpatient and medical office building, to construct two multi-level parking structures, to enlarge the pre-existing energy plant, and to adjust height, area and yard requirements.
- May, 1987 City Council approved Special Permit No. 1219 granting Bryan Hospital authority to construct a medical office building with a day care center and a separate parking deck.
- June, 1981 City Council approved Special Permit No. 928 granting Bryan Hospital authority to enlarge and extend an existing health care facility, to adjust the front yard requirements along Sumner

Street, to construct additional parking areas, and to enlarge the School of Nursing and Center for Health Education.

- May, 1979 This property was converted from A-2, Single-Family Dwelling District, to R-2, Residential District, during the 1979 Zoning update.
- July, 1978 City Council approved Special Permit No. 822 granting Bryan Hospital authority to increase off-street parking facilities.
- December, 1976 City Council approved Special Permit No. 565B granting Bryan Hospital authority to erect and maintain a bus passenger waiting shelter.
- October, 1976 City Council approved Special Permit No. 565A granting Bryan Hospital authority to enlarge their facilities, increase their functions, and to increase the geographic area of coverage of the hospital campus.
- August 16, 1971 City Council approved Special Permit No. 565 granting Bryan Hospital authority to enlarge the hospital.

APPROXIMATE LAND AREA: 34 acres, more or less

LEGAL DESCRIPTION: See attached

Prepared by


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

Date: November 22, 2017

Applicant/
Owner: Bryan Medical Center
 1600 South 48th Street
 Lincoln, NE 68506
 (402) 481-8983
 Don.sheets@bryanhealth.org

Contact: DaNay Kalkowski
 1128 Lincoln Mall, Suite 105
 Lincoln, NE 68508
 (402) 435-6000
 danay@sk-law.com

F:\DevReview\SP\SP1219N Bryan Medical Center East Campus Signage.gjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1219N

Per Section 27.63.080 this approval permits a campus sign plan including 5 new wall signs at 200 square feet or less, 1 new wall sign at 150 square feet with a wall sign up to 200 square feet allowed on the north facade of the Falkner Building in addition to the existing 100 square foot Bryan Heart sign and a new wall sign up to 200 square feet allowed for the "5055 Building" in addition to a proposed new 150 square foot wall sign that will be for the Bryan Health logo, along with additional freestanding, directional and marquee signs as depicted on the Bryan Health-East Campus Signage Plan.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Sheet 1: Change the label to Bryan Health-East Campus Signage Plan Special Permit #1219N Sheet 1 of 1.
 - 1.2 Sheet 1: Delete the note regarding the landscape plan.
 - 1.3 Sheet 1: Add note that freestanding sign exact locations subject to verification for sight triangle distance compliance at time of sign permit.
 - 1.4 Sheet 1: Add legal description, north arrow, scale.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

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



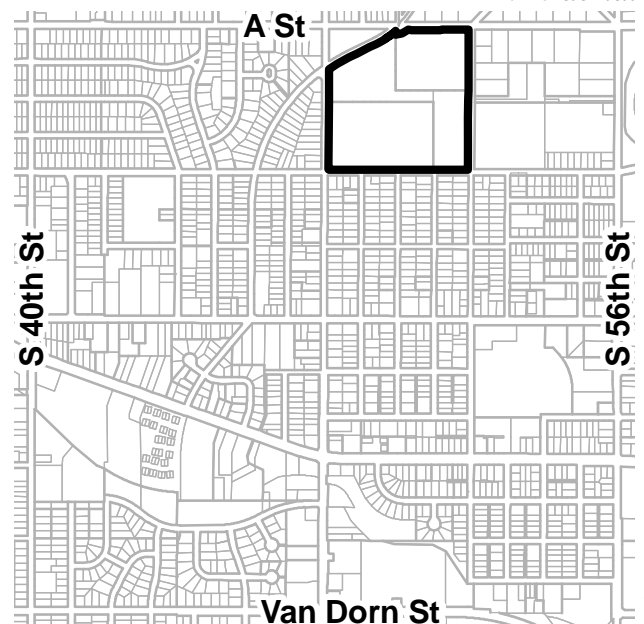
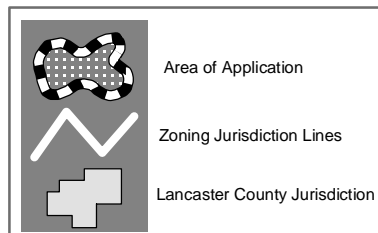
2016 aerial

Special Permit #: SP1219N
Bryan Medical Center East Campus
S 48th St & A St

Zoning:

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

One Square Mile:
 Sec.32 T10N R07E





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 8, 2017

HAND DELIVERY

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

RE: Amendment to Special Permit No. 1219M, Bryan Medical Center East
Zoning Text Amendment for L.M.C. § 27.69.260

Dear David:

Our office represents Bryan Medical Center (“Bryan”), the owner of the Bryan Medical Center East campus at 1600 South 48th Street, Lincoln, Nebraska (“Bryan East Campus”). Bryan East Campus is subject to Special Permit No. 1219M (“Special Permit”) which permits its use as a nonresidential health care facility. The Special Permit includes a sign package for the Bryan East Campus. Bryan is requesting an amendment to the Special Permit to modify the sign package to allow wall signage larger than 50 square feet on the buildings within Bryan East Campus.

Bryan is specifically requesting five wall signs up to 200 square feet and one wall sign up to 150 square feet to allow identification of buildings within the campus. This signage will assist patients, their families and the public with the identification and location of the various buildings within Bryan East Campus. All of the building signage requested is oriented toward the center of Bryan East Campus, except for signage on the north face of the 5055 building which faces A Street. While a small portion of the signage will be visible from adjacent public streets, the main orientation is to the Bryan East Campus itself. This orientation helps minimize any adverse impacts on surrounding residential properties while assisting those entering the campus with way finding.

In addition to the Special Permit amendment, Bryan is also requesting a zoning text amendment for L.M.C. § 27.69.260. This section of the code addresses signage for nonresidential health care facilities and post secondary schools. In looking at the text with Planning Staff, it was determined that most of the users that fall within this section exist on large campuses and have larger scale buildings. The text amendment is requesting more square footage for wall signs as the current 50 square feet per sign allowed for wall signage is inadequate and not in scale with the size of the buildings. The text amendment is also requesting additional square footage for freestanding signs. In addition, the amendment clarifies that

marquee and directional signs are permitted for internal way finding. All signs will still be required to be shown on a signage plan that is designed to minimize adverse impact on surrounding properties, so Planning would continue to have the opportunity to require reductions if such signage will significantly impact surrounding neighbors.

Enclosed please find the following:

- a. City of Lincoln Zoning Applications;
- b. Application fee in the amount of \$988 for the Special Permit Amendment, and \$412 for the Zoning Text Amendment;
- c. Copy of the Signage Plan;
- d. Conceptual pictures showing the new wall signs; and
- e. Amended zoning text for L.M.C. § 27.69.260.

Davis Design will be submitting plans for the amendment electronically. Representatives of Bryan held a neighborhood meeting last night to discuss the proposed amendments to the Special Permit sign package. No opposition was expressed by the neighbors in attendance.

If you have any questions regarding the enclosed or need any additional information, please feel free to contact me at (402) 435-6000 or Bob Norris with Nebraska Sign Company at (402) 476-6563.

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures



SEACREST & KALKOWSKI, PC, LLO
KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 27, 2017

George Wesselhoff
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Special Permit No. 1219M, Bryan Medical Center East
Zoning Text Amendment for L.M.C. § 27.69.260

Dear George:

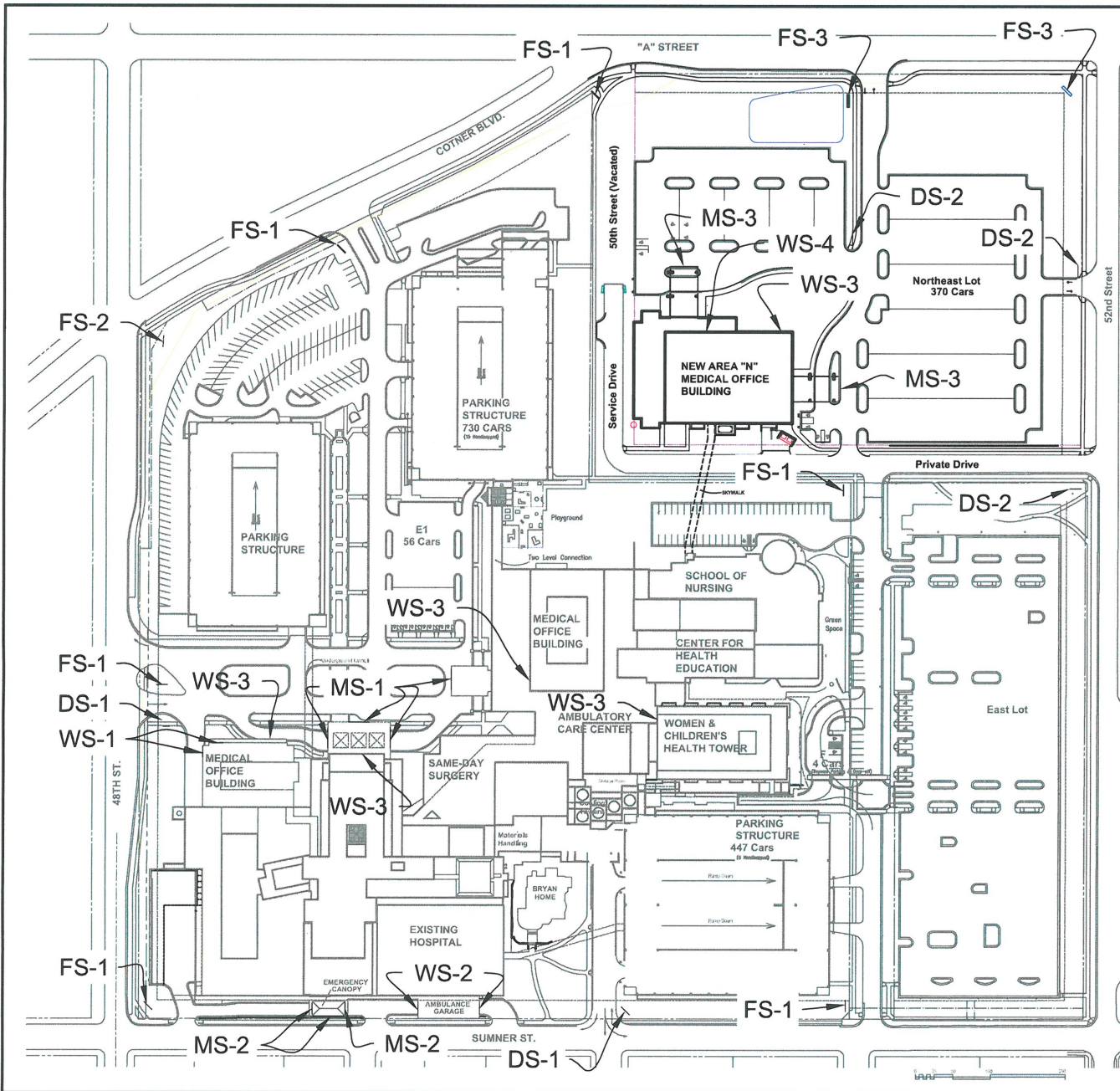
We would like to provide additional information to supplement the submittal letter delivered to the Planning Department on November 8, 2017. There are two situations where Bryan Medical Center (“Bryan”) is requesting additional wall signage under Special Permit 1219M that would exceed the 200 square feet of wall signage per building façade proposed in the zoning text amendment for L.M.C. § 27.69.260.

The first request involves the north façade of the Falkner Building. The north façade of this building currently contains a 100 square feet Bryan Heart sign. Bryan is requesting an additional wall sign of up to 200 square feet to place lettering on the north façade that would identify the building as the “Falkner Building”. This sign will assist patients, their families and the public with the identification and location of the Falkner Building within the Bryan East Campus. The proposed size of the sign is in scale with the multi-story building and will be located in the middle of the building to reduce its visibility from off campus.

The second request involves the north façade of the new medical office building. Bryan is requesting a wall sign of up to 200 square feet to place lettering on the north façade that would identify the building as the “5055 Building”, and also a wall sign of up to 150 square feet that would be the Bryan Health logo. Again, the signage identifying the building as the “5055 Building” will help with wayfinding for patients, their families and the public, while the addition of the Bryan Health logo is an added design feature for the building. This is a multi-story building with an expansive north façade. The size and location of the proposed wall signs fit the scale of the building and will not adversely impact adjacent land uses.

Very truly yours,

DANAY KALKOWSKI
For the Firm



SEE PARTIAL LANDSCAPE PLAN ON SHEET 2 OF 2 FOR LOCATION OF CORNER SIGN

Bryan East Campus Signs			
TYPE	SIZE	NO.	NOTES
FS-1	50 SF OR LESS	6	EXISTING
FS-2	85 SF OR LESS	1	EXISTING
FS-3	50 SF OR LESS	2	NEW SIGNS
DS-1	12 SF OR LESS	2	EXISTING
DS-2	12 SF OR LESS	3	NEW SIGNS
MS-1	120 SF OR LESS	4	EXISTING SIGNS MIN. 10'-0" ABOVE GRADE
MS-2	50 SF OR LESS	3	EXISTING SIGNS (EMERGENCY)
MS-3	30 SF OR LESS	2	NEW SIGNS, MINIMUM 10'-0" ABOVE GRADE
WS-1	100 SF OR LESS	2	EXISTING SIGNS
WS-2	50 SF OR LESS	2	EXISTING SIGNS (AMBULANCE GARAGE)
WS-3	200 SF OR LESS	5	NEW SIGNS
WS-4	150 SF OR LESS	1	NEW SIGN

LEGEND:
 FS = FREE STANDING
 DS = DIRECTIONAL SIGN
 MS = MARQUEE SIGN
 WS = WALL SIGN

NOTE: MINOR ADJUSTMENTS TO THE SQUARE FOOTAGE MAY BE APPROVED BY THE PLANNING DIRECTOR.

Faulkner Building Concept B View No. 2: 40" Letters

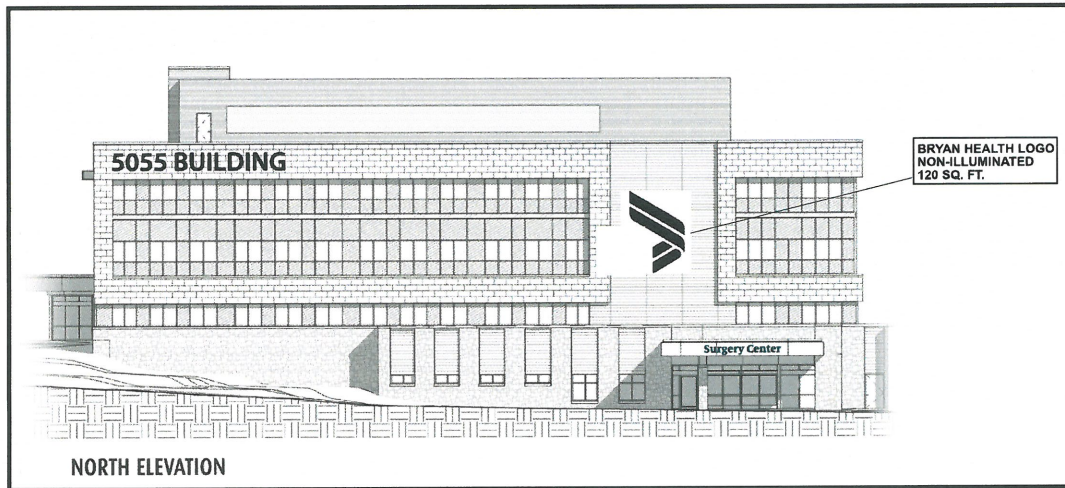
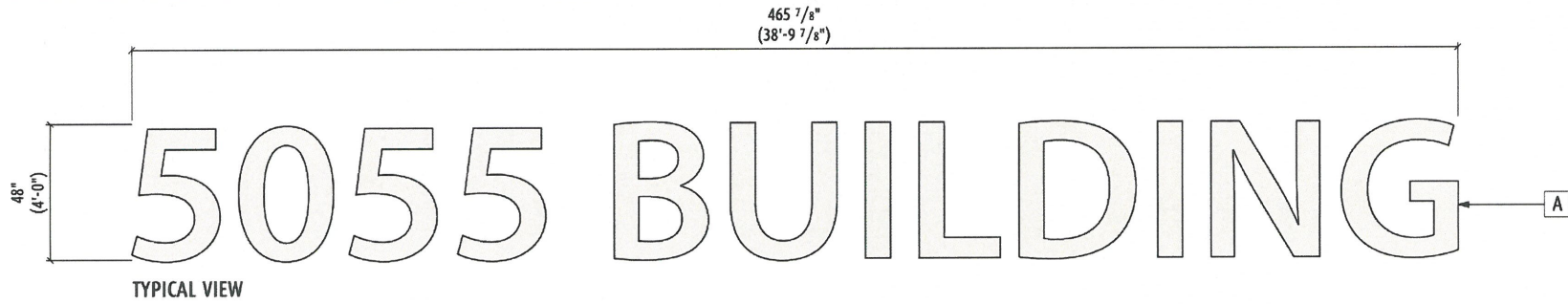


Edwards Building 40" Letters & Smith Tower 46" Letters Concept A



Jones Tower Concept B View No. 2: 46" Letters





CLIENT INFO

CUSTOMER: BRYAN HEALTH
 ADDRESS: 1600 SOUTH 48TH ST
 CITY/STATE: LINCOLN, NE
 DWG. #: RS3909 JOB #:
 SALES REP: NORRIS
 DESIGNER: SCHOENECK

SCALE: NONE
 DATE: 11/8/17
 PAGE: 1 OF 1
 REVISED:
 ALL GRAPHIC REPRODUCTIONS ARE SUBJECT TO APPROVAL OF AUTHORIZED CLIENT. AS OF APPROVAL BY THE UNDERSIGNED AND DATED PRIOR TO ANY FABRICATION OF PRODUCT. NEBRASKA NEON SIGN COMPANY HOLDS ALL AGREEMENTS FINAL AND TO CLIENT APPROVAL.
 CUSTOMER: _____
 DATE: _____

- DESIGN TYPE
- INTERIOR
 - NEON DISPLAYS
 - NON-ILLUM SIGNAGE
 - SINGLE-FACED
 - POLE SIGN
 - CHANGEABLE READER BOARD/ ELEC. MSG. BRDS.
 - ILLUM AWNING
 - EXTERIOR
 - CHANNEL LETTERS
 - BACK LIT FRONT LIT
 - THREE-SIDED
 - DIRECTIONAL
 - FACE CHANGE

NOTE: COMPUTER GENERATED DRAWING IS INTENDED TO BE AN APPROXIMATE REPRESENTATION OF ACTUAL COLORS AND IMAGES

This proposed advertising display has been created from a survey and analysis by our qualified representatives and designers. It is an original drawing created by Nebraska Neon Sign Company. All persons are advised that this design is the exclusive property of Nebraska Neon Sign Company and that any use of the same without written permission is strictly forbidden.



NEBRASKASIGN

1140 North 21st Street FAX (402) 476-3461
 Lincoln, Nebraska 68503 Ph (402) 476-6563
www.nebraskasign.com

Bryan East Campus - Legal Description

Lots 116, 117 and 259 of Irregular Tracts in the Northwest Quarter of the Northeast Quarter of Section 32, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; Lot 1, Bryan East Addition, Lots 1 - 33, inclusive, Block 3, Shurtleff's Piedmont Park; the vacated portion of Washington and Everett Streets west of the west line of Lot 1, Bryan East Addition, including the cul-de-sac at the west intersection of said streets, a triangle area of property bounded on the east by the west property line of Lot 1, Bryan East Addition, Everett Street on the south and Washington Street on the north, the vacated portion of 51st Street from the north line of Sumner Street to the south line of Lot 1, Bryan East Addition; and Lots 1-24, inclusive, Block 6, Shurtleff's Piedmont Park, all property being in Lincoln, Lancaster County, Nebraska;

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #17041	FINAL ACTION? Yes	DEVELOPER/OWNER Lisa Kahler
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2790 Arlington Avenue

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an Expansion of a Non-Conforming Use to allow an addition to expand the kitchen, bathroom and add a garage. The expansion requires a reduction in the front yard setback to 7 feet and the rear yard setback to 9 feet.



JUSTIFICATION FOR RECOMMENDATION

The proposed construction should not significantly impact surrounding properties. The extension will not encroach any closer to S. 28th Street than the existing house.

APPLICATION CONTACT

Ken Westerhold, K-West Construction
402-466-6371 kwest@inebraska.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the Comprehensive Plan which encourages preserving and improving housing in existing neighborhoods.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P.7.8 For existing neighborhoods, housing diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types, and sizes are central to what makes existing neighborhoods great places to live.

P.7.9 Promote the preservation, maintenance and renovation of existing houses and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.

ANALYSIS

1. This is an application to expand a nonstandard single-family residence to allow for the expansion of the house and a new garage. The request is to reduce the front yard setback to 7 feet and the rear yard setback to 9 feet. The existing house is setback approximately 7 feet from the east lot line along S. 28th Street. The front yard setback per the R-2 zoning district is 25 feet and the rear yard setback is 20 feet or 20% of the lot depth, whichever is less. For this lot the rear yard setback would be 16.4 feet.
2. The expansion will not extend any closer to S. 28th Street than the existing house. The expansion will extend the house 17 feet closer to the north property line.
3. The residence is nonstandard due to lot size and setback. The lot is 4,095 sq. ft. The minimum lot size in R-2 is 6,000 sq.ft.
4. A nonstandard use is defined by the Zoning Ordinance 27.02.150 as a lot or use that existed prior to the effective date of the Zoning Ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located. This house was built in 1925 and became nonstandard when the City adopted revised zoning regulations.
5. LCM §27.63.280 provides the following criteria shall be given specific consideration:
 - a. **Effects on adjacent property, traffic, city utility service needs;**

There should be no significant impact to neighboring properties. The addition will reduce the open space between this house and the house to the north by 17 feet. There will still be approximately 15 feet between the two houses. This is more than the typical side yard setback.
 - b. **Density of land use zoning for the subject property and adjacent property;**

There will be no significant impact. No additional habitable buildings are proposed with this application. If constructed, the expansion would need to meet all current building codes.
 - c. **The degree of hardship upon the applicant which would be caused by failure to grant.**

Given the small size of the lot (4,095 square feet) there are limitations on where the footprint of the home could be expanded. If the special permit was not approved, the property owner could not proceed with construction as proposed.
6. There are several other similar lots within this neighborhood that have either detached garages or the house encroaching into the setbacks. The proposed addition is not out of character with other small lots in the area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single family dwelling

SURROUNDING LAND USE & ZONING

North: R-2 Residential	Single family and 2-family dwellings
South: R-2 Residential	Parking lot and church
East: R-2 Residential	Single family dwellings
West: R-2 Residential	Single family dwellings

APPROXIMATE LAND AREA: 4,095 square feet

LEGAL DESCRIPTION: The south 82 feet of Lot 47 and the south 82 feet of Lot 48, Block 1, Arlington Heights located in the NW ¼ of Section 31, Township 10 North, Range 7 East, Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date: November 20, 2017

Applicant: K-West Construction
6701 Platte Avenue
Lincoln, NE 68507
402-466-6371

Contact: Ken Westerhold
K-West Construction
6701 Platte Avenue
Lincoln, NE 68507
402-580-7635

Owner: Lisa Kahler
2790 Arlington Avenue
Lincoln, NE 68502
402-366-9321

F:\DevReview\SP\17000\SP17041 Kahler Addition.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #17041

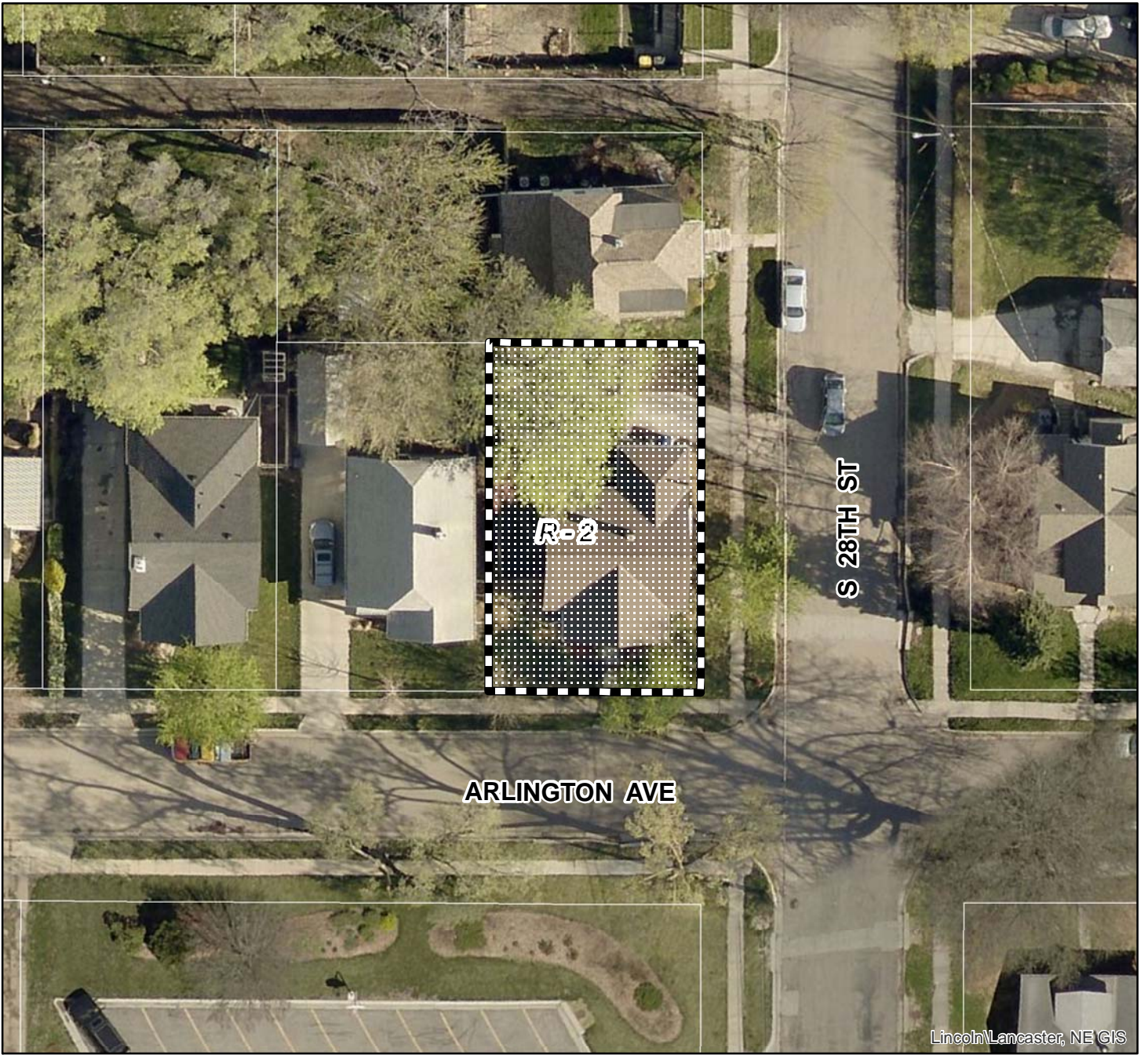
Per Section 27.63.280 this approval permits the expansion of a nonconforming use to accommodate the expansion of an existing home. The expansion reduces the rear yard setback to 9 feet and the front yard setback along S. 28th Street to 7 feet or in line with the existing house, provided the addition may not extend past the existing house.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

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



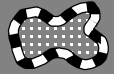


2016 aerial

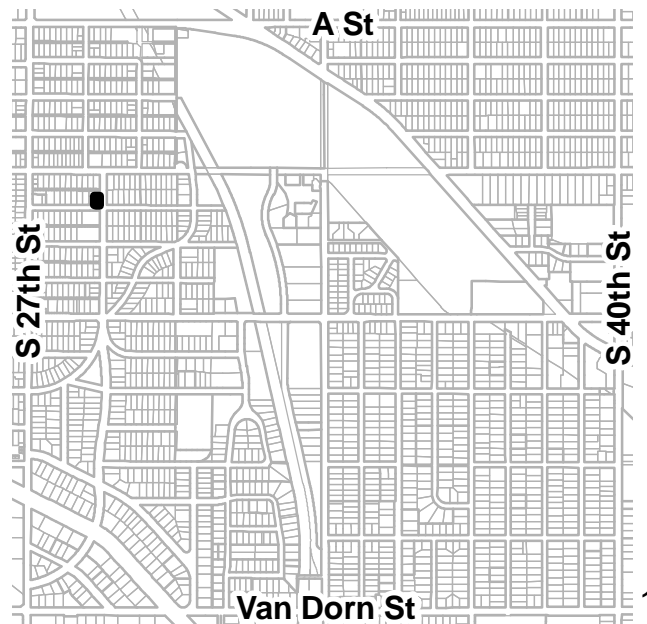
Special Permit #: SP17041
S 28th St & Arlington Ave

Zoning:

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

One Square Mile:
 Sec.31 T10N R07E

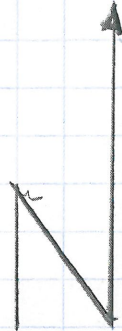
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



LISA KAHLER
2790 ARLINGTON AVE.
LINCOLN, NE. 68502

LEGAL:
ARLINGTON HEIGHTS
BLOCK 1
LOT 47, S82' E 15' &
LOT 48, S82'

NOT TO SCALE



1717 S. 28th STR.

7'-0"

48.56 PROPERTY LINE

9.96'

20.56'

21'-0"

7'-0"

27'-0"

17'-0"

PROPOSED
GARAGE & STORAGE
ADDITION

12'-0"

82.46' PROPERTY LINE

24'-0"

2790 ARLINGTON
AVE.

2784 ARLINGTON
AVE.

SIDEWALK

S. 28th STREET

2'-6"

2'-6"

SIDEWALK

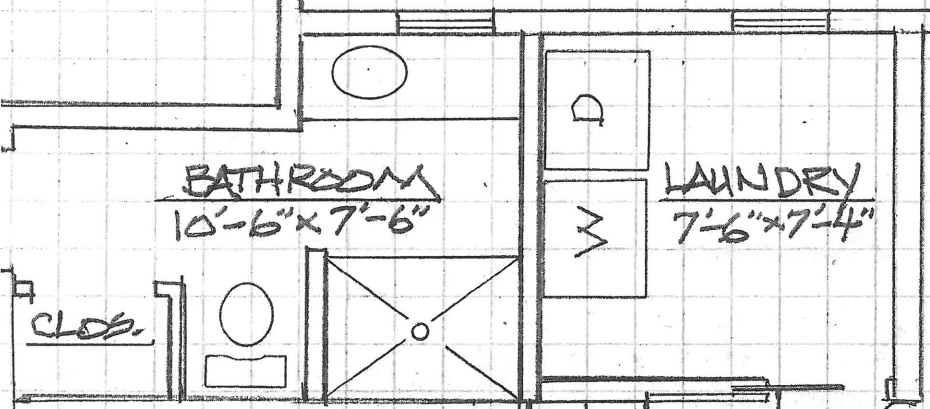
ARLINGTON AVE.



LISA KAHLER
2790 ARLINGTON AVE

EXISTING * ADDITION

27'-0"



32"

32"

GARAGE
14'-0" x 21'-0"

NORTH
1/4" = 1'-0"

21'-0"

KITCHEN
12'-6" x 9'-0"

O.H. DECK
9'-0" x 7'-0"

EXISTING * ADDITION

17'-0"

PROPERTY LINE
9'-0"

LANCASTER COUNTY APPRAISAL CARD

Tax Year: 2017

Run Date: 6/19/2017 9:55:34 AM

Page 2 of 2

Parcel ID: 17-31-111-026-000

DWELLING INFORMATION

Res Type: 1-Single-family Residence
 MS Style: 1-One Story
 Quality: 3.00-Average
 Year Built: 1925
 Rating: 4 - Typical
 Remodeled Year:
 Remodel:
 Total Living Area: 840

RESIDENTIAL SECTIONS

RES 840

RESIDENTIAL INFORMATION

Impt Type: Bungalow
 Bedrooms: 2
 Foundation: 4-Full
 5 Fix Bath: 3 Fix Bath: 2
 4 Fix Bath: 2 Fix Bath:
 Addl Fix:
 Garage Cap:
 Total Market: 91,500
 Total MRA: 77,400

DWELLING COST SUMMARY

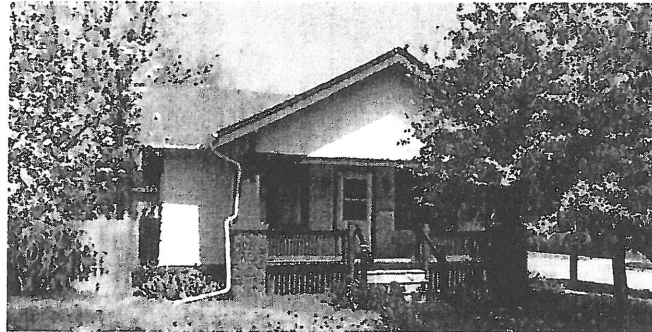
RCN: \$101,330
 CDU: 4 Dep %: 45.0
 RCNLD: \$55,732
 Cost/SF: 66.35
 Pct Comp:

INCOME INFORMATION

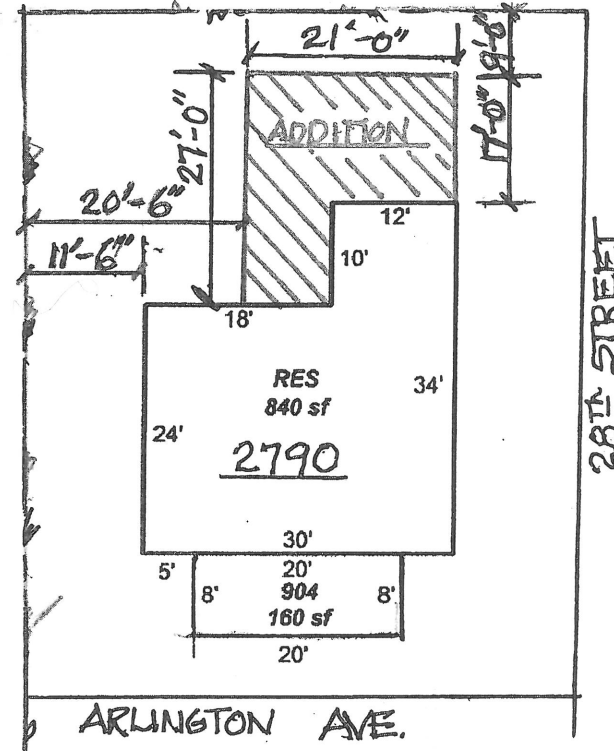
Rent Rating: Rent: 0
 GRM Rating: GRM: 0
 GRM Value: 0

BUILDING COMMENTS

CDU: 2/25/13 MTL SIDING, SHINGLES '04, ORIGINAL WINDOWS EXCEPT ONE BSMT. WINDOW AIR, DATED FA & KITCHEN. FRONT 904 FLOOR REPLACED. 08-26-10 Roof sag's some, orig windows w/no storms. Ext mtc avg. 08/25/05 Metal siding, older windows, newer storms, newer roof cover, FND minor bowing on East & West sides, est int avg MTC & cond, next to conversion.



1731111026000 04/17/2017



RESIDENTIAL COMPONENTS

Code	Units	Pct	Year
105-Frame, Siding		100	
904-Slab Porch (SF) with Roof	160		
208-Composition Shingle		100	2004
601-Plumbing Fixtures (#)	8		
602-Plumbing Rough-ins (#)	1		
801-Total Basement Area (SF)	840		
803-Partition Finish Area (SF)	100		
309-Forced Air Furnace		100	
402-Automatic Floor Cover Allowance			

RESIDENTIAL COMPONENTS

Code	Units	Pct	Year
------	-------	-----	------



CONSTRUCTION
CUSTOM HOMES & REMODELING



CELEBRATING OUR
40TH ANNIVERSARY

6701 Platte Avenue • Lincoln, Nebraska 68507 • (402) 466-6371 • Fax (402) 466-6371 • kwest@inebraska.com

2790 Arlington Ave.

The above property is located on the Northwest corner of 28th Street and Arlington Ave. The lot itself is rather small and non-conforming to city setbacks etc. The owner is a single female that is requesting us (K-West Construction) to build a single car garage attached to the residence on the North side facing 28th street. Including with the attached garage we are proposing a small kitchen and bathroom extension; the kitchen adding approximately 34" to the North wall and 48" to the bathroom. Both kitchen and bathroom are very small with little or no storage space consistent with a total 840 sf house with one bathroom. This addition would increase the value of this house considerably and be a more comfortable environment for its occupant.

The East side set back does not conform to the 25'-0" required. The addition would not protrude any further than the existing residence including the sight line of other houses on this street. It is the owner's along with my request to accept this addition as drawn. The roof line will be a gable end towards the North to compliment the gable on the East and West elevations.

If there are any other questions or concerns you can contact me Ken Westerhold at cell: 402-580-7635, office: 402-466-6371 or kwest@inebraska.com.

Thank you for your consideration.

Sincerely,

Ken Westerhold
Owner

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

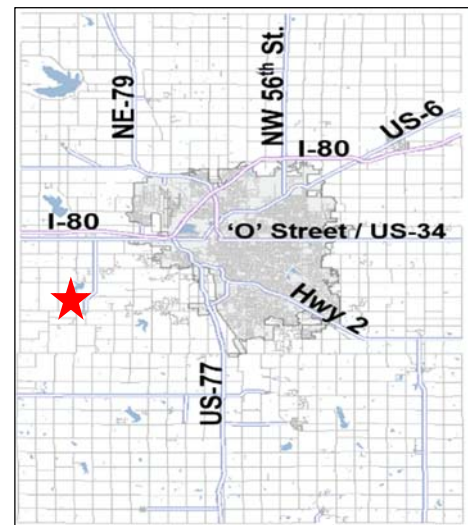
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #17043	FINAL ACTION? Yes	DEVELOPER/OWNER Dennis and Donna Borgman
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION SW 112 th Street and West Van Dorn Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Article 13.019 for soil excavation. The boundary of the special permit is 20 acres and the area of excavation is 7.47 acres. The proposed excavation volume is 110,260 cubic yards.



JUSTIFICATION FOR RECOMMENDATION

This application, with the conditions listed in this report, meets the requirements for the Excavation Special Permit.

APPLICATION CONTACT

Nate Burnett, REGA Engineering
402-484-7342 nate@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil is in conformance with the 2040 Comprehensive Plan. There are few houses nearby. There is no significant impact on adjacent properties with proposed conditions.

WAIVERS

None

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P.12.2 The 2020 Lancaster County Future Land Use Plan identifies this area as agriculture.

ANALYSIS

1. This request is for soil excavation on a 20 acre site under the provisions of Article 13.019 Excavation in the "AG" District.
2. This application proposes to extract 110,260 cubic yards of soil from an area of approximately 7.5 acres. Cuts are expected to range up to eighteen feet.
3. During the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.
4. A groundwater report is required when there are wells within 1,000 feet of the proposed mining operation. There are 2 wells within 1,000 feet of this site. The report shows that the soil mining operation will not negatively impact the nearby wells.
5. Lincoln-Lancaster County Health Department has no objections to this special permit.
6. The County Engineer notes that access will be limited to one driveway to West Van Dorn Street. A Road Maintenance Agreement with Lancaster County for West Van Dorn Street is required.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Farm ground and one single family house

SURROUNDING LAND USE & ZONING

North: AG Agricultural	Farm ground and houses on acreages.
South: AG Agricultural	Farm ground and houses on acreages
East: AG Agricultural	Farm ground and one house.
West: AG Agricultural	Farm ground and four houses.

APPROXIMATE LAND AREA: 29.6 acres

LEGAL DESCRIPTION: The North 1,000 feet of Lot 8 Irregular Tract located in the NE ¼ of Section 5, Township 9 North, Range 5 East; Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date:

Applicant: Nate Burnett
REGA Engineering Group
601 Old Cheney rd. Suite A
Lincoln, NE 68512
402-484-7342

Contact: Nate Burnett
REGA Engineering Group

601 Old Cheney Rd. Suite A
Lincoln, NE 68512
402-484-7342

Owner: Dennis and Donna Borgman
11351 West Van Dorn St.
Denton, NE 68339

F:\DevReview\SP\17000\SP17043 Borgamn Borrow Pit.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #17043

Per Article 13.019 this approval permits Excavation for a period of three (3) years from the date of approval of this special permit.

Site Specific Conditions:

1. Before initiating excavation operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Identify vehicle and equipment storage areas and entrance and exit locations to the operation area.
 - 1.2 Correct the spelling of Van Dorn in Note 10 on Sheet 1.
 - 1.3 Add the following note on Sheet 1, "The special permit is approved for three years from the date the special permit is approved."
 - 1.4 Revise General Note 3 to read:

Proper erosion control and drainage shall be maintained at all times to prevent damage to West Van Dorn Street. The existing ditch shall be maintained for proper drainage through the existing 24-inch corrugated metal pipe (CMP) under the proposed construction entrance. Drainage shall also be maintained in the ditch from the CMP outlet east to the outlet of the concrete box culvert under West Van Dorn Street.
 - 1.5 Add a General note to re-iterate the statement in the letter dated November 8, 2017 to the Lincoln/Lancaster County Planning Department regarding the re-grading of the backslope of West Van Dorn Street:

Work done within Lancaster County right-of-way will be completed in accordance with Lancaster County design standards. The re-grading of the ditch on the south side of West Van Dorn Street will provide proper drainage, a minimum ditch depth of 24 inches, a minimum 8-foot flat bottom, and a maximum slope of 4:1 for the backslope.
 - 1.6 Add an additional General note and/or update the plan regarding the re-grading of the backslope of West Van Dorn Street to address the issue of erosion control along the top of the backslope. The erosion control may be in the form of additional silt fence or a berm built using existing top soil which would later be redistributed at the conclusion of the project.
 - 1.7 Revise SWPPP Note 7 to read:

Inlet protection devices and barriers shall be repaired or replaced if they show signs of undermining, or deterioration. Adequate drainage needs to be maintained in the existing 24-inch CMP under the proposed construction entrance.
 - 1.8 Revise General Note 9 to read:

Contractor shall post warning signs during hauling operations along West Van Dorn Street warning traffic of trucks entering.
 - 1.9 On the drawing, list the name, address and phone number of Project Engineer, Contractor and Landowner.
 - 1.10 In the legal description, insert "irregular tracts" after Lot 8.

- 1.11 The bar scale shown on the drawing does not appear to correspond with site drawing. Please add dimensioning regarding road ROW width, construction driveway location, lot dimensioning, grading limits referenced to location within lot 8 irregular tracts, etc.
 - 1.12 Label adjacent lot west of proposed borrow site and identify the line between parcels.
 - 1.13 Show situation location sketch including labeling of nearest cross roads.
2. Before beginning the excavation operations,
- 2.1 The Permittee shall have
 - 2.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.
 - 2.1.2 Post performance bond in the amount of \$10,500.00(\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
 - 2.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 2.1.4 Applicant to make access permit application with Lancaster County Engineering Department for the construction entrance to this borrow pit site. Note: Access to borrow pit site is limited to only one driveway to West Van Dorn Street.
 - 2.1.5 Applicant to submit traffic impact information regarding anticipated use of County roads along with proposed hauling routes.
 - 2.1.6 Applicant shall enter into a "Road Maintenance Agreement" with Lancaster County for West Van Dorn Street throughout the operation of the permit.
 - 2.2 After beginning the excavation operations, the Permittee shall have
 - 2.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
 - 2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
 - 2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
 - 2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
 - 2.2.5 Operating hours shall be limited to daylight hours, Monday through Saturday.

- 2.2.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
- 2.2.6.1 Clearly visible from the adjacent road;
 - 2.2.6.2 At least 32 square feet in area;
 - 2.2.6.3 Lettering shall be at least two inches in heights, black on a white background;
 - 2.2.6.4 The sign shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Building and Safety Department contact number.
- 2.2.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 2.2.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 2.2.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.2.10 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 2.2.11 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety’s hourly rate in effect on the date of the application. Building and Safety shall:
- 2.2.11.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
 - 2.2.11.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
3. At the conclusion of the operation, the permittee shall provide to the Building & Safety Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

Standard Conditions:

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



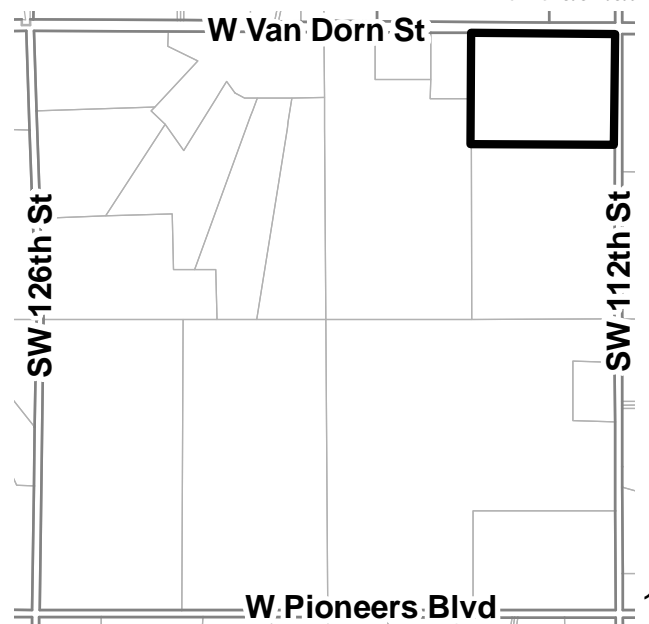
2016 aerial

Special Permit #: SP17043
Borgman Borrow Pit
SW 112th St & W Van Dorn St

Zoning:

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

One Square Mile:
 Sec.05 T09N R05E



W. Van Dorn St.

Gravel Road Gravel Road

CMP 24" FL: 1305.94

CMP 24" FL: 1306.96

EXISTING BUILDINGS TO REMAIN

29.3'

555.0'

39.6'

611.0'

AREA TO BE DISTURBED

1000.0'

SW 112TH STREET

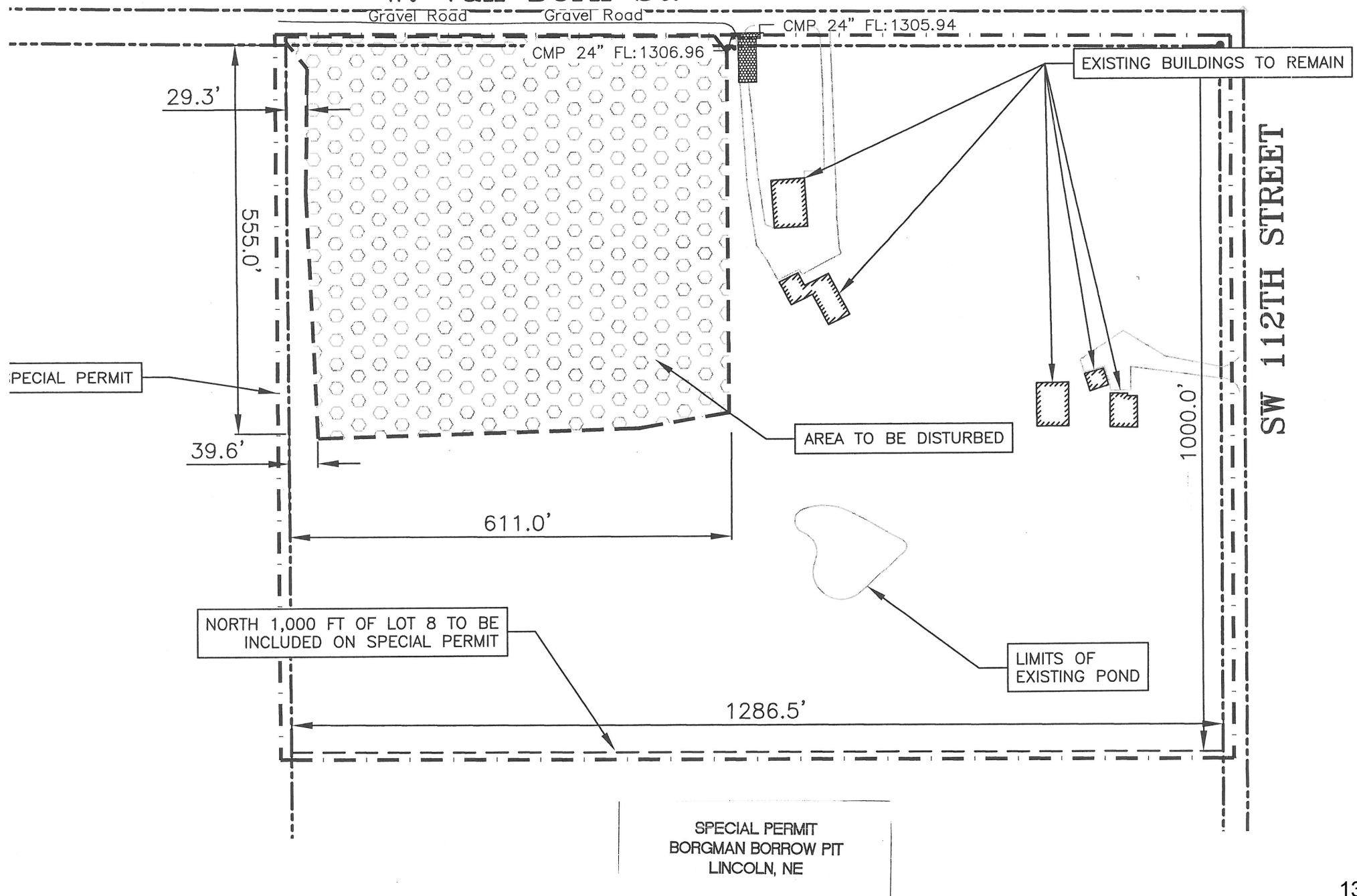
SPECIAL PERMIT

NORTH 1,000 FT OF LOT 8 TO BE INCLUDED ON SPECIAL PERMIT

LIMITS OF EXISTING POND

1286.5'

SPECIAL PERMIT
BORGMAN BORROW PIT
LINCOLN, NE



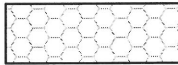





OWNER
 DENNIS & DONNA BORGMAN
 3005 SW 112TH ST
 RURAL, NE 68339

CONTRACTOR
 KEVIN MACK
 HIGH PLAINS ENTERPRISES INC.
 2200 W MARTELL RD.
 MARTELL, NE 68404
 P: (402) 421-6316
 kevin@highplainsnebraksa.com

GENERAL NOTES

1. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY
2. WEST VAN DORN STREET SHALL BE MAINTAINED INCLUDING WATERING AS NEEDED FOR DUST CONTROL ON A REGULAR BASIS DURING OPERATIONS AND BE FREE OF MUD AND/OR CLOUDS OF DIRT.
3. PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES.
4. ACCESS TO WEST VAN DORN STREET SHALL BE LIMITED TO ONE LOCATION ONLY
5. THE LAND WILL BE RECLAIMED IN CONFORMANCE WITH USDA "FARM BILL COMPLIANCE"
6. NO MORE THAN TWENTY (20) ACRES OF THE SITE SHALL BE OPEN AT ANY TIME.
7. DUST CONTROL TO MEET LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS.
8. CONTRACTOR SHALL COLLECT AND STORE TOPSOIL FOR REDISTRIBUTION TO BE USED AT TERMINATION OF GRADING
9. CONTRACTOR SHALL POST WARNING SIGNS ALONG WEST VAN DORN STREET WARNING TRAFFIC OF TRUCKS ENTERING.
10. CONTRACTOR SHALL ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH LANCASTER COUNTY FOR WEST VAAN DORN THROUGHOUT THE OPERATION OF THE PERMIT.
11. ACCESS AND USE OF THIS EXCAVATION AND STONE MILLING PERMIT IS ONLY VIA WEST VAN DORN.

LEGEND

-  - CONSTRUCTION ENTRANCE 
-  - PEORIA/LOVELAND LOESS
-  - GRADING LIMITS
-  - PROPERTY LINE (ASSUMED)
-  - SPECIAL USE PERMIT LIMITS

ISSUED FOR:	DATE:	BY:
SPECIAL USE PERMIT	10/18/17	JB/NB

**SPECIAL PERMIT
 BORGMAN BORROW PIT
 LINCOLN, NE**

DATE: 10/18/2017

DESIGNED BY: NB

DRAWN BY: NB

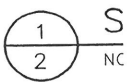
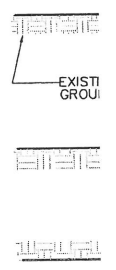
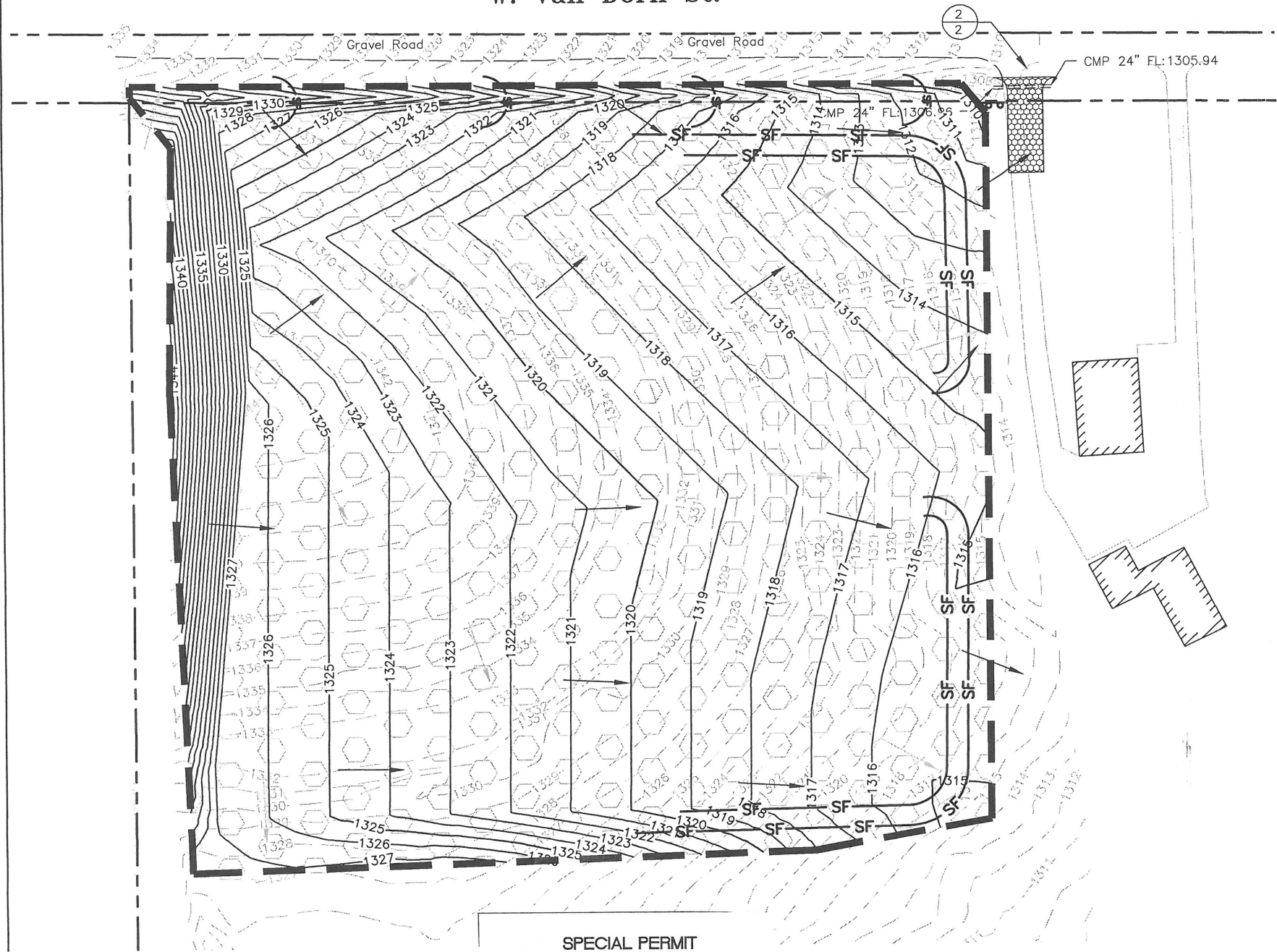
CHECKED BY: NB/DR

SHEET NO.

1 of 2

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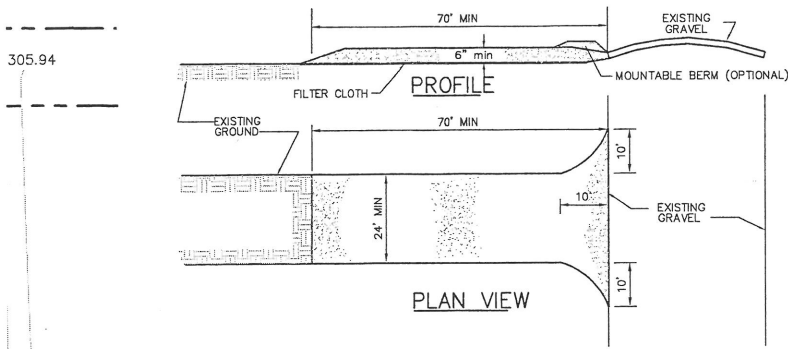
W. Van Dorn St.



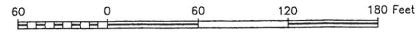
2" MIN. BLACK LETTERING

3.C

SPECIAL PERMIT
BORGMAN BORROW PIT
LINCOLN, NE



NORTH
SCALE 1" = 60'



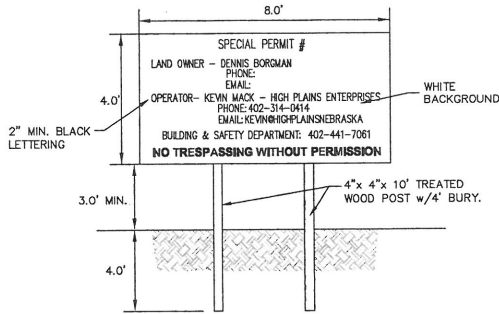
LEGAL DESCRIPTION

NORTH 1,000 FEET OF LOT 8 IRREGULAR TRACT LOCATED IN THE NE QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

1 STABILIZED CONSTRUCTION ENTRANCE
2 NO SCALE

SWPPP NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING AN ACCURATE SET OF STORM WATER PREVENTION POLLUTION PLANS (SWPPP) ON SITE DURING THE TIME OF THEIR WORK.
2. THE CONTRACTOR SHALL ADHERE TO TERMS AND CONDITIONS AS OUTLINED IN THE GENERAL NPDES PERMIT FOR STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES ON THIS SITE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES THROUGHOUT THE PROJECT. ANY AND ALL FINES ASSOCIATED WITH EROSION CONTROL VIOLATIONS WILL BE THE CONTRACTOR'S RESPONSIBILITY.
4. ALL MEASURES SHOWN ON THE STORM WATER PREVENTION POLLUTION PLAN (SWPPP) SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE.
5. ALL SEDIMENT AND EROSION CONTROL PRACTICES SHALL BE INSPECTED AT LEAST ONCE EVERY FOURTEEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24 HOUR PERIOD BY THE CONTRACTOR AND MUST BE DOCUMENTED AND KEPT ON SITE FOR ACCESSIBILITY. THE CONTRACTOR SHALL COMPLETE WEEKLY REPORT AND PROVIDE REPORT TO ARCHITECT, ANY CHANGES MADE TO THE SWPPP SHALL BE REDLINED AND INITIALED ON THE PLANS BY THE CONTRACTOR.
6. ANY NECESSARY REPAIRS OR CLEAN UP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY BY THE CONTRACTOR ON SITE.
7. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING, OR DETERIORATION.
8. SILT FENCE SHALL BE REPAIRED TO THEIR ORIGINAL CONDITION IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCE WHEN IT REACHES ONE HALF THE HEIGHT OF THE SILT FENCE.
9. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED BY THE CONTRACTOR ON SITE, IN A CONDITION, WHICH WILL PREVENT TRACKING OR FLOW OF MUD ON THE PUBLIC RIGHT OF WAYS. THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE CONSTRUCTION ENTRANCES AS CONDITION DEMANDS.
10. CONTRACTOR TO PROVIDE AN APPROXIMATE SCHEDULE OF EXCAVATION SO AS TO HAVE DISTURBED ACREAGE TO A MINIMUM. AREAS GRADED TO FINAL GRADE TO BE RE-SEEDDED WITH PERMANENT VEGETATION. IF NOT IN A PLANTING SEASON, AREAS NEED TO BE TEMPORARILY PROTECTED OR SEEDDED. WHEN IN THE PLANTING SEASON, ALL TEMPORARILY PROTECTED OR SEEDDED AREAS SHALL BE PLANTED WITH PERMANENT VEGETATION.



NOTES:

1. CLEARLY VISIBLE FROM ADJACENT ROAD
2. AT LEAST 32 SQUARE FEET IN AREA
3. LETTERING SHALL BE AT LEAST TWO INCHES IN HEIGHT

2 ENTRANCE SIGN DETAIL
2 NO SCALE

TEMPORARY SEEDING SPECIFICATIONS:

ALTERNATE NO. 1	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
OATS	90	45
ALTERNATE NO. 2		
NRD COOL SEASON #4 SEED MIX		
1/3 FAWN FESCUE	85	50
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

FERTILIZER-200 LBS/ACRE OR 16-48-0 OR 18-40-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

PERMANENT SEEDING SPECIFICATIONS:

NATIVE GRASS SEED MIX	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
PERENNIAL RYEGRASS-LINN	85	5
WESTERN WHEATGRASS-FLINTLOCK	85	8
SIDE OATS GRAMA-TRAILWAY	75	4
LITTLE BLUESTEM-CAMPER	45	3
SAND LOVEGRASS-NATIVE	90	1.5
BLUE GRAMA-NE,KS,CO	35	2
BLUE FLAX	90	3
BLACK-EYED SUSAN	90	1
RED CLOVER-2X INOCULATION	90	2
PARTRIDGE PEA-PLATTE	90	0.25
OATS	90	12
NRD COOL SEASON #4 SEED MIX		
1/3 FAWN FESCUE	85	50
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

FERTILIZER-200 LBS/ACRE OR 16-48-0 OR 18-40-0 OR 11-52-0
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: LAND OWNER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN ALTERNATE, IF APPROVED PRIOR TO PLACEMENT BY THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

LEGEND

- CONSTRUCTION ENTRANCE **1**/**2**
- PEORIA/LOVELAND LOESS
- EXISTING DRAINAGE PATTERNS
- PROPOSED DRAINAGE PATTERNS
- GRADING LIMITS
- EXISTING CONTOURS
- PROPOSED CONTOURS
- SILT FENCE
- PROPERTY LINE (ASSUMED)

APPROXIMATE EXCAVATION VOLUME		
NET HAUL OFF		
110,260 CY		

ISSUED FOR:	DATE:	BY:
SPECIAL USE PERMIT	10/18/17	JB/NB

MACHINERY

1. EXCAVATOR
2. SID DUMP
3. SCRAPER
4. DUMP TRUCK

SPECIAL PERMIT
BORGMAN BORROW PIT
LINCOLN, NE

November 8, 2017

Mr. David Cary
Active Planning Director
Tom Cajka, Planner
Lincoln/Lancaster County Planning Department
555 S. 10th Street,
Lincoln, NE 68508

RE: Borgman Borrow Pit
Borrow Area: South of W. Van Dorn St., ½ mile West of SW 112th St.
Application for Soil Mining/Excavation
REGA Project No: 171265

Dear Mr. Cary:

This letter is presented on behalf of High Plains Enterprises Inc. and describes the nature of proposed work as part of a Special Use Permit for soil mining/excavation. The 7.47 acre site, owned by Dennis and Donna Borgman is located south of West Van Dorn Street and one-half mile west of SW 112th Street, as shown on the attached site plan.

The project involves the excavation/mining of soil to be used for fill in and around Lincoln, NE. Cuts on-site are expected to range up to eighteen feet, with an estimated volume of excavation of 110,260 cubic yards. Prior to excavation of the fill material, topsoil will be collected and stored for redistribution at the conclusion of mining activities. After excavation activities are completed for the year, the property will be temporarily seeded until grading commences again.

Currently, the proposed site is used for agricultural purposes. Existing drainage patterns show the runoff splits along a ridge running west to east. The south area flows to the southeast towards an existing pond, whereas the north area flows toward the county ditch on West Van Dorn Street. The intention is to grade the site to keep runoff rates to the county ditch at or below existing conditions by keeping a small west to east ridge in a similar location.

The requirements for all applicable permits will be followed. Erosion control measures will be installed to include: silt fence along proposed drainage patterns, double layer of silt fence in critical areas, rock construction entrance, temporary seeding as soon as portions of the excavated land have ceased, berms to protect the perimeter of the site from sediment runoff, and any other measures deemed necessary. Dust control will be a priority, with measures including: vegetative ground cover, application of water on haul roads and the excavation of the site as needed. All proposed grades will at a maximum be a 3:1 slope and have a

minimum of 2% fall for drainage. For the re-grading of the back slope of the West Van Dorn Street, county standards will be followed providing a minimum ditch depth of 24 inches with a maximum slope of 4:1 for the back slope.

In addition, there are two registered groundwater wells located within 1,000 feet of the site. Terracon Consultants, Inc. provided a hydrologic study that concludes the proposed grading area will not affect the two wells located within 1,000 feet of the site. There were no municipal wells found within 2,000 feet. The report will be included with the submittal.

If you have any questions regarding this application, please contact me at (402) 484-7342.

Sincerely,



Nate Burnett, PE

Cc: Kevin Mack
Mark Smith

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 Pre-Existing Use Permit No. 3AH	FINAL ACTION? No	OWNER/DEVELOPER Campbell LLC/Commercial Investment Properties
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY LOCATION 6400 Q Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the boundary of the Gateway Mall Use Permit to authorize up to 300 dwelling units and 70,000 square feet of commercial space or some combination thereof on the property generally located at 6400 Q Street. The request includes waivers to required residential parking and building height. This site is the former location of a car dealership and is presently vacant.



JUSTIFICATION FOR RECOMMENDATION

Mixed-use that includes residential and commercial is appropriate for this site. This site can be easily served by existing infrastructure such as roads and utilities. Multiple commercial areas are located within walking distance of this site which makes this location desirable for residential development. The parking reduction and increase in building height should have minimal impact on surrounding properties.

APPLICATION CONTACT

Erin Bright, (402) 458-5608 or ebright@olssonassociates.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map identifies this site for commercial and within a mixed use redevelopment node which has the potential for 500-1,000 future dwelling units. Therefore, the proposal is consistent with the Comprehensive Plan.

WAIVERS

1. Reduction of required parking from 2 to 1.4 parking stalls per dwelling unit as long as no more than 40% of the units have more than one bedroom. (Recommend Approval)
2. Height increase from 40 to 55 feet provided that at least a 20 foot setback is provided on 66th Street and Q Street. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - This property is shown as Commercial on the Future Land Use Map.

P. 6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed

use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops".

P. 6.2 - Mixed Use Redevelopment should:

Provide a diversity of housing types and choices throughout each neighborhood for an increasing diverse population.

Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.

Incorporate and enhance street networks with multiple modes of transportation in order to maximum access and mobility options.

Promote activities of daily living within walking distance.

Help to create neighborhoods that include homes, stores, workplaces, schools and places to recreate.

Encourage residential mixed use for identified corridors and redevelop Regional, Community, Neighborhood and Mixed Use Office Centers identified as nodes.

P. 6.4 - Nodes may be classified as Regional, Community, Neighborhood or Mixed Use Office Centers and can be thought of as "villages within the city" with a broad range of land use types including civic, residential, special needs housing, retail, office and service.

P. 6.5 - This area is highlighted on the Mixed Use Redevelopment Nodes and Corridors Map and is recommended for an estimated potential of 500-1000 dwelling units.

P. 6.7 - Mixed Use Redevelopment Nodes and Corridors should strive for residential densities of at least seven dwelling units per gross acre within buildable areas inside the project boundary.

UTILITIES: This site is served by existing utilities.

TOPOGRAPHY: The property slopes down generally from west to east with a change of approximately 14 feet with further lower topography on the north side of the property in the area of Dead Man's Run floodplain.

TRAFFIC ANALYSIS: N 66th Street is a minor arterial; Q Street is a local street.

PUBLIC SERVICE: The nearest fire station is located at 901 N Cotner Boulevard.

ANALYSIS

1. This request is to amend the Gateway Mall Use Permit to expand the boundary to include the property located at 6400 Q Street to authorize up to 300 dwelling units and 70,000 square feet of commercial space or some combination thereof. This is the former McGinnis Ford location and is currently vacant. Including the approval of both residential units and commercial floor area now provides flexibility for redevelopment of this site. Mixed-use is allowed and encouraged in the B-5 district.
2. 6400 Q Street is presently zoned B-5 and is part of the larger Gateway Mall B-5 area on the north side of O Street which extends from approximately North 70th Street to North Cotner Boulevard. This general area has numerous commercial uses including Gateway Mall.
3. North 66th Street is a minor arterial while Q Street is a local street that serves as access to the Gateway Mall. The existing access onto North 66th Street and the existing eastern access point from Q street shall be relinquished as part of the proposal.
4. Gateway Mall and the surrounding blocks are identified as a redevelopment node in the Comprehensive Plan. Nodes are identified in the Comprehensive Plan as "Commercial Centers...that are encouraged to be redeveloped into walkable residential mixed use centers." The redevelopment node map identifies the area surrounding Gateway Mall as a Primary Area for Mixed Use Redevelopment and notes that between 500 and 1,000 dwelling units could be

developed in and around Gateway Mall. The proposal to add 300 residential units at this location is supported by the Comprehensive Plan and the Redevelopment Nodes concept.

5. The use permit will allow for waivers to the residential parking requirements and the maximum building height. The applicant is requesting a reduction of required parking for residential from 2 stalls per dwelling unit to 1.4 stalls per dwelling unit. The parking reduction would as long as no more than 40% of the units have more than one bedroom. A similar provision was put in place for the apartments approved with the amendment to the Gateway Mall Use Permit in 2016 (PEUP3AG). Also, a waiver is being requested to increase the allowable height from 40' to 55'. The height increase would be under the provision that at least a 20 foot setback is maintained on 66th Street and Q Street.
6. The adjacent zoning to the north is I-1 Industrial. While historically, the Lincoln-Lancaster County Health Department has recommended at least a 300 foot buffer between residential uses and industrial zoning, given that the industrial area to the north currently does not have industrial uses of concern and in the near-term will more than likely see a change of zone away from industrial, there is not a concern with the proposed redevelopment. The area to the north is appropriate for rezoning to H-3 Highway Commercial in the future.
7. There is a flood area on the property associated with Dead Man's run. As a condition of approval, the applicant will be required to show NRD easement and floodplain with cross sections and flood elevations to the satisfaction of Public Works Watershed Management.
8. Residential developments in the B-5 district must provide a minimum amount of open space. The total amount required is figured based on the number of dwelling units. If 300 dwelling units are proposed, then approximately 6,365 square feet of open space is required, and would be addressed at the time of building permit.
9. This location is appropriate for mixed-use and high-density residential. The site is already served by existing infrastructure and roads. The location is within walking distance of numerous commercial services including retail and grocery stores. The proposal conforms to the Redevelopment Nodes and Corridors concept and should further support redevelopment in the area. Subject to the conditions of approval this request is supported by the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, B-5

SURROUNDING LAND USE & ZONING

North: Commercial: I-1
South: Commercial; B-5
East: Commercial: B-5
West: Commercial; B-5

APPROXIMATE LAND AREA: 5.72 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

George Wesselhoft, Planner

Date: November 22, 2017

Owner: Campbell LLC
9315 Tuscan Court
Lincoln, NE 68520

Applicant: Commercial Investment Properties
7211 S. 27th Street
Lincoln, NE 68512
Tschle6632@aol.com

Contact: Erin Bright
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508
(402) 458-5608
ebright@olssonassociates.com

F:\DevReview\UP\PEUP3AH Gateway Use Permit.gjw.docx

CONDITIONS OF APPROVAL - PRE-EXISTING USE PERMIT 3AH

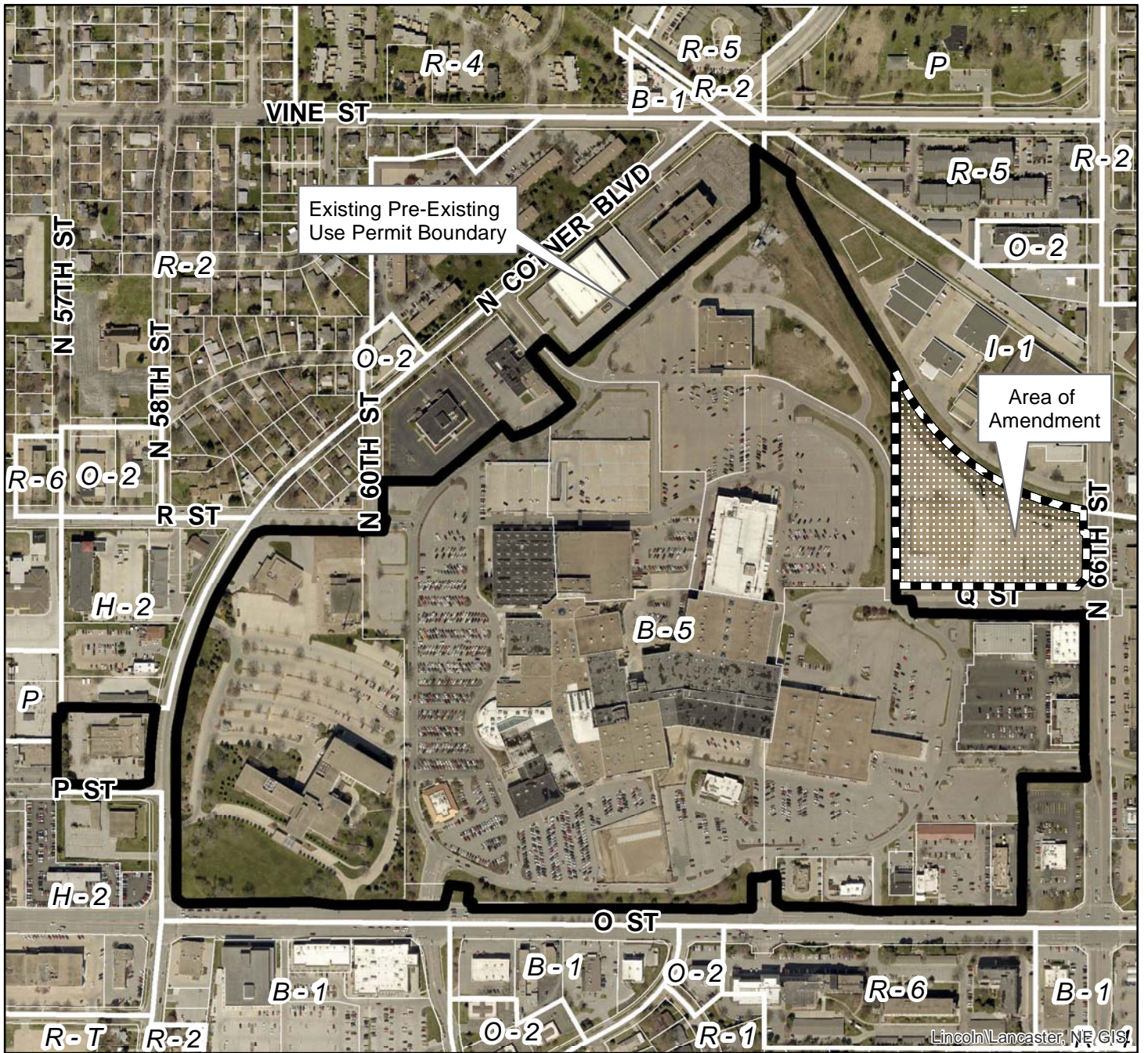
This approval permits up to 300 dwelling units and 70,000 square feet of commercial space, or some combination thereof with waivers to reduce required residential parking from 2 to 1.4 stalls per unit as long as no more than 40% of the units have more than one bedroom and height to increase allowable height from 40' to 55' provided that at least a 20 foot setback is provided on 66th Street and Q Street.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval before receiving building permits.
 - 2.1 Add note existing east driveway access on Q Street shall be relinquished.
 - 2.2 Show NRD easement and floodplain with cross sections and flood elevations to the satisfaction of Public Works Watershed Management.
 - 2.3 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use 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.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
 - 4.2 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.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 4.5 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.



Lincoln/Lancaster, NE GIS

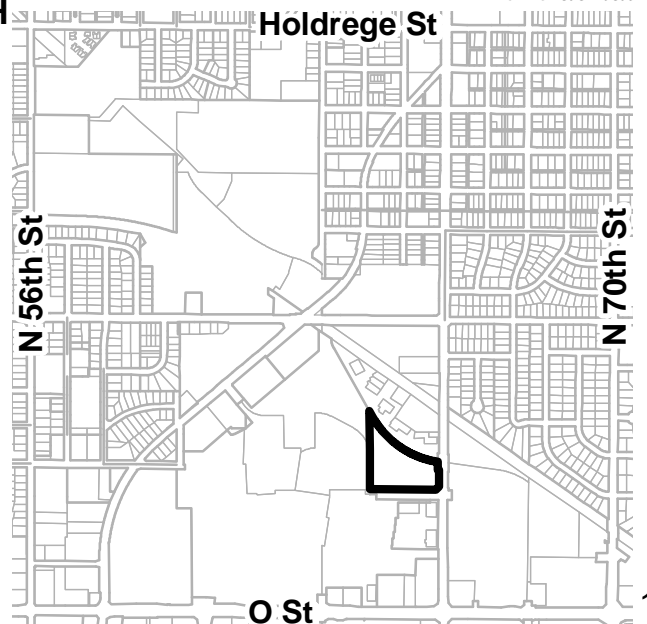
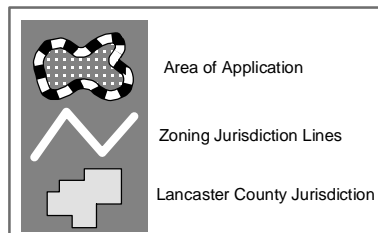
2016 aerial

Pre-existing Use Permit Amendment #: PEUP3AH
Gateway Shopping Center
N 66th St & Q St

Zoning:

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

One Square Mile:
 Sec.21 T10N R07E



November 8, 2017

Revised November 13, 2017

George Wesselhoft
City of Lincoln Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

RE: Application for Amendment to Use Permit PEUP3AF
Gateway Shopping Center

George,

On behalf of the developer, Commercial Investment Properties, I am submitting application for amendment on the Gateway Shopping Center Use Permit #PEUP3AF. The purpose of the amendment is to include an adjacent property, labeled as Area "I", into the Use Permit boundary. The subject property is currently zone B-5 and is proposed to be developed with residential apartment buildings and commercial space. We are requesting a total of 300 dwelling units and 70,000 sq. ft. of commercial space, or some combination of both. Parking will be provided by a combination of surface and under building parking at a ratio of 1.40 stalls/bedroom unit. A waiver is also being requested to increase the allowable height from 40' to 55' in Area "I".

Please find the attached documents including: application and review fee check. I will upload our proposed site plan for the Use Permit amendment once we receive the ProjectDox notification.

If you should have any questions, please feel free to contact me, 458-5608.

Sincerely,



Erin Bright
Olsson Associates

GATEWAY SHOPPING CENTER SPECIAL USE PERMIT

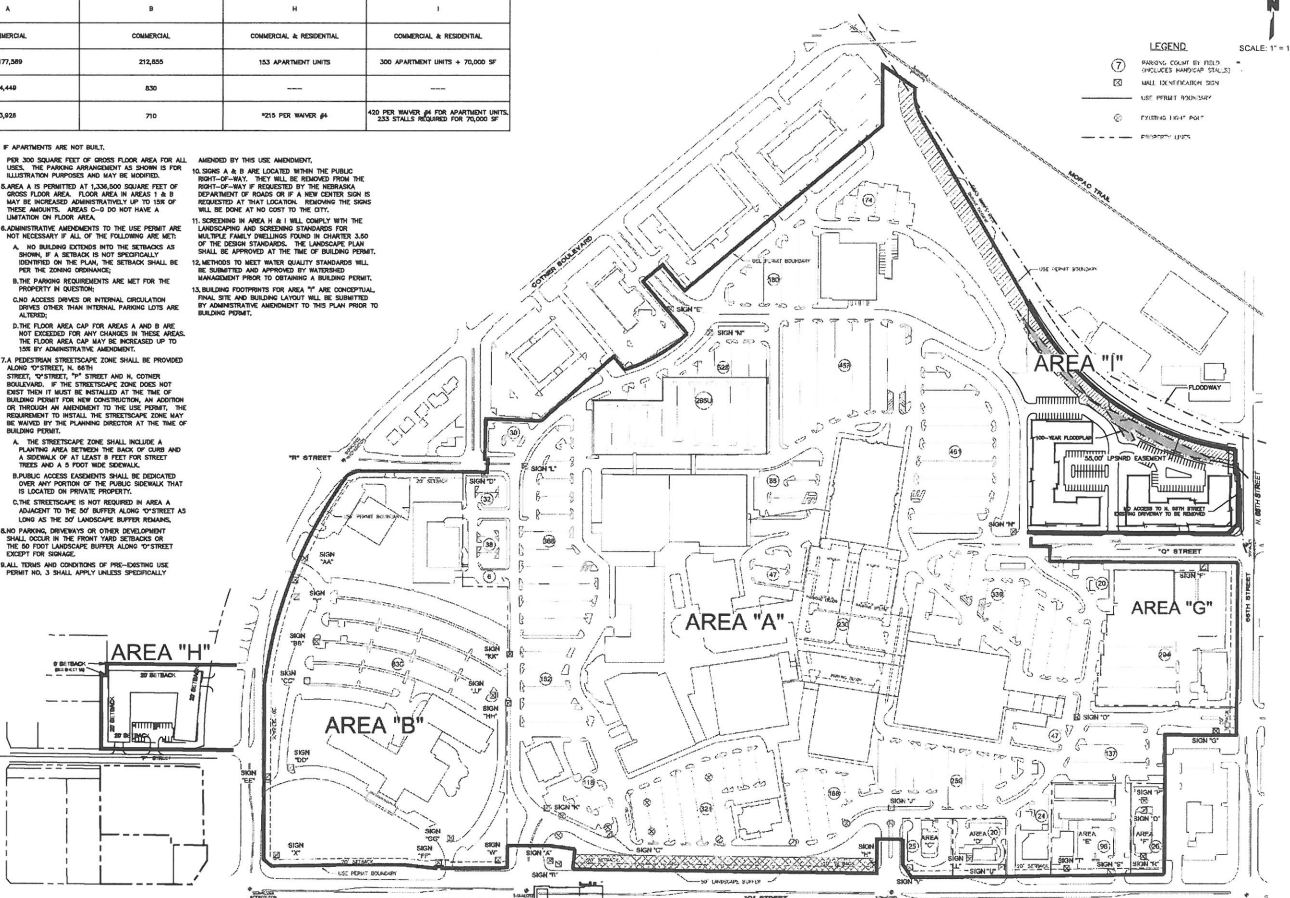
SIGN INVENTORY	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S
SIGN DESIGNATION (SEE SITE PLAN)	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S
HEIGHT (FT.)	30	6	6	6	6	6	6	6	6	6	6	6	6	6	6	8	25	8
SQUARE FOOTAGE (SQ. FT.)	104	64	48	54	54	54	54	54	42	42	42	42	42	42	89	89	81	60
TYPE	CENTER	FREE-STANDING	FREE-STANDING	CENTER	CENTER	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MDU BOARD	MDU BOARD	POLE SIGN	CENTER
SIGN DESIGNATION (SEE SITE PLAN)	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	II	KK	LL
HEIGHT (FT.)	12	18	8	5	5	5	4	4	4	4	4	4	4	4	4	4	4	4
SQUARE FOOTAGE (SQ. FT.)	82	95	72	55	55	55	12	12	12	12	12	12	12	12	12	12	12	32
TYPE	FREE-STANDING	POLE SIGN	FREE-STANDING	FREE-STANDING	FREE-STANDING	FREE-STANDING	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MDU BOARD

AREA DESIGNATION	A	B	H	I
PERMITTED USES	COMMERCIAL	COMMERCIAL	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL
COMMERCIAL FLOOR AREA AND/OR DWELLING UNITS ALLOWED	1,177,589	212,555	153 APARTMENT UNITS	300 APARTMENT UNITS + 70,000 SF
EXISTING NUMBER OF PARKING STALLS IN DESIGNATED AREA	4,448	830	---	---
CURRENT STALL REQUIREMENT PER 1:300 RATIO	3,928	710	*205 PER WAIVER #4	420 PER WAIVER #4 FOR APARTMENT UNITS, 233 STALLS REQUIRED FOR 70,000 SF

- * COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.
- GENERAL NOTES:**
- EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS NEED NOT BE SHOWN ON THIS PLAN. NEW SIGNS MUST BE IN COMPLIANCE WITH CHAPTER 27.08 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
 - BANNER SIGNS (RESOLUTION A-55005)
 - BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS SITE PLAN.
 - BEACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 1/2 FEET IN AREA.
 - BANNERS MUST BE APPLIED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PORTION, AND TO THE POLES IN A WAY THAT THEY REMAIN BUILT.
 - THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
 - EXISTING LANDSCAPE MATERIALS ALONG THE STREET FRONTAGE SHALL REMAIN IN PLACE AND BE MAINTAINED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
 - IF THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS DIFFERENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND THIS LOAD.
 - BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TRIP OR FAULT HAZARD. IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS ORDINANCE AND THE PERMITTEE AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
 - BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITTEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.
- 3. IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND SUBJECT TO FURTHER CHANGE.**
- 4. IN AREAS A-G THE PARKING REQUIREMENT IS 1 SPACE**
- FOR 300 SQUARE FEET OF GROSS FLOOR AREA FOR ALL USES. THE PARKING REQUIREMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.**
- 5. AREA A IS PERMITTED TO EXCEED 120,000 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS A & B MAY BE INCREASED ADMINISTRATIVELY UP TO 15% OF THESE AMOUNTS. AREAS C-G DO NOT HAVE A LIMITATION ON FLOOR AREA.**
- 6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:**
- NO BUILDING SETBACKS OR SETBACKS AS SHOWN, IF A SETBACK IS NOT SPECIFICALLY INDICATED ON THE PLAN, THE SETBACK SHALL BE PER THE ZONING ORDINANCE.
 - THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY IN QUESTION.
 - NO ACCESS DRIVES OR INTERNAL CIRCULATION DRIVES OTHER THAN INTERNAL PARKING LOTS ARE ALTERED.
 - THE FLOOR AREA CAP FOR AREAS A AND B ARE NOT EXCEEDED FOR ANY CHANGES IN THESE AREAS.
 - THE FLOOR AREA CAP MAY BE INCREASED UP TO 15% BY ADMINISTRATIVE AMENDMENT.
- 7. A FUTURE STREET SCENARIOS ZONE SHALL BE PROVIDED ALONG 10TH STREET, N. 56TH STREET, 10TH STREET AND N. CORNER BOLLIVARD. IF THE STREETSCAPE ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR NEW CONSTRUCTION. AN ADDITION OR DELETION FROM THE ZONE SHALL BE APPROVED BY THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.**
- A. THE STREETSCAPE ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE BACK OF CURB AND A SIDEWALK OF AT LEAST 8 FEET FOR STREET TREES AND A 5 FOOT SIDEWALK.**
- B. PUBLIC ACCESS (CALLEDS) SHALL BE DEDICATED OVER ANY PORTION OF THE PUBLIC SIDEWALK THAT IS LOCATED ON PRIVATE PROPERTY.**
- C. THE STREETSCAPE IS NOT REQUIRED IN AREA A ADJACENT TO THE 50' BUFFER ALONG 10TH STREET AS LONG AS THE LANDSCAPE BUFFER REMAINS.**
- 8. NO PARKING, DRIVENWAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACKS OR THE 50 FOOT LANDSCAPE BUFFER ALONG 10TH STREET EXCEPT FOR STORAGE.**
- 9. ALL ZONING AND COVENANTS OF PRE-EXISTING USE PERMIT NO. 3 SHALL APPLY UNLESS SPECIFICALLY AMENDED BY THIS USE AMENDMENT.**
- SCORE A & B ARE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. THEY WILL BE REMOVED FROM THE RIGHT-OF-WAY IF REQUESTED BY THE NEBRASKA DEPARTMENT OF ROADS OR IF A NEW CENTER SIGN IS REQUESTED AT THAT LOCATION. REMOVAL OF SIGNS WILL BE DONE AT NO COST TO THE CITY.
 - SCREENING IN AREA H & I WILL COMPLY WITH THE LANDSCAPING AND SCREENING STANDARDS FOR MULTIPLE FAMILY DWELLINGS FOUND IN CHAPTER 23.07 OF THE ZONING ORDINANCE. THE LANDSCAPING PLAN SHALL BE APPROVED AT THE TIME OF BUILDING PERMIT.
 12. METHODS TO MEET WATER QUALITY STANDARDS WILL BE SUBMITTED AND APPROVED BY WATERBESHED MANAGEMENT PRIOR TO OBTAINING A BUILDING PERMIT.
 13. BUILDING FOOTPRINTS FOR AREA "I" ARE CONCEPTUAL. FINAL SITE AND BUILDING LAYOUT WILL BE SUBMITTED BY ADMINISTRATIVE AMENDMENT TO THIS PLAN PRIOR TO BUILDING PERMIT.

- WAIVER LIST:**
- MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 45 FEET FOR ANY NEW ADDITION TO AREA "A" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.
 - PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE UNLESS OTHERWISE NOTED.
 - AREA "V" BUILDING HEIGHT FROM 40 TO 50 FEET PROVIDED THAT AT LEAST A 30 FOOT SETBACK IS PROVIDED TO THE NORTH AND TO THE WEST, EXCEPT IN THE AREA ADJACENT TO THE L.L.S. SUBSTATION. AREA "V" BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 30 FOOT SETBACK IS PROVIDED ON BOTH SIDES OF LOT 35.
 - IN AREA "Y" & "Z", 14 PARKING STALLS ARE REQUIRED PER DWELLING UNIT AS LONG AS THE TOTAL NUMBER OF APARTMENT UNITS WITH MORE THAN ONE BEDROOM DOES NOT EXCEED 40% OF THE TOTAL NUMBER OF UNITS.

- DEVIATION LIST (AREA "H"):**
- A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN ADJACENT CONNECTIONS OF 230' ON N CORNER BLDG.
 - A DEVIATION OF THE REQUIRED 15' WALKWAY ACCESS BEHIND ALONG N CORNER BLVD. TO UTILIZE EXISTING LEFT HAND CENTER TURN LANE.
 - A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND THROUGH TURN LANE IN CORNER FROM-MEDIUM TRAFFIC.
 - A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N CORNER BLVD.
 - A DEVIATION TO MAINTAIN A 20' FRONT LOTWIDTH ON ALL ACCESS POINTS.
 - THE UNDERGROUND PARKING GARAGE ENTRY ON N CORNER BLVD SHALL BE DESIGNED TO ALLOW TO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE.



MOLSSON
ARCHITECTS

GATEWAY SHOPPING CENTER
AMENDMENT TO SPECIAL USE PERMIT PEUPDAP
SITE PLAN

SHEET

NO.	DATE	REVISIONS
1	05/14/17	ISSUE FOR PERMITTING
2	05/14/17	REVISIONS
3	05/14/17	REVISIONS
4	05/14/17	REVISIONS
5	05/14/17	REVISIONS
6	05/14/17	REVISIONS
7	05/14/17	REVISIONS
8	05/14/17	REVISIONS
9	05/14/17	REVISIONS
10	05/14/17	REVISIONS
11	05/14/17	REVISIONS
12	05/14/17	REVISIONS
13	05/14/17	REVISIONS
14	05/14/17	REVISIONS
15	05/14/17	REVISIONS
16	05/14/17	REVISIONS
17	05/14/17	REVISIONS
18	05/14/17	REVISIONS
19	05/14/17	REVISIONS
20	05/14/17	REVISIONS

LINCOLN, NE

WAIVER LIST:

1. MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET FOR ANY NEW ADDITION TO AREA "A" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.
2. PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE UNLESS OTHERWISE NOTED.
3. AREA 'H' BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED TO THE NORTH AND TO THE WEST, EXCEPT IN THE AREA ADJACENT TO THE L.E.S. SUBSTATION. AREA 'I' BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED ON 66TH ST. & "Q" ST.
4. IN AREA 'H' & 'I', 1.4 PARKING STALLS ARE REQUIRED PER DWELLING UNIT AS LONG AS THE TOTAL NUMBER OF APARTMENT UNITS WITH MORE THAN ONE BEDROOM DOES NOT EXCEED 40% OF THE TOTAL NUMBER OF UNITS.

DEVIATION LIST (AREA 'H'):

1. A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN ADJACENT CONNECTIONS OF 330' ON N COTNER BLVD
2. A DEVIATION OF THE REQUIRED $\frac{1}{4}$ MILE ACCESS BREAKS ALONG N. COTNER BLVD, TO UTILIZE EXISTING LEFT HAND CENTER TURN LANE
3. A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND NORTHBOUND TURN LANE IN N COTNER (NON-MEDIAN DIVIDED)
4. A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N. COTNER BLVD
5. A DEVIATION TO MAINTAIN A 20' THROAT LENGTH ON ALL ACCESS POINTS
6. THE UNDERGROUND PARKING GARAGE ENTRY ON N. COTNER BLVD SHALL BE DESIGNED TO ALLOW TO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE



* COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.

GENERAL NOTES:

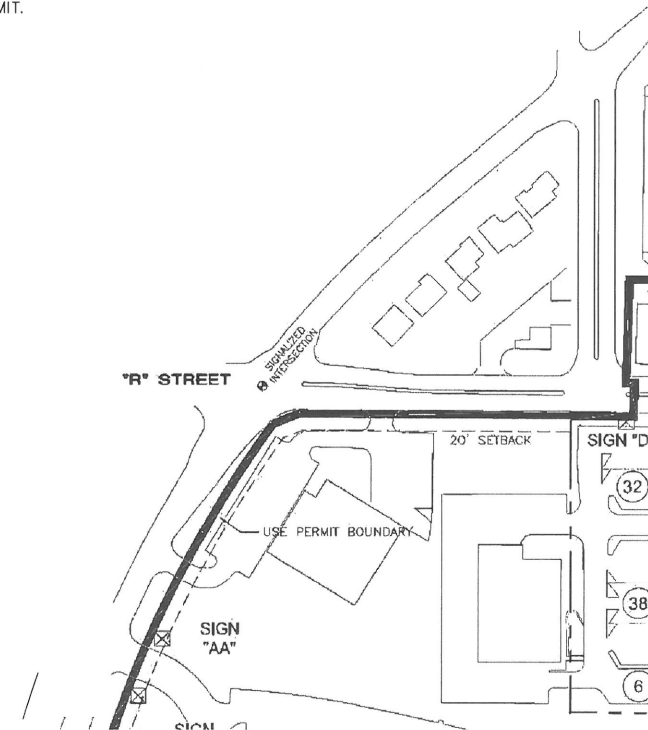
1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
2. BANNER SIGNS (RESOLUTION A-88555)
 - A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS SITE PLAN.
 - B. EACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 1/2 FEET IN AREA.
 - C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLES IN A WAY THAT THEY REMAIN RIGID.
 - D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
 - E. EXISTING LANDSCAPE MATERIALS ALONG THE O STREET FRONTAGE SHALL REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
 - F. THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
 - G. BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TORN OR FADED APPEARANCE/ IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTEE AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
 - H. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITTEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THESE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.
3. IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND SUBJECT TO MINOR CHANGE.
4. IN AREAS A-G THE PARKING REQUIREMENT IS 1 SPACE

PER 300 SQUARE FEET OF GROSS FLOOR AREA FOR ALL USES. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.

5. AREA A IS PERMITTED AT 1,336,500 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS 1 & B MAY BE INCREASED ADMINISTRATIVELY UP TO 15% OF THESE AMOUNTS. AREAS C-G DO NOT HAVE A LIMITATION ON FLOOR AREA.
6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
 - A. NO BUILDING EXTENDS INTO THE SETBACKS AS SHOWN, IF A SETBACK IS NOT SPECIFICALLY IDENTIFIED ON THE PLAN, THE SETBACK SHALL BE PER THE ZONING ORDINANCE;
 - B. THE PARKING REQUIREMENTS ARE MET FOR THE PROPERTY IN QUESTION;
 - C. NO ACCESS DRIVES OR INTERNAL CIRCULATION DRIVES OTHER THAN INTERNAL PARKING LOTS ARE ALTERED;
 - D. THE FLOOR AREA CAP FOR AREAS A AND B ARE NOT EXCEEDED FOR ANY CHANGES IN THESE AREAS. THE FLOOR AREA CAP MAY BE INCREASED UP TO 15% BY ADMINISTRATIVE AMENDMENT.
7. A PEDESTRIAN STREETSCAPE ZONE SHALL BE PROVIDED ALONG "O" STREET, N. 66TH STREET, "Q" STREET, "P" STREET AND N. COTNER BOULEVARD. IF THE STREETSCAPE ZONE DOES NOT EXIST THEN IT MUST BE INSTALLED AT THE TIME OF BUILDING PERMIT FOR NEW CONSTRUCTION, AN ADDITION OR THROUGH AN AMENDMENT TO THE USE PERMIT. THE REQUIREMENT TO INSTALL THE STREETSCAPE ZONE MAY BE WAIVED BY THE PLANNING DIRECTOR AT THE TIME OF BUILDING PERMIT.
 - A. THE STREETSCAPE ZONE SHALL INCLUDE A PLANTING AREA BETWEEN THE BACK OF CURB AND A SIDEWALK OF AT LEAST 8 FEET FOR STREET TREES AND A 5 FOOT WIDE SIDEWALK.
 - B. PUBLIC ACCESS EASEMENTS SHALL BE DEDICATED OVER ANY PORTION OF THE PUBLIC SIDEWALK THAT IS LOCATED ON PRIVATE PROPERTY.
 - C. THE STREETSCAPE IS NOT REQUIRED IN AREA A ADJACENT TO THE 50' BUFFER ALONG "O" STREET AS LONG AS THE 50' LANDSCAPE BUFFER REMAINS.
8. NO PARKING, DRIVEWAYS OR OTHER DEVELOPMENT SHALL OCCUR IN THE FRONT YARD SETBACKS OR THE 50 FOOT LANDSCAPE BUFFER ALONG "O" STREET EXCEPT FOR SIGNAGE.
9. ALL TERMS AND CONDITIONS OF PRE-EXISTING USE PERMIT NO. 3 SHALL APPLY UNLESS SPECIFICALLY

AMENDED BY THIS USE AMENDMENT.

10. SIGNS A & B ARE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. THEY WILL BE REMOVED FROM THE RIGHT-OF-WAY IF REQUESTED BY THE NEBRASKA DEPARTMENT OF ROADS OR IF A NEW CENTER SIGN IS REQUESTED AT THAT LOCATION. REMOVING THE SIGNS WILL BE DONE AT NO COST TO THE CITY.
11. SCREENING IN AREA H & I WILL COMPLY WITH THE LANDSCAPING AND SCREENING STANDARDS FOR MULTIPLE FAMILY DWELLINGS FOUND IN CHARTER 3.50 OF THE DESIGN STANDARDS. THE LANDSCAPE PLAN SHALL BE APPROVED AT THE TIME OF BUILDING PERMIT.
12. METHODS TO MEET WATER QUALITY STANDARDS WILL BE SUBMITTED AND APPROVED BY WATERSHED MANAGEMENT PRIOR TO OBTAINING A BUILDING PERMIT.
13. BUILDING FOOTPRINTS FOR AREA "I" ARE CONCEPTUAL. FINAL SITE AND BUILDING LAYOUT WILL BE SUBMITTED BY ADMINISTRATIVE AMENDMENT TO THIS PLAN PRIOR TO BUILDING PERMIT.



SITE.dwg USER: ebright 42115_PBASE
Overall Use Permit 173221_PBASE

GATEWAY SHOPPING CENTER SPECIAL USE PERMIT

SIGN INVENTORY																			
SIGN DESIGNATION (SEE SITE PLAN)	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S	
HEIGHT (FT.)	30	6	6	6	6	6	6	6	6	6	6	6	6	6	8	8	25	8	
SQUARE FOOTAGE (SQ. FT.)	104	54	48	54	54	54	54	54	42	42	42	42	42	42	69	69	81	60	
TYPE	CENTER	FREE-STANDING	FREE-STANDING	CENTER	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD	MENU BOARD	POLE SIGN	CENTER	
SIGN DESIGNATION (SEE SITE PLAN)	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	JJ	KK	LL	
HEIGHT (FT.)	12	18	8	5	5	5	4	4	4	4	4	4	4	4	4	4	4	6	
SQUARE FOOTAGE (SQ. FT.)	92	95	72	55	55	55	12	12	12	12	12	12	12	12	12	12	12	32	
TYPE	FREE-STANDING	POLE SIGN	FREE-STANDING	FREE-STANDING	FREE-STANDING	FREE-STANDING	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD	

PARKING TABLE				
AREA DESIGNATION	A	B	H	I
PERMITTED USES	COMMERCIAL	COMMERCIAL	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL
COMMERCIAL FLOOR AREA AND/OR DWELLING UNITS ALLOWED	1,177,589	212,855	153 APARTMENT UNITS	300 APARTMENT UNITS + 70,000 SF
EXISTING NUMBER OF PARKING STALLS IN DESIGNATED AREA	4,449	830	---	---
CURRENT STALL REQUIREMENT PER 1:300 RATIO	3,926	710	*215 PER WAIVER #4	420 PER WAIVER #4 FOR APARTMENT UNITS. 233 STALLS REQUIRED FOR 70,000 SF

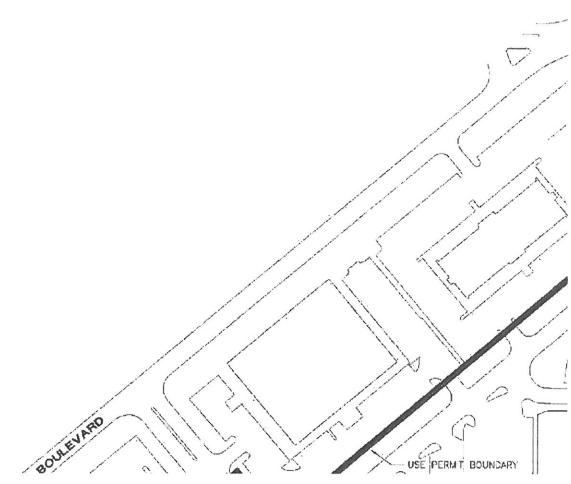
* COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.

GENERAL NOTES:

1. EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
2. BANNER SIGNS (RESOLUTION A-88555)
 - A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS

- PER 300 SQUARE FEET OF GROSS FLOOR AREA FOR ALL USES. THE PARKING ARRANGEMENT AS SHOWN IS FOR ILLUSTRATION PURPOSES AND MAY BE MODIFIED.
5. AREA A IS PERMITTED AT 1,336,500 SQUARE FEET OF GROSS FLOOR AREA. FLOOR AREA IN AREAS 1 & B MAY BE INCREASED ADMINISTRATIVELY UP TO 15% OF THESE AMOUNTS. AREAS C-G DO NOT HAVE A LIMITATION ON FLOOR AREA.
 6. ADMINISTRATIVE AMENDMENTS TO THE USE PERMIT ARE NOT NECESSARY IF ALL OF THE FOLLOWING ARE MET:
 - A. NO BUILDING EXTENDS INTO THE SETBACKS AS SHOWN. IF A SETBACK IS NOT SPECIFICALLY IDENTIFIED ON THE PLAN, THE SETBACK SHALL BE

- AMENDED BY THIS USE AMENDMENT.
10. SIGNS A & B ARE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. THEY WILL BE REMOVED FROM THE RIGHT-OF-WAY IF REQUESTED BY THE NEBRASKA DEPARTMENT OF ROADS OR IF A NEW CENTER SIGN IS REQUESTED AT THAT LOCATION. REMOVING THE SIGNS WILL BE DONE AT NO COST TO THE CITY.
 11. SCREENING IN AREA H & I WILL COMPLY WITH THE LANDSCAPING AND SCREENING STANDARDS FOR MULTIPLE FAMILY DWELLINGS FOUND IN CHAPTER 3.50 OF THE DESIGN STANDARDS. THE LANDSCAPE PLAN SHALL BE APPROVED AT THE TIME OF BUILDING PERMIT.
 12. METHODS TO MEET WATER QUALITY STANDARDS WILL

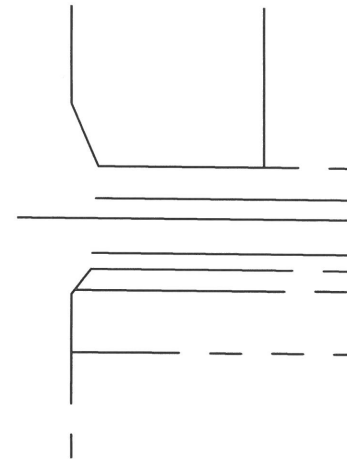


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-Design\AutoCAD\Preliminary Plans\Sheets\GNCV\173221_SIT
S: 173221_XBASE ALTA base 10-19-17 140314_Ove

LEGAL DESCRIPTION

LOTS 1 2, 3, 4, & 5, GATEWAY SHOPPING CENTER SUBDIVISION; LOT 1, 2, 3, & OUTLOT 'A', Q PLACE, EXCEPT EAST PART FOR STREET; LOT 256 OF IRREGULAR TRACTS EXCEPT THAT PART LYING NW OF A LINE 40' EAST OF THE CENTERLINE OF COTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; LOT 262 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; LOT 263 OF IRREGULAR TRACTS EXCEPT 544.35 SF IN SOUTH FOR STREET; LOT 265 OF IRREGULAR TACTS EXCEPT 2835.5 SF IF SOUTH PART FOR ROAD; LOT 266 OF IRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF 'O' STREET, (AREA 'H') LOT 163 IRREGULAR TRACT EXCEPT 182.63 SF IN THE SE CORNER FOR STREET; (AREA 'I') LOT 212 EXCEPT 3,741 SF FOR ROAD IN THE SE.
ALL LOCATED IN THE S $\frac{1}{2}$ OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA.



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 Use Permit #140F	FINAL ACTION? No	DEVELOPER/OWNER Menards, Inc.
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South 84 th Street and Highway 2

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to reduce the required parking associated an ongoing store expansion. The applicant is requesting that the required parking ratio be reduced from 810 spaces to 650 to accommodate the construction of an indoor mezzanine used for primarily for inventory storage. It is to be built in two phases, the first of which is under construction, with the second phase within the next two years.



JUSTIFICATION FOR RECOMMENDATION

This is the third parking reduction requested by the same applicant. In all three requests, the applicant has provided a statistical comparison with its other stores around the country all with parking provided at a lower rate. No parking issues have been noted by staff as a result of the two reductions that were previously approved.

APPLICATION CONTACT
Nick Brenner, 715-876-2177 or
nbrenner@menard-inc.com

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

ANALYSIS

1. As originally approved, Use Permit 140 for Appian Way allowed up to 940,000 square feet of commercial floor area, 194,853 of it allotted to Menards. The approved plan showed 877 parking stalls on Lot 2 dedicated for use by Menard's.
2. In 2002, UP#140A was approved reducing the parking requirement from 877 to 729 spaces. In 2009, a second request was approved by UP#140C for a further reduction in the off-street parking requirement from 729 to 650 spaces. The reductions accommodated a revised store layout that moved the entrance to the outside storage area from the east side of the building to the west side. It also allowed a parking reconfiguration which eliminated parking spaces both adjacent to the west side of the building that were converted to driving aisles. It also allowed changes to the main parking lot which accommodated revised parking islands to make it easier for trucks to maneuver when entering the yard.

3. This request seeks a third parking reduction to allow an increase in the floor area to 243,000 sq. ft. with 650 parking stalls - a reduction in required parking from 810 stalls to 650. The applicant notes the increased floor area is due to the planned enlargement on an indoor mezzanine used for inventory, to be accomplished in two phases.
4. The requested reduction to 650 spaces results in a ratio of 2.7 spaces per 1,000 square feet of floor area. This compares to the B-5 district which requires 1 space per 300 square feet of floor area, or a ratio of approximately 3.3 spaces per 1,000.
5. The applicant has provided a listing of other similarly-sized stores across the United States, and the number of parking spaces provided for each. Excepting Lincoln, the ratios range from 1.56 to 2.1. If Lincoln is included (which includes the proposed expansion), it is the highest at 2.67.
6. A reduction to 2.0, or one space per 500 sq. ft. of floor area, would be consistent with the parking ratios provided at the other applicant's other stores. This would fall between the B-5 (1:300) and the B-3 (1:600) in the Zoning Ordinance. It would allow for future expansion, and simplify site planning and building plan review. Per the applicant's analysis, it would provide parking in an amount consistent with the other stores.
7. The Menards site is ringed by private roadways and does not share parking areas with other users. A shortage of parking on this site would likely not impact other users in the center due to this separation.
8. The parking requirement for the B-5 district like most others is an overall average based upon a range of uses allowed, which also takes into account such factors as open space and driving isles in the calculation of the minimum parking requirement. Understanding that this is an average, it is accepted that there may be uses allowed within the district that generate a higher parking demand that exceeds the number of spaces required, as well as those uses that generate a lower one.
9. As the applicant noted in the requested parking adjustment in 2002, the size of the store is at least partially in response to the merchandise carried, which in many cases is larger and bulkier than typical retail merchandise. As a result, the parking generation demand is expected to be less when compared to general retail uses on strictly a total floor area basis.
10. Should Menard's vacate this building, any subsequent user of the building would be expected to provide the required parking per Lincoln Municipal Code (LMC). The area around the building in the outside storage area could be converted to off-street parking in that case if needed. An exhibit showing this condition is attached as Exhibit C.
11. The City Council is authorized by the Zoning Ordinance as part of the provisions governing use permits to grant adjustments to the parking requirements when warranted.
12. If approved, this amendment allows the applicant to expand the floor area of the store without creating more parking. This is due to unique operating characteristics and the nature of the products sold, where the amount of parking required by the Zoning Ordinance is not needed according to the applicant's analysis. Making more efficient use of land, whether for residential or commercial uses, is supported by the Comprehensive Plan. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial

B-5 Planned Regional Business

SURROUNDING LAND USE & ZONING

North:	Vacant, Commercial	H-4, B-5
South:	Vacant, commercial	B-5
East:	Vacant, Commercial	B-5
West:	Commercial	B-5

APPLICATION HISTORY:

- Mar 2015 - UP#140E was approved to expand the area of the use permit by 17.47 acres.
- May 2014 - UP#140D was approved to expand the use permit by 14.6 acres, while reducing it by 6.3 acres for a portion rezoned to H-4.
- Mar 2009 - UP#140C was approved adjusting the required parking from 729 spaces to 650 spaces.
- Apr 2005 - UP#140B was approved expanding the Appian Way use permit by 24 acres for a six-screen movie theater complex.
- Oct 2002 - UP#140A was approved adjusting the required parking for Menards from 877 spaces to 729 spaces.
- Sep 2001 - PP#01006 for Appian Way Regional Center with 28 commercial lots and 8 outlots was approved.
- Nov 2001 - ANN#01006 annexing 245 acres into the City of Lincoln was approved.
- Nov 2001 - CZ#3320 changed the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3.
- Nov 2001 - CZ#3285 changed the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5.
- Nov 2001 - UP#140 for 825,400 square feet of commercial space, with the option to expand to 940,000 square feet provided that the total p.m. peak hour trips does not exceed 2,925 was approved.

APPROXIMATE LAND AREA: 18.38 acres more or less

LEGAL DESCRIPTION: Lot 2, Block 1, Appian Way Addition, located in Section 23-9-7, Lincoln, Lancaster County, Nebraska.

Prepared by

Brian Will, Planner
November 21, 2017

Applicant/
Contact: Nick Brenner
Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
nbrenner@menard-inc.com
715-876-2177

Owner: Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
715-876-2177

CONDITIONS OF APPROVAL - USE PERMIT #140F

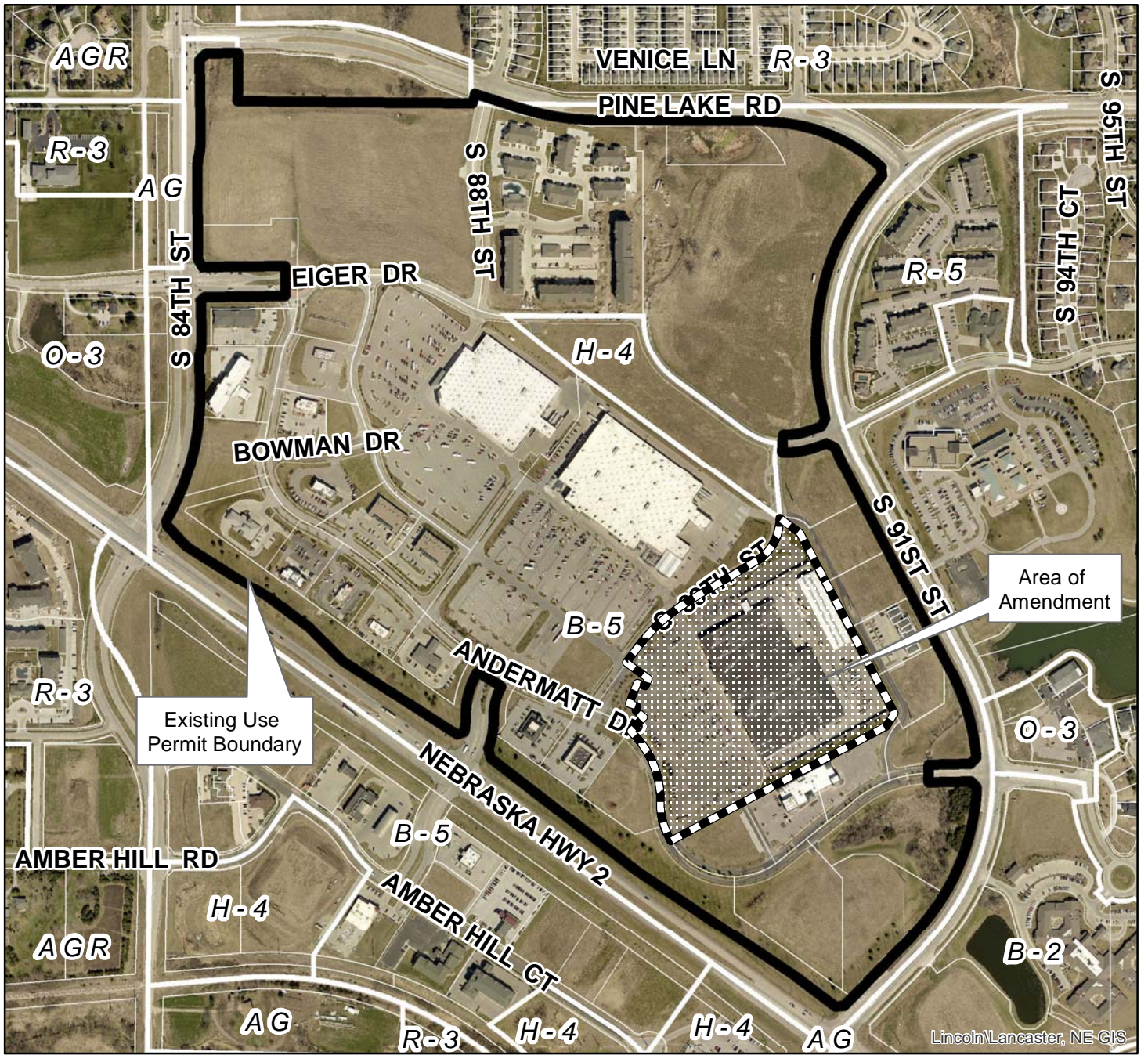
This approval permits a parking reduction to one space per 500 sq. ft of floor area for a home improvement store.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department three copies of a revised final site plan with all required revisions and documents as listed below before receiving building permits.
 - 1.1 Revise Sheet 1 of the Appian Way use permit plan set to include the parking reduction for the subject property.
 - 1.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the areas of expansion all development and construction is to substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



Lincoln/Lancaster, NE GIS

2016 aerial

Use Permit #: UP140F
Appian Way
S 84th St & Highway 2

Zoning:

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

One Square Mile:
Sec.23 T09N R07E





November 3, 2017

VIA 2Day

City of Lincoln
Attn: Brian Will
555 South 10th Street, Room 213
Lincoln, NE 68508

RE: Amendment to Special Use Permit

Mr. Will,

Enclosed is the application for the major amendment to the special use permit governing the Menards site located at 8900 Andermatt Drive. The required fee for this amendment is also enclosed. I will submit the site plan and project narrative via the online portal. If you would like any hard copies of these or need anything else, please let me know. Thank you.

Sincerely,
Menard, Inc.

Nick Brenner
Real Estate Representative
5101 Menard Drive,
Eau Claire, WI 54703
[P] 715-876-2177
[C] 715-577-0363
nbrenner@menard-inc.com

Menards Storage Expansion Narrative

Relating to the Menards store located at 8900 Andermatt Drive, Lincoln, Nebraska, Menards is requesting a major amendment to the special use permit to increase the allowable floor area and a waiver to reduce the required parking. In 2002, an amendment to the special use permit (140A) was approved allowing a waiver to the parking ordinance to require 729 spaces for 194,853 square feet of floor area. In 2009 an amendment to the special use permit (140C) was approved allowing a waiver to the parking ordinance to require 650 spaces for 194,853 square feet of floor area. With the new mezzanine addition, the finished building will be 219,000 square feet. Menards is also contemplating a second addition of the mezzanine in the next year or two that will increase the floor area to 243,000 square feet. This major amendment is requesting the allowable floor area be increased to 243,000 square feet to accommodate these interior mezzanines and a waiver for parking to require only 650 spaces.

The purpose of the proposed mezzanine expansion is to allow for more storage area. Due to the large, bulky size of much of the merchandise sold in the store, vast areas of storage space is required in order to keep items on hand. It takes a lot of room to store these bulky items and much of the building's floor area is designated for the storage of these materials. In addition to increasing the ability for customers to take home a product the same day, the mezzanine will create a safer storage system. Currently there is racking that is utilizing the entire height of the store. By constructing the mezzanine, it is essentially cutting the storage racking in half. This eliminates many of the high grabs that forklift operators are currently doing. By allowing the increase floor area, employee safety will be increased.

As it relates to parking, an important distinction to note is how Menards operates as opposed to a store like Wal-Mart. Wal-Mart is considered more of a high transactional store whereas Menards is considered more of a high volume store. In other words, a Wal-Mart will typically see more customers and more separate transactions a day, whereas Menards will typically see a higher average dollar amount per transaction. The parking ratio set forth in the zoning code may be accurate when it comes to these high transactional stores, but the ratio becomes over-excessive when it comes to a retailer like Menards.

Menards currently operates over 300 retail stores across the Midwest and knows how their stores operate. Menards knows how many spaces are needed in order to serve their customers adequately and efficiently. Attached is a list stores approved in the last five years. As you can see not one store on this list has more than 500 spaces. It has been determined to be more ideal to utilize the land for a better use than an empty parking lot as empty parking lots only increase the storm water runoff and negatively affect the appearance of the site. It is important to note that Menards has a great interest in making sure parking is adequate. If the parking lot is full or constantly difficult to find spaces, customers may choose to shop elsewhere. This directly conflicts with good business practices.

The subject property currently has 685 spaces. Even with the increase in floor area, parking is not going to be a problem because: 1) there is significantly more parking at this site compared to a prototypical Menard retail store; 2) as it currently operations, parking is not an issue; and 3) the increased floor area is going to be utilized as storage area and not sales area. The increase in floor area will help improve employee safety which is always an important goal to try and achieve.

EXHIBIT A

P5 Last 5 Years:

Store	Parking Count	Approx. SF	Ratio (per 1,000)
Rolla, MO	421	244,244	1.73
Springfield West, MO	412	244,244	1.69
Springfield East, MO	412	244,244	1.69
Kirksville, MO	380	244,244	1.56
St. Peters, MO	427	224,623	1.90
Independence, MO	354	224,623	1.58
Farmington, MO	426	224,623	1.90
Hollister, MO	420	224,623	1.88
Richmond Heights, MO (2-Story)	410	244,025	1.68
St. Ann, MO	423	224,623	1.89
Popular Bluff, MO	413	224,623	1.84
Belton, MO	430	224,623	1.92
Jamestown, ND	437	224,623	1.95
Williston, ND	420	224,623	1.88
Dickinson, ND	443	224,623	1.98
Athens, OH	436	244,244	1.79
Cuyahoga Falls, OH	413	244,244	1.69
Mentor, OH	416	244,244	1.70
New Philadelphia, OH	414	244,244	1.70
Brooklyn, OH	438	244,244	1.80
Loveland, OH	470	224,623	2.10
Cortland, OH	426	224,623	1.90
Gillette, WY	420	224,623	1.88
Pierre, SD	414	224,623	1.85
Pontiac, MI (2-Story)	437	244,025	1.79
Lake Orion, MI	420	244,244	1.72
Gaylord, MI	405	244,244	1.66
Taylor, MI	416	244,244	1.70
Belleville, MI	421	244,244	1.73
Wixom, MI	453	224,623	2.02
Ann Arbor, MI	425	224,623	1.90
Florence, KY	408	244,244	1.67
Elizabethtown, KY	412	244,244	1.69
Richmond, KY	429	244,244	1.76
Olathe, KS	423	224,623	1.89
Kansas City North, MO	428	224,623	1.91
Lawrence, KS	411	224,623	1.83
Lincoln	650	243,000	2.67

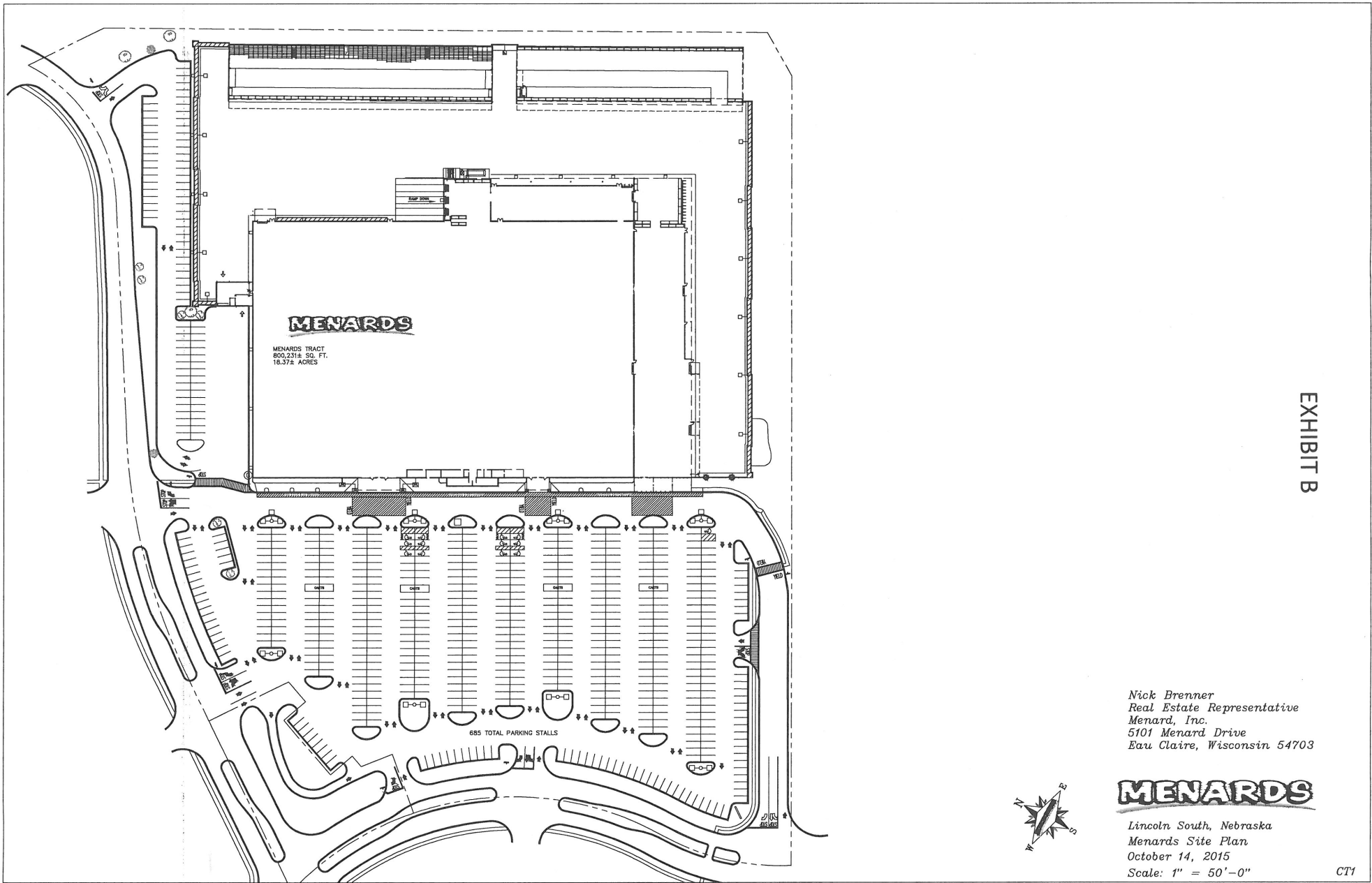


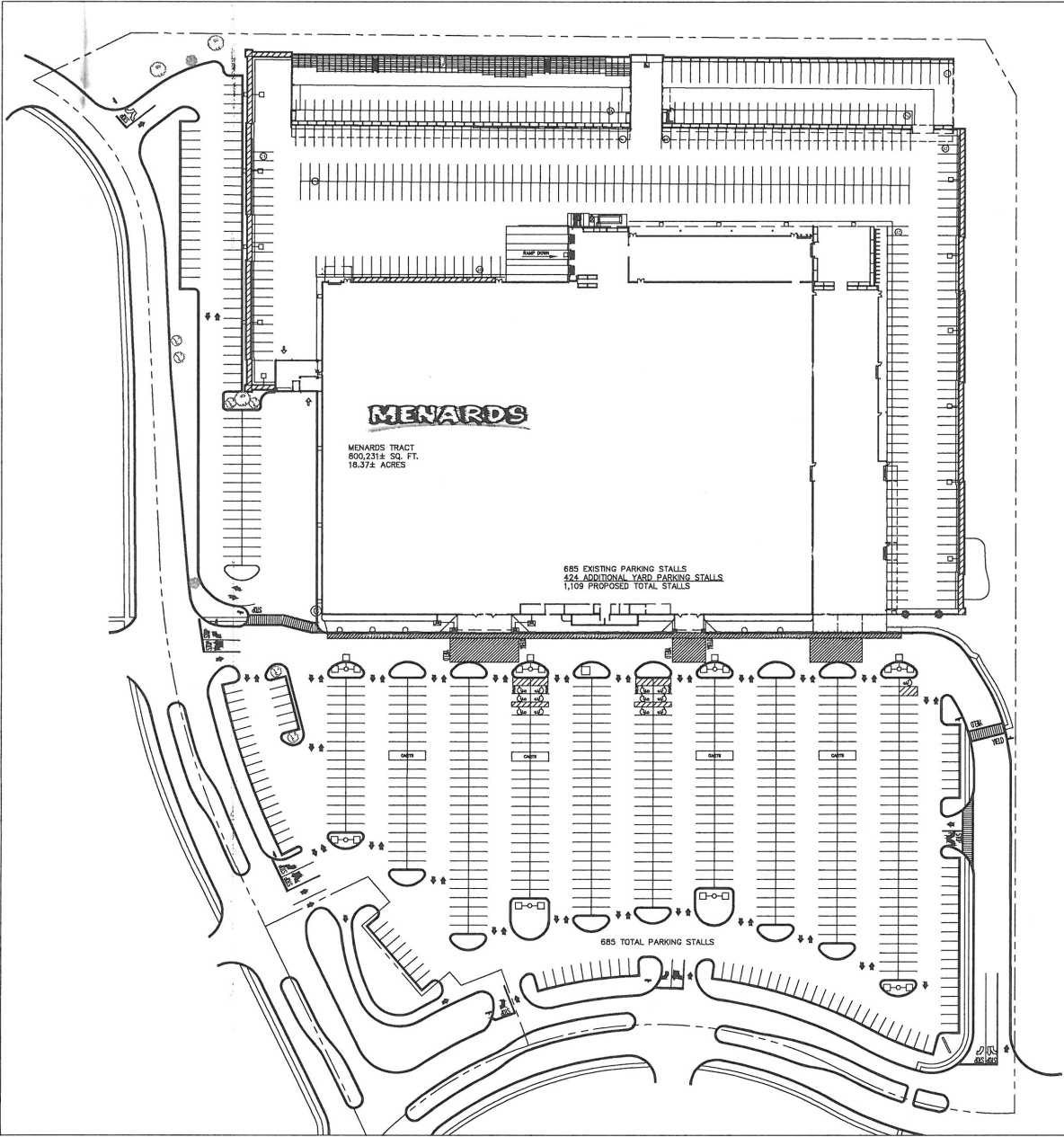
EXHIBIT B

Nick Brenner
 Real Estate Representative
 Menard, Inc.
 5101 Menard Drive
 Eau Claire, Wisconsin 54703



Lincoln South, Nebraska
 Menards Site Plan
 October 14, 2015
 Scale: 1" = 50'-0"

CT1



Nick Brenner
Real Estate Representative
Menard, Inc.
5101 Menard Drive
Eau Claire, Wisconsin 54703



Lincoln South, Nebraska
Menards Site Plan
October 14, 2015
Scale: 1" = 50'-0"

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Amendment #17007	FINAL ACTION? Yes	DEVELOPER/OWNER Matodol, LLC
PLANNING COMMISSION HEARING DATE November 15, 2017	RELATED APPLICATIONS Annexation #17019 Change of Zone #17030	PROPERTY ADDRESS/LOCATION 98 th & Van Dorn

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Amend the 2040 Lincoln-Lancaster County Comprehensive Plan in the following areas:

- Amend the Commercial Centers map to show a Neighborhood Center at the same location.
- Amend the 2040 Future Land Use Map to show Commercial at the northwest corner of 98th and Van Dorn. The area is currently shown as Residential.



JUSTIFICATION FOR RECOMMENDATION

A Neighborhood Center and the associated Commercial land use are appropriate for this site. Neighborhood Centers are intended to provide services and retail goods oriented to the neighborhood level. This amendment is part of the associated Wandering Creek PUD which includes a mix of residential uses that would be served by the Neighborhood Center.

APPLICATION CONTACT

DaNay Kalkowski, (402) 435-6000
danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area meets the criteria for locating a Neighborhood Center and associated Commercial land use. It meets the Neighborhood Center spacing requirements, it has multiple connections to the adjacent neighborhood, and it is designed as a "node" rather than an auto-oriented strip development.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Business & Economy Guiding Principles (p. 5.1-5.2)

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage Commercial Centers to encompass a broad range of land uses with the integration of compatible land use types.

NEIGHBORHOOD CENTERS

Center Size: Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space, with those meeting the incentive criteria having up to 225,000 square feet. Existing centers may vary in size from 50,000 to 225,000 square feet. (p. 5.11)

Description: Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger, however the goals of Neighborhood Centers are to be diverse and not simply one store. Examples include Lenox Village at S. 70th Street and Pioneers Boulevard, and Coddington Park Center at West A Street and Coddington Avenue. These smaller centers will not include manufacturing uses. Neighborhood Centers may be considered a "Mixed Use Redevelopment Node" if they generally conform to the strategies listed in the Mixed Use Redevelopment chapter.

During the planning period, several additional neighborhood centers will be needed. These centers are not identified on the future land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines. (p. 5.11)

Market Area: These centers typically serve the neighborhood level. It is anticipated that there will be no more than two neighborhood centers per one square mile of urban use. For areas of less than one square mile, the number of the centers will be reduced. (p. 5.12)

Center Spacing: Neighborhood Centers should be located approximately ½ mile apart, depending upon their size, scale, function and the population of the surrounding area. When located at intersections, they should also not be located across an arterial street from a Community Center or another Neighborhood Center. (p. 5.12)

Criteria: Future Neighborhood Centers are not sited in advance, but are identified once approved or built and are added to the land use plan. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection - locations 1/4 to ½ mile from major intersections are encouraged, particularly if there is to be more than one Commercial Center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, then only one neighborhood center should be sited within that square mile. (p. 5.12)

Siting Process: The exact location and land use composition of the Center should be determined as part of development proposals. (p. 5.12)

Floor Area Incentive: New Neighborhood Centers will typically range from 50,000 to 150,000 square feet of floor area per square mile of urban use. For centers meeting the incentive criteria, a 50% floor area bonus of up to 25,000 square feet of retail space and 50,000 square feet of office space could be added to the 150,000 square feet total, for a center total of 225,000 square feet. (p. 5.12)

Incentive Criteria: Community and Neighborhood Centers meeting the criteria below are eligible to increase their floor area, as described in those sections. (p. 5.13-5.14)

- The center is located in a neighborhood with greater residential density than is typical for a suburban area, and the center itself contains higher density residential uses (density above 15 dwelling units per acre) integrated within the development.
- Provides a significant mix of uses, including office, service, retail, residential, and open space – far more than typical single use centers.
- Includes multi-story buildings, including residential uses above stores and throughout the site. Integrates some light industrial or manufacturing uses within Community Centers.
- Provides public amenities such as recreational facilities, significant open space, plazas, public squares, and other types of public/community facilities or meeting areas.
- The center is supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.
- Provides for a significant pedestrian orientation in the layout, including the physical arrangement of buildings and parking, with buildings oriented to pedestrians.
- Provides a “town center” orientation in the overall center plan to create a quality mixed use environment (e.g. by having design elements such as a “main street” environment with a row of on-street parking on both sides, slower traffic speeds, and the majority of parking at the rear with buildings, sidewalks, benches and other amenities oriented to pedestrians).
- Traffic, pedestrian circulation and utilities are planned to facilitate a future intensification of the center, if parking needs and requirements are reduced and traffic capacity allows for additional space in the center in the long term.
- Location is ¼ to ½ mile from major intersections in order to facilitate traffic movements. Provides for transit opportunities in the center design.

Strategies for Commercial Centers (p. 5.7)

- Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.
- Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.
- Discourage “four corner commercial development.”
- Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.
- Develop smaller stores next to larger anchor stores in centers to encourage small businesses and to provide a variety of goods and services for customers utilizing the centers.
- Design streets and public spaces to enhance pedestrian activity and support multiple modes of transportation.
- Create a pedestrian-oriented environment in the physical arrangement of buildings and parking.
- Develop Commercial Centers as compact clusters or mixed use nodes with appropriate site design features to accommodate shared parking and ease of pedestrian movement, to minimize impacts on adjacent areas, and encourage a unique character.
- Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.
- Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
- Redevelop existing commercial strips for residential mixed use and/or transit oriented development where appropriate.

- Design buildings and land uses at the edge of the center to be compatible with adjacent residential land uses. Examples of compatible land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers.
- Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.
- Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/ convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.

FUTURE LAND USE PLAN

This area is currently shown as Urban Residential on the 2040 Future Land Use Plan. (p. 12.3)

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

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)

ANALYSIS

1. This request is to change approximately 24 acres from Residential to Commercial on the Future Land Use Map and designate the area as a Neighborhood Center. This request is part of the overall Wandering Creek PUD, which would primarily include residential uses with the Neighborhood Center in the southeast corner of the development. The Neighborhood Center would be a future phase and is not included in the associated change of zone and annexation applications.
2. The Comprehensive Plan includes a detailed description of what constitutes a Neighborhood Center.

Center Size: Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space, with those meeting the incentive criteria having up to 225,000 square feet. Existing centers may vary in size from 50,000 to 225,000 square feet.

This area is conceptual and no specific floor area has been determined, but it would likely fit within this criteria.

Description: Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger, however the goals of Neighborhood Centers are to be diverse and not simply one store. Examples include Lenox Village at S. 70th Street and Pioneers Boulevard, and Coddington Park Center at West A Street and Coddington Avenue. These smaller centers will not include manufacturing uses. Neighborhood Centers may be considered a "Mixed Use Redevelopment Node" if they generally conform to the strategies listed in the Mixed Use Redevelopment chapter.

The conceptual plan shows multiple pedestrian connections to the residential portion of the PUD. Details such as building layout haven't been determined, but based on the proposed street network through the center, it could include multiple buildings of various floor area and use.

During the planning period, several additional neighborhood centers will be needed. These centers are not identified on the future land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines.

This proposed center is part of the overall Wandering Creek PUD development.

Market Area: These centers typically serve the neighborhood level. It is anticipated that there will be no more than two neighborhood centers per one square mile of urban use. For areas of less than one square mile, the number of the centers will be reduced.

Within the same square mile there is a proposed Community Center near 84th and Van Dorn. Community Centers are intended to serve a larger market area than Neighborhood Centers, and in this case would be serving residents in east Lincoln beyond just the Wandering Creek neighborhood. The next closest Commercial Center is more than a mile away. The map of Commercial Centers is attached to this report.

Center Spacing: Neighborhood Centers should be located approximately ½ mile apart, depending upon their size, scale, function and the population of the surrounding area. When located at intersections, they should also not be located across an arterial street from a Community Center or another Neighborhood Center.

The next closest Neighborhood Center that is currently approved is approximately two miles away. This proposed site is at an intersection but it not across from any other Commercial Center.

Criteria: Future Neighborhood Centers are not sited in advance, but are identified once approved or built and are added to the land use plan. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection - locations 1/4 to ½ mile from major intersections are encouraged, particularly if there is to be more than one Commercial Center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, then only one neighborhood center should be sited within that square mile.

This site is at the intersection at two arterials (98th and Van Dorn Streets); however, it will have multiple access points from the neighborhood, and the proposed accesses onto the arterials will comply the Access Management Policy. Due to these circumstances, the center would have good accessibility from the neighborhood and should not have a significant impact on the intersection. The drainage way that runs through the southern portion of the PUD limits the ability to place the Neighborhood Center at the ¼ or ½ mile points from the intersection. With this proposal, the square mile would include one Community Center and one Neighborhood Center.

Siting Process: The exact location and land use composition of the Center should be determined as part of development proposals.

This proposed center is part of the overall Wandering Creek PUD development, with the details to be determined at a later date once the center is ready for development.

Floor Area Incentive: New Neighborhood Centers will typically range from 50,000 to 150,000 square feet of floor area per square mile of urban use. For centers meeting the incentive criteria, a 50% floor area bonus of up to 25,000 square feet of retail space and 50,000 square feet of office space could be added to the 150,000 square feet total, for a center total of 225,000 square feet.

It's too early to determine whether the site will meet any incentive criteria since the area is only conceptual at this time. Those details will be addressed with a future PUD amendment when the commercial area is ready for development.

3. The Comprehensive Plan includes several strategies for Commercial Centers that apply to this proposal.
- **Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure.**
 - **Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets.**
This site would have access from arterial and local streets, and sidewalks. A future trail is located just to the north of this center.
 - **Discourage “four corner commercial development.”**
The other three corners of the intersection are currently identified as Residential and Green Space. The southwest corner of the intersection is Firethorn Golf Course.
 - **Encourage multiple street connections to adjacent residential neighborhoods to allow convenient access for neighboring residences and pedestrians without the use of arterial streets, but exercise care in designing the street network to minimize undesirable traffic impacts.**
The center has multiple connections to the proposed residential development.
 - **Discourage auto-oriented strip commercial development; Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented.**
This center is a “node” that includes multiple entry points for both automobiles and pedestrians.

EXISTING LAND USE & ZONING: Agriculture, AG Agriculture

SURROUNDING LAND USE & ZONING

North: Agriculture	AG Agriculture
South: Firethorn Golf Course	AGR Agriculture Residential
East: Agriculture, Acreage Residential	AG
West: Agriculture, Acreage Residential	AG

APPROXIMATE LAND AREA: 24 acres

LEGAL DESCRIPTION: A portion of Lot 64, located in the SE 1/4 of Section 35-10-7.

Prepared by

Andrew Thierolf, Planner

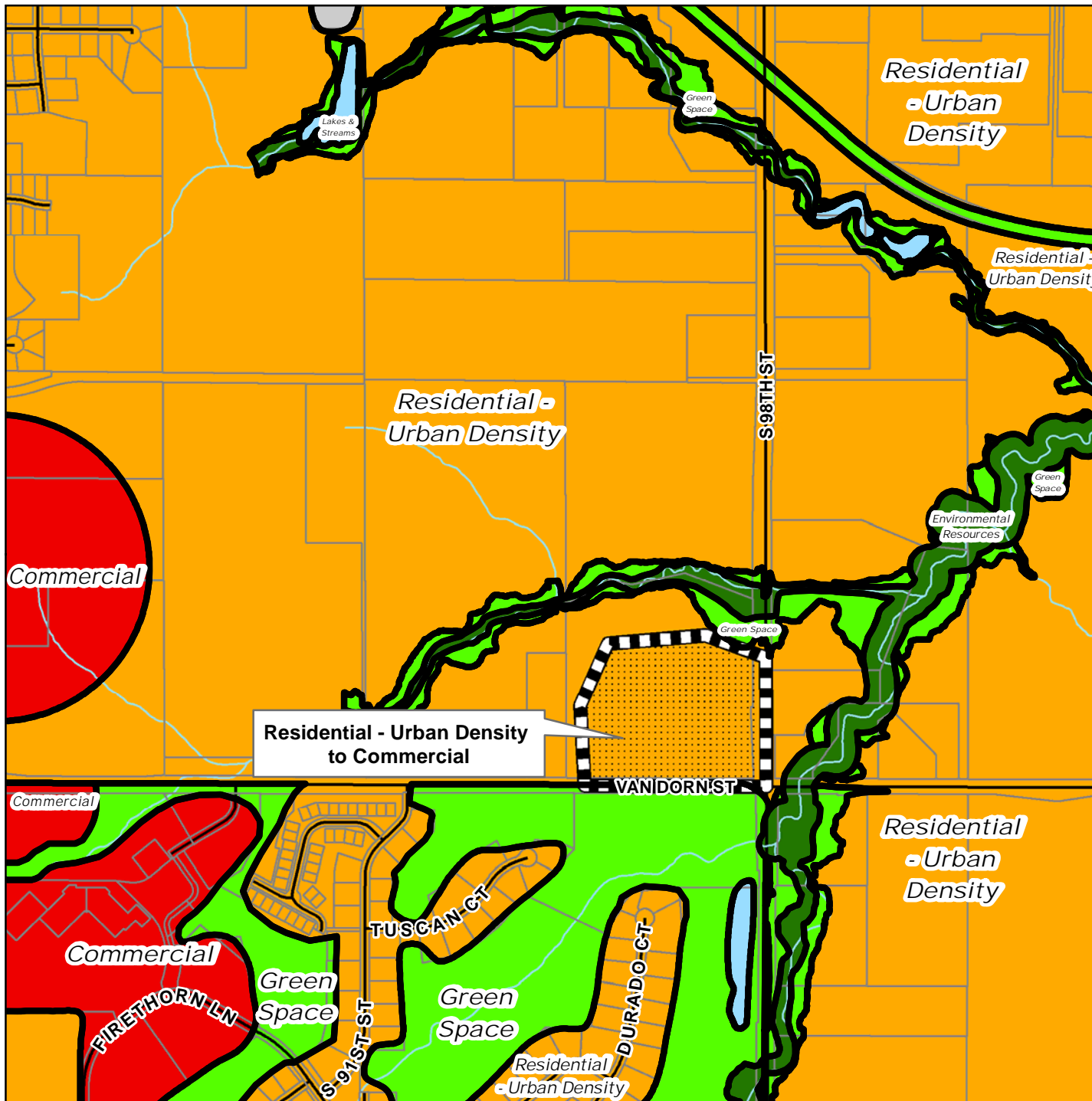
November 3, 2017

<p>Applicant/ Owner: Matodol, LLC 601 P Street Lincoln, NE 68508</p>	<p>Contact: DaNay Kalkowski 1128 Lincoln Mall, Suite 105 Lincoln, NE 68508 (402) 435-6000 danay@sk-law.com</p>
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

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CPA # 17007
 Wandering Creek
 S 98th St & Van Dorn St

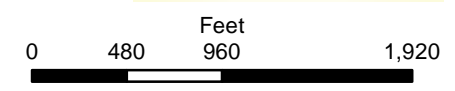
**Proposed
 Land Use
 Change**



Legend

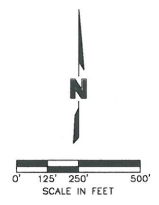
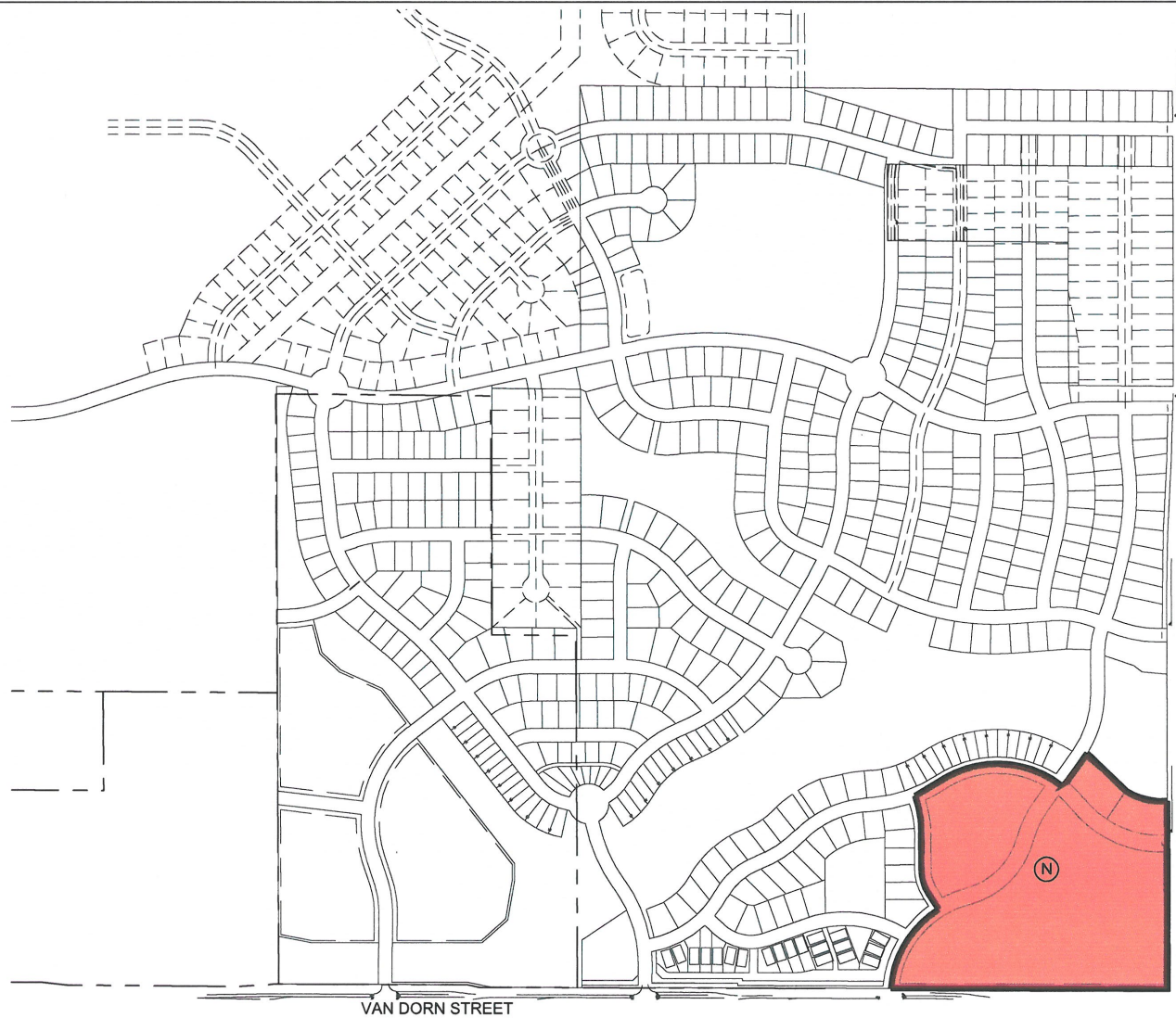
-  Area of Amendment
-  Ownership Parcels

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



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 (CPA17007)

DWS: 1/18/17 10:11:45 AM - 1450 (17) - 1871 N.W. 4th St. (17) 1731 - PHASE - CONCEPT - 64.4m
 DATE: Oct 18, 2017 11:26am XREF'S: 142015_AERIAL 141728_ESSP Midland-Stratton-2
 USFS: 1604 181008 - White House Layout 12-12-16 V_TDPD_2017_152987 V_TDPD_162987 141128_CTY_GS 141752_51090 171391_PBASE



PROJECT NO:	017-1391
DRAWN BY:	EAH
DATE:	10/18/2017

**COMPREHENSIVE PLAN AMENDMENT
EXHIBIT**

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

EXHIBIT	1
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PLANNED UNIT DEVELOPMENT - LEGAL DESCRIPTION - PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 1/2, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE 8TH P.M., LINCOLN COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE 8TH P.M., THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N0°11'11"W, A DISTANCE OF 80.00 TO THE SOUTHWEST CORNER OF LOT 49 1/2, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, THENCE N89°42'27"W, ON A SOUTH LINE OF SAID LOT 49 1/2, SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 20.75 TO THE SOUTHWEST CORNER OF LOT 50, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE CONTINUING N89°42'27"W ON SAID LINE TO SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 55.77 TO A SOUTH CORNER OF SAID LOT 50 1/2, SAID POINT BEING 60.00 NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, THENCE N89°42'27"W, ON A SOUTH LINE OF SAID LOT 50 1/2, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 822.76 TO THE SOUTHWEST CORNER OF SAID LOT 50 1/2, SAID POINT BEING ON THE EAST LINE OF LOT 50 1/2, THENCE N0°17'25"W, ON THE WEST LINE OF SAID LOT 50 1/2, SAID LINE ALSO BEING THE EAST LINE OF LOTS 10 L, AND LOT 8 1/2, A DISTANCE OF 1,522.26 TO A POINT, THENCE N89°12'35"E, A DISTANCE OF 40.00 TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 28°12'11", A RADIUS OF 480.00, AN ARC LENGTH OF 204.80, A CHORD LENGTH OF 219.81, A TANGENT LENGTH OF 112.25, AND A CHORD BEARING OF N78°52'29"E, TO A POINT, THENCE S48°35'20"E, A DISTANCE OF 63.09 TO A POINT, THENCE S90°10'00"E, A DISTANCE OF 178.87 TO A POINT, THENCE S48°35'20"E, A DISTANCE OF 81.27 TO A POINT, THENCE S48°35'20"E, A DISTANCE OF 50.00 TO A POINT, THENCE S47°59'47"E, A DISTANCE OF 86.50 TO A POINT, THENCE S33°44'27"E, A DISTANCE OF 44.24 TO A POINT, THENCE S90°10'00"E, A DISTANCE OF 119.87 TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°37'18", A RADIUS OF 17.000, AN ARC LENGTH OF 5.149, A CHORD LENGTH OF 5.149, A TANGENT LENGTH OF 25.76, AND A CHORD BEARING OF N0°21'27"E TO A POINT, THENCE N12°22'17"E, A DISTANCE OF 63.07 TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A RADIUS OF 133.00, AN ARC LENGTH OF 8.100, A CHORD LENGTH OF 20.00, A TANGENT LENGTH OF 19.00, AND A CHORD BEARING OF S08°59'57"E TO A POINT, THENCE N45°49'45"E, A DISTANCE OF 10.81 TO A POINT, THENCE N0°48'45"E, A DISTANCE OF 103.12 TO A NORTH CORNER OF SAID LOT 50 1/2, SAID POINT BEING A SOUTH CORNER OF LOT 48 1/2, THENCE S89°10'00"E, ON A NORTH LINE OF SAID LOT 50 1/2, SAID LINE BEING A SOUTH LINE OF SAID LOT 48 1/2, A DISTANCE OF 38.01 TO AN EAST CORNER OF SAID LOT 50 1/2, SAID POINT BEING A SOUTH CORNER OF SAID LOT 48 1/2, THENCE S90°10'00"E, ON A EAST LINE OF SAID LOT 50 1/2, SAID LINE BEING A WEST LINE OF SAID LOT 48 1/2, A DISTANCE OF 157.79 TO A POINT TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 192.74527 SQUARE FEET OR 43.52 ACRES, MORE OR LESS.

PLANNED UNIT DEVELOPMENT - LEGAL DESCRIPTION - PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 51 1/2, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE 8TH P.M., LINCOLN COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 1 EAST OF THE 8TH P.M., THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHWEST QUARTER, ON AN ASSUMED BEARING OF N0°11'11"W, A DISTANCE OF 80.00 TO THE SOUTHWEST CORNER OF LOT 51 1/2, SAID POINT BEING THE SOUTHWEST CORNER OF SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE CONTINUING N0°11'11"W ON SAID LINE A DISTANCE OF 1,075.75 TO A POINT, THENCE N89°42'27"W, A DISTANCE OF 54.75 TO A POINT, THENCE S48°41'46"E, A DISTANCE OF 50.75 TO A POINT, THENCE S33°44'27"E, A DISTANCE OF 44.24 TO A POINT, THENCE S48°41'46"E, A DISTANCE OF 80.75 TO A POINT, THENCE S33°44'27"E, A DISTANCE OF 44.24 TO A POINT, THENCE S90°10'00"E, A DISTANCE OF 119.87 TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°37'18", A RADIUS OF 17.000, AN ARC LENGTH OF 5.149, A CHORD LENGTH OF 5.149, A TANGENT LENGTH OF 25.76, AND A CHORD BEARING OF N0°21'27"E TO A POINT, THENCE S48°35'20"E, A DISTANCE OF 63.09 TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A RADIUS OF 133.00, AN ARC LENGTH OF 8.100, A CHORD LENGTH OF 20.00, A TANGENT LENGTH OF 19.00, AND A CHORD BEARING OF S08°59'57"E TO A POINT, THENCE N45°49'45"E, A DISTANCE OF 10.81, AND A CHORD BEARING OF N0°48'45"E, A DISTANCE OF 103.12 TO A NORTH CORNER OF SAID LOT 50 1/2, SAID POINT BEING A SOUTH CORNER OF LOT 48 1/2, THENCE S89°10'00"E, ON A NORTH LINE OF SAID LOT 50 1/2, SAID LINE BEING A SOUTH LINE OF SAID LOT 48 1/2, A DISTANCE OF 38.01 TO AN EAST CORNER OF SAID LOT 50 1/2, SAID POINT BEING A SOUTH CORNER OF SAID LOT 48 1/2, THENCE S90°10'00"E, ON A EAST LINE OF SAID LOT 50 1/2, SAID LINE BEING A WEST LINE OF SAID LOT 48 1/2, A DISTANCE OF 157.79 TO A POINT TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 144.37462 SQUARE FEET OR 33.14 ACRES, MORE OR LESS.

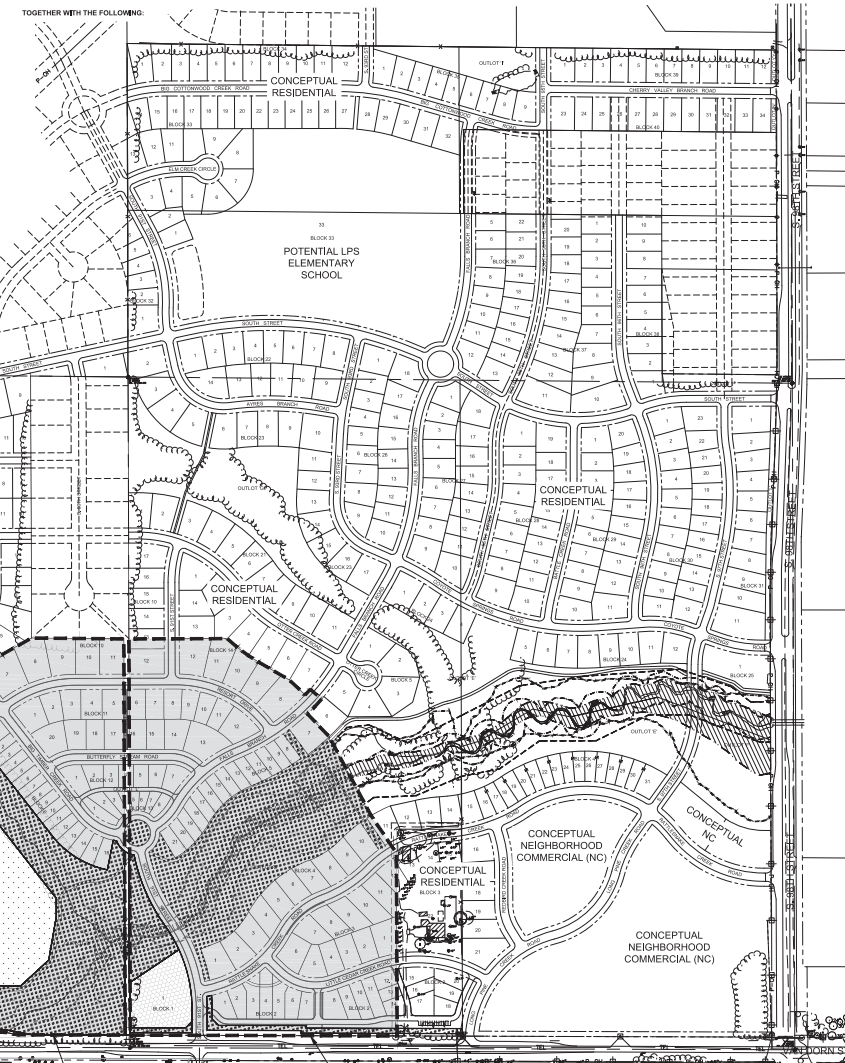
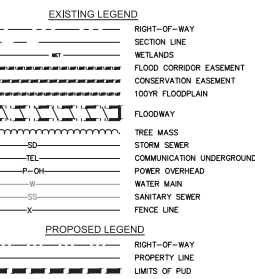
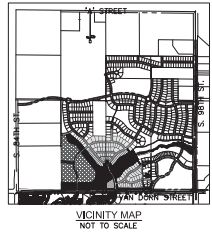
ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET
LINCOLN, NE 68508
PHONE: 402-474-9111

OWNER & DEVELOPER
MATOOK, LLC
CO MARK PALMER
601 P STREET
LINCOLN, NE 68508
PHONE: 402-494-8432

WANDERING CREEK

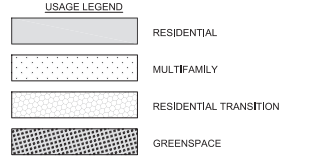
R-3 PLANNED UNIT DEVELOPMENT COVER SHEET

SHEET INDEX	
SHEET NO.	SHEET TITLE
1	COVER SHEET
2	SITE PLAN
3	SITE PLAN
4	SITE PLAN
5	GRADING & DRAINAGE PLAN
6	GRADING & DRAINAGE PLAN
7	GRADING & DRAINAGE PLAN
8	DRAINAGE CALCUS
9	PAVING PROFILES
10	PAVING PROFILES
11	PAVING PROFILES
12	PAVING PROFILES
13	PAVING PROFILES
14	PAVING PROFILES
15	PAVING PROFILES
16	PAVING PROFILES
17	PAVING PROFILES
18	PAVING PROFILES
19	PAVING PROFILES
20	PAVING PROFILES
21	PAVING PROFILES
22	PAVING PROFILES



Block	Lot	Residential Use	Units
1	1	Residential	10,000 sq. ft.
7	1	Multifamily	245 dwellings
8	1	Multifamily	155 dwellings (Healthcare)
9	1	Multifamily	175 dwellings (Healthcare)
2-6, 10-12	1	Residential	104 dwellings*

*Dwellings shown on site plan. Density may be increased as allowed per densities of Chapter 3.35 for R-3.



- REQUESTED WAIVERS**
- BLOCK LENGTH FOR BLOCKS 4, 5, 6, 7, 8, AND 9.
 - LANDSCAPE SCREENING TO BE APPROVED AT TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE.
 - THE FRONT, SIDE AND REAR SETBACKS ARE ADJUSTED TO 0' FOR LOTS 1-20, BLOCK 2.
 - LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY.
 - LOTS 1-2, BLOCK 12; LOTS 14-16, BLOCK 2.
 - LOT AREA (MIN): 3,200 SF
 - LOT WIDTH (MIN): 40 FEET
 - FRONT YARD: 10 FEET
 - STREET SIDE YARD: 5 FEET
 - SIDE YARD: 5 FEET
 - REAR YARD: 8 FEET
 - LOTS 1-6, BLOCK 13:
 - LOT AREA (MIN): 1,800 SF
 - LOT WIDTH (MIN): 20 FEET
 - FRONT YARD: 10 FEET
 - STREET SIDE YARD: 5 FEET
 - SIDE YARD: 5 FEET COMMON WALL 0'
 - REAR YARD: 8 FEET
 - RESIDENTIAL TRANSITION:
 - LOT 1, BLOCK 1
 - BUILDING FOOTPRINT FLOOR AREA UP TO 10,000 SQUARE FEET
 - BUILDING HEIGHT: 15 FEET (MAX)
 - MULTIFAMILY AREAS:
 - BUILDING HEIGHT: 16 FEET (STORY MAX)
 - REAR YARD SETBACK: 10 FEET IF ADJACENT TO OUTLOT DESIGNATED AS GREENSPACE
- GENERAL SITE NOTES**
- SANITARY SEWER AND WATER LINES TO BE 1" AND 1.5" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO CITY STANDARDS UNLESS OTHERWISE SHOWN.
 - ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
 - ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 - ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
 - ALL ELEVATIONS ARE TO BE ON NAVD 1988.
 - BIODIVERSITY TO BE MAINTAINED ON BOTH SIDES OF THE STREET.
 - SIDEWALKS TO BE 5 FEET MINIMUM WIDTH RIGHT-OF-WAY ABUTS OPEN SPACE OR DOES NOT ABUT RESIDENTIAL LOTS. SIDEWALKS SHALL BE 4 FEET WIDE WHERE ABUTTING RESIDENTIAL LOTS.
 - THE DEVELOPER AGREES TO COMPLY WITH THE PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
 - LANDSCAPE SCREENING ALONG VAN DORN STREET IN THE RESIDENTIAL AREA SHALL BE PROVIDED.
 - A HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE MEDIANS AND TRAFFIC CIRCLES WITHIN THE PUBLIC STREETS.
 - LOT, OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
 - ALL STREET DIMENSIONS ARE TO BACK OF CURB.
 - EXISTING AND PROPOSED EASEMENTS TO BE TIED DOWN AT TIME OF FINAL PLAT.
 - EXACT LOCATIONS OF WATER, SANITARY, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
 - THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRoACHING INTO THE SETBACKS.
 - DETAILS OF ALL SIGNS INCLUDING TYPE, HEIGHT, AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PUD PLANS.
 - ALL IMPACTED WETLANDS WILL BE PERMITTED WITH THE CORP OF ENGINEERS.
 - ALL STREETS WITHIN THIS PUD ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
 - THE FINAL LOCATION AND GRADING OF THE BINE TRAIL WILL BE DETERMINED BY THE PARK AND RECREATION DEPARTMENT AT THE TIME OF FINAL PLAT.
 - PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 180 FEET IN LENGTH. THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.

- PLANNED UNIT DEVELOPMENT NOTES**
- THIS PLANNED UNIT DEVELOPMENT (PUD) CONTAINS 78.00 ACRES.
 - ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
 - PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT.
 - DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED FROM VAN DORN AND S. 98TH STREET EXCEPT AS SHOWN.
 - EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS.
 - THE R-3 ZONING REGULATIONS APPLY THROUGHOUT THIS PUD WITH THE FOLLOWING EXCEPTIONS:
 - A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS TABLE.
 - B. THE REGULATIONS OF THE R-8 ZONING DISTRICT APPLY TO BLOCKS 7, 8, AND 9 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE R-3 ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ACQUIRED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
 - C. THE REGULATIONS OF THE R-3 ZONING DISTRICT APPLY TO BLOCKS 2-6 AND 10-15 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE R-3 ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ACQUIRED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
 - D. THE REGULATIONS OF THE RT ZONING DISTRICT APPLY TO BLOCK 1 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE RT ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
 - LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH L.M.C. TITLE 16A.
 - THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEDIMENT AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
 - ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
 - ALL TRAFFIC CIRCLES LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
 - THE DEVELOPER SHALL CONSTRUCT RIGHT AND LEFT TURN LANES AT ALL STREET CONNECTIONS TO VAN DORN STREET.
 - THE STYCHENS CREEK TRUNK SEWER IS TO BE COMPLETED BY THE CITY BY 2019 FOR CONNECTION AND EXTENSION TO SERVE THE WANDERING CREEK PUD AREA. BUILDING PERMITS SHALL BE ALLOWED PRIOR TO THE TRUNK SEWER BEING PROVIDED BY THE CITY OF LINCOLN, AS LONG AS STREETS, STREET SIGNS, AND WATER MAINS ARE COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY TEMPORARY PUMPING OF SEWAGE UNTIL CONNECTION TO TRUNK IS COMPLETED.
 - TEMPORARY OR PERMANENT OFF-SITE IMPROVEMENTS TO BE DESIGNED AND CONSTRUCTED ACCORDING TO ANNEXATION AGREEMENT.
 - A POTENTIAL PUBLIC PARK IS SHOWN ON THE POTENTIAL LPS PROPERTY AND IS SUBJECT TO AGREEMENTS BEING COMPLETED BETWEEN LPS AND THE CITY OF LINCOLN AND/or DEDICATING AGREEMENT.
 - DRAINAGE CROSSINGS 5' AND 7' SHALL BE CONSTRUCTED WITH THE FLATTING OF ANY LOOTS NORTH OF OUTLOTS 9', 10' OR 11'.

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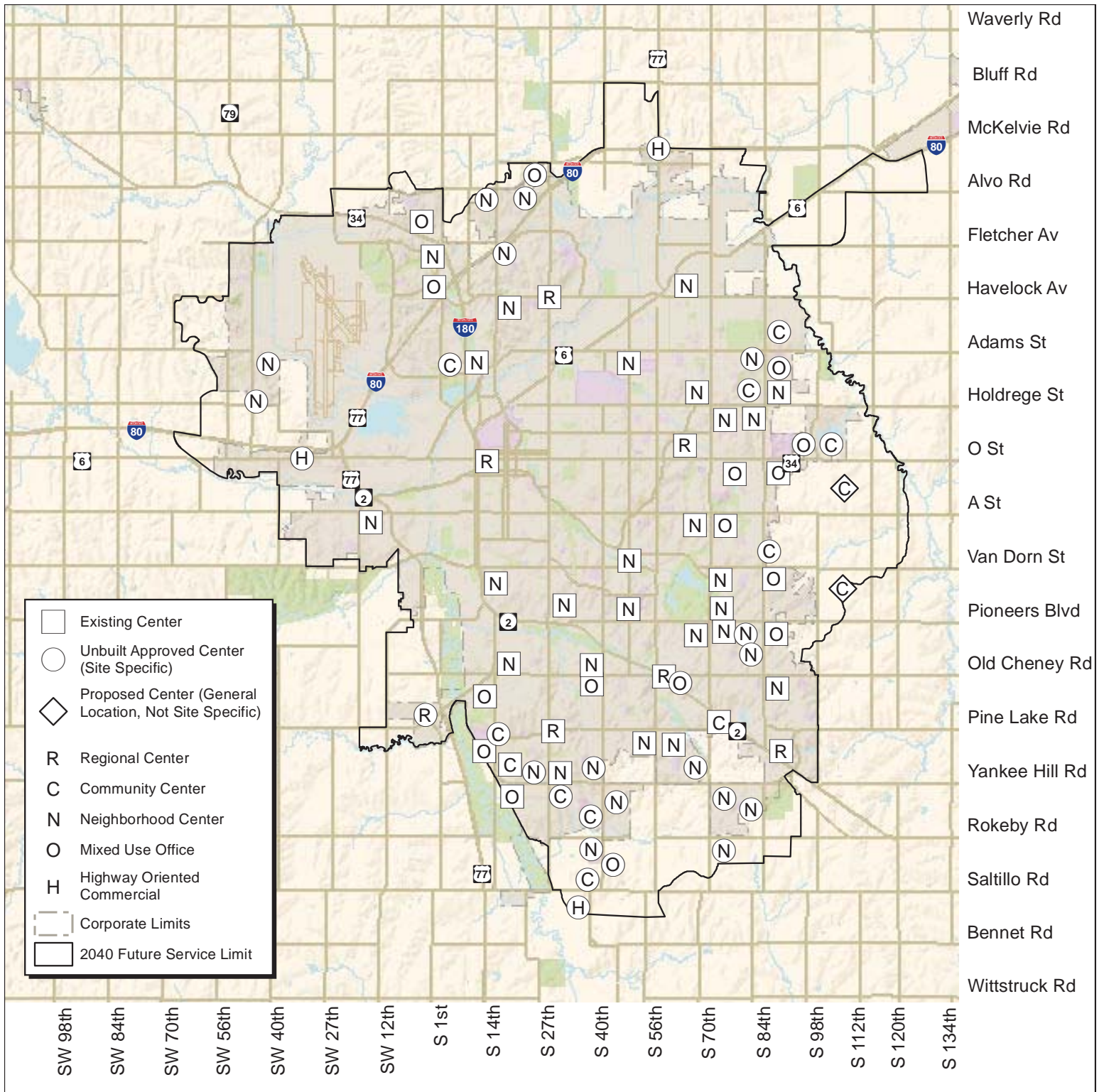
OLSSON ASSOCIATES
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 LINCOLN, NE 68508
 TEL: 402-474-9111
 FAX: 402-474-9112
 WWW.OLSSONASSOCIATES.COM

COVER SHEET
 WANDERING CREEK
 R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

1 SHEET OF 22

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT NO.: _____
 SHEET NO.: _____





SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

October 18, 2017

HAND DELIVERY

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Applications for Annexation, Change of Zone to R-3 Planned Unit Development and Comprehensive Plan Amendments

Dear David:

Our law firm represents Matodol, LLC (“Matodol”), owner of the real property legally described as Lots 50, 51, and 64, located in the South Half of Section 36, Township 10 North, Range 7 East of the 6th P.M. and Outlot A, FBT Addition, all located in Lancaster County, Nebraska (the “Property”). Matodol is a party to the Annexation Agreement for Van Dorn Coalition approved by the City on March 9, 2017 that master planned the infrastructure to provide for the future annexation of the Property and other Van Dorn Coalition property.

Matodol is ready to move forward with development of its first phase of the Property which contains approximately 78.66 acres and is legally described and shown on Exhibit “A” enclosed herein (“First Phase Property”). Matodol is seeking to annex and change the zone of the First Phase Property from AG to R-3 Planned Unit Development. While Matodol’s requests for annexation and change of zone only affect the First Phase Property, the PUD plans show conceptual uses on the remainder of the Property and neighboring properties. The Grading and Drainage Study also covers the entire Property. Development of the Property is planned to provide a variety of housing types in varying price ranges.

The proposed R-3 PUD for the First Phase Property contains a residential area showing a variety of single family residential uses. It also includes a multifamily area and residential transition area. A height increase to 50 feet is being requested for the multifamily area to allow adequate height to construct three story buildings. Similar height adjustments have been granted on many recent multifamily projects. A decrease in the rear yard setback from 30 to 10 feet is also requested in the multifamily area where the rear yard abuts a nonbuildable outlot. A height increase up to 35 feet is also requested for the residential transition area which increases the height in this area to match what is permitted in the R-3 zoning for the residential area and also what is permitted within the Firethorn CUP.

In addition to the above, Matodol is requesting amendments to the 2040 Lincoln/Lancaster County Comprehensive Plan (“Comp Plan”) to designate the northwest corner of S. 98th Street and Van Dorn Street as (i) a (N) Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers; and (ii) as “Commercial” on the Lincoln Area Future Land Use Map. This area is anticipated to ultimately contain a mix of retail, office, and service uses that are oriented to the neighborhood level, and may also include residential uses. There are no Neighborhood Centers identified within over a square mile from this newly developing area.

Enclosed please find the following:

1. City of Lincoln Application for annexation of the First Phase Property;
2. City of Lincoln Application for a change of zone from AG to R-3 PUD for the First Phase Property;
3. City of Lincoln Application for Comp Plan Amendments;
4. Application fees in the amount of \$4,695;
5. PUD Site Plan;
6. Exhibits for the Comp Plan Amendments.

The development team has met with City Staff multiple times to discuss the proposed applications and will continue to work on issues that arise. The development team has also held individual meetings with property owners whose parcels are impacted by the layout of the PUD and will continue to work directly with those property owners as the PUD site plan is developed for future phases. In addition, an informational meeting was held with surrounding neighbors on September 25, 2017 to discuss the proposed zoning and land uses for the First Phase Property as well as the proposed Comp Plan amendments. The meeting was well attended by acreage neighbors and neighbors from the Firethorn neighborhood to the south. The neighbors expressed concerns about the density of the proposed uses, setback of the uses from Van Dorn Street, drainage from the Property and increased traffic on Van Dorn Street.

The proposed multifamily area is set back over 170 feet from the north line of the future Van Dorn Street right-of-way with nonbuildable green space in between. The multifamily area will provide an appropriate transitional use between the anticipated future commercial uses on the Realty Trust property to west and the proposed single family uses within the R-3 PUD to the east and north. A 20 feet outlot is also proposed along the north side of Van Dorn Street adjacent to the residential transition area and the residential area. This 20 feet outlot will be utilized for green space and berming similar to the berming installed along the Firethorn townhome area south of Van Dorn Street.

There is significant green space shown throughout the proposed PUD development with the owner maintaining the minimum flood corridors and wetland areas. Stormwater runoff and water quality measures will be accounted for within the development and are outlined in the Grading and Drainage Study.

The proposed development includes full access intersections with Van Dorn Street at Resort Drive and S. 91st Street. These two full access intersections were approved in the Annexation

Agreement. Owner plans to install right and left turn lanes at both intersections as outlined in the Annexation Agreement to improve safety and capacity at these two intersections.

Additional waivers are requested to address block length issues caused by the green space and drainage ways shown throughout the development. Adjustments to the lot regulations are also requested on certain blocks within the residential area to provide flexibility for new urbanism style townhomes and patio homes served by alleys.

We look forward to continuing to work with the City and neighbors on the above applications. Brad Marshall from Olsson Associates will be uploading the proposed plans. Please feel free to contact me or Brad should you have any questions or need any additional information.

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures

cc with enclosures: Jon Camp
Neighborhood Meeting Attendees
Jack Wolfe
9080, LLC
Roger H. Graff
Greg Bohac
Timothy Lieske
Daryl and Kristie Bohac
Todd Lorenz

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 Annexation #17019 Change of Zone #17030	FINAL ACTION? No (both applications)	DEVELOPER/OWNER Matodol, LLC
PLANNING COMMISSION HEARING DATE November 15, 2017	RELATED APPLICATIONS CPA17007	PROPERTY ADDRESS/LOCATION 91 st & Van Dorn Street

RECOMMENDATIONS: ANNEXATION #17019 CHANGE OF ZONE #17030	CONDITIONAL APPROVAL CONDITIONAL APPROVAL
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BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications associated with the Wandering Creek R-3 Planned Unit Development (PUD), located on approximately 78.66 acres on the north side of Van Dorn Street at approximately 91st Street across from the Firethorn neighborhood and golf course. The developer is requesting annexation and change of zone from AG to R-3 PUD for what will constitute the first phase of their development. Residential, multifamily and office uses are proposed as part of this PUD, including 104 dwellings as part of the residential area, up to 595 total multifamily dwellings or up to 480 persons as part of healthcare residential, and up to 10,000 square feet of office residential transition use which could include up to 12 dwellings.



JUSTIFICATION FOR RECOMMENDATION

The subject property is adjacent to the city limits, and the full range of municipal services can be provided if annexed. A change of zone to R-3 PUD is consistent with the Future Land Use Map and compatible with the adjacent development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan. Most of the subdivision and zoning ordinance waivers are justified in so far as allowing flexible design to accommodate a mixture of residential development types with significant green space conservation and additional setback with green space along Van Dorn Street.

APPLICATION CONTACT

DaNay Kalkowski (402) 435-6000 or danay@sk-law.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

WAIVERS

1. Subdivision Ordinance 26.23.130 (a), to allow block length for Blocks 8 and 9 to exceed 1,320 feet. (Recommend Approval only for multi-family uses)
2. Subdivision Ordinance 26.23.140(c), to allow lot lines to deviate from being radial and perpendicular to street right-of-way. (Recommend Approval)

3. Zoning Ordinance Table 27.72.020(a), to reduce lot area to 3,200 square feet, reduce lot width to 40 feet, reduction of front yard to 10 feet, street side yard to 5 feet, side yard to 5 feet and rear yard to 8 feet for Lots 1-7, Block 12, & Lots 1-20, Block 2. (Conditional Approval - reduction to 10 feet for any front yard)
4. Zoning Ordinance Table 27.72.020(a), to reduce lot area to 1,600 square feet, reduce lot width to 20 feet, reduction of front yard to 10 feet, street side yard to 5 feet, side yard to 5 feet with common wall 0', rear yard to 8 feet for Lots 1-8, Block 13. (Conditional Approval - reduction to 10 feet for any front yard)
5. Zoning Ordinance 27.72.030 (b) to increase building footprint floor area up to 10,000 square feet and building height up to 35 feet for the office/residential transition area. (Recommend Approval)
6. Zoning Ordinance Table 27.72.020(b), to increase building height up to 50 feet for up to 4-story buildings with reduction of rear yard setback to 10 feet if adjacent to outlot designated as open space for the multifamily area. (Recommend Approval)
7. Design Standards, Chapter 2.15, and by reference the Lincoln Standard Plans (LSP 640), to reduce the width of roadway sections at drainage crossings from 27 to 21 feet. (Conditional Approval)
8. Design Standards, Chapter 2.05, Section 5.3, to allow vertical deflections or vertical curves in stormwater facilities. (Recommend Denial)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

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

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

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

P 12.14-15 - The ANNEXATION POLICY- 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: The Steven's Creek Trunk Sewer is to be completed by the City by approximately June, 2019 for connection and extension to serve the Wandering Creek PUD area. The applicant proposes building permits shall be allowed prior to the trunk sewer being completed in 2019, as long as streets, street signs, and water mains are completed. The developer will be responsible for any temporary pumping of sewage until connection to the trunk is completed. The temporary pumping of sewage will be subject to Public Works & Utilities Department approval.

B. Water: Water is available to the site via a 16" water main in Van Dorn Street. This line was recently installed to serve the newly annexed portion of Firethorn and extends to South 91st Street.

C. Roads: Nearby arterial streets include Van Dorn Street. The proposed development includes full access intersections with Van Dorn Street at Resort Drive and South 91st Street. These two full access intersections, which would include right and left turn lanes, were approved in the Annexation Agreement for the Van Dorn Coalition, though it is a recommended condition of approval that the applicant signs an amended annexation agreement for the installation of a roundabout at 91st Street and Van Dorn Street in the first phase. 98th Street is scheduled to be paved in 2018 by Lancaster County as part of a three mile paving project extending from Old Cheney Road to A Street.

D. Parks and Trails: A 20' trail easement is identified for the trail that would extend along the north side of the creek that extends from near Resort Drive to South 98th Street. This creek is part of a minimum flood corridor which will have an associated conservation easement. A potential public park is shown as part of the conceptual residential area outside the first phase development area as part of this application. This public park is shown on the potential Lincoln Public Schools (LPS) property and is subject to future agreements being completed between LPS and the City of Lincoln.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire & Rescue (LFR). Lincoln Fire and Rescue station 12 is located at 84th and South Streets. It will ultimately be moved to 84th and Pioneers. Station 12 will be able to serve this area within department response time goals.

ANALYSIS

1. These are related requests for both annexation and a change of zone for a Planned Unit Development (PUD). The area proposed to be annexed includes 73.53 acres. The PUD will consist of 78.66 acres which includes property previously annexed as part of the Van Dorn Coalition annexation agreement.
2. All the regulations of the R-3 Zoning District shall apply, except as modified through the Planned Unit Development notes and waivers. The regulations of the R-5 Zoning District will apply for the areas designated for multifamily include Blocks 7, 8 and 9 except all permitted, conditional and special uses per the R-5 District are allowed as permitted uses. The regulations of the R-3 Zoning District will apply for the residential area and include Blocks 2-6, and 10-15 except all permitted, conditional, and special uses per the R-3 district are allowed as permitted uses, and the regulations of the R-T Zoning District will apply to Block 1 except all permitted, conditional and special uses per the R-T district are allowed as permitted uses. The PUD is therefore intended to foster a mix of uses, including residential, residential transition and multifamily residential.
3. The land use proposal includes R-3, R-5 zoning subareas within the overall R-3 PUD. In addition to single and two family residential uses, the R-3 Zoning permits other uses such as townhomes, elderly and retirement housing, housing for the handicapped, residential health care facilities by special permit in addition to other uses. The R-5 Zoning permits similar uses to the R-3 but also multiple family dwellings.
4. The R-T Residential Transition District is intended as a transitional area consistently primarily of office or other types of small scale commercial uses. The R-T Zoning permits single family dwellings, two-family dwellings, and office uses with a limited building footprint of 5,000 square feet. In this case, the developer as part of the waivers requested is proposing a 10,000 square foot maximum building footprint floor area. As a condition of approval, the Planned Unit Development notes would only allow permitted uses in the R-T Zoning District and would exclude conditional or special permitted uses. In addition, the list of uses would be reviewed with the applicant as some conditional and special uses are not appropriate by right in the PUD (personal wireless services facilities, broadcast towers, etc.)
5. The Multifamily/R-5 area of the PUD (Lots 1, Block 7/8/9) is comprised of approximately 22.57 acres. If the full 595 multifamily dwelling units are built out, this would constitute an approximate land use density of 26.36 dwelling units/acre which is within R-5 limitations. Alternately, the proposed PUD includes up to 480 persons for healthcare residential. The proposed multifamily/R-5 area is set back over 170 feet from the north line of the future Van Dorn Street right-of-way with non-buildable open space in between. A 20 foot outlot is also proposed along the north side of Van Dorn Street adjacent to the residential transition area and the residential area. This 20 foot outlot will be used for open space and berming similar to the berming installed along the Firethorn townhome area south of Van Dorn Street. The Residential/R-3 area, which is approximately 54.60 acres, would include 104 dwellings. The Residential Transition/RT area (Lot 1, Block 1) is 1.49 acres and would include an office use up to 10,000 square feet or up to 12 dwellings. The overall density would be around 9.04 dwelling units per acre. This is consistent with the Comprehensive Plan for developing neighborhoods which strives to achieve densities greater than five dwelling units per gross acre. The site in question is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.
6. The developer was a party to the Annexation Agreement for Van Dorn Coalition approved on March 9, 2017 that master planned the infrastructure to provide for the future annexation of the Property and other Van Dorn Coalition property comprising approximately 273 acres in size. This agreement established that the development of the property would be phased and established the responsibilities for the necessary public improvements. These include public sewer, water, arterial streets, and parks and trail improvements associated with new development.
7. Associated request CPA17007 is a Comprehensive Plan Amendment to designate the northwest corner of South 98th Street and Van Dorn Street as a Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers and as Commercial on the Lincoln Area Future Land Use Map. This area is anticipated to ultimately contain a mix of retail, office, and service uses that are oriented to the neighborhood level, and may also include residential uses. See CPA17007 staff report for more details.

8. The area to be annexed is located within Tier1 Priority B of the Comprehensive Plan. Public water is already available and sanitary sewer will be with the planned extension by 2019. Thus, the development can be served by the full range of city services.
9. The subject property is located within the Southeast Fire District. Under State law, the District can petition for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer. In this case, staff has conducted the financial analysis and there is no money due the District.
10. In regards to the requested waivers:
 - o The block length waiver request is not necessary when there are significant drainage ways such as for Blocks 4 and 5. The block length waiver for Blocks 8 and 9 in the multi-family area is appropriate due to the fact that the buildings in this area and site layout will be of a larger scale.
 - o The waiver to the lot setbacks and regulations on certain blocks with the residential area is to provide flexibility for townhomes and patio homes served by alleys. Specifically, the R-3 Zoning District requires 20' front yard, 5' side yard and 20' or 20% of the lot depth for rear yard or 30' or 20% of the lot depth for other allowed uses. The changes proposed through waivers include reduction of front yard to 10 feet, street side yard to 10 feet minimum and rear yard to 8 feet for specific blocks within the development. The 10 foot minimum front yard would allow for front porches.
 - o The height waiver for the Residential Transition area to allow an increase up to 35 feet is to match what is permitted in the R-3 zoning for the residential area and is similar to the Firethorn Community Unit Plan.
 - o The height increase up to 50 feet for the multifamily area is to allow adequate height to construct up to four story buildings. Similar height waivers have been permitted on recent multifamily projects.
 - o The waiver for lot lines being radial and perpendicular to the street is a typical waiver request.

Additional infrastructure waiver requests include reduction of width of roadway sections at drainage crossings from 27 feet to 21 feet and allowance for vertical deflections or vertical curves in stormwater facilities. These reductions should be quite short, less than 100 feet.

- o The recommendation for conditional approval the roadway section waiver is to approve the slope at 4:1, anything less would be less safe to maintain. 3:1 slopes are "traversable, but not recoverable" meaning there is a greater risk of falling over such as for mowing equipment, and that is important given that this waiver is at drainage crossing structures.

Public Works-Watershed Management notes:

- o The recommendation to deny the request to allow vertical deflections or curves in the storm water facilities is because wherever there is a vertical change in grade, a manhole is needed. "A vertical change in grade to a storm drainage pipe system causes otherwise smoothly flowing water, to change course abruptly, causing turbulence and large forces upon the concrete pipes. This can compromise the integrity, reliability, and robustness of the storm drainage system. In effect, it introduces a weak point in the system that we otherwise do not have. This has been a Design Standard and common practice for decades, whereas any change in vertical grade necessitates a Manhole."

"No deviations from this design standard are allowed to new infrastructure that will become the City's. Normally, a concrete Manhole structure is where those abrupt changes to pipe grade occur, so that the resulting turbulent and violent flow changes are confined to a structure that also has a manhole lid, which is an access point. This makes inspection and maintenance easier as well. Allowing this waiver, and having a change in another location of the pipe system, underground and without a manhole access would likely go unnoticed; so a failure at this point would also likely go unnoticed and could result in sink holes under road ways if not known or repaired. Repair of a problem like this also would require tearing up and closing the road, so again a Manhole is required; whereas it can be repaired effectively and efficiently."

11. The proposed roundabout at 91st and Van Dorn Street which is recommended as a condition of approval through amended annexation agreement is justified as a means of efficient intersection traffic control as the area develops with a neighborhood commercial center to the east. This would be an efficient use of infrastructure dollars in the long term as traffic increases with additional development in the future whereby it would already be established.
12. The developer held an informational meeting with surrounding neighbors on September 25, 2017. The meeting was well attended both by acreage neighbors and neighbors from the Firethorn area to the south. The neighbors expressed concerns about the density of the proposed uses, setback of the uses from Van Dorn Street, drainage from the property and increased traffic on Van Dorn Street.
13. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
14. The proposed temporary sewer is an interim measure to allow some of the residential uses to commence construction prior to the anticipated completion of the sanitary sewer trunk line extension by June, 2019. The temporary pumping associated with this proposal would be the responsibility of the developer and would be subject to the approval of the Public Works & Utilities Department.

EXISTING LAND USE & ZONING: Agriculture; AG

SURROUNDING LAND USE & ZONING

North: Agriculture; AG
 South: Commercial, Vacant/Golf Course; R-1/AGR
 East: Agricultural, Single Family Residential; AG
 West: Agriculture; AG

APPROXIMATE LAND AREA:

Annexation #17019: 73.53 acres, more or less
 Change of Zone #17030: 78.66 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: Council District #2

LEGAL DESCRIPTION:

Annexation #17019:
 A tract of land composed of portions of Lots 50 and 51 I.T., located in the SW ¼ of Section 35-10-7 Lincoln, Lancaster County, Nebraska (See attached legal description).

Change of Zone #17030:
 A tract of land composed of portions of Lots 50 and 51, I.T., located in the SW 1/4 of Section 35-10-7, Lincoln, Lancaster County, Nebraska (see attached legal description).

Prepared by

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 Date: November 2, 2017

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Owner: Matodol, LLC
 601 P Street
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AN17019 CZ17030 Wandering Creek R-3 PUD.gjw.docx

CONDITIONS OF APPROVAL - ANNEXATION #17019

Before scheduling with the City Council:

1. The applicant signs an amended annexation agreement that includes for the installation of a roundabout at 91st Street and Van Dorn Street.
2. Revise the legal descriptions to the satisfaction of Public Works-Survey Check.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #17030

This approval permits up to 104 residential dwelling units as part of R-3 PUD Residential Area; up to 595 multifamily dwelling units or up to 480 persons for healthcare residential or some combination of the two in the R-5 Multi-family area; and up to 10,000 square feet or 12 dwellings as part of the R-3 PUD Residential Transition Area, or other permitted uses with the following waivers:

1. Subdivision Ordinance 26.23.130 (a), Block length for blocks 8 and 9 only if developed as multi family.
2. Subdivision Ordinance 26.23.140(c), Lot lines being radial and perpendicular to street right of way.
3. Zoning Ordinance Table 27.72.020(a), Residential Area:
 - a. Lots 1-7, Block 12 & Lots 1-20, Block 2:
 - i) Lot area minimum reduced to 3,200 square feet
 - ii) Lot width minimum reduced to 40 feet
 - iii) Front yard setback reduced to 10 feet
 - iv) Corner Lots: Front yard setback reduced to 10 feet one side with other street side reduced to 10 feet with no garages permitted to face either street
 - v) Side yard reduced to 5 feet
 - vi) Rear yard reduced to 8 feet
 - b. Lots 1-8, Block 13
 - i) Lot area minimum reduced to 1,600 square feet
 - ii) Lot width minimum reduced to 20 feet
 - iii) Front yard setback reduced to 10 feet
 - iv) Corner Lots: Front yard setback reduced to 10 feet with other street side reduced to 10 feet with no garages permitted to face either street
 - v) Side yard reduced to 5 feet with common wall of 0'
 - vi) Rear yard reduced to 8 feet
4. 27.72.030((b), Residential Transition:
 - a. Lot 1, Block 1:
 - i) Building footprint floor area increased up to 10,000 square feet
 - ii) Maximum building height increased up to 35 feet
5. Zoning Ordinance Table 27.72.020(b), Multifamily Area:
 - i) Building height increased to 50 feet
 - ii) Rear yard setback reduced to 10 feet if adjacent to an outlot designated as open space
6. Design Standards, Chapter 2.15, and by reference the Lincoln Standard Plans (LSP 640), to reduce the width of roadway sections at drainage crossings from 27 to 21 feet subject to slope no less than at 4:1.

Site Specific Conditions:

1. The Developer signs an amended annexation agreement before the City Council approves the change of zone.

2. The City Council approves associated request:
 - 2.1 Comprehensive Plan Amendment CPA 17007.
3. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 4 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 3.1 Sheet 1 of 22: Delete 2. under Requested Waivers.
 - 3.2 Sheet 1 of 22: Remove blocks 4,5,6 and 7 from under Requested Waivers 1. And add "only if developed as multi family" after 8 and 9.
 - 3.3. Sheet 1 of 22: Delete 3 under Requested Waivers.
 - 3.4 Sheet 1 of 22: Modify 5. under Requested Waivers by changing Lots 1-14 to Lots 1-20 under a.
 - 3.5 Sheet 1 of 22: Modify 5. under Requested Waivers by changing Street Side Yard to Corner Lots: Front yard of 10 feet on one side with 5 feet on other street side with no garages permitted to face the street for both a. and b.
 - 3.6 Sheet 1 of 22: Modify 9. under Requested Waivers by deleting reference to number of stories for building height.
 - 3.7 Sheet 1 of 22: Density note under Block, Lot, Use, and Units table shall reference Chapter 3.35 of the Design Standards.
 - 3.8 Sheet 1 of 22: Delete notes under General Site Notes which are not necessary including 6, 8, 9, 10, 13, 14, 17.
 - 3.9 Sheet 1 of 22: Revise notes under Planned Unit Development Notes for 6. B to a list of uses to the satisfaction of the Planning Director.
 - 3.10 Sheet 1 of 22: Revise notes under Planned Unit Development Notes for 6. D such that only R-T Zoning permitted uses are allowed and delete text about conditional and special permit uses in R-T are permitted.
 - 3.11 Sheet 1 of 22: Delete notes under Planned Unit Development Notes which are not necessary including 4, 5, and 9.
 - 3.12 Sheet 1 of 22: Add text under Planned Unit Development Note 12 to include Van Dorn Street and S. 98th Street.
 - 3.13 Sheet 1 of 22: Amend note for Residential Transition under Requested Waivers to list maximum number of stories consistent with 35 foot maximum building height.
 - 3.14 Sheet 1 of 22: Amend note for Multifamily Area under Requested Waivers to define a rear yard setback if not adjacent to an outlot designated as green space.
 - 3.15 Sheet 1 of 22: Amend note 13 under Planned Unit Development such that temporary pumping of sewage shall be per the approval of the Public Works & Utilities Department.
 - 3.16 Sheet 1 of 22: Blocks 12 and 13 south of Butterfly Stream Road: This is all one block. Revise plan sheet accordingly.

- 3.17 Change Resort Drive, the north-south street from Badger Stream Road to Van Dorn Street, to a numbered street.
 - 3.18 Change Resort Drive from Badger Stream Road to Falls Branch Road to a different street name.
 - 3.19 Rename Falls Branch Road and Little Cedar Creek Road to a different name not similar to other existing street names in Lincoln.
 - 3.20 Sheet 2 of 22: Identify the sidewalk shown in Block 2 near Rattlesnake Creek Road as either public or private. If public, said sidewalk shall be in addition to the sidewalk in the street public right of ways and public access easement provided.
 - 3.21 Sheet 2 of 22: Provide block length for all blocks. If Block 10 is over 1,320 feet then extend S. 90th Street to Resort Drive. If less than 1,320 feet then extend a pedestrian easement from end of S. 90th Street straight to Resort Drive.
 - 3.22 Sheet 2 of 22: Remove street lines located in the middle of the traffic circle island at Big Timber Creek Road and South 91st Street intersection.
 - 3.23 Sheet 2 of 22: Remove street lines located in the middle of the traffic circle island at Big Timber Creek Road and South Street.
 - 3.24 Sheet 2 of 22: Remove the note that Right of Way shall be Reserved if City of Lincoln Designs Roundabout at Intersection and show the right of way for the roundabout design for both Van Dorn Street at Resort Drive and Van Dorn Street at South 91st Street roundabouts. Add note that the roundabout at 91st and Van Dorn Street will be built in the first phase.
 - 3.25 Sheet 2 of 22: Show trail connection and right of way width for connection of trail through Resort Drive to Van Dorn Street.
 - 3.26 Sheet 3 of 22: Building shown in right of way of Rattlesnake Creek Road partly on Lot 13 of Block 3 will need to either be removed or relocated.
 - 3.27 Sheet 3 of 22: Provide lowest floor elevations for Block 24, Lots 5-12, Block 25, Lot 1, Block 5, Lots 6 and 7, and Block 20, Lots 1 and 2.
 - 3.28 Change Redbird Creek Road to a numbered street.
 - 3.29 Submit corrections to the satisfaction of Public Works -Watershed Management, as per the attached comments.
 - 3.30 Add exhibit showing the profile for the reduced with stream crossing and dimension exactly the length of the reduction at each crossing to the satisfaction of the Public Works & Utilities Department.
 - 3.31 Show conceptual layout on land to the west.
 - 3.32 Label the flood plain, conservation easement and minimum flood corridor on all pages.
4. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

5. Before issuance of building permits, final plat(s) shall be approved by the City.

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

Before the approval of a final plat approval must be received by the Lower Platte South Natural Resources District (NRD).

Panhandle property extending through streets must become part of the Planned Unit Development prior to any final plat for lots on streets bisected by the panhandle.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

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

To complete the paving of private roadway, *and temporary turnarounds and barricades located at the temporary dead-end of the private roadways* shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of *the streets (private roadways) and along the* (direction and name of street) as shown on the final plat within four (4) years following the approval of the final plat.

to complete the installation of sidewalks along (name the improved major street) as shown on the final plat within two (2) years following the approval of this final plat.

to construct the sidewalk in the pedestrian way easements at the same time as adjoining streets are paved and to agree that no building permit shall be issued for construction on until such time as the sidewalk in the pedestrian way easement is constructed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

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

to complete the installation of public street lights along *streets* within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along *private roadways* within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along *streets/private roadways* within this plat within six (6) years following the approval of the final plat.

to complete the planting of street trees along (the (direction) side and name of the improved major street) as shown on the final plat within two (2) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

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

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

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

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

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

to complete the public and private improvements shown on the *Planned Unit Development*.

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

to maintain the outlots on a permanent and continuous basis.

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

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the sidewalks in the pedestrian way easements in good order and condition, including repair and replacement as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

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

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

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

to inform all purchasers and users of land located within the 100 year floodplain and that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the grading plan approved with the Wandering Creek R-3 PUD change of zone #17030 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the PUD.

Standard Conditions:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
 - 6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 6.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 6.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 6.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 6.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



Lincoln/Lancaster, NE GIS

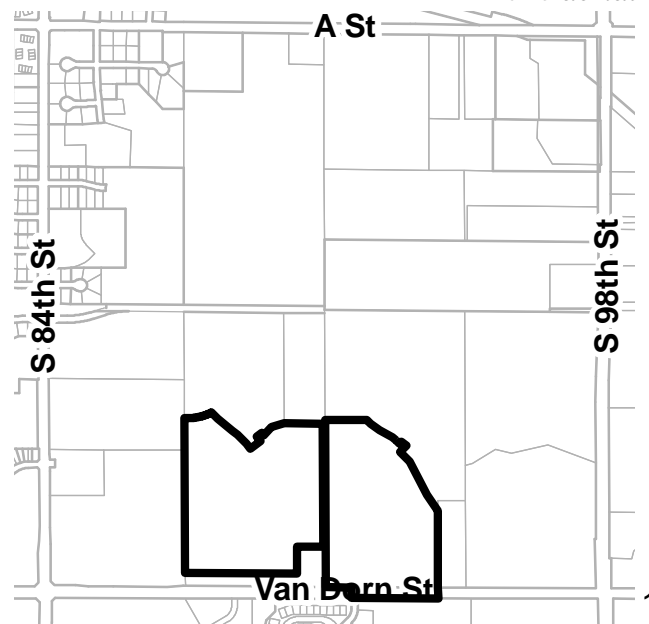
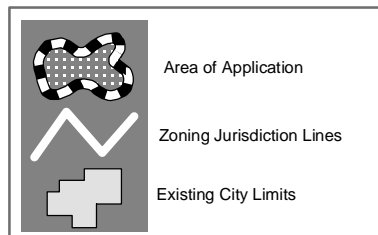
2016 aerial

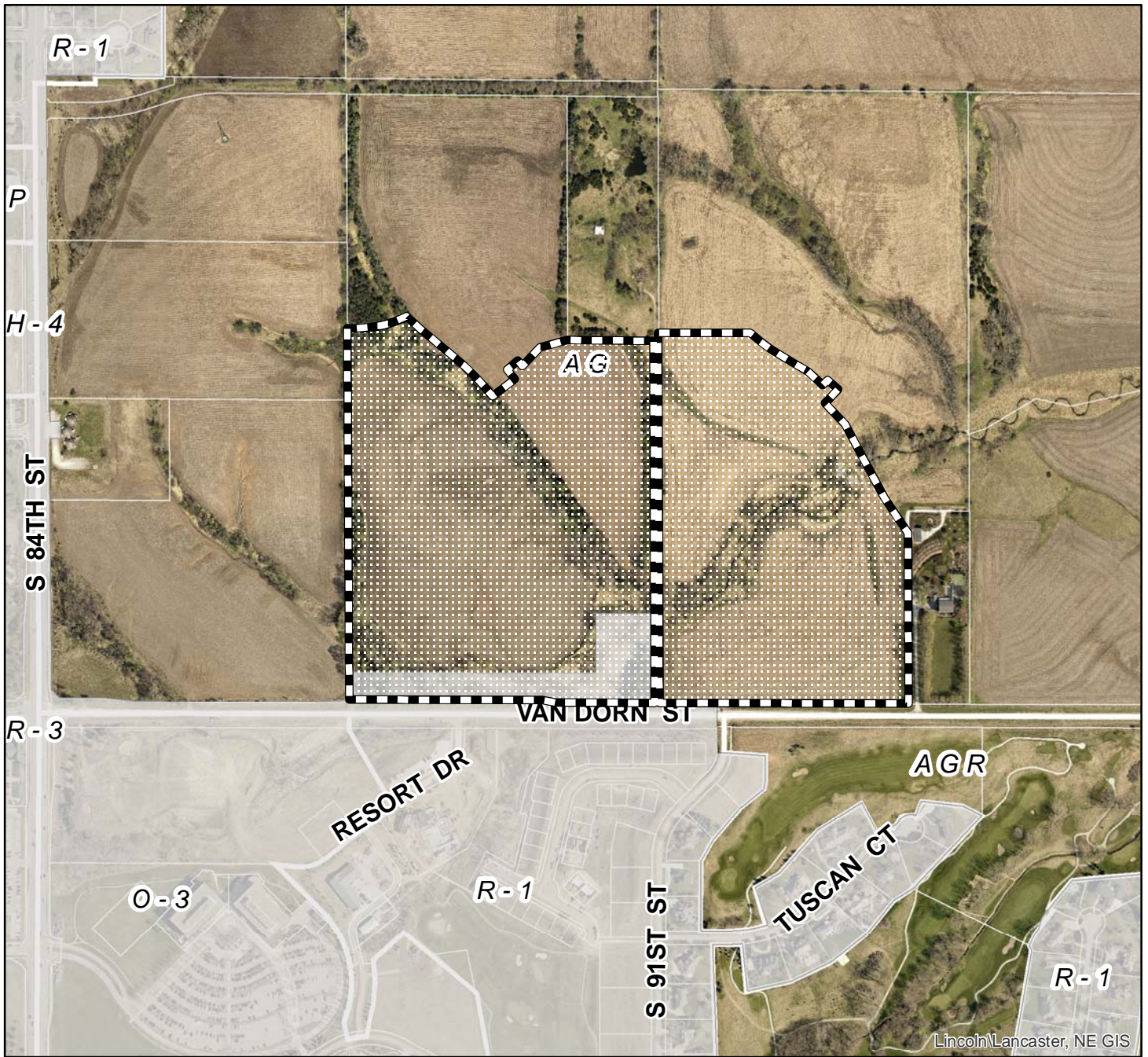
Annexation #: AN17019
Wandering Creek
S 91st St & Van Dorn St

Zoning:

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

One Square Mile:
 Sec.35 T10N R07E





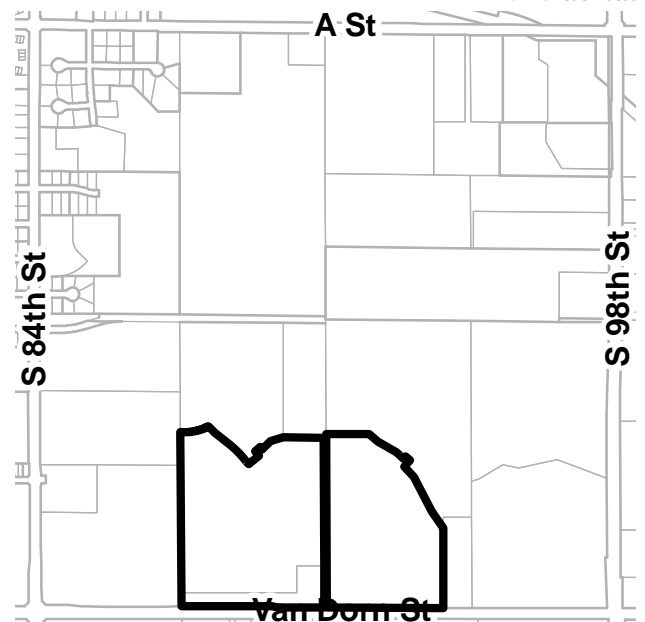
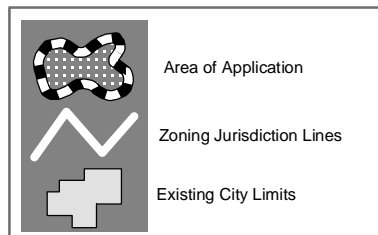
2016 aerial

**Change of Zone #: CZ17030 (AG to R-3)
Wandering Creek PUD
S 91st St & Van Dorn St**

Zoning:

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

One Square Mile:
Sec.35 T10N R07E



WANDERING CREEK
 R-3 PLANNED UNIT DEVELOPMENT
 COVER SHEET



SHEET INDEX

SHEET NO.	SHEET TITLE
1	COVER SHEET
2	SITE PLAN
3	SITE PLAN
4	SITE PLAN
5	GRADING & DRAINAGE PLAN
6	GRADING & DRAINAGE PLAN
7	GRADING & DRAINAGE PLAN
8	DRAINAGE CALCULATIONS
9	PAVING PROFILES
10	PAVING PROFILES
11	PAVING PROFILES
12	PAVING PROFILES
13	PAVING PROFILES
14	PAVING PROFILES
15	PAVING PROFILES
16	PAVING PROFILES
17	PAVING PROFILES
18	PAVING PROFILES
19	PAVING PROFILES
20	PAVING PROFILES
21	PAVING PROFILES
22	PAVING PROFILES

PLANNED UNIT DEVELOPMENT - LEGAL DESCRIPTION - PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 80 1/2 LT., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8TH PAUL, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

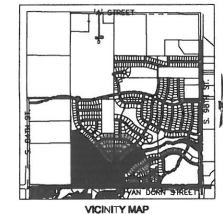
COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8TH PAUL, THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ARCADE BEARING OF NORTH 11° 14' 40" WEST, A DISTANCE OF 48.00 FT. TO THE SOUTHWEST CORNER OF LOT 48 1/2 LT., SAID POINT BEING ON A NORTH-RIGHT-OF-WAY LINE OF VAN DONN STREET; THENCE NORTHERLY ON A SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 361.15 FT. TO THE SOUTHWEST CORNER OF LOT 80 1/2 LT., SAID POINT BEING THE TRIS POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ON SAID LINE, A DISTANCE OF 64.00 FT. TO A SOUTH CORNER OF SAID LOT 80 1/2 LT., THENCE WESTERLY, ON A SOUTH LINE OF SAID LOT 80 1/2 LT., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING NORTH OF AN ARCADE BEARING WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 52.76 FT. TO THE SOUTHWEST CORNER OF SAID LOT 80 1/2 LT., SAID POINT BEING ON THE EAST LINE OF LOT 80 1/2 LT.; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 80 1/2 LT., SAID LINE ALSO BEING THE EAST LINE OF LOT 80 1/2 LT., A DISTANCE OF 136.86 FT. TO A POINT; THENCE WESTERLY, A DISTANCE OF 40.00 FT. TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 92° 51' 00", A RADIUS OF 125.00 FT., AND A CHORD BEARING OF N 10° 45' 10" W, A DISTANCE OF 112.26 FT. AND A CHORD BEARING OF N 7° 41' 00" W, A DISTANCE OF 112.26 FT. TO A POINT; THENCE WESTERLY, A DISTANCE OF 15.00 FT. TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 92° 51' 00", A RADIUS OF 125.00 FT., AND A CHORD BEARING OF N 10° 45' 10" W, A DISTANCE OF 112.26 FT. AND A CHORD BEARING OF N 7° 41' 00" W, A DISTANCE OF 112.26 FT. TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 80 1/2 LT., SAID POINT BEING THE WEST LINE OF SAID LOT 80 1/2 LT.; THENCE WESTERLY, A DISTANCE OF 136.86 FT. TO THE SOUTHWEST CORNER OF SAID LOT 48 1/2 LT., SAID POINT BEING ON THE NORTH-RIGHT-OF-WAY LINE OF VAN DONN STREET; SAID POINT BEING 80.00 FT. NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, THENCE NORTHERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 361.15 FT. TO THE SOUTHWEST CORNER OF SAID LOT 80 1/2 LT., SAID LINE BEING NORTH OF AN ARCADE BEARING WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 52.76 FT. TO THE SOUTHWEST CORNER OF SAID LOT 80 1/2 LT.; SAID TRACT CONTAINS A CALCULATED AREA 1,947.402 SQUARE FEET OR 0.045 ACRES, MORE OR LESS.

Monday, October 9, 2017
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PLANNED UNIT DEVELOPMENT - LEGAL DESCRIPTION - PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 81 LT., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8TH PAUL, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 8TH PAUL, THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHWEST QUARTER ON AN ARCADE BEARING OF NORTH 11° 14' 40" WEST, A DISTANCE OF 48.00 FT. TO THE SOUTHWEST CORNER OF LOT 48 1/2 LT., SAID POINT BEING ON THE SOUTH-RIGHT-OF-WAY LINE OF VAN DONN STREET; THENCE NORTHERLY ON A SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 361.15 FT. TO THE SOUTHWEST CORNER OF LOT 81 LT., SAID POINT BEING THE TRIS POINT OF BEGINNING, THENCE CONTINUING NORTHERLY ON SAID LINE, A DISTANCE OF 64.00 FT. TO A SOUTH CORNER OF SAID LOT 81 LT., THENCE WESTERLY, ON A SOUTH LINE OF SAID LOT 81 LT., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING NORTH OF AN ARCADE BEARING WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 52.76 FT. TO THE SOUTHWEST CORNER OF SAID LOT 81 LT., SAID POINT BEING ON THE EAST LINE OF LOT 81 LT.; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 81 LT., SAID LINE ALSO BEING THE EAST LINE OF LOT 81 LT., A DISTANCE OF 136.86 FT. TO A POINT; THENCE WESTERLY, A DISTANCE OF 40.00 FT. TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER-CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 92° 51' 00", A RADIUS OF 125.00 FT., AND A CHORD BEARING OF N 10° 45' 10" W, A DISTANCE OF 112.26 FT. AND A CHORD BEARING OF N 7° 41' 00" W, A DISTANCE OF 112.26 FT. TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 81 LT., SAID POINT BEING THE WEST LINE OF SAID LOT 81 LT.; THENCE WESTERLY, A DISTANCE OF 136.86 FT. TO THE SOUTHWEST CORNER OF SAID LOT 48 1/2 LT., SAID POINT BEING ON THE NORTH-RIGHT-OF-WAY LINE OF VAN DONN STREET; SAID POINT BEING 80.00 FT. NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, THENCE NORTHERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 361.15 FT. TO THE SOUTHWEST CORNER OF SAID LOT 81 LT., SAID LINE BEING NORTH OF AN ARCADE BEARING WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 52.76 FT. TO THE SOUTHWEST CORNER OF SAID LOT 81 LT.; SAID TRACT CONTAINS A CALCULATED AREA 1,947.402 SQUARE FEET OR 0.045 ACRES, MORE OR LESS.



- EXISTING LEGEND**
- RIGHT-OF-WAY
 - SECTION LINE
 - WET
 - FLOOD CORRIDOR EASEMENT
 - CONSERVATION EASEMENT
 - 100-YR FLOODPLAIN
 - FLOODWAY
 - TREE MASS
 - TEL
 - COMMUNICATION UNDERGROUND
 - POWER OVERHEAD
 - WATER MAIN
 - SANITARY SEWER
 - FENCE LINE
- PROPOSED LEGEND**
- RIGHT-OF-WAY
 - PROPERTY LINE
 - LIMITS OF PUD



USAGE LEGEND

Block	Lot	Use	Units
1	1	Residential Transition	10,000 sq. ft. OR 12 dwellings
7	1	Multi-family	245 dwellings
8	1	Multi-family	OR 220 persons (Healthcare) 155 dwellings
9	1	Multi-family	OR 125 persons (Healthcare) 195 dwellings
2, 6, 10, 12	1	Residential	OR 155 persons (Healthcare) 104 dwellings

*Dwellings shown on site plan. Density may be increased as allowed per densities of Chapter 3.35 for R-3.

- REQUESTED WAIVERS**
- BLOCK LENGTH FOR BLOCKS 6, 8, 7, 8, AND 9.
 - LANDSCAPE BUFFERING TO BE APPROVED AT THE TIME OF SUBMITTING PERMITS IN COMPLIANCE WITH LOCAL MUNICIPAL CODE.
 - THE FRONT, SIDE AND REAR SETBACKS ARE ADJUSTED TO 0 FOR LOTS 1 AND 14-B, BLOCK 12.
 - LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY.
- RESUBDIVISION:**
- LOTS 7-7, BLOCK 12 & LOTS 1-14, BLOCK 2:
 - LOT AREA (MIN): 5,200 SF
 - LOT WIDTH: 80'-00" FEET
 - FRONT YARD: 10' FEET
 - STREET SIDE YARD: 8' FEET
 - REAR YARD: 8' FEET
 - LOTS 1-6, BLOCK 12:
 - LOT AREA (MIN): 5,000 SF
 - LOT WIDTH: 80'-00" FEET
 - FRONT YARD: 10' FEET
 - STREET SIDE YARD: 8' FEET
 - REAR YARD: 8' FEET, COMMON WALL 0
 - REAR YARD: 8' FEET
- RESIDENTIAL TRANSITION:**
- LOT 1, BLOCK 1:
 - BUILDING FOOTPRINT FLOOR AREA UP TO 10,000 SQUARE FEET
 - BUILDING HEIGHT: 35 FEET (MAX)
- MULTI-FAMILY AREA:**
- LOT 1, BLOCK 1:
 - BUILDING HEIGHT: 60 FEET, 3-STORY (MAX)
 - REAR YARD SETBACK: 10 FEET IF ADJACENT TO OUTLET DESIGNATED AS GREENSPACE

- GENERAL SITE NOTES**
- SANITARY SEWER AND WATER LINES TO BE 18" AND 18" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO OTHER CITY OF LINCOLN SPECIFICATIONS UNLESS OTHERWISE SHOWN.
 - ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
 - ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 - ALL PAVING SHALL BE TO 30' UNLESS OTHERWISE NOTED.
 - ALL UTILITIES ARE TO 30' UNLESS OTHERWISE NOTED.
 - BIDWALKS TO BE BUILT ON BOTH SIDES OF THE STREET.
 - BIDWALKS TO BE 6 FEET MINIMUM WHERE RIGHT-OF-WAY ABUTS OPEN SPACE OR DOES NOT ABUT RESIDENTIAL LOTS. BIDWALKS SHALL BE 4 FEET WIDE WHERE ADJUTING RESIDENTIAL LOTS.
 - THE DEVELOPER AGREES TO COMPLY WITH THE PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
 - LANDSCAPE BUFFERING ALONG VAN DONN STREET IN THE RESIDENTIAL AREA SHALL BE PROVIDED.
 - A HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE MEDIAN AND TRAFFIC CROPS WITHIN THE PUBLIC RIGHT-OF-WAY.
 - LOT, OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
 - ALL STREET DIMENSIONS ARE TO BE AS SHOWN.
 - UTILITIES AND PROPOSED LOT LINES TO BE SHOWN AT TIME OF FINAL PLATING.
 - EXACT LOCATIONS OF WATER, SANITARY, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
 - THE YARD SETBACK REGULATIONS APPLY THROUGHOUT THE PUD WITH THE FOLLOWING EXCEPTIONS: WINDOW BRINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
 - DETAILS OF ALL BRINGS, INCLUDING TYPE, HEIGHT, AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PUD PLANS.
 - ALL IMPACTED UTILITIES WILL BE PERMITTED WITH THE COOP OF ENGINEERS.
 - ALL STREETS WITHIN THIS PUD ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
 - THE FINAL LOCATION AND GRAVING OF THE BRICK TRAIL WILL BE DETERMINED BY THE PARK AND RECREATION DEPARTMENT AT THE TIME OF FINAL PLAN.
 - PEDESTRIAN BIDWALK CONNECTIONS ARE REQUIRED TO BE 6 FEET WIDE WHEN EXCEEDING 100 FEET IN LENGTH, THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAN.

- PLANNED UNIT DEVELOPMENT NOTES**
- THIS PLANNED UNIT DEVELOPMENT (PUD) CONTAINS THESE AREAS.
 - ALL REGULATIONS OF THE UNINCORPORATED ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
 - PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT.
 - DIRECT VEHICULAR ACCESS SHALL BE REINVESTED FROM VAN DONN AND 08TH STREET EXCEPT AS SHOWN.
 - EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLANS.
 - THE R-3 ZONING REGULATIONS APPLY THROUGHOUT THE PUD WITH THE FOLLOWING EXCEPTIONS:
 - A. THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS TABLE.
 - B. THE REGULATIONS OF THE R-3 ZONING DISTRICT APPLY TO BLOCKS 7, 8, AND 9 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE R-3 ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS MODIFIED BY THIS PUD AS NOTED IN THE REQUESTED WAIVERS.
 - C. THE REGULATIONS OF THE R-3 ZONING DISTRICT APPLY TO BLOCKS 2-6 AND 10-14 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE R-3 ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS MODIFIED BY THIS PUD AS NOTED IN THE REQUESTED WAIVERS.
 - D. THE REGULATIONS OF THE R-3 ZONING DISTRICT APPLY TO BLOCK 1 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES FOR THE R-3 ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS MODIFIED BY THIS PUD AS NOTED IN THE REQUESTED WAIVERS.
 - LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAN SUBJECT TO CONFORMANCE WITH LOCAL TITLE USE.
 - THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR FRONT COURTESY, AND RECREATION COURTS AND AFTER LAND PREPARATION SHALL BE ALLOWED PRIOR TO THE MAINTENANCE BEGINS BEFORE SITE GRADING IS DONE. THE DEVELOPER SHALL BE RESPONSIBLE FOR CONTINUING OFF-SITE DRAINAGE IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND BRANDON ARTICLE 1, SECTION 5B.
 - ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
 - TRAFFIC SIGNALS LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
 - THE DEVELOPER SHALL CONSTRUCT RIGHT AND LEFT TURN LANES AT ALL STREET CONNECTIONS TO VAN DONN STREET.
 - THE STEVENS CREEK TRUNK BURNER IS TO BE COMPLETED BY THE CITY BY 2018 FOR CONNECTION AND EXTENSION TO BURNER BRUSH BEARING AREA. BURNER BEARING AREA SHALL BE ALLOWED PRIOR TO THE TRUNK BEING COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY TEMPORARY PUMPING OF SEWAGE UNTIL CONNECTION TO TRUNK IS COMPLETED.
 - TEMPORARY OR PERMANENT OFF-SITE IMPROVEMENTS TO BE OBTAINED AND CONSTRUCTED ACCORDING TO AGREEMENT WITH THE CITY OF LINCOLN PARKS DEPARTMENT.
 - A POTENTIAL PUBLIC PARK IS SHOWN ON THE POTENTIAL LPS PROPERTY AND IS SUBJECT TO AGREEMENTS BEING COMPLETED BETWEEN US AND THE CITY OF LINCOLN PARKS DEPARTMENT.
 - DRAINAGE CROPS SHALL BE CONSTRUCTED WITH THE FINAL PLATTING OF ANY LOTS NORTH OF OUTLOTS 7, 8, 9, OR 11.

REVISIONS

NO.	DATE	DESCRIPTION

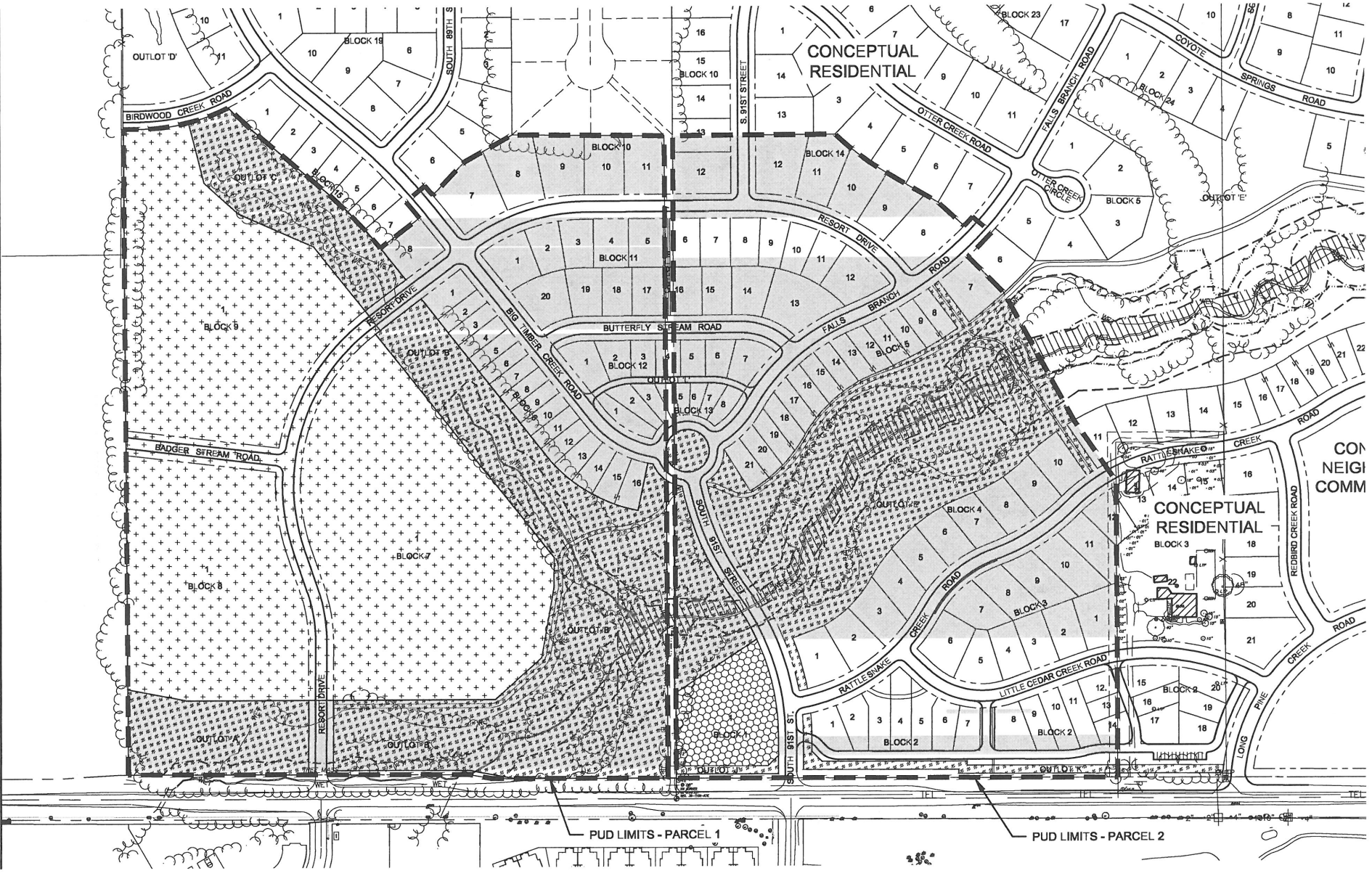
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COVER SHEET
 WANDERING CREEK
 R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

SHEET 1 OF 22

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REQUESTED WAIVERS

1. BLOCK LENGTH FOR BLOCKS 4, 5, 6, 7, 8, AND 9.
2. LANDSCAPE SCREENING TO BE APPROVED AT TIME OF BUILDING PERMITS IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE
3. THE FRONT, SIDE AND REAR SETBACKS ARE ADJUSTED TO 0' FOR LOTS 1-20, BLOCK 2.
4. LOT LINES BEING RADIAL AND PERPENDICULAR TO STREET RIGHT-OF-WAY.
5. RESIDENTIAL:
 - a. LOTS 1-7, BLOCK 12, & LOTS 1-14 , BLOCK 2:
 - LOT AREA (MIN): 3,200 SF
 - LOT WIDTH (MIN): 40 FEET
 - FRONT YARD: 10 FEET
 - STREET SIDE YARD: 5 FEET
 - SIDE YARD: 5 FEET
 - REAR YARD: 8 FEET
 - b. LOTS 1-8, BLOCK 13:
 - LOT AREA (MIN): 1,600 SF
 - LOT WIDTH (MIN): 20 FEET
 - FRONT YARD: 10 FEET
 - STREET SIDE YARD: 5 FEET
 - SIDE YARD: 5 FEET, COMMON WALL 0'
 - REAR YARD: 8 FEET
8. RESIDENTIAL TRANSITION:
 - a. LOT 1, BLOCK 1
 - BUILDING FOOTPRINT FLOOR AREA UP TO 10,000 SQUARE FEET
 - BUILDING HEIGHT: 35 FEET ((MAX)
9. MULTIFAMILY AREA:
 - BUILDING HEIGHT: 50 FEET, 3-STORY (MAX)
 - REAR YARD SETBACK: 10 FEET IF ADJACENT TO OUTLOT DESIGNATED AS GREENSPACE

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE DIAMETER RESPECTIVELY AND TO BE CONSTRUCTED TO OTHER CITY OF LINCOLN SPECIFICATIONS, UNLESS OTHERWISE SHOWN.
2. ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTES.
5. ALL ELEVATIONS ARE TO BE ON NAVD 1988.
6. SIDEWALKS TO BE BUILT ON BOTH SIDES OF THE STREET.
7. SIDEWALKS TO BE 5 FEET MINIMUM WHERE RIGHT-OF-WAY ABUTS OPEN SPACE OR DOES NOT ABUT RESIDENTIAL LOTS. SIDEWALKS SHALL BE 4 FEET WIDE WHERE ABUTTING RESIDENTIAL LOTS.
8. THE DEVELOPER AGREES TO COMPLY WITH THE PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
9. LANDSCAPE SCREENING ALONG VAN DORN STREET IN THE RESIDENTIAL AREA SHALL BE PROVIDED.
10. A HOMEOWNER ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE MEDIANS, AND TRAFFIC CIRCLES WITHIN THE PUBLIC STREETS.
11. LOT, OUTLOT AND BLOCK DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY.
12. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
13. EXISTING AND PROPOSED EASEMENTS TO BE TIED DOWN AT TIME OF FINAL PLATTING.
14. EXACT LOCATIONS OF WATER, SANITARY, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
15. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
16. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT, AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PUD PLANS.
17. ALL IMPACTED WETLANDS WILL BE PERMITTED WITH THE CORP OF ENGINEERS.
18. ALL STREETS WITHIN THIS PUD ARE PUBLIC LOCAL STREETS UNLESS DESIGNATED OTHERWISE ON THE PLAN.
19. THE FINAL LOCATION AND GRADING OF THE BIKE TRAIL WILL BE DETERMINED BY THE PARK AND RECREATION DEPARTMENT AT THE TIME OF FINAL PLAT.
20. PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 190 FEET IN LENGTH. THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.

PLANNED UNIT DEVELOPMENT NOTES

1. THIS PLANNED UNIT DEVELOPMENT (P.U.D.) CONTAINS 78.66 ACRES.

HEIGHT: 50 FEET, 3-STORY (MAX)
 SETBACK: 10 FEET IF ADJACENT TO OUTLOT
 AS GREENSPACE

20. PEDESTRIAN SIDEWALK CONNECTIONS ARE REQUIRED TO BE 5 FEET WIDE WHEN EXCEEDING 190 FEET IN LENGTH. THIS WIDTH WILL BE REQUIRED AT THE TIME OF FINAL PLAT.

PLANNED UNIT DEVELOPMENT NOTES

1. THIS PLANNED UNIT DEVELOPMENT (P.U.D.) CONTAINS 78.66 ACRES.
2. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY, EXCEPT AS PROVIDED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL.
3. PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT.
4. DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED FROM VAN DORN AND S. 98TH STREET EXCEPT AS SHOWN.
5. EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS.
6. THE 'R-3' ZONING REGULATIONS APPLY THROUGHOUT THIS P.U.D. WITH THE FOLLOWING EXCEPTIONS:
 - A. PER THE APPROVED WAIVERS AS LISTED IN THE REQUESTED WAIVERS' TABLE.
 - B. THE REGULATIONS OF THE 'R-5' ZONING DISTRICT APPLY TO BLOCKS 7, 8, AND 9 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'R-5' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
 - C. THE REGULATIONS OF THE 'R-3' ZONING DISTRICT APPLY TO BLOCKS 2-6 AND 10-15 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'R-3' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
 - D. THE REGULATIONS OF THE 'RT' ZONING DISTRICT APPLY TO BLOCK 1 EXCEPT ALL PERMITTED, CONDITIONAL, AND SPECIAL USES PER THE 'RT' ZONING DISTRICT ARE ALLOWED AS PERMITTED USES, AND EXCEPT AS ADJUSTED BY THIS P.U.D. AS NOTED IN THE REQUESTED WAIVERS.
8. LOT LAYOUT IS CONCEPTUAL. ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF FINAL PLAT SUBJECT TO COMPLIANCE WITH L.M.C. TITLE 26.
9. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
10. ALL OPEN SPACE AND DETENTION AREAS MAINTENANCE IS THE RESPONSIBILITY OF THE DEVELOPERS AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
11. ALL TRAFFIC CIRCLES LOCATED WITHIN THE DEVELOPMENT AND IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNER'S ASSOCIATION.
12. THE DEVELOPER SHALL CONSTRUCT RIGHT AND LEFT TURN LANES AT ALL STREET CONNECTIONS TO VAN DORN STREET.
13. THE STEVEN'S CREEK TRUNK SEWER IS TO BE COMPLETED BY THE CITY BY 2019 FOR CONNECTION AND EXTENSION TO SERVE THE WANDERING CREEK PUD AREA. BUILDING PERMITS SHALL BE ALLOWED PRIOR TO THE TRUNK SEWER BEING PROVIDED BY THE CITY OF LINCOLN, AS LONG AS STREETS, STREET SIGNS, AND WATER MAINS ARE COMPLETED. THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY TEMPORARY PUMPING OF SEWAGE UNTIL CONNECTION TO TRUNK IS COMPLETED.
14. TEMPORARY OR PERMANENT OFF-SITE IMPROVEMENTS TO BE DESIGNED AND CONSTRUCTED ACCORDING TO ANNEXATION AGREEMENT.
15. A POTENTIAL PUBLIC PARK IS SHOWN ON THE POTENTIAL LPS PROPERTY AND IS SUBJECT TO AGREEMENTS BEING COMPLETED BETWEEN LPS AND THE CITY OF LINCOLN PARKS DEPARTMENT.
16. DRAINAGE CROSSINGS 'B' AND 'C' SHALL BE CONSTRUCTED WITH THE FINAL PLATTING OF ANY LOTS NORTH OF OUTLOTS 'B', 'C' OR 'E'.

COVER SHEET

WANDERING CREEK
R-3 PLANNED UNIT DEVELOPMENT

LINCOLN, NEBRASKA

drawn by: BPB, JV
 checked by: JV
 approved by: BJM
 QA/QC by: BJM
 project no.: 017-1391
 date: 10/18/2017

SHEET
1 of 22

Block	Lot	Use	Units
1	1	Residential Transition	10,000 sq. ft.
			OR 12 dwellings
7	1	Multifamily	245 dwellings
			OR 200 persons (Healthcare)
8	1	Multifamily	155 dwellings
			OR 125 persons (Healthcare)
9	1	Multifamily	195 dwellings
			OR 155 persons (Healthcare)
2-6, 10-12		Residential	104 dwellings*

*Dwellings shown on site plan. Density may be increased as allowed per densities of Chapter 3.35 for R-3.



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

October 18, 2017

HAND DELIVERY

David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Applications for Annexation, Change of Zone to R-3 Planned Unit Development and Comprehensive Plan Amendments

Dear David:

Our law firm represents Matodol, LLC (“Matodol”), owner of the real property legally described as Lots 50, 51, and 64, located in the South Half of Section 36, Township 10 North, Range 7 East of the 6th P.M. and Outlot A, FBT Addition, all located in Lancaster County, Nebraska (the “Property”). Matodol is a party to the Annexation Agreement for Van Dorn Coalition approved by the City on March 9, 2017 that master planned the infrastructure to provide for the future annexation of the Property and other Van Dorn Coalition property.

Matodol is ready to move forward with development of its first phase of the Property which contains approximately 78.66 acres and is legally described and shown on Exhibit “A” enclosed herein (“First Phase Property”). Matodol is seeking to annex and change the zone of the First Phase Property from AG to R-3 Planned Unit Development. While Matodol’s requests for annexation and change of zone only affect the First Phase Property, the PUD plans show conceptual uses on the remainder of the Property and neighboring properties. The Grading and Drainage Study also covers the entire Property. Development of the Property is planned to provide a variety of housing types in varying price ranges.

The proposed R-3 PUD for the First Phase Property contains a residential area showing a variety of single family residential uses. It also includes a multifamily area and residential transition area. A height increase to 50 feet is being requested for the multifamily area to allow adequate height to construct three story buildings. Similar height adjustments have been granted on many recent multifamily projects. A decrease in the rear yard setback from 30 to 10 feet is also requested in the multifamily area where the rear yard abuts a nonbuildable outlot. A height increase up to 35 feet is also requested for the residential transition area which increases the height in this area to match what is permitted in the R-3 zoning for the residential area and also what is permitted within the Firethorn CUP.

In addition to the above, Matodol is requesting amendments to the 2040 Lincoln/Lancaster County Comprehensive Plan (“Comp Plan”) to designate the northwest corner of S. 98th Street and Van Dorn Street as (i) a (N) Neighborhood Center on Map 5.1: Existing and Proposed Commercial Centers; and (ii) as “Commercial” on the Lincoln Area Future Land Use Map. This area is anticipated to ultimately contain a mix of retail, office, and service uses that are oriented to the neighborhood level, and may also include residential uses. There are no Neighborhood Centers identified within over a square mile from this newly developing area.

Enclosed please find the following:

1. City of Lincoln Application for annexation of the First Phase Property;
2. City of Lincoln Application for a change of zone from AG to R-3 PUD for the First Phase Property;
3. City of Lincoln Application for Comp Plan Amendments;
4. Application fees in the amount of \$4,695;
5. PUD Site Plan;
6. Exhibits for the Comp Plan Amendments.

The development team has met with City Staff multiple times to discuss the proposed applications and will continue to work on issues that arise. The development team has also held individual meetings with property owners whose parcels are impacted by the layout of the PUD and will continue to work directly with those property owners as the PUD site plan is developed for future phases. In addition, an informational meeting was held with surrounding neighbors on September 25, 2017 to discuss the proposed zoning and land uses for the First Phase Property as well as the proposed Comp Plan amendments. The meeting was well attended by acreage neighbors and neighbors from the Firethorn neighborhood to the south. The neighbors expressed concerns about the density of the proposed uses, setback of the uses from Van Dorn Street, drainage from the Property and increased traffic on Van Dorn Street.

The proposed multifamily area is set back over 170 feet from the north line of the future Van Dorn Street right-of-way with nonbuildable green space in between. The multifamily area will provide an appropriate transitional use between the anticipated future commercial uses on the Realty Trust property to west and the proposed single family uses within the R-3 PUD to the east and north. A 20 feet outlot is also proposed along the north side of Van Dorn Street adjacent to the residential transition area and the residential area. This 20 feet outlot will be utilized for green space and berming similar to the berming installed along the Firethorn townhome area south of Van Dorn Street.

There is significant green space shown throughout the proposed PUD development with the owner maintaining the minimum flood corridors and wetland areas. Stormwater runoff and water quality measures will be accounted for within the development and are outlined in the Grading and Drainage Study.

The proposed development includes full access intersections with Van Dorn Street at Resort Drive and S. 91st Street. These two full access intersections were approved in the Annexation

Agreement. Owner plans to install right and left turn lanes at both intersections as outlined in the Annexation Agreement to improve safety and capacity at these two intersections.

Additional waivers are requested to address block length issues caused by the green space and drainage ways shown throughout the development. Adjustments to the lot regulations are also requested on certain blocks within the residential area to provide flexibility for new urbanism style townhomes and patio homes served by alleys.

We look forward to continuing to work with the City and neighbors on the above applications. Brad Marshall from Olsson Associates will be uploading the proposed plans. Please feel free to contact me or Brad should you have any questions or need any additional information.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosures

cc with enclosures: Jon Camp
Neighborhood Meeting Attendees
Jack Wolfe
9080, LLC
Roger H. Graff
Greg Bohac
Timothy Lieske
Daryl and Kristie Bohac
Todd Lorenz



SEACREST & KALKOWSKI, PC, LLO
KENT@SK-LAW.COM | DANAY@SK-LAW.COM

October 24, 2017

HAND DELIVERY

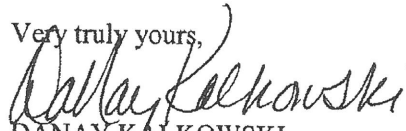
David Carey, Planning Director
City County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Correction to Submittal Letter for Wandering Creek R-3 PUD

Dear David:

The purpose of this letter is to correct a statement made in our October 18, 2017 submittal letter for Wandering Creek R-3 PUD. In that letter we indicated Matodol was requesting a height adjustment to 50 feet for the multifamily area to allow adequate height to construct three story buildings. In fact, Matodol is requesting the height adjustment to 50 feet to allow up to four story buildings. Similar height increases have been requested with recent multifamily projects that will permit four story buildings such as the height adjustment up to 50 feet approved for the Shadow Creek PUD R-5 area which has four story buildings planned. The proposed site plan includes significant green space with existing mature vegetation that separates and buffers the multifamily area from the existing recreational facility and townhome uses south of Van Dorn Street and future residential uses within the development.

Please feel free to contact me or Brad Marshall should you have any questions or need any additional information.

Very truly yours,

DANAY KALKOWSKI
For the Firm

cc: Jon Camp
Neighborhood Meeting Attendees
Jack Wolfe
9080, LLC
Roger H. Graff
Greg Bohac
Timothy Lieske
Daryl and Kristie Bohac
Todd Lorenz

**ANNEXATION
LEGAL DESCRIPTION
PARCEL 1**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 50 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET; THENCE N89°49'27"W, ON A SOUTH LINE OF SAID LOT 49 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 20.13' TO THE SOUTHEAST CORNER OF LOT 50 I.T., THENCE N00°11'24"W, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 380.02' TO **THE TRUE POINT OF BEGINNING**; THENCE N89°50'28"W, A DISTANCE OF 248.49' TO A POINT; THENCE S00°21'21"W, A DISTANCE OF 249.94' TO A POINT; THENCE N89°49'27"W, A DISTANCE OF 1,051.11' TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 50 I.T., SAID POINT BEING ON THE EAST LINE OF LOT 56 I.T.; THENCE N00°17'55"W, ON THE WEST LINE OF SAID LOT 50 I.T., SAID LINE ALSO BEING THE EAST LINE OF LOTS 10 I.T., AND LOT 56 I.T., A DISTANCE OF 1,462.67' TO A POINT; THENCE N89°42'13"E, A DISTANCE OF 40.94' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°19'31", A RADIUS OF 480.00', AN ARC LENGTH OF 220.54', A CHORD LENGTH OF 218.61', A TANGENT LENGTH OF 112.25', AND A CHORD BEARING OF N76°32'28"E, TO A POINT; THENCE S46°35'10"E, A DISTANCE OF 83.09' TO A POINT; THENCE S50°15'03"E, A DISTANCE OF 178.93' TO A POINT; THENCE S49°24'00"E, A DISTANCE OF 61.30' TO A POINT; THENCE S46°14'29"E, A DISTANCE OF 59.50' TO A POINT; THENCE S42°59'39"E, A DISTANCE OF 59.50' TO A POINT; THENCE S39°44'42"E, A DISTANCE OF 59.76' TO A POINT; THENCE N51°53'27"E, A DISTANCE OF 119.99' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°31'18", A RADIUS OF 1,170.00', AN ARC LENGTH OF 51.49', A CHORD LENGTH OF 51.49', A TANGENT LENGTH OF 25.75', AND A CHORD BEARING OF N39°22'12"W TO A POINT; THENCE N49°22'10"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°23'51", A RADIUS OF 1,230.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF S39°55'55"E TO A POINT; THENCE N43°45'44"E, A DISTANCE OF 108.81' TO A POINT; THENCE N60°48'43"E, A DISTANCE OF 133.13' TO A NORTH CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF LOT 49 I.T.; THENCE S89°28'04"E, ON A NORTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 367.01' TO AN EAST

CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF SAID LOT 49 I.T.; THENCE S00°11'24"E, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 1,195.73' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,759,591.197 SQUARE FEET OR 40.39 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

**ANNEXATION
LEGAL DESCRIPTION
PARCEL 2**

A TRACT OF LAND COMPOSED OF PORTION OF LOT 51 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 51 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N00°11'14"W ON SAID LINE, A DISTANCE OF 1,575.75' TO A POINT; THENCE N89°48'39"E, A DISTANCE OF 391.27' TO A POINT; THENCE S48°41'46"E, A DISTANCE OF 50.73' TO A POINT; THENCE S53°18'05"E, A DISTANCE OF 56.95' TO A POINT; THENCE S57°48'46"E, A DISTANCE OF 48.60' TO A POINT; THENCE S59°44'46"E, A DISTANCE OF 141.21' TO A POINT; THENCE S46°46'45"E, A DISTANCE OF 86.29' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°05'47", A RADIUS OF 820.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF N42°10'22"E TO A POINT; THENCE S48°52'32"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°16'46", A RADIUS OF 880.00', AN ARC LENGTH OF 81.08', A CHORD LENGTH OF 81.06', A TANGENT LENGTH OF 40.57', AND A CHORD BEARING OF S43°45'51"W TO A POINT; THENCE S43°35'46"E, A DISTANCE OF 125.00' TO A POINT; THENCE S27°59'15"E, A DISTANCE OF 355.67' TO A POINT; THENCE S33°56'02"E, A DISTANCE OF 180.34' TO A POINT OF INTERSECTION WITH AN EAST LINE OF SAID LOT 51 I.T., SAID POINT BEING ON THE WEST LINE OF LOT 48 I.T.; THENCE S00°12'26"E, ON THE EAST LINE OF SAID LOT 51 I.T., SAID LINE BEING THE WEST LINE OF LOT 48 I.T., OF 726.67' TO THE SOUTHEAST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID LOT 51 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND

PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,061.56' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,443,774.62 SQUARE FEET OR 33.14 ACRES, MORE OR LESS.

Tuesday, October 10, 2017

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**PLANNED UNIT DEVELOPMENT
LEGAL DESCRIPTION
PARCEL 1**

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DISTANCE OF 133.13' TO A NORTH CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF LOT 49 I.T.; THENCE S89°28'04"E, ON A NORTH LINE OF SAID LOT 50 I.T., SAID LINE BEING A SOUTH LINE OF SAID LOT 49 I.T., A DISTANCE OF 367.01' TO AN EAST CORNER OF SAID LOT 50 I.T., SAID POINT BEING A SOUTH CORNER OF SAID LOT 49 I.T.; THENCE S00°11'24"E, ON A EAST LINE OF SAID LOT 50 I.T., SAID LINE BEING A WEST LINE OF SAID LOT 49 I.T., A DISTANCE OF 1,575.75' TO A POINT TO A POINT; TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,982,745.27 SQUARE FEET OR 45.52 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

**PLANNED UNIT DEVELOPMENT
LEGAL DESCRIPTION
PARCEL 2**

A TRACT OF LAND COMPOSED OF PORTION OF LOT 51 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N00°11'14"W, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 51 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 49 I.T., SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N00°11'14"W ON SAID LINE, A DISTANCE OF 1,575.75' TO A POINT; THENCE N89°48'39"E, A DISTANCE OF 391.27' TO A POINT; THENCE S48°41'46"E, A DISTANCE OF 50.73' TO A POINT; THENCE S53°18'05"E, A DISTANCE OF 56.95' TO A POINT; THENCE S57°48'46"E, A DISTANCE OF 48.60' TO A POINT; THENCE S59°44'46"E, A DISTANCE OF 141.21' TO A POINT; THENCE S46°46'45"E, A DISTANCE OF 86.29' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°05'47", A RADIUS OF 820.00', AN ARC LENGTH OF 30.00', A CHORD LENGTH OF 30.00', A TANGENT LENGTH OF 15.00', AND A CHORD BEARING OF N42°10'22"E TO A POINT; THENCE S48°52'32"E, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°16'46", A RADIUS OF 880.00', AN ARC LENGTH OF 81.08', A CHORD LENGTH OF 81.06', A TANGENT LENGTH OF 40.57', AND A CHORD BEARING OF S43°45'51"W TO A POINT; THENCE S43°35'46"E, A DISTANCE OF 125.00' TO A POINT; THENCE S27°59'15"E, A DISTANCE OF 355.67' TO A POINT; THENCE S33°56'02"E, A DISTANCE OF 180.34' TO A POINT OF INTERSECTION WITH AN EAST LINE OF SAID LOT 51 I.T., SAID POINT BEING ON THE WEST LINE OF LOT 48 I.T.; THENCE S00°12'26"E, ON THE EAST LINE OF SAID LOT 51 I.T., SAID LINE BEING THE WEST LINE OF LOT 48 I.T., OF 726.67' TO THE SOUTHEAST CORNER OF SAID LOT 51 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 48 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VAN DORN STREET, SAID POINT BEING 50.00' NORTH

OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°49'24"W, ON THE SOUTH LINE OF SAID LOT 51 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,061.56' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,443,774.62 SQUARE FEET OR 33.14 ACRES, MORE OR LESS.

Monday, October 9, 2017

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Project Flow Instance ID

[View Report](#)

1 of 1 Find | Next



Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	ron rehtus	1	Corrections Required	See mark-ups. See PW/U Wastewater comments. Comment No. 13 on Sheet 1 of 22 needs to be revised. Building permits will not be issued for properties that cannot be connected immediately to the City's sanitary sewer system.	Individual
County Engineer	ken schroeder	1	Recommend Approval	This office made a limited review of "WANDERING CREEK R-3 P.U.D." Annexation # AN17019 in the S 1/2 of Section 35, T10N, R7E located at S. 91st Street and Van Dorn Street and has no direct objections to this submittal, subject to development improvements following area annexation including the adjacent County road. October 31, 2017 (kds) During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.	Individual
County Health	chris schroeder	1	Recommend Approval	All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	Individual
County Sheriff	Todd Duncan	1	Pending		Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue station 12 is located at 84th and South. It will ultimately be moved to 84th and Pioneers. Station 12 will be able to serve this area within department response time goals. Lincoln Fire and Rescue recommends approval of this application.	Individual
Law Department	Law Department	1	Pending		First In Group
LES	les reviews	1	Recommend Approval	10/31/17 Easements to be obtained during final plat process. DG	First In Group
Lincoln Police Department	sgt randy clark	1	Recommend Approval		First In Group
Long Range Manager	paul barnes	1	Recommend Approval		Individual
Lower Platte South NRD	kyle hauschild	1	Corrections Required	The NRD/City holds and easement and completed a project on the stretch up stream of detention "E". There is concern that detaining water in this area may damage, or increase the amount of maintenance that will be needed to maintain the project area. There is also a lack of access areas to get to the easement and project area. There is also an easement that is held by the NRD/city along 98th street that needs to be added to the plan set.	Individual
Norris PPD	Norris PPD	1	Pending		First In Group
Parks & Recreation	Sara Hartzell	1	In Review		Individual
Planning Dept	andrew thierolf	1	Recommend Approval	City Council District 2	Individual
	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	brion perry	1	Recommend Approval	10-20-17 2 roadway crossings will need to be done when North of roundabout is plated. EO and Sureties will be required at final plat.	First In Group
Public Works - Survey Check	troy griffin	1	Corrections Required	Land base shows annex (Parcel 1) approx. 33' north of south line of Lot 49 IT. This needs to be verified with County agencies responsible for land base. Minor text edits.	First In Group

Public Works - Watershed Management	jared nelson	1	Corrections Required	See comments uploaded in the Miscellaneous folder. For all future submissions, the 320 page Hydrologic Study is requested to be submitted as a hard copy in addition to the electronic copy.	First In Group
Public Works & Utilities - Wastewater	brian kramer	1	Recommend Approval	Sanitary sewer will not be available to this area until approximately June 2019.	Individual
Public Works & Utilities - Water	dave beyersdorf	1	Recommend Approval	LWS is available at the southwest corner of the intersection of Van Dorn and S. 91st St.	First In Group
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group

Wandering Creek PUD, AN17019

Plans & Hydrologic Study, v1; reviewed, WSMJLN, 11/3/2017; revised per Planning 11/6/2017

Corrections Required:

1. General Site note 10: Add detention to this.
2. General Site note 17: Specify that the Developer is responsible for permitting wetland impacts.
3. General Site note 14: Remove drainage from list, and separately describe that changes to grading and drainage need to be submitted as an Admin Amendment.
4. PUD Notes: Will need to add notes detailing plan for channel, alignment, permitting and who/when is doing Resort Drive, its culvert, and potential channel impacts adjacent to it. It is unclear at this time what is occurring.
5. PUD Notes: Add a note describing how at the time of Final Platting, the developer agrees to provide surety and build detention for any lot(s) being platted as buildable which drain to said detention. A note regarding the timing, construction, and maintenance of Water Quality components is also needed. In general, detention and water quality features need to be built before, or in conjunction, with each phase of development.
6. A licensed Professional Engineers needs to seal the planset and studies to certify the surveyed information, and calculations presented.
7. The Lower Platte South NRD, with City as partners, paid for and completed a Master Planning Project with accompanying easements for a channel restoration and stream stability project upstream of 98th St. The Easement Instrument Number(s) needs to be referenced and features of this project are requested to be shown on the plans and preserved. The easement specifies that no one can occupy or construct within this easement, except possibly only one crossing may be allowed, *if* prior approval from the NRD is obtained; at this time it's not clear if that has been done. The pedestrian crossing (crossing D) and Long Pine Creek Rd (Crossing E) will require approval of NRD, or the plan will need to be revised. In addition, the project is in its USACE 404 Monitoring Period, and the USACE may not permit any work in these areas for several years. The project also has permanent access easements to access both sides of the channel and the NRD and City will need to see and approve equivalent accessibility to the project. Finally, no detention is supported in this vicinity which would impound water, aggregate sediment, and compromise the restored and protected riparian corridor.
8. There are maintenance concerns about Detention in the existing riparian corridor, generally between crossings A, and downstream at 98th St (south of Coyote Springs Rd), due to: trees being in a detention area where they could be damaged from standing/detained water and clogging of detention outlet; and concerns with sediment aggregating in channel, ruining the riparian corridor and affecting storage capacity. It's very difficult to maintain these and the future HOAs will not likely expect or know of such maintenance requirements. Finally, much of this area is in a floodplain, so not only are there hydraulic implications, but also sediment will diminish the flood storage capacity and conveyance.
9. No Hydraulic study was submitted or any consideration given to the FEMA floodplain and floodway area here. This is needed and will need to address New Growth Area Floodplain standards, show no rise, compensatory storage, and meeting Master Plan flows, etc. Sequencing information for drainage crossings is needed as well. A CLOMR or LOMR may be required. The drainage structures crossing the floodplain will impact the floodplain and this

needs to be reviewed. A Hydraulic study and floodplain implications will affect lowest floor elevations, minimum opening elevations, detention, and possibly other grading and drainage features; therefore this information needs to be supplied and revised plans are needed before a complete review of minimum opening elevations and lowest floor elevations, detention and drainage calculations can be conducted.

10. Floodplain cross sections and labels are needed with pertinent information.
11. Minimum opening elevations are needed for all lots abutting Outlots A through G and other drainage ditches, swales, detention; and need to be at least 1 FT above the Major Storm Event Water Surface Elevation of such, or 1 FT above the downstream culvert crossing, whichever is greater.
12. Lowest Floor Elevations are needed for all lots abutting outlots which have floodplain in them, and need to be at least 1 FT above the BFE. If the floodplain changes per Hydraulic Study (which is still needed), then they need to be based on the highest resulting BFE of existing or proposed conditions.
13. Plans are missing outfall structures for detention cells and their details. Detention needs outfall structures (e.g. weirs) to regulate the 2, 10, and 100yr flows on private property, to be owned and maintained by private property.
14. A plan showing the details of Water Quality feature(s) is needed.
15. Show details of Rock Rip-rap plunge pools (or other approved erosion control measure) needed at each storm drain outfall, and add note describing these will be installed.
16. Sheet 8: Major Storm Event runoff and overland flow paths, do not appear to be identical to drainage pipe network at all locations. Calculations need to clarify these and show sufficient overland flow capacity. This also needs to reflect the final ROW/road cross section, where varying.
17. Show and label the ponding limits of the 100yr Major Storm Event where applicable, such as detention cells.
18. Outlots need label so it's clear what they are to be dedicated for (i.e., open space, drainage, etc.)
19. Additional elevation labels are requested for existing and proposed contours.
20. Provide a copy of Wetland Delineation report.
21. Crossing C does not line up. Why?



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Text Amendment #17001	FINAL ACTION? No	SECTION TO BE AMENDED Lincoln Municipal Code (LMC) 27.63.685
PLANNING COMMISSION HEARING DATE October 25, 2017	RELATED APPLICATIONS 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 premises, 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 than 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 compatibility 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
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ORDINANCE NO. _____

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

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

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

9 **27.63.685 Sale of Alcoholic Beverages for Consumption Off the Premises.**

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

14 (1a) Parking shall be in conformance with Chapter 27.67 of the Lincoln Municipal
15 Code.

16 (2b) The sale of alcoholic beverages for consumption on the premises shall not be
17 permitted without issuance of a permit under Section 27.63.680 of this code.

18 (3e) The licensed premises of any building approved for such activity must be located
19 no closer than (i) 100 feet from the property line of a premises used in whole or
20 in part for a first-floor residential use, day care facility, park, place of religious

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

3 (4d) Any lighting on the property shall be designed and erected in accordance with
4 all applicable lighting regulations and requirements.

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

8 (6f) The use shall not have any amplified outside sound or noise source, including
9 bells, buzzers, pagers, microphones, or speakers within 150 feet of any
10 residential district. This shall not apply to sound sources audible only to the
11 individual to whom they are directed, such as personal pagers, beepers, or
12 telephones.

13 (7g) No access door to the business, including loading or unloading doors, shall face
14 any residential district if such doors are within 150 feet of the residential district.
15 This shall not apply to emergency exit doors required by building or safety
16 codes. No door facing a residential district shall be kept open during the
17 operation of the establishment.

18 (8h) Vehicular ingress and egress to and from the property shall be designed to avoid,
19 to the fullest extent possible, disruption of any residential district. Particular
20 attention shall be given to avoiding designs that encourage use of residential
21 streets for access to the site instead of major streets.

22 (9i) All other regulatory requirements for liquor sale shall apply, including licensing
23 by the state.

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

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

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

20 (3) Gross sales from the sale of alcoholic beverages shall not exceed ten percent
21 (10%) of total gross sales. Upon request of the City, the license holder/operator
22 shall provide sales receipts for the past six (6) months for the purpose of
23 demonstrating that no more than 10% of the grocery store's gross sales are
24 derived from the sale of alcohol.

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

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

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

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

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

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

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

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

22 Section 3. That this ordinance shall take effect and be in force from and after passage and
23 publication in one issue of a daily or weekly newspaper of general circulation in the City, according
24 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 Text Amendment #17019	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS CZ17028

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

A text amendment is proposed to update the definition of warehouses to combine storage, wholesale and distribution into one use and to remove a separate undefined wholesale and distribution center use from the Zoning Ordinance. Warehouses will be permitted in the same zoning districts as presently permitted with condition for screening of outdoor items in the H3 and H4 Districts.

JUSTIFICATION FOR RECOMMENDATION

The text amendment will clarify the definition of warehouses and also include wholesale and distribution which currently is a separate undefined use in the Zoning Ordinance. This clarification supports existing businesses which are storage, wholesale and distribution by removing ambiguity and providing predictability in interpretation of the Zoning Ordinance.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2040 Comprehensive Plan supports retention of existing businesses while striving for predictability for existing residential uses and neighborhoods. This request is compatible with the Comprehensive Plan because it removes uncertainty and adds clarity for warehouse, wholesale and distribution businesses.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.

ANALYSIS

1. This request is for a text amendment to amend the Zoning Ordinance for warehouses, wholesale and distribution uses. The intent of this proposal is to remove ambiguity in the existing Ordinance by consolidating storage, wholesale and distribution under a single use definition and amend other related provisions.
2. Currently, the Zoning Ordinance (27.06.180) Use Group Table includes Warehouses as a separate use from Wholesale and distribution centers but only Warehouses is defined under the Definitions (27.02.240). Warehouses are presently permitted in the B4, H3, H4, I1, I2, and I3 Zoning Districts, permitted conditionally in the B-4, whereas Wholesale and distribution centers are permitted in the B4, H4, I1, I2 and I3 Districts, but by special permit in the H4 District.
3. Related Change of Zone 17028 is a request for a change of zone affecting approximately 30.71 acres for properties generally located in the vicinity of the former Missouri Pacific Railroad corridor between North 22nd and North 35th Streets. The proposed change of zone includes H-3 Highway Commercial areas for which the proposed text amendment will clarify existing warehouse and distribution uses under the same category.
4. Proposed modifications to the text are as follows:

27.02.240: W. Warehouses. The proposed modification to this section includes adding wholesale and distribution, and dispatching of tangible products to the warehouse use. The definition proposed keeps the same 50% threshold from existing Ordinance where at least 50% of the floor area must be for storing goods or materials or for distributing good or materials in order to be considered a warehouse.

27.06.180: Manufacturing, Processing, Storage and Distribution Use Group, Use Group Table. The proposed changes to this section include deleting Wholesale and distribution centers and modifying Warehouses Uses to be permitted conditionally in the H3 and H4 Districts.

27.62.150 Manufacturing, Processing, Storage and Distribution Use Group. The proposed modifications to this section include a condition in the H3 and H4 zoning districts, warehouses are permitted provided outside storage is enclosed with an opaque fence, or wall, and opaque gates six feet in height and the stored materials are less than the height of the fence or wall. Outside storage areas associated with pre-existing warehouses which are not enclosed may remain until such time the building is demolished.

27.63.470 Planned Service Commercial. Modifications proposed include deleting the text pertaining to Wholesale and distribution centers including outside storage which will be included in 27.62.150 proposed modifications.
5. The proposed text amendment is to clarify for existing businesses and new businesses by consolidating uses into one warehouse definition and provide predictability for them and nearby neighborhoods. Zoning ordinances from other cities were reviewed and substantial land use differences could not be found between warehouse and wholesale uses.

Prepared by

George Wesselhoft, Planner
Date: November 22, 2017

Applicant/Contact:

George Wesselhoft, Planner
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

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ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code (the “Zoning
2 Ordinance”) by amending Section 27.02.240 to revise the definition for Warehouse by including
3 wholesale and distribution centers in said definition; by amending the Manufacturing, Processing,
4 Storage and Distribution Use Group described in Section 27.06.180 to allow warehouses as a
5 conditional use in the H3 and H4 zoning districts and to strike the Wholesale and Distribution
6 Centers as a use; by amending Section 27.62.150 relating to Manufacturing, Processing, Storage
7 and Distribution Use Group to describe the conditions required for warehouses located in the H3
8 and H4 zoning districts; by repealing paragraph (4) of Section 27.63.470 relating to wholesale and
9 distribution centers; and repealing Sections 27.02.240, 27.06.180, 27.62.150, and 27.63.470 as
10 hitherto existing.

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

12 Section 1. That Section 27.02.240 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **27.02.240 W.**

15 **Warehouses.** Warehouses shall include the storage, wholesale and distribution, and
16 dispatching of tangible products within an enclosed structure and may include incidental outside
17 storage. Such use of buildings, portions of buildings, or accessory uses to such buildings shall not
18 be deemed a warehouse when direct retail sales to the public is the primary use or where less than
19 50% of the floor area is for storing tangible products for distribution to retailers, industrial,
20 commercial, institutional or other businesses, or to other wholesalers.
21 ~~mean any commercial use of a building, or a portion of a building, that devotes at least 50% of the~~
22 ~~floor area for storing goods or materials or for distributing goods or materials to local or long~~

~~distance carriers for transportation or delivery purposes. Floor area devoted to storing goods or materials or distributing goods or materials may be combined to calculate the required floor area. Such use of buildings, portions of buildings, or accessory uses to such buildings shall not be deemed a warehouse when direct retail sales to the public is the primary use.~~

Wind Energy Conversion System (WECS). Wind energy conversion system shall mean any device, such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy.

Section 2. That Section 27.06.180 of the Lincoln Municipal Code be amended to read as follows:

27.06.180 Manufacturing, Processing, Storage and Distribution Use Group.

Characteristics: The Manufacturing, Processing, Storage, and Distribution Use Group is characterized by uses that are involved in the manufacturing, processing, fabrication, packaging, assembly of goods, and/or storage or movement of goods. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. Activities commonly use trains or heavy trucks to ship and receive goods. Access to or near a highway is preferred. There is little on-site sales activity with the customer present. Such uses include but are not limited to assembly facilities, concrete dispensing units, salvage yards, grain elevators and mills, warehouses, and outdoor motorized vehicle storage.

Use Group Table:

Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Assembly Facilities																		P			C	C	C	P	P	P
Bag cleaning works																								S	P	
Bakeries (wholesale)																		P			P	P		P	P	P
Blast furnaces, coke ovens, smelting, or ore reduction works																								S	P	
Boiler works or forge																								S	P	
Bottling works																		P			P	P		P	P	P
Brewery (over 20,000 barrels)																								S	P	

- 1 (a) Assembly facilities, including but not limited to the assembly of equipment, instruments
2 and appliances such as computers and musical instruments are allowed in the H-2, H-3,
3 and H-4 zoning districts under the following condition: All storage and display of
4 merchandise, and any parts used in the assembly process, shall be screened from public
5 view by a fence, walls, shrubs, or all such storage and display shall be within the enclosure
6 walls of a building.
- 7 (b) Liquefied petroleum gas and similar gas used for fuel stored above ground is allowed in
8 the I-2 and I-3 zoning districts under the following conditions:
- 9 (1) Tanks may not exceed 30,000 gallon capacity;
- 10 (2) The storage of gas shall be for use on the premises, and not for resale;
- 11 (3) All other combustible material shall be stored in such a way as to permit free access
12 of fire-fighting equipment.
- 13 (4) Open storage of any other material is allowed only in areas enclosed or otherwise
14 adequately screened from public view with an enclosure or screen at least six feet in
15 height.
- 16 (5) In the I-2 zoning district tanks shall be adequately screened from public view by a fire-
17 resistant ventilated barrier which shall be at least six feet in height;
- 18 (c) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids
19 and chemicals are allowed in the I-2 and I-3 zoning districts under the following conditions:
- 20 (1) Such use shall be adequately screened from public view;
- 21 (2) Storage of such materials shall be for use on the premises and not for resale, except
22 that resale of such stored material at retail only is allowed in conjunction with the
23 operation of a fuel sales facility or similar retail outlet.

1 (d) Outdoor motorized vehicle storage is allowed in the H-3, H-4 and I-2 zoning districts under
2 the following conditions:

3 (1) The outdoor storage shall be screened in conformance with the requirements for
4 screening open storage in Chapter 3.50 of the City of Lincoln Design Standards.

5 (2) There shall be no dismantling, wrecking, or disassembling of any vehicles.

6 (3) Vehicles may not be stacked upon each other.

7 (4) Parking shall be in conformance with Section 27.67.066(a).

8 (e) (1) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern
9 edge of the B-4 zoning district, warehouses are prohibited except that pre-existing
10 warehouses in said area may remain, regardless of time unoccupied, but must cease
11 once the building is demolished.

12 (2) In the H3 and H4 zoning districts, warehouses are permitted provided outside storage
13 is enclosed with an opaque fence or wall, that gates in said fence or wall are opaque
14 and no less than six feet in height, and the stored materials are less than the height of
15 the fence, wall, and gates enclosing the outside storage area. Outside storage areas
16 associated with pre-existing warehouses which are not enclosed may remain until such
17 time the building is demolished.

18 (f) Temporary paving plants used for the paving of federal or state highways or county roads
19 are allowed in any zoning district during the project construction period under the
20 following conditions:

21 (1) The plant shall be located outside the city limits on premises abutting the specific
22 construction project and having access to a paved road.

- 1 (2) The boundaries of the property used for the plant shall be located no closer than 300
2 feet from an occupied dwelling or from any school, place of religious assembly,
3 library, early childhood care facility, hospital, motel, or park.
- 4 (3) The operator shall require its suppliers to use paved roads or other designated truck
5 routes approved by the County Engineer for the delivery of supplies to the paving
6 plant.
- 7 (4) Paving material prepared at the plant shall not be transported to any location other
8 than the abutting project.
- 9 (5) The plant shall be removed upon substantial completion of the construction project.
- 10 (g) Temporary concrete paving plants. Temporary concrete paving plants are permitted in any
11 zoning district by administrative permit issued by the Planning Director. The Planning
12 Director shall not issue a permit or renew a permit without written approval by the Director
13 of the Lincoln- Lancaster County Health Department and the Director of the Public Works
14 and Utilities Department.
- 15 (1) Applications for an administrative permit shall include:
- 16 (i) A site plan showing the entire limits of the permit area including the plant
17 location, material storage areas, and the ingress/egress;
- 18 (i) A dust control and suppression plan including the plant operations and haul
19 roads to and from plant to project;
- 20 (iii) A description or manufacturer's specification regarding particulate control
21 equipment;
- 22 (iv) A copy of a signed contract or other verification that the applicant is under
23 contract to supply concrete for a city arterial street paving project;

1 (v) A noise control plan that will allow the operation to comply with Chapter 8.24
2 of the Lincoln Municipal Code;

3 (vi) A copy of a signed lease or other verification that the applicant has permission
4 of the owner of the land upon which the plant shall be located to locate the plant
5 thereon.

6 (2) The administrative permit shall be issued under the following conditions:

7 (i) The plant site shall be approved by the City Engineer or if outside the city limits
8 by the County Engineer and shall be located in the general vicinity of the
9 specific arterial street paving project or projects and have access to a paved
10 road;

11 (ii) The boundaries of the property used for the plant shall be located no closer than
12 300 feet from an occupied dwelling or from any school, place of religious
13 assembly, library, early childhood care facility, hospital, motel, or park;

14 (iii) The permittee shall require its suppliers to use only paved roads approved by
15 the Director of Public Works or the County Engineer as the case may be, for
16 the delivery of supplies to the plant. The permittee shall further require that the
17 drivers of concrete trucks leaving the plant also use said paved roads.
18 EXCEPTION: The use of nonpaved roads may be approved on a case-by-case
19 basis by the Director of Public Works or the County Engineer;

20 (iv) The permit site shall be cleaned up and restored to its pre-permit condition
21 within thirty days following the completion of the project. Restoration includes
22 replanting of vegetation and maintenance of erosion and sediment control until
23 the site is reestablished. Any paved or unpaved road damaged by the permittee's

1 use of such road, including permittee's suppliers and concrete trucks entering
2 and/or leaving the plant, shall be repaired at permittee's cost and expense;

3 (v) All concrete produced by this plant shall be used to complete the project. The
4 concrete shall not be provided for concrete work to be performed by persons
5 other than the permittee;

6 (vi) The anticipated set up and removal dates shall be identified on the application.
7 Amendments to these dates must be requested to the Planning Director in
8 writing;

9 (vii) The applicant shall submit a performance bond satisfactory to the City Attorney
10 in the minimum amount of \$5,000, or an amount determined by the City to be
11 sufficient, to guarantee performance and clean up of the permit site and to pay
12 for repairs to paved and unpaved roads damaged by permittee's use of such
13 roads.

14 (3) Permits issued pursuant to this section shall expire on the completion date of the
15 project as set forth in the permit application. The Planning Director may extend the
16 expiration date by administrative amendment upon a showing that the project
17 completion is delayed or that the permittee has contracted for another project in
18 conformance with subparagraph (a) above.

19 (h) Temporary concrete batch plants. Temporary concrete batch plants are permitted in any
20 zoning district by administrative permit issued by the Planning Director. The Planning
21 Director shall not issue a permit or renew a permit without written approval by the Director
22 of the Lincoln- Lancaster County Health Department.

23 (1) Applications for the administrative permit shall include:

- 1 (i) A site plan showing the entire limits of the permit area including the plant
2 location, material storage areas, and the ingress/egress;
- 3 (ii) A dust control and suppression plan including the plant operations and haul
4 roads to and from plant to project;
- 5 (iii) A statement indicating the typical hours of operation. The plant may operate no
6 more than fourteen hours per day, except on New Year Day, Memorial Day, the
7 4th of July, Labor Day, Thanksgiving Day, and Christmas when the operation
8 shall not begin before noon;
- 9 (iv) A description or manufacturer's specification regarding particulate control
10 equipment;
- 11 (v) A copy of a signed contract or other verification that the applicant is under
12 contract to supply concrete for a project requiring at least 3,000 yards of
13 concrete located within the same section or one mile of the permitted plant. The
14 contract or other verification shall include the commencement and ending dates
15 of the project. The Planning Director may increase the one- mile distance limit
16 to no more than two miles if necessary to avoid routing trucks through local
17 streets or inadequate county roads, or locations near occupied dwellings,
18 schools, libraries, places of religious assembly, or other noise or dust sensitive
19 uses; and
- 20 (vi) A noise control plan that will allow the operation to comply with Chapter 8.24
21 of the Lincoln Municipal Code.
- 22 (vii) A copy of a signed lease or other verification that the applicant has permission
23 of the owner of the land upon which the plant shall be located to locate the plant
24 thereon.

1 (2) The administrative permit shall be issued under the following conditions:

2 (i) The plant shall be located on premises in the same section or within one mile
3 of the project identified on the application or as authorized under subparagraph
4 (d)(1)(v) above;

5 (ii) The silo, batch plant, and aggregate storage shall be located no closer than 300
6 feet from an occupied dwelling or from any school, place of religious assembly,
7 library, early childhood care facility, hospital, motel, or park;

8 (iii) The permittee shall require its suppliers to use only paved roads approved by
9 the Director of Public Works or the County Engineer as the case may be, for
10 the delivery of supplies to the concrete batch plant. The permittee shall further
11 require that the drivers of concrete trucks leaving the plant also use said paved
12 roads. EXCEPTION: The use of nonpaved roads may be approved on a case-
13 by-case basis by the Director of Public Works or County Engineer. Additional
14 bonding may be required to pay for repairs of damage to such nonpaved roads;

15 (iv) The plant shall be removed upon completion of the project identified in the
16 application; or upon construction and occupancy resulting in a violation of
17 subparagraph (d)(2)(ii) above. The permit site shall be cleaned up and restored
18 to its pre-permit condition within thirty days following the completion of the
19 project;

20 (v) All concrete produced by this plant shall be used to complete the project, except
21 that the permittee may use the concrete product for sidewalks, driveways,
22 foundations, parking lots, and other small concrete work to be performed by the
23 permittee. The concrete shall not be provided for concrete work to be performed

1 by persons other than the permittee. The amount of concrete produced for small
2 concrete work shall not exceed fifty percent of that produced for the project;

3 (vi) The plant shall be recalibrated to the satisfaction of the Public Works and
4 Utilities Department prior to construction of any public improvement using
5 concrete produced by this plant;

6 (vii) The anticipated set up and removal dates shall be identified on the application.
7 Amendments to these dates must be requested to the Planning Director in
8 writing;

9 (viii) The applicant shall submit a performance bond satisfactory to the City Attorney
10 in the amount of \$5,000 to guarantee performance and clean up of the permit
11 site.

12 (3) Permits issued pursuant to this section shall expire on December 31 of the year of
13 issuance or the completion date of the project as set forth in the permit application,
14 whichever is earlier. The Planning Director may extend the expiration date by an
15 administrative amendment upon a showing that the project completion date is delayed
16 by weather or other causes beyond control of the permittee, or that the permittee has
17 contracted for another project in conformance with subparagraph (a) above; provided,
18 however, no extension of the expiration date may extend the permit beyond December
19 31 of the year of issuance. Renewal of a previously issued permit shall be by
20 application in the same form as the original permit.

21 (4) The Planning Director may revoke the temporary permit for any one or more of the
22 following violations:

23 (i) Failure to operate the facility in accordance with the provisions of this section
24 or with the approved application;

- 1 (ii) A violation of any city, county, state, or federal law;
- 2 (iii) Denial of access to the site to determine compliance with this section;
- 3 (iv) Unreasonable noise or disturbance to the surrounding neighborhood;
- 4 (i) Appeal. The action of the Planning Director in approving, denying, refusing to renew, or
- 5 revoking an administrative permit for a temporary concrete paving plant or temporary concrete
- 6 batch plant pursuant to subsections (g) or (h) above may be appealed by any council member, the
- 7 Mayor, or any aggrieved person to the Planning Commission by filing notice of appeal with the
- 8 Planning Director within fourteen days following the decision of the Planning Director. Final
- 9 action by the Planning Commission may be appealed to the City Council by any council member,
- 10 the Mayor, or any aggrieved person by filing notice of appeal with the City Clerk within fourteen
- 11 days following the action by the Planning Commission.

12 Section 4. That Section 27.63.470 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **27.63.470 Planned Service Commercial.**

15 Planned service commercial development may be allowed by special permit in the H-4
16 General Commercial District under the following conditions:

17 (a) The uses approved within a planned service commercial development shall be limited
18 to:

- 19 (1) Motor vehicle sales;
- 20 (2) Warehouses;
- 21 (3) Mini-warehouses;
- 22 ~~(4) Wholesale and distribution centers not exceeding 30,000 square feet in floor area~~
- 23 ~~per building, provided outside storage is permitted only when the storage area is~~
- 24 ~~enclosed with a solid fence, wall, and gates eight feet in height and the stored~~

~~material and equipment is less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;~~

(45) Service centers for the repair of household appliances and lawn and garden equipment, provided outdoor storage of items to be repaired are permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the items to be repaired are less than the height of the fence, wall, and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence, wall, and gates shall be located where buildings are permitted;

(56) Dwellings for caretakers employed and required to reside on the premises;

(67) Ambulance services;

(78) Veterinary facilities;

(89) Contractors' services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence, wall, and gates eight feet in height and the stored equipment and material are less than the height of the fence, wall, and gates enclosing the storage area. The fence, wall, and gates shall be located where buildings are permitted;

(940) Restaurants;

(104) Motor fuel service facilities;

(112) Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

1 (123) Food storage lockers;

2 (134) Clubs, provided the activities are located no less than 150 feet from an abutting
3 residential district;

4 (145) Outdoor and enclosed commercial recreational facilities; provided that outdoor
5 recreational facilities are no less than 150 feet from an abutting residential
6 district;

7 (156) Offices not exceeding 15,000 square feet of floor area per building; provided
8 that there is at least four and one-half square feet of land area excluding other
9 uses and their accessory uses within the approved special permit area per one
10 square foot of floor area;

11 (167) Early childhood care facilities, provided that such facilities shall be fenced and
12 have play areas that comply with the design standards for early childhood care
13 facilities. In addition, such facilities shall comply with all applicable state and
14 local early childhood care requirements and all applicable building and life
15 safety code requirements;

16 (178) Cabinet shops and stores; provided that the total floor area of the operation does
17 not exceed 5,000 square feet and that all materials, both raw and finished, be
18 stored inside;

19 (189) Places of Religious Assembly;

20 (1929) Motor vehicle repair, including vehicle body repair shops, provided that all
21 disabled vehicles and all new and used parts are stored inside the building only;

22 (204) Academies;

23 (212) Banks, savings and loan associations, credit unions, and finance companies;

24 (223) Broadcast towers;

1 (234) Indoor kennels;

2 (245) Outdoor exercise area associated with an indoor animal hospital or indoor
3 kennel; provided that such facilities comply with the requirements of Section
4 27.63.780.

5 (256) Motor vehicle and/or truck wash facility:

6 (i) Automatic, conveyor-operated: The length and location of vehicle stacking
7 lane or lanes for the approach side or sides and the exit side or sides of the
8 wash operation shall be in conformance with the Guidelines and
9 Regulations for Driveway Design and Location as adopted by the City of
10 Lincoln.

11 (ii) Self-service, coin-operated: The length and location of vehicle stacking
12 lane or lanes for the approach side or sides and the exit side or sides of the
13 wash operation shall be in conformance with the Guidelines and
14 Regulations for Driveway Design and Location as adopted by the City of
15 Lincoln.

16 (267) Public elementary and high schools, or private schools having a curriculum
17 equivalent to a public elementary or public high school, and having no rooms
18 regularly used for housing or sleeping purposes.

19 (278) Motels and hotels.

20 (289) Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and
21 27.63.685.

22 (2930) Non-residential healthcare facilities per the conditions of Section
23 27.63.080.

1 (301) Assembly facilities; provided that such facilities comply with the conditions of
2 Section 27.62.150(a).

3 (b) An applicant for a special permit under the provisions of this section shall comply with
4 environmental performance standards relating to noise, emission, dust, odor, glare, and heat as
5 shall be from time to time established for those districts requiring use permits.

6 (c) Each application for a special permit under this section shall include a landscape plan
7 which shall show proposed plantings in conformance with city standards in all required yard areas,
8 open space areas, malls, parking areas, and around proposed buildings. The applicable standards
9 shall be those adopted by resolution of the City Council for those districts requiring use permits.

10 (d) The City Council may increase or decrease the height and area regulations and the
11 floor area to land area ratios otherwise applicable in the H-4 General Commercial District,
12 consistent with adequate protection of the environments of adjacent land uses;

13 (e) That the land surrounding the tracts for the proposed planned service commercial
14 development will not be adversely affected;

15 (f) That upon approval of a planned service commercial development, the land pro-
16 posed to be included within such development shall not be developed for or devoted to any other
17 permitted use or specially permitted use of the H-4 General Commercial District, except those
18 specifically approved in the special permit authorizing the planned service commercial
19 development, unless an amendment thereto has been approved in accordance with the procedures
20 set forth for approving special permits generally.

21 Section 5. That Sections 27.02.240, 27.06.180, 27.62.150, and 27.63.470 of the
22 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

23 Section 6. This ordinance shall be published, within fifteen days after the passage
24 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on

1 the official bulletin board of the City, located on the wall across from the City Clerk's office at
2 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
3 passage and such posting to be given by publication one time in the official newspaper by the City
4 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
5 or after its posting and notice of such posting given by publication as herein and in the City Charter
6 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2017:

Mayor

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Annexation #17022 Change of Zone #17034	FINAL ACTION? No (both applications)	DEVELOPER/OWNER NuMark Golf, LLC
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS Special Permit #1423K	PROPERTY ADDRESS/LOCATION South 84 th Street and Augusta Drive

RECOMMENDATIONS: ANNEXATION #17022 CHANGE OF ZONE #17034	APPROVAL APPROVAL
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BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications associated with an amendment to the HiMark Community Unit Plan (CUP), located east of the intersection of South 84th Street and Augusta Drive inside the HiMark development.

The first application is a request for annexation of 10.9 acres of the HiMark golf course. The second request is for a change of or a change of zone from AG to R-3. Both applications are associated with Special Permit #1423K for the HiMark CUP, which is covered in a separate report. The CUP amendment shows the area of these requests, along with the area of the clubhouse and restaurant, being redeveloped for 29 lots for single-family dwellings.



JUSTIFICATION FOR RECOMMENDATION

The subject property is adjacent to the city limit, and the full range of municipal services can be provided if annexed. The change of zone to R-3 allows for the amendment to the CUP also being proposed, where the lot sizes are compatible with others in the area. It requires that a portion of the HiMark Golf Course be redeveloped to accommodate the additional lots, and is the fourth such amendment to do so. The golf holes for the golf course will be revised, and the golf course will be retained for the time being. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT
Tim Gergen (402) 477-9291 or
Tim.gergen@clarkenersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential and green space land uses on the Future Land Use Map, and these requests will facilitate an amendment to the HiMark CUP with an overall density that is consistent with that designation as well as the surrounding residential development. While it redevelops a portion of the golf course which is designated for green space, the Comprehensive Plan supports this type of redevelopment when appropriate. The full range of city services are available, and the site is surrounded by the city limit on three sides.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority A and C.

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.8 - Redeveloping in existing neighborhoods - Good design and appropriate placement are key to successful redevelopment. Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples:

- De-conversion of multi-family back to single-family homes (resulting in a net decrease in density);
- Replacement of a single-family home with a new single-family home (resulting in no net change in density);
- Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density); or
- Existing multi-family complexes identifying open areas to develop additional buildings on the existing property (resulting in a net increase in density).

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

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

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

P 12.14-15 - The ANNEXATION POLICY- 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: Sanitary sewer is adjacent and according to the engineer's plans can be extended to serve all the lots being proposed.

B. Water: Water is also adjacent and can be extended to serve all the proposed lots being shown. Fire hydrants will be installed per City standards.

C. Roads: The only new streets are local streets to serve the lots being proposed. They are shown as public streets build to City standards.

E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). The nearest station is at South Street and South 84th Street, but is set to be replaced by a new station to be built at South 84th Street and Pioneers Blvd, which will be located closer to this development.

ANALYSIS

1. These are related requests for both annexation and a change of zone, and are based upon the overall site plan for the amendment to the HiMark CUP. They seek both the annexation of a 10.9 acre tract, as well as re-zoning of the land from AG to R-3 to allow for the 29 new lots for single-family dwellings as shown on the CUP. The review of SP#1423K for the HiMark CUP is covered in a separate report.
2. The area to be annexed is located within Tier I, Priority Areas A and C of the Comprehensive Plan. All utilities, including public water and sewer, exist adjacent to the area of these requests, and the development can be served by the full range of city services. For annexation of Priority Area C it must be demonstrated that sanitary sewer service is available and can be served by gravity flow. The area located in Priority C is shown on the utility plan for the CUP to be able to be served by city sewer service.
3. The area proposed for annexation is outside the boundaries of both the Southeast Rural Fire District #1 and the Rural Water District #1 (RWD), so there is no potential compensation due those entities on the part of the City as a result of the proposed annexation.

4. The site is adjacent to the corporate limit, municipal services are available, and the land is designated for future low-density residential and green space land uses on the Future Land Use Map, consistent with the associated application for a CUP. These requests comply with the requirements of the Zoning Ordinance and the Annexation Policy of the Comprehensive Plan.

EXISTING LAND USE & ZONING: Agriculture; AG

ASSOCIATED REQUEST: SP#1423K for the HiMark CUP.

SURROUNDING LAND USE & ZONING

North: Single family residential	R-3
South: Single family residential, Golf Course	R-3, AG
East: Golf Course	AG
West: Single-family residential	R-3

APPROXIMATE LAND AREA:

Annexation #17022: 10.9 acres, more or less
Change of Zone #17034: 10.9 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

LEGAL DESCRIPTION:

Annexation #17022: See attached legal description.
Change of Zone #17034: See attached legal description.

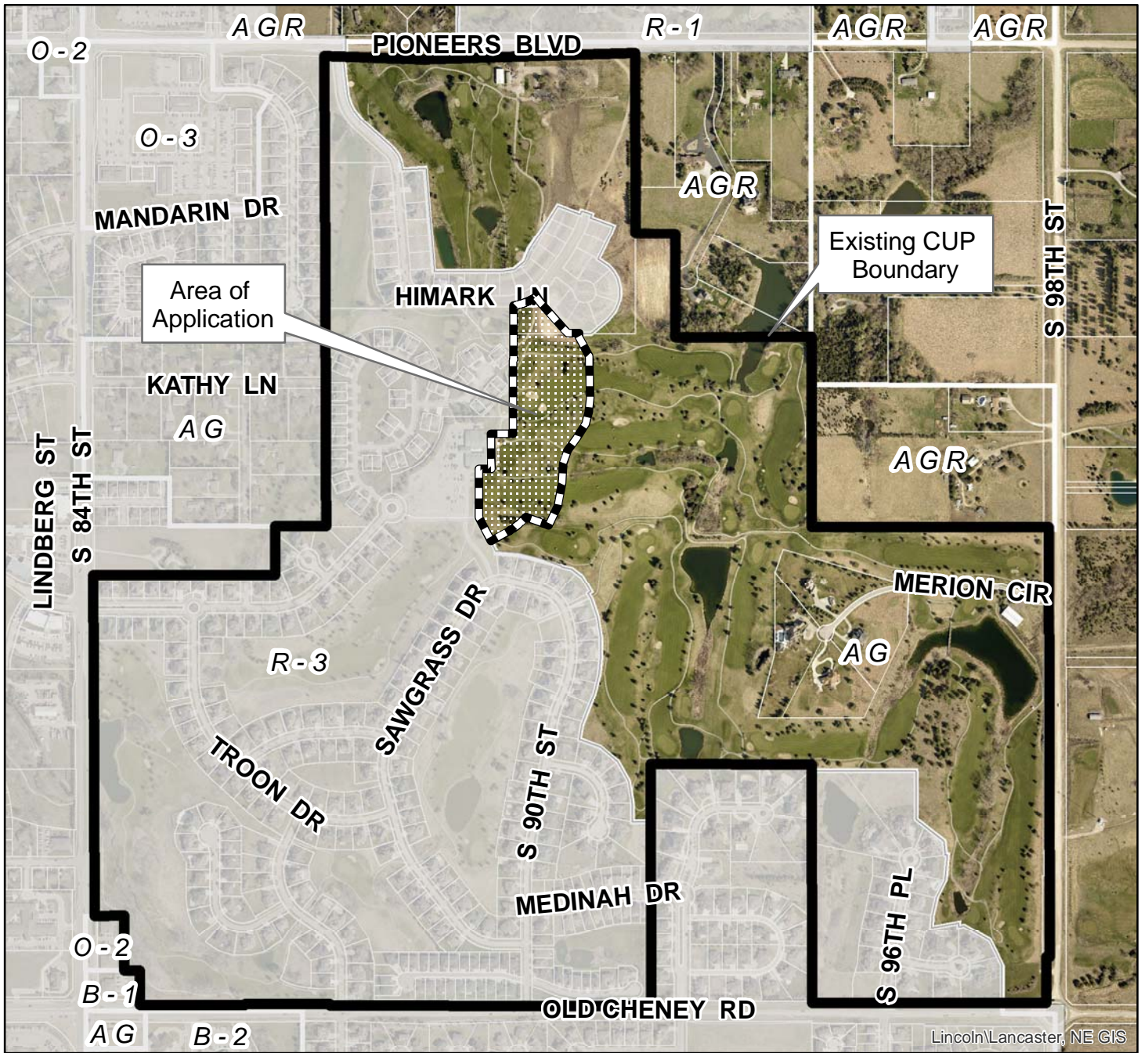
Prepared by

Brian Will,
November 22, 2017

Applicant/Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
(402) 477-9291
tim.gergen@clarkenersen.com

Owner: NuMark Golf, LLC
8901 Augusta Drive
Lincoln, NE 68526

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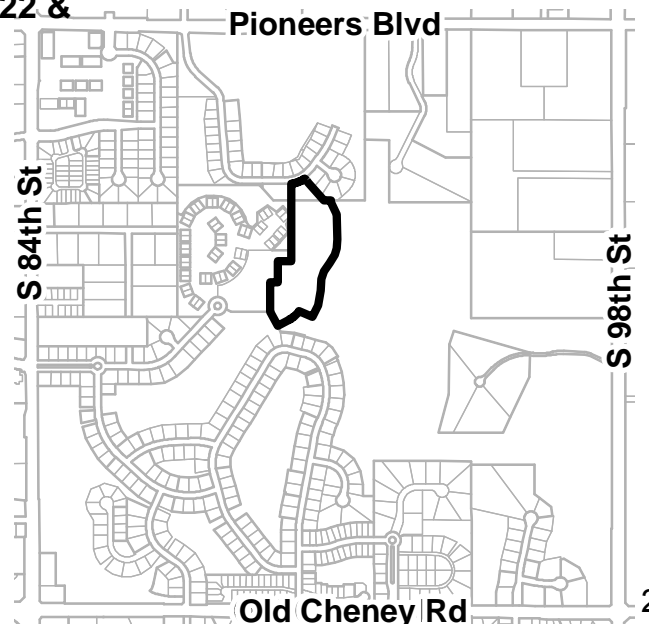
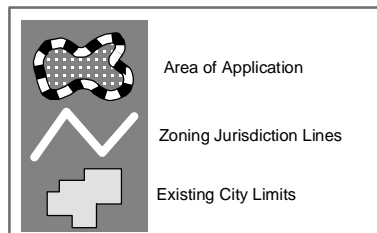
2016 aerial

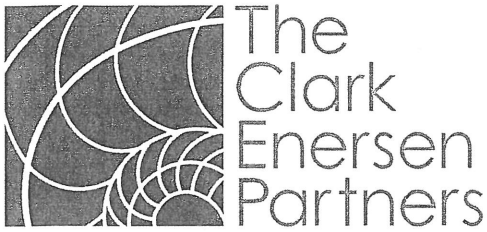
**Special Permit #: SP1423K, Annexation #: AN17022 &
Change of Zone #: CZ17034 (AG to R-3)
Himark Estates
S 84th St & Old Cheney Rd**

Zoning:

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

One Square Mile:
Sec.11 T09N R07E





November 1, 2017

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

RE: HiMark Estates Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

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

1. Application (Amend. CUP, Annexation, Change of Zone)
2. Application fee \$1,976 (\$988 + \$988)
3. Annexation/Change of Zone Legal Description w/ exhibit
4. Site Plan, 2 sheets
5. Grading & Drainage Plan
6. Street Profiles

On behalf of the Owner/Developer, NuMark Golf LLC, 8901 Augusta Drive, Lincoln NE 68526, we are requesting an Amendment to the existing HiMark Estates Community Unit Plan, Annexation, and Change of Zone from AG to R-3 to the property located to the east of the existing clubhouse. This application is to add 29 single family lots to the HiMark neighborhood. The proposed lots will be served by public water and public sanitary sewer within a public roadway system. This application is part of a phased construction that will extend S. 89th Street from the north while the golf holes are reconfigured and a new clubhouse can be built. Once the new clubhouse is built the existing clubhouse, restaurant and convention space will be removed. We have had numerous neighborhood meetings on this proposed project. The submitted plan is the plan the developer and neighbors have agreed upon. Please let me know if you need any additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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

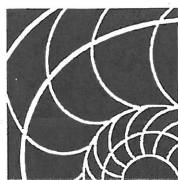
www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

LEGAL DESCRIPTION
ANNEXATION/R-3 ZONE BOUNDARY

ANNEXATION AND CHANGE OF ZONE LEGAL DESCRIPTION

PART OF OUTLOT 'B', HIMARK ESTATES 20th ADDITION AND PART OF OUTLOT 'A', IRONGATE ESTATES THIRD ADDITION, LOCATED IN SECTION 11, T 9 N R 7 E, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF OF OUTLOT 'B' HIMARK ESTATES 20th ADDITION; THENCE ON THE EAST LINE OF SAID OUTLOT 'B' FOR THE NEXT TWO (2) COURSES, SOUTHERLY, S 38°13'50"E 52.32'; THENCE SOUTHERLY, S 41°33'47"E 209.15', TO THE SOUTHEAST CORNER OF SAID OUTLOT 'B' SAID POINT BEING ON THE NORTH LINE OF OUTLOT 'A', IRONGATE ESTATES 3rd ADDITION; THENCE EASTERLY ON SAID NORTH LINE OF OUTLOT 'A', N 90°00'00"E 61.95'; THENCE S 01°24'37"W 16.77'; THENCE S 26°51'36"E 121.72'; THENCE S 01°32'19"E 226.96'; THENCE S 05°48'34"W 78.14'; THENCE S 14°29'30"W 64.81'; THENCE S 32°58'42"W 86.87'; THENCE S 35°21'20"W 88.80'; THENCE S 18°56'35"W 77.15'; THENCE S 02°45'02"W 103.34'; THENCE S 10°20'15"W 130.03'; THENCE S 25°57'03"W 116.26'; THENCE N 68°21'12"W 130.42', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 315.00', A CENTRAL ANGLE OF 21°48'45" AND AN ARC LENGTH OF 119.92'; THENCE ON SAID CURVE, HAVING A CHORD OF S 50°02'46"W 119.20'; THENCE S 60°57'08"W 113.39', TO A POINT ON THE WESTERLY LINE OF SAID OUTLOT 'A'; THENCE ON SAID WESTERLY LINE, N 27°30'29"W 144.66', TO THE SOUTHEAST CORNER OF LOT 13, BLOCK 1, HIMARK ESTATES 10th ADDITION; THENCE ON THE EAST LINE OF SAID LOT 13 FOR THE NEXT Four (4) COURSES, N 00°06'34"W 263.32'; THENCE S 89°49'47"E 67.79'; THENCE N 00°06'34"W 192.62'; THENCE N 89°53'26"E 120.00'; THENCE NORTHERLY, N 00°06'34"W 396.42', TO A POINT ON SAID WESTERLY LINE; THENCE ON SAID WESTERLY LINE FOR THE NEXT TWO (2) COURSES, N 32°16'32"E 10.38'; THENCE N 42°06'46"W 3.40'; THENCE NORTHERLY, N 00°06'34"W 288.78', TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'B', HIMARK ESTATES 20th ADDITION, SAID POINT BEING ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.38', A CENTRAL ANGLE OF 22°58'25" AND AN ARC LENGTH OF 132.47'; THENCE ON SAID CURVE, HAVING A CHORD OF N 69°04'59"E 131.58', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 474,861.73 SQUARE FEET OR 10.90 ACRES, MORE OR LESS.



The
Clark
Enersen
Partners

Architecture + Landscape Architecture + Engineering + Interiors
1010 Lincoln Mall, Suite 200 Lincoln, NE 68508-2883
402 477.9291 Fax 402 477.6542
Kansas City, MO Fairway, KS www.clarkenersen.com

HiMark Estates
Lincoln, NE
TCEP Project No.: 884-001-14

Annexation Exhibit

November 1, 2017

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #1423K - HiMark Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER NuMark Golf, LLC
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS Annexation #170222 Change of Zone #17034	PROPERTY ADDRESS/LOCATION South 84 th Street and Augusta Lane

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the HiMark Community Unit Plan (CUP) to convert 10.9 acres of golf course into lots for residential development. The 10.9 acres of expansion area will be coupled with the elimination of the restaurant and parking lot, and also the relocation of the pro shop and will provide enough area for 29 new single-family lots. The layout shown proposes lots in size compatible with others in the development. The proposal is consistent with the urban density residential designation on the Future Land Use Map of the Comprehensive Plan as applied to the developed areas within Himark.



JUSTIFICATION FOR RECOMMENDATION

The proposed layout shows lots of a similar size and shape as compared to others in the development. While it proposes to convert 10.9 acres of golf course into residential lots, it does so in a manner consistent with existing lots, and provides for future street connections should additional conversion occur in the future. The Comprehensive Plan supports the conversion of green space such as this provided it is done in a manner which respects the existing neighborhood.

APPLICATION CONTACT

Tim Gergen (402) 477-9291 or
Tim.gergen@clarkensersen.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future urban density residential and green space land uses on the Future Land Use Map, and these requests will facilitate an amendment to the HiMark CUP with an overall density that is consistent with that designation as well as the surrounding residential development. While it redevelops a portion of the golf course which is designated for green space, the Comprehensive Plan supports this type of redevelopment when appropriate. The full range of city services are available, and the site is surrounded by the city limit on three sides.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - this site is shown as future low density residential in the 2040 Lincoln Area Future Land Use Plan .

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.8 - Redeveloping in existing neighborhoods - Good design and appropriate placement are key to successful redevelopment. Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples:

- De-conversion of multi-family back to single-family homes (resulting in a net decrease in density);
- Replacement of a single-family home with a new single-family home (resulting in no net change in density);
- Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density); or
- Existing multi-family complexes identifying open areas to develop additional buildings on the existing property (resulting in a net increase in density).

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

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

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

ANALYSIS

1. This is a request to amend the HiMark CUP to create an additional 29 lots for single-family residential development. It combines 10.9 acres requested for annexation with the associated request, with land where the clubhouse/pro shop/restaurant and associated parking lot are now located. The golf greens and fairways affected will be relocated and the golf course layout revised.
2. There are associated annexation and change of zone requests. The change of zone request seeks to re-zone the tract from AG Agricultural Residential to R-3 Residential. Under R-3 zoning, the Design Standards would allow up to 2,800 dwelling units. As it is, 585 dwelling units are approved under the CUP, and 397 are shown with this amendment.
3. The proposed lots are accessed via public streets to be built to city standards. A stub street connection is provided in HiMark Lane to provide internal connectivity should additional portions of the golf course be similarly redeveloped. The pro shop is the only facility shown being relocated. It will be a smaller facility accessed via a driveway off of South 89th Street. The restaurant is not shown to remain.

4. The lots shown are of similar size and shape when compared to the other single-family residential lots within the HiMark development. The lots meet the requirements for the R-3 zoning district, and no additional waivers are requested.
5. The developer had neighborhood meetings to discuss the proposed plans with residents. The Planning Department attended two of those meetings which were held at the restaurant.
6. Minor corrections and changes are required on the site plan, and these items are listed in the conditions of approval. With those changes to the CUP, this request is consistent with the Zoning Ordinance and Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Clubhouse, restaurant, pro shop, parking lot, golf course greens and fairways zoned R-3 Residential and AGR Agricultural Residential

SURROUNDING LAND USE & ZONING

North: Single family residential	R-3
South: Single family residential, Golf Course	R-3, AG
East: Golf Course	AG
West: Single-family residential	R-3

HISTORY:

- Jan 2011 Special Permit #1423J was approved to allow 30 additional lots within the HiMark development.
- May 2004 Special Permit #1423i was approved adjusting minimum lot area and a revised lot layout.
- Sep 2003 Special Permit #1423G and #1423H were approved adding additional single-family dwelling units, roadways, and outlots, and reduce the number of multiple-family dwelling units.
- Feb 2003 Special Permit #1423F approved the identification of certain townhouse lots with zero setbacks on all lot lines. The total number of approved dwelling units was still 539.
- Apr 2002 Special Permit #1423E was approved for setback adjustments and up to 539 dwelling units.
- Nov 2000 Special Permit #1423C submitted. This was a request to rename a private roadway and install gates at its entrance but was subsequently withdrawn.
- Aug 2001 Special Permit #1423D approved an increase in multiple-family dwelling units from 240 to 272 but was later voided.
- Jul 1998 Change of Zone #3125 approved to change the zoning for the area covering the CUP application from AG Agricultural to R-3 Residential.
- Jul 1998 Special Permit #1423B approved for the HiMark Estates Community Unit Plan, which included up to 507 dwelling units and golf course.
- Mar 1996 Special Permit #1423A submitted. This application sought to expand the existing clubhouse and add a cart storage building to the HiMark Golf Course.
- Apr 1992 Special Permit #1423 was approved for a golf course.
- Mar 1979 The zoning for the area of this CUP was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update.

APPROXIMATE LAND AREA: 10.9, more or less

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will,
December 22, 2017

Applicant/Contact: Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
(402) 477-9291 or
Tim.gergen@clarkenersen.com

Owner: NuMark Golf, LLC
8901 Augusta Drive
Lincoln, NE 68526

F:\DevReview\SP\1400\SP1423K Hmark CUP.bjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1423K

Per Section 27.63.320 this approval permits an amendment to the HiMark Community Unit Plan to add 29 dwelling units for 397 units shown out of a total of 585 units allowed.

Site Specific Conditions:

1. The City Council approves associated requests:
 - 1.1 Annexation #17022
 - 1.2 Change of Zone #17034
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:
 - 2.1 Make the following revisions to the CUP plan set:
 - 2.1.1 Revise the land table/density calculations to include that the total approved density is 585 dwelling units, and that there are now 397 units shown.
 - 2.1.2 Revise the label for Outlot Z to state 'Driveway Connection and Public Access Easement'.
 - 2.1.3 Show a conceptual street and lot layout for Outlot X behind Lots 82-86 and Lots 143-152.
 - 2.2 Revise the grading and drainage plan to the satisfaction of the Public Works and Utilities Department per their attached report.
3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

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

CENTERLINE CURVE DATA

CURVE NUMBER	MARKER	TANGENT	CHORD	ANGLE	PI
1	100.00	100.00	100.00	90.00	1.5708
2	100.00	100.00	100.00	90.00	1.5708
3	100.00	100.00	100.00	90.00	1.5708
4	100.00	100.00	100.00	90.00	1.5708
5	100.00	100.00	100.00	90.00	1.5708
6	100.00	100.00	100.00	90.00	1.5708
7	100.00	100.00	100.00	90.00	1.5708
8	100.00	100.00	100.00	90.00	1.5708
9	100.00	100.00	100.00	90.00	1.5708
10	100.00	100.00	100.00	90.00	1.5708
11	100.00	100.00	100.00	90.00	1.5708
12	100.00	100.00	100.00	90.00	1.5708
13	100.00	100.00	100.00	90.00	1.5708
14	100.00	100.00	100.00	90.00	1.5708
15	100.00	100.00	100.00	90.00	1.5708
16	100.00	100.00	100.00	90.00	1.5708
17	100.00	100.00	100.00	90.00	1.5708
18	100.00	100.00	100.00	90.00	1.5708
19	100.00	100.00	100.00	90.00	1.5708
20	100.00	100.00	100.00	90.00	1.5708
21	100.00	100.00	100.00	90.00	1.5708
22	100.00	100.00	100.00	90.00	1.5708
23	100.00	100.00	100.00	90.00	1.5708
24	100.00	100.00	100.00	90.00	1.5708
25	100.00	100.00	100.00	90.00	1.5708
26	100.00	100.00	100.00	90.00	1.5708
27	100.00	100.00	100.00	90.00	1.5708
28	100.00	100.00	100.00	90.00	1.5708
29	100.00	100.00	100.00	90.00	1.5708
30	100.00	100.00	100.00	90.00	1.5708
31	100.00	100.00	100.00	90.00	1.5708
32	100.00	100.00	100.00	90.00	1.5708
33	100.00	100.00	100.00	90.00	1.5708
34	100.00	100.00	100.00	90.00	1.5708
35	100.00	100.00	100.00	90.00	1.5708
36	100.00	100.00	100.00	90.00	1.5708
37	100.00	100.00	100.00	90.00	1.5708
38	100.00	100.00	100.00	90.00	1.5708
39	100.00	100.00	100.00	90.00	1.5708
40	100.00	100.00	100.00	90.00	1.5708
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42	100.00	100.00	100.00	90.00	1.5708
43	100.00	100.00	100.00	90.00	1.5708
44	100.00	100.00	100.00	90.00	1.5708
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47	100.00	100.00	100.00	90.00	1.5708
48	100.00	100.00	100.00	90.00	1.5708
49	100.00	100.00	100.00	90.00	1.5708
50	100.00	100.00	100.00	90.00	1.5708

DENSITY CALCULATIONS

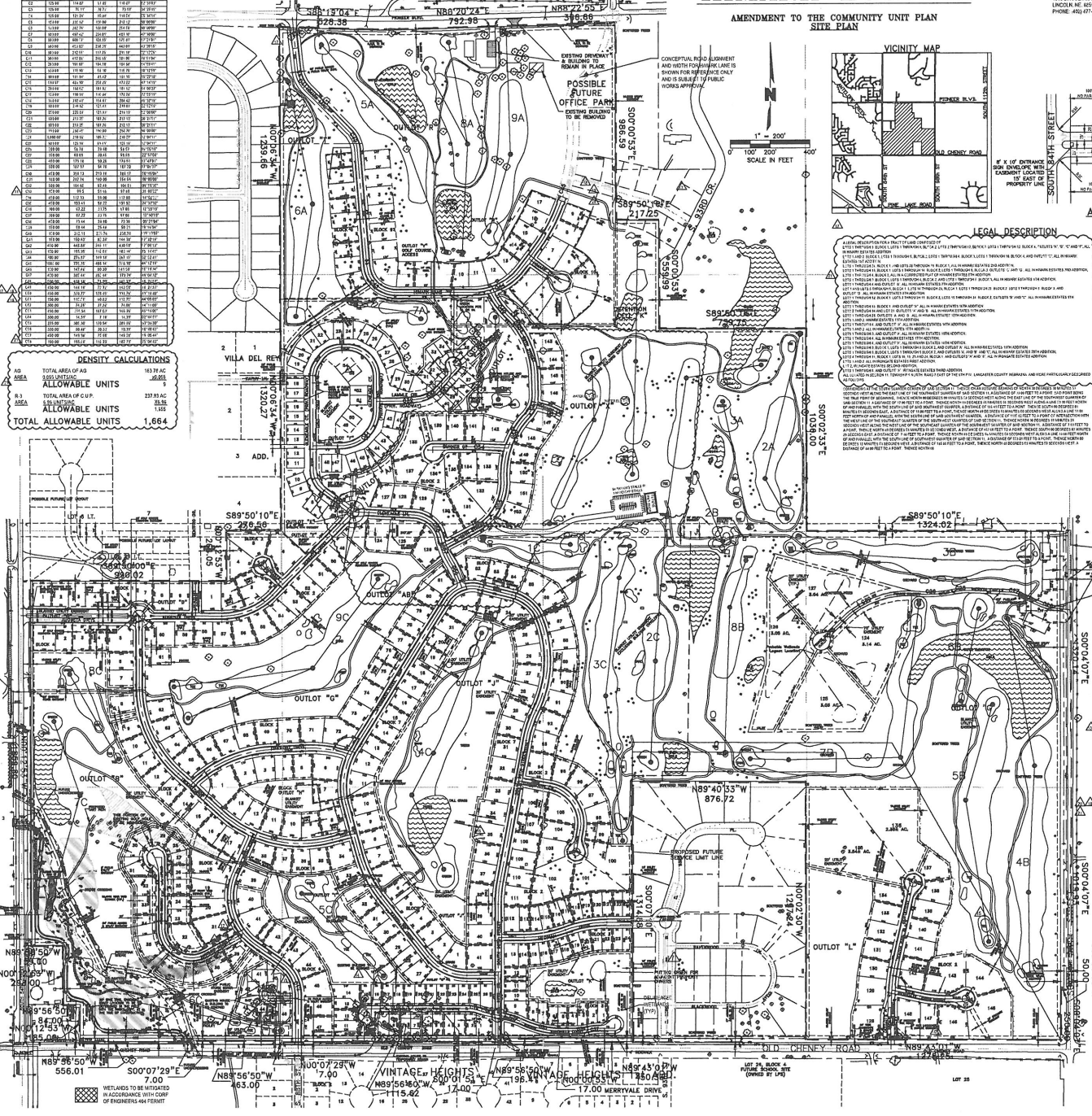
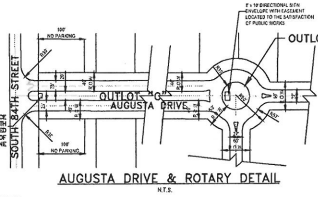
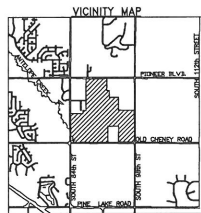
AREA	TOTAL AREA	453,914 AC
AREA	ALLOWABLE UNITS	1,664
AREA	TOTAL ALLOWABLE UNITS	1,664
AREA	ALLOWABLE UNITS	1,664
AREA	TOTAL ALLOWABLE UNITS	1,664

HiMARK ESTATES

ENGINEER & PREPARER
THE CLARK EMMERSON PARTNERS
1610 LINCOLN HALL, SUITE 200
LINCOLN, NE 68503
PHONE: (402) 477-8181

OWNER & PREPARED
HiMARK PROPERTIES LLC
8601 AUGUSTA DR.
LINCOLN, NE 68516
PHONE: (402) 477-8330

AMENDMENT TO THE COMMUNITY UNIT PLAN SITE PLAN

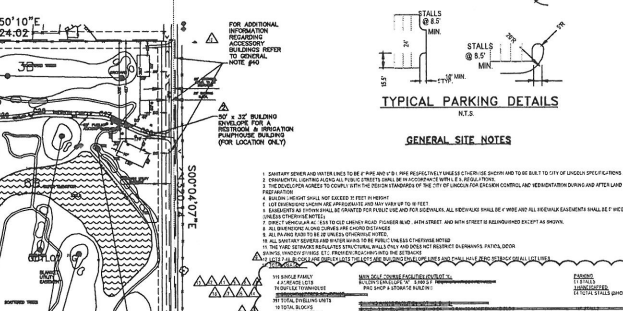


LEGAL DESCRIPTION

THESE ARE THE SEVERAL LOTS AND PARCELS OF LAND...

ENGINEER'S CERTIFICATE

I, the undersigned, being a duly licensed Professional Engineer...



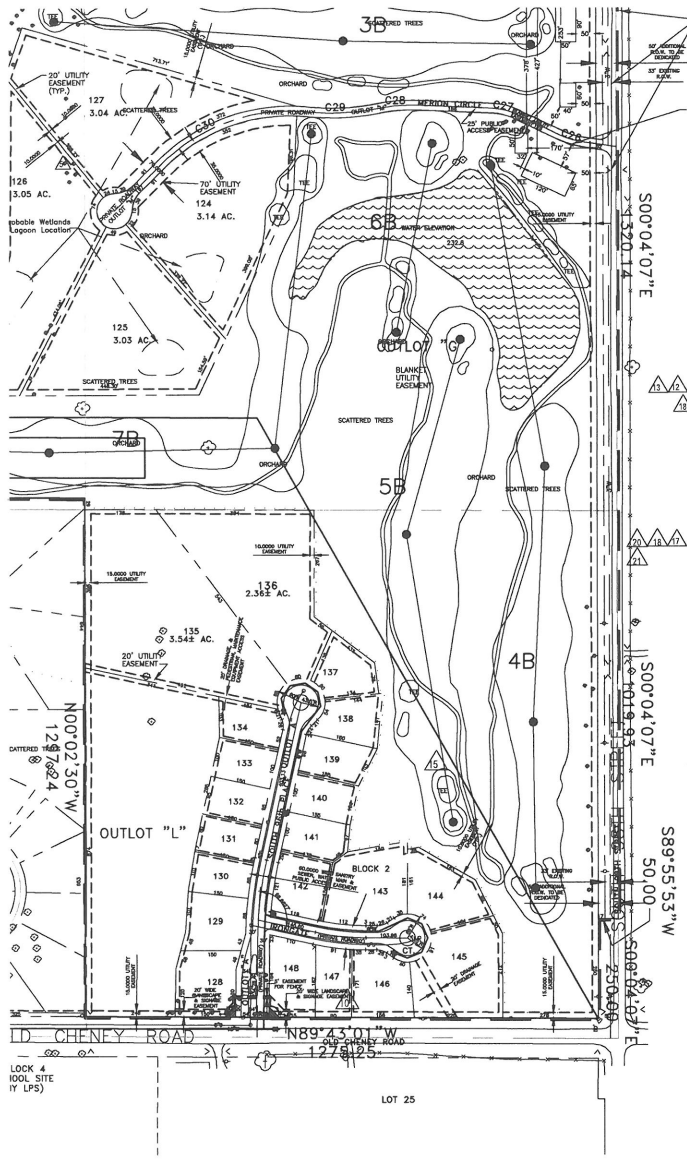
HiMark Estates
Amendment
to the C.U.P.

Lincoln, NE
TCEP No.: 884-001-14

November 1, 2017



Site Plan
1 OF 9



TYPICAL PARKING DETAILS



GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" DI. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
 2. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
 3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
 4. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET IN HEIGHT.
 5. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
 6. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS SHALL BE 4' WIDE AND ALL SIDEWALK EASEMENTS SHALL BE 6' WIDE (UNLESS OTHERWISE NOTED).
 7. DIRECT VEHICULAR ACCESS TO OLD CHENEY ROAD, PIONEER BLVD., WITH STREET, AND 98TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
 8. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 9. ALL PAVING RADI TO BE 20' UNLESS OTHERWISE NOTED.
 10. ALL SANITARY SEWERS AND WATER MAINS TO BE PUBLIC UNLESS OTHERWISE NOTED.
 11. THE HARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRORCHING INTO THE SETBACKS.
 12. LOTS 126 THROUGH 149 ARE DUNE LOTS. THE LOTS ARE BUILDING EASEMENT LINES AND SHALL HAVE ZERO SETBACK ON ALL LOT LINES (TOTAL SETBACK).
- | | | |
|--|---|---|
| 319 SINGLE FAMILY
4 ACREAGE LOTS
74 DUPLEX TOWNHOUSE
2500 SQ. FT. PER RESIDENCE | MAIN GOLF COURSE FACILITIES (OUTLOT 'G')
BUILDING ENVELOPE 'A': 5,000 S.F. RESIDENTIAL/COMMERCIAL
PRO SHOP & STORAGE BUILDING | PARKING
51 STALLS
21 HANDICAPPED
54 TOTAL STALLS (26 HOLE) |
|--|---|---|
13. TOTAL DWELLING UNITS
19 TOTAL BLOCKS
28 OUTLOTS (NOTE 1)
 14. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
 15. ALL ELEVATIONS ARE BASED ON CITY OF LINCOLN DATUM.
 16. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
 17. THE DEVELOPER AGREES TO PROVIDE AN AREA LIGHTING PLAN AND CALCULATIONS FOR THE PRIVATE ROADWAYS IN ACCORDANCE WITH THE CITY OF LINCOLN STANDARDS.
 18. IN AREAS WHERE TREES ARE SHOWN TO BE REMOVED, ALL TREES THAT ARE SMALL ENOUGH AND OF GOOD QUALITY SHALL BE MOVED TO OTHER LOCATIONS ON THE PROPERTY.
 19. OUTLOT 'A' - SOUTH 98th PLACE/IRONGATE COURT PRIVATE ROADWAY
 20. OUTLOT 'B' - "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z" - OPEN GREEN SPACE AND GOLF COURSE
 21. OUTLOT 'C', 'D', 'A', 'E' - MEDIAN GREEN SPACE WITH SIGNAGE
 22. OUTLOT 'M' - PUBLIC ACCESS EASEMENT FOR MERION CIRCLE
 23. OUTLOT 'P' - PUBLIC ACCESS EASEMENT FOR ANGELINE COURT
 24. OUTLOT 'S' - PUBLIC ACCESS & UTILITY EASEMENT FOR SANDHILLS COURT (WEST OF S 98TH ST)
 25. OUTLOT 'U' - PUBLIC ACCESS & UTILITY EASEMENT FOR HAZEL THE COURT (PRIVATE ROADWAY)
 26. OUTLOT 'Z' - PUBLIC ACCESS & UTILITY EASEMENT FOR LAMBLE CIRCLE (PRIVATE ROADWAY)
 27. OUTLOT 'AA' & 'AB' - OPEN GREEN SPACE & UTILITY EASEMENT
 28. THE EXISTING ZONING IS RA AND AG. SEE ZONING EXHIBIT SHEET 'B'.
 29. LOTS 124-127, BLOCK 2 SHALL HAVE PRIVATE WASTEWATER SYSTEMS. SEE ATTACHED PRELIMINARY SEWER SYSTEM EVALUATION FOR SUPPORTING DATA. IF THE PROPOSED EVAPOTRANSPIRATION (ETA) SYSTEM FAILS AND A CONSTRUCTED WETLAND SYSTEM FAILS, THEN SEWAGE LAGOON MAY BE USED, SUBJECT TO RESTRICTIVE COORDINATES WHICH MAY REQUIRE 100 PERCENT SCREENING (IN ACCORDANCE WITH HEALTH DEPT. STANDARDS) AND APPROVAL OF THE PROPOSED LOCATION BY THE DEVELOPER.
 30. LOTS 124-127, BLOCK 2 SHALL HAVE INDIVIDUAL WATER WELLS. SEE ATTACHED PRELIMINARY WELL WATER EVALUATION FOR SUPPORTING DATA.
 31. NO PORTION OF THIS PRELIMINARY PLAT IS TO BE WITHIN THE RECORDED 100 YEAR FLOOD PLAIN.
 32. SIDEWALKS SHALL BE BUILT ON BOTH SIDES OF ALL PUBLIC STREETS EXCEPT FOR THE FOLLOWING:
A) NO SIDEWALKS SHALL BE BUILT ON THE INTERIOR LOOP PORTION OF SLEMEAGLE COURT.
B) SIDEWALKS SHALL BE BUILT ONLY ON THE WEST SIDE OF SOUTH 98TH PLACE AND ON THE SOUTH SIDE OF IRONGATE COURT.
C) NO SIDEWALKS SHALL BE BUILT ON THE PRIVATE ROADWAY MERION CIRCLE.
D) NO SIDEWALKS SHALL BE BUILT ALONG 48TH STREET, OR PIONEER BLVD.
E) SIDEWALKS SHALL BE BUILT ALONG THE EAST SIDE OF 41ST STREET. THE SIDEWALKS WILL BE CONSTRUCTED WHEN 41ST STREET IS IMPROVED.
 33. SIDEWALK SHALL BE BUILT ALONG THE NORTH SIDE OF OLD CHENEY ROAD.
 34. NO SIDEWALK SHALL BE BUILT ON THE SOUTH SIDE OF THE PRIVATE ROADWAY SANDHILLS COURT ON THE EAST SIDE OF SOUTH 90TH STREET.
 35. ANY CONSTRUCTION OR GRADE CHANGES IN L.E.S. TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO L.E.S. APPROVAL AND MUST BE IN ACCORDANCE WITH L.E.S. DESIGN AND SAFETY STANDARDS.
 36. THE EXISTING HOUSE LOCATED ON TOWNHOUSE LOTS 31-40, BLOCK 2 SHALL BE REMOVED AT THE TIME OF FINAL PLAT.
 37. SIGNAGE SIZE AND LOCATIONS WILL COMPLY WITH CITY REQUIREMENTS AND BE APPROVED AT THE TIME OF BUILDING PERMITS.
 38. THE HOURS OF OPERATION FOR THE LIGHTED DRIVING RANGE WILL NOT BE ALTERED FROM THOSE APPROVED WITH SPECIAL PERMIT 1423.
 39. ENTRANCE & DIRECTIONAL SIGN ADJACENT TO SOUTH 90TH STREET AND IN AUGUSTA DRIVE AREA LOCATED IN PRIVATE EASEMENTS. THESE SIGNS SHALL BE MAINTAINED BY THE HMARK ESTATES HOMEOWNERS ASSOCIATION.
 40. A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL COMMON AREAS INCLUDING THE ISLANDS IN THE PUBLIC STREETS.
 41. ANY CONSTRUCTION OR GRADE CHANGES IN LES TRANSMISSION LINE EASEMENT CORRIDORS ARE SUBJECT TO LES APPROVAL AND MUST BE IN ACCORDANCE WITH LES DESIGN AND SAFETY STANDARDS.
 42. RELOCATION OF EXISTING LES, CABLEVISION AND TELEPHONE FACILITIES WILL BE AT OWNER/DEVELOPERS EXPENSE.
 43. MERION CIRCLE SHALL BE CONSTRUCTED AND SURFACED TO LANCASTER COUNTY STANDARDS.
 44. A REVISED GRADING AND DRAINAGE PLAN SHALL BE SUBMITTED SHOWING ALL BUILDABLE AREAS RAISED 1 FOOT ABOVE THE 100 YEAR FLOOD PLAIN AT THE TIME THE SITE PLAN FOR LOT 72, BLOCK 2 IS SUBMITTED FOR ADMINISTRATIVE APPROVAL, BY THE PLANNING DIRECTOR.
 45. THE GOLF COURSE ACCESSORY BUILDINGS LOCATED BETWEEN LOTS 58 & 78 SHALL HAVE AN INDIVIDUAL DOMESTIC WELL AND AN INDIVIDUAL WASTEWATER TREATMENT FACILITY SIMILAR TO THOSE APPROVED FOR LOTS 124-127, BLOCK 2.
 46. LOTS 124-127, BLOCK 2 ARE ZONED AG AND THE SETBACKS SHALL BE AS SPECIFIED IN THE AG ZONING DISTRICT EXCEPT FOR LOT 126 WHICH SHALL HAVE THE FOLLOWING SETBACKS: FRONT YARD SETBACK OF 35', SIDE YARD SETBACK OF 27', AND REAR YARD SETBACK OF 25'.
 47. PRIOR TO THE CONSTRUCTION OF THE GOLF COURSE HOLES IN THIS AREA, FINAL DESIGN AND LOCATIONS OF THE GOLF HOLES, BIKE TRAIL AND TRAIL PROTECTION MEASURES WILL BE PROVIDED FOR THE APPROVAL OF THE PUBLIC WORKS & UTILITIES AND THE PARKS AND RECREATION DEPARTMENTS.
 48. THE CITY OF LINCOLN SHALL MITIGATE WETLANDS IMPACTED BY THE PROPOSED BIKE TRAIL.
 49. FOR IMPACTS TO WETLANDS AND TRAIL PROTECTION MEASURES IN OUTLOT 'B', SEE HMARK ESTATES FLOOD CORRIDOR MITIGATION AND TRAIL PLAN.
 50. THE SIZE AND LOCATION OF THE BUILDING ENVELOPES FOR THE THREE ACCESSORY BUILDINGS SHOWN IS CONCEPTUAL AND MAY VARY PROVIDED THEY COMPLY WITH THE SETBACK REQUIREMENTS AND REMAIN IN THE GENERAL VICINITY WHERE THEY ARE SHOWN. THE USE OF THE BUILDINGS IS LIMITED TO THOSE USES CUSTOMARILY ASSOCIATED WITH ACCESSORY TO A GOLF COURSE. BUILDINGS SHALL NOT EXCEED 25' IN HEIGHT.
 51. THE POSSIBLE FUTURE OFFICE PARK SHOWN AT HMARK LANE IS CONCEPTUAL AND REQUIRES ADDITIONAL ZONING ACTION TO BE APPROVED.
 52. THE SETBACK FOR LOT 16, BLOCK 1 IS ADJUSTED FROM 30 FEET TO FIVE FEET WHERE THE FRONT YARD IS ADJACENT TO THE WEST LOT LINE.

- OUTLOT 'G' AND GENERAL NOTE #40
- 12-13-2011 ADDED HMARK LANE SINGLE FAMILY LOTS & GOLF HOLE LAYOUT, REVISED LOTS ALONG ANGELINE COURT, & ADDED HAZELTINE COURT
 - 10-21-2015 EXTEND HMARK LANE AND ADD HMARK COURT
 - 12-31-2015 CITY COMMENTS
 - 03-03-2016 LOT REVISIONS
 - 01-11-2017 ADDED GLENGALE LANE, S 98TH STREET, AND RUNNER CT. SINGLE FAMILY LOTS & REVISED GOLF HOLE LAYOUT

HiMark Estates Amendment to the C.U.P.

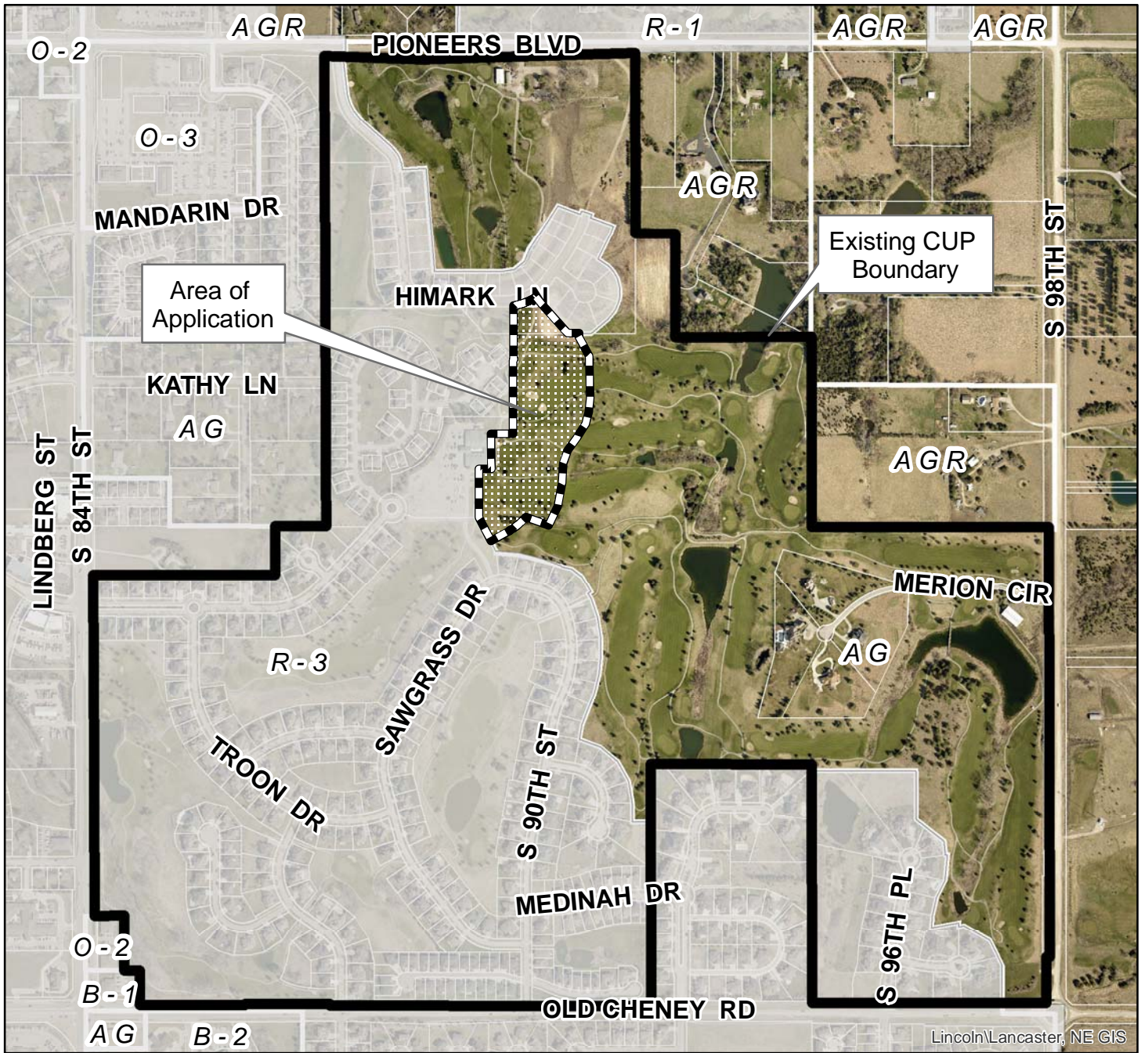
Lincoln, NE

TCEP No.: 884-001-14

November 1, 2017



Site Plan

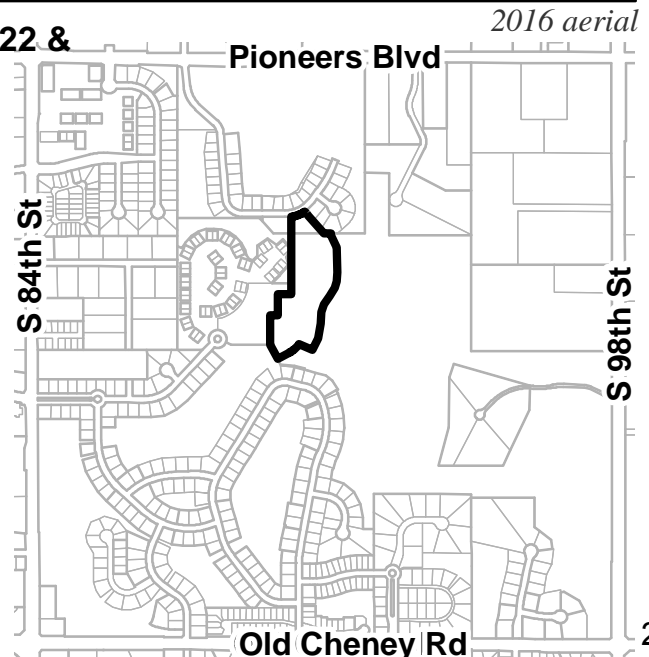
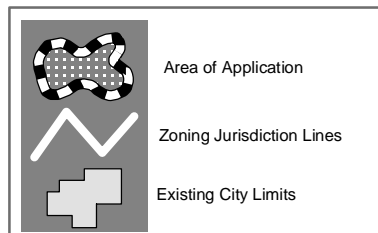


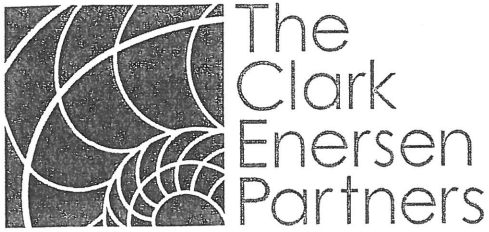
**Special Permit #: SP1423K, Annexation #: AN17022 &
 Change of Zone #: CZ17034 (AG to R-3)
 Himark Estates
 S 84th St & Old Cheney Rd**

Zoning:

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

One Square Mile:
 Sec.11 T09N R07E





November 1, 2017

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

RE: HiMark Estates Amendment to the CUP, Annexation, Change of Zone

Dear Mr. Cary:

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

1. Application (Amend. CUP, Annexation, Change of Zone)
2. Application fee \$1,976 (\$988 + \$988)
3. Annexation/Change of Zone Legal Description w/ exhibit
4. Site Plan, 2 sheets
5. Grading & Drainage Plan
6. Street Profiles

On behalf of the Owner/Developer, NuMark Golf LLC, 8901 Augusta Drive, Lincoln NE 68526, we are requesting an Amendment to the existing HiMark Estates Community Unit Plan, Annexation, and Change of Zone from AG to R-3 to the property located to the east of the existing clubhouse. This application is to add 29 single family lots to the HiMark neighborhood. The proposed lots will be served by public water and public sanitary sewer within a public roadway system. This application is part of a phased construction that will extend S. 89th Street from the north while the golf holes are reconfigured and a new clubhouse can be built. Once the new clubhouse is built the existing clubhouse, restaurant and convention space will be removed. We have had numerous neighborhood meetings on this proposed project. The submitted plan is the plan the developer and neighbors have agreed upon. Please let me know if you need any additional information.

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

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

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

LEGAL DESCRIPTION

PART OF OUTLOT 'B', HIMARK ESTATES 20th ADDITION AND PART OF OUTLOT 'A', IRONGATE ESTATES THIRD ADDITION, LOCATED IN SECTION 11, T 9 N R 7 E, OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF OF OUTLOT 'B' HIMARK ESTATES 20th ADDITION; THENCE ON THE EAST LINE OF SAID OUTLOT 'B' FOR THE NEXT TWO (2) COURSES, SOUTHERLY, S 38°13'50"E 52.32'; THENCE SOUTHERLY, S 41°33'47"E 209.15', TO THE SOUTHEAST CORNER OF SAID OUTLOT 'B' SAID POINT BEING ON THE NORTH LINE OF OUTLOT 'A', IRONGATE ESTATES 3rd ADDITION; THENCE EASTERLY ON SAID NORTH LINE OF OUTLOT 'A', N 90°00'00"E 61.95'; THENCE S 01°24'37"W 16.77'; THENCE S 26°51'36"E 121.72'; THENCE S 01°32'19"E 226.96'; THENCE S 05°48'34"W 78.14'; THENCE S 14°29'30"W 64.81'; THENCE S 32°58'42"W 86.87'; THENCE S 35°21'20"W 88.80'; THENCE S 18°56'35"W 77.15'; THENCE S 02°45'02"W 103.34'; THENCE S 10°20'15"W 130.03'; THENCE S 25°57'03"W 116.26'; THENCE N 68°21'12"W 130.42', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 315.00', A CENTRAL ANGLE OF 21°48'45" AND AN ARC LENGTH OF 119.92'; THENCE ON SAID CURVE, HAVING A CHORD OF S 50°02'46"W 119.20'; THENCE S 60°57'08"W 113.39', TO A POINT ON THE WESTERLY LINE OF SAID OUTLOT 'A'; THENCE ON SAID WESTERLY LINE, N 27°30'29"W 144.66', TO THE SOUTHEAST CORNER OF LOT 13, BLOCK 1, HIMARK ESTATES 10th ADDITION; THENCE ON THE EAST LINE OF SAID LOT 13 FOR THE NEXT Four (4) COURSES, N 00°06'34"W 263.32'; THENCE S 89°49'47"E 67.79'; THENCE N 00°06'34"W 192.62'; THENCE N 89°53'26"E 120.00'; THENCE NORTHERLY, N 00°06'34"W 396.42', TO A POINT ON SAID WESTERLY LINE; THENCE ON SAID WESTERLY LINE FOR THE NEXT TWO (2) COURSES, N 32°16'32"E 10.38'; THENCE N 42°06'46"W 3.40'; THENCE NORTHERLY, N 00°06'34"W 288.78', TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'B', HIMARK ESTATES 20th ADDITION, SAID POINT BEING ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.38', A CENTRAL ANGLE OF 22°58'25" AND AN ARC LENGTH OF 132.47'; THENCE ON SAID CURVE, HAVING A CHORD OF N 69°04'59"E 131.58', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 474,861.73 SQUARE FEET OR 10.90 ACRES, MORE OR LESS.



The
Clark
Enersen
Partners

Architecture + Landscape Architecture + Engineering + Interiors
1010 Lincoln Mall, Suite 200 Lincoln, NE 68508-2883
402 477.9291 Fax 402 477.6542
Kansas City, MO Fairway, KS www.clarkenersen.com

HiMark Estates
Lincoln, NE
TCEP Project No.: 884-001-14

November 1, 2017

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	Individual
LES	les reviews	1	Corrections Required	<p>11/15/17 Easements to be acquired upon final plat process. DG</p> <p>See stamp on sheet 1B. Got electronic grading files from the developer and the proposed grade changes are acceptable. Transmission easement covers a significant portion of lots 124, 125, and 126. No building envelopes are allowed within transmission easements. These lots may not be buildable. TK</p> <p>See attached LES Use Restrictions on Urban areas. SLS</p>	First In Group
Lincoln Police Department	sgt randy clark	1	Recommend Approval		First In Group
Planning Dept	andrew thierolf	1	Recommend Approval	City Council District 2	Individual
	brenda thomas	1	No Review Required		First In Group
Public Works - Engineering Services	brion perry	1	Recommend Approval	<p>11-10-17</p> <p>Recommended approval for more homes, but private lots need to be evaluated further prior to platting. Concerns with separation of holes will create more street crossings and vertical profile.</p>	First In Group
Public Works - Watershed Management	ben higgins	1	Corrections Required	Drainage Basin K Pond bottom too flat. For post construction need maintenance plan, signed and recorded maintenance agreement and water quality control volume	First In Group

Current Project - Agency Review Report

				form.	
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	First In Group

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Change of Zone #17028

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
December 6, 2017

RELATED APPLICATIONS
TX17019

PROPERTY ADDRESS
Generally located in the vicinity of the former Missouri Pacific Railroad between North 22nd and North 35th Streets

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone affecting approximately 30.71 acres for properties generally located in the vicinity of the former Missouri Pacific Railroad corridor between North 22nd and North 35th Streets. The proposed change of zone includes changing I-1 Industrial zoning to B-3 Commercial, H-3 Highway Commercial, P Public, R-4 Residential and R-6 Residential with limited areas being changed from P Public to H-3 Commercial, R-2 Residential to R-4 Residential, R-4 Residential to H-3 Commercial and R-4 Residential to R-6 Residential. These proposed zoning designations are generally consistent with existing land uses with the primary intent being to remove the obsolete industrial zoning.



JUSTIFICATION FOR RECOMMENDATION

The existing I-1 Zoning is a carryover from when the former railroad line existed along this corridor. The rail line was removed east of North 23rd Street over a decade ago. The rail line was replaced by a trail by 2010 and the character of development along the trail has changed with the removal of commercial/industrial uses in favor of new residential and semi-public uses. These changes over the years made the removal of the industrial zoning appropriate. Removing the I-1 zoning will eliminate the potential for future uses that would be incompatible with nearby residential uses including manufacturing involving chemicals. Existing commercial uses can be accommodated in the proposed H-3 Highway Commercial or B-3 Commercial Zoning Districts. Also, several residential land uses are inappropriately zoned residential, including some single family and multi-family residential uses.

APPLICATION/STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed change of zone is consistent with the Comprehensive Plan. Specifically, the proposal is consistent with the goals of locating new industrial centers away from existing residential areas and reducing incompatible uses with the associated risks of potentially having hazardous materials associated with industrial uses in close proximity to residential districts. This is a key planning criteria for any development or redevelopment where industrial zoning may be in close proximity to residential areas.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The proposed change of zone areas are generally identified for industrial (East Area) and residential and industrial (West Area) on the 2040 Lincoln Area Future Land Use Plan.

P. 5.16 - New Industrial centers should be distant from existing or planned residential areas. Industrial uses should be located in close proximity to each other.

P. 5.18 - Industrial zoning districts should be primarily for industrial uses.

P. 5.18 - 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.

p. 5.18 - Joint Planning: Joint planning and health efforts should continue between the Board of Health and Planning Commission.

P. 7.10 - Detailed Strategies for Existing Neighborhoods. 3. Redevelopment and infill should strive for compatibility with character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

ANALYSIS

1. This request for a change of zone includes 30.71 acres which is comprised of two areas, a West Area comprising 18.35 acres and an East Area comprising 12.36 acres (See attached maps). The proposed zoning changes include the following:

I-1 Industrial to B-3 Commercial:

Four subareas are proposed to be changed from I-1 Industrial to B-3 Commercial including the former ENO cabinet business property on North 26th Street, the Good Neighbor Community Center at the southeast corner of North 26th Street and Y Street, and a parking lot on the south side of the MOPAC trail adjacent North 27th Street in the West Area, and commercial uses at the southwest corner of N 33rd Street and Y Street in the East Area.

I-1 Industrial to H-3 Commercial:

Three subareas are proposed to be changed from I-1 Industrial to H-3 Commercial, including one subarea in the West Area and two in the East Area. These areas include various commercial businesses, including Lincoln Lumber, ABC Electric, and Hyland Business Park, which would be permitted in H-3 zoning.

I-1 Industrial to P Public:

One change is proposed in the West Area from I-1 Industrial to P Public for part of the former Missouri Pacific Railroad right of way which is now City of Lincoln ownership for the MOPAC trail.

I-1 Industrial to R-4 Residential:

One change is proposed in the East Area from I-1 to R-4 at the southeast corner of North 33rd Street and Apple Street. This is to allow for residential use in a building used previously as an office for an adjoining business. This use on Apple Street is adjacent and on the same block face as other residences.

I-1 Industrial to R-6 Residential:

Two subareas are proposed to be changed from I-1 Industrial to R-6 Residential. These include one subarea in the West Area and one subarea in the East Area. In both cases, the proposed change is to reflect existing residential uses.

P Public to H-3 Highway Commercial:

One subarea located in the West Area on the East side of North 22nd Street is proposed to be changed from P Public to H-3 Highway Commercial as a correction to reflect Lincoln Lumber Company ownership.

R-2 Residential to R-4 Residential:

One subarea is proposed to be changed from R-2 Residential to R-4 Residential in the East Area on the south side of

Apple Street east of North 33rd Street. This change is proposed so that the zoning on the south side of Apple Street is consistent as the zoning is R-4 existing to the East and R-4 proposed to the west.

R-4 Residential to H-3 Commercial:

The properties owned by ABC Electric at the southeast corner of North 24th Street and Y Street in the West Area are proposed to be changed from R-4 Residential to H-3 Commercial for future expansion of their contractor business. As a condition of approval of this change of zone ABC Electric Company would be required to maintain 20 feet of green space with landscaping including trees and opaque fencing on the property. This would be consistent with what ABC Electric Company has established already at the southwest corner of North 26th Street and Y Street other than the current fence is not fully opaque.

R-4 Residential to R-6 Residential:

One subarea is proposed to be changed from R-4 Residential to R-6 Residential in the West Area. This area is located at the southwest corner of North 24th Street and Y Street, and the change is proposed to match the R-6 zoning to the west.

2. The proposed change of zone is a City initiated proposal by the Planning Department supported also by the Lincoln/Lancaster County Health and Urban Development Departments. Generally, I-1 Industrial Zoning is not compatible with residential. This is due to potential negative effects, for example manufacturing uses which may involve chemicals. In this case, the existing zoning is essentially a holdover from when the Missouri Pacific Railroad line extended through the area with the industrial zoning areas following the general alignment of the former railroad. Therefore, the premise behind the proposal is that the I-1 Industrial Zoning is both obsolete and incompatible with adjacent residential zoning and uses.
3. The intent of the proposed change of zone is to reduce the potential for incompatible uses with nearby residential such as manufacturing uses while taking into consideration the existing uses in the area. Existing business uses and residential uses can continue. Proposed zoning designations such as H-3 Commercial and R-6 Residential are geared toward the specific existing uses. In some cases such as with existing residences in I-1 Industrial Zoning, those uses cannot rebuild if destroyed under the present zoning, so changing the zoning such as to R-6 renders them legal conforming.
4. A permitted uses comparison (I-1, B-3, H-3, R-4 and R-6) is below. Uses designated with a "P" are permitted uses. Uses designated with a "C" are permitted conditional uses. Uses designated with an "S" are permitted special uses. In general, the greatest change associated with the change of zone will be the removal of permitted industrial uses including but not limited to blast furnaces, boiler works or forge, manufacture, transfer or storage of acetylene, production, manufacture, distribution, or commercial storage of toxic, flammable or explosive materials and other uses which may involve chemicals or have significant external effects.

	I-1	B-3	H-3	R-4	R-6
Agriculture	P	P	P		
Sale barn	P				
Urban Garden	C	C	C	C	C
Apartment hotels		C		S	S
Connection of a single family dwelling				S	S
Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises	P	P	P		
Elderly and Retirement Housing		S		S	S
Housing for the Handicapped		S		S	S
Mobile home courts				S	

	I-1	B-3	H-3	R-4	R-6
Mobile home subdivisions				S	
Multiple-family dwellings		C		S	P
Single-family dwellings		C		P	P
Townhouses		C		S	P
Two-family dwellings		C		P	P
Alternative to imprisonment facilities				S	S
Children's homes				S	S
Domestic shelters			P	C	C
Healthcare facilities, Residential		S		S	S
Dwellings for members of religious orders				S	S
Dwellings for non-related persons				S	
Fraternities and sororities					P
Group homes				C	C
Shelters for the homeless, temporary	S				
Broadcast stations	P	P	P		
Broadcast towers	S	S	S	S	S
Personal wireless services facilities	S	S	S	S	S
Public utilities	C	C	C	C	C
Solar Energy Conversion System (Large)	P		P		
Solar Energy Conversion System (Small)	P	P	P	S	S
Utility and cable television purposes	P	S	S	S	S
Wind Energy Conversion System	P	P	P	P	P
Adult Day services facility	P	P	P	S	
Cemeteries and mausoleums	P	S	S	S	S
Places of Religious Assembly	C	P	P	C	C
Clubs/Lodges	P	P	P	S	P
Health care facilities, Non-residential		S	S	S	S
Neighborhood support services	P	P	P	S	S
Academies	S	P	P	S	S
Community, satellite, private colleges; vocational schools or other post secondary education facilities,	S	P	P	S	S

except industrial trade schools					
	I-1	B-3	H-3	R-4	R-6
Industrial trade schools	S	P	P	S	S
Early childhood care facilities	S	P	P	C	C
Private schools		C	C	C	C
Banks, savings and loan associates, credit unions, and finance companies	P	P	P		
Offices	P	P	P		
Garden centers	P	P	P		
Hotels and motels	P	P	P		
Kennels	P	C	C		
Mail order catalog sales	P	P	P		
Marinas for sale, service, and storage of motorboats and related water craft	P				
Motorized vehicles fuel sales facilities	P	P	P		
Motorized vehicle repair/service	P	C	P		
Motorized vehicles sales	P	C	C		
Motorized vehicle wash facilities	P	C	C		
Off-sale alcoholic beverages	S	S	S		
Outdoor retail sales	P		P		
Outdoor seasonal sales	P	P	P	S	S
Parking lots as a primary use	P	P	P	S	S
Parking lots, temporary	P			S	S
Parking lots, temporary commercial	P				
Personal services	P	P	P		
Retail sales	C	P	C		
Service and repair facilities	P	C	P		
Veterinary facilities	P	C	C		
On-sale alcoholic beverages	S	S	S		
Restaurants	P	P	P		
Recreational facilities, enclosed commercial	P	P	P		
Recreational uses, outdoor	P	S	P	S	S
Sexually oriented live entertainment establishments	S		S		
Social halls	P	C	C		
Theaters (indoors)		S			
Theaters (outdoor)	S		P		

	I-1	B-3	H-3	R-4	R-6
Places of public assembly	P				
Race track for motorized vehicles	S				
Contractor services	P	C	P		
Cabinet shops or stores	P	C	P		
Lumber yards	P		P		
Mini-warehouses	P		P		
Tree service	P				
Truck stops	P		P		
Truck terminals	P		P		
Truck wash facilities	P		C		
Assembly Facilities	P		C		
Bag Cleaning works	S				
Bakeries (wholesale)	P		P		
Blast furnaces, coke ovens, smelting, or ore reduction works	S				
Boiler works or forge	S				
Bottling works	P		P		
Brewery (over 20,000 barrels)	S				
Brick, tile, pottery, or terra-cotta manufacture, other than the manufacture of handicrafts	P				
Coal yard	P		P		
Concrete dispensing units (small batch)	P		S		
Concrete paving plants (temporary)	C	C	C	C	C
Creameries	P		P		
Distillation of bones, coal, or wood	S				
Enclosed disassembly operations	P		P		
Fertilizer or toxic or flammable agricultural chemicals: Facilities for commercial storage or sale	S				
Forges	S				
Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flammable liquids and chemicals	S		S		
Grain elevators	P				
Grain elevators and grain mills	P				
Grain mills	P				
Liquefied petroleum, gas and similar gas	S		S		

used for fuel stored above ground					
	I-1	B-3	H-3	R-4	R-6
Manufacture, transfer, or storage of acetylene	S				
Open storage	P				
Optical lens grinding and finishing	P	P	P		
Outdoor vehicle storage			C		
Petroleum and petroleum products, bulk storage	S		S		
Production, manufacture, distribution, or commercial storage of toxic, flammable, or explosive materials, including chemicals and gases, fireworks and explosives, arsenals and magazines	S				
Refining or bulk storage of petroleum or natural gas, or their products	S				
Refining The refining, distillation, or manufacture of: Acids or alcohols; Ammonia, bleach, or chlorine; Asphalt, tar, or products made therewith, including roofing or waterproofing; Cement, lime, gypsum, or plaster of paris; Disinfectants; Dyestuffs; Fertilizer; Glue, sizing, or gelatin; Oilcloth, linoleum, oiled rubber goods; Paint, shellac, turpentine, or oils; Paper or pulp; Rubber, guttapercha, balata, creosote, or products treated therewith; Shoe polish	S				
Rendering fat	S				
Rock crusher	S				
Rolling mill (a steel mill where metal is rolled into sheets or	S				

bars)					
	I-1	B-3	H-3	R-4	R-6
Salvage yards	S				
Stock yards or slaughter of animals or fowl	S				
Storage of explosives	S				
Tanning, curing, or storage of raw hides or skins	S				
The milling, processing, refining, or distillation of agricultural crops.	S				
Transportation of toxic, radioactive, flammable, or explosive materials	S				
Warehouses	P		P		
Wholesale and distribution centers	P				
Yeast plant	S				
Dumping or reduction of garbage, offal, or dead animals	S				
Excavation and Stone Milling including: Extraction of sand, gravel, soil and mining, quarrying, stone mills	S		S		
Landfills, Limited	S		S		

5. The proposed change of zone would carry with it different lot regulations. This is because setbacks and height limits vary depending on the zoning district. In terms of the proposed change of zone areas from I-1 to H-3 and I-1 to B-3, setbacks are somewhat greater with reduction in maximum height limitation (see Setback and Height Requirements Comparisons below). In terms of I-1 to R-4 and I-1 to R-6 areas, most of these change of zone areas affect existing residential uses which are not permitted at all in I-1 Zoning. Therefore, new construction or reconstruction of residential dwellings would only be permitted under the residential zoning designations.

Setback and Height Requirements Comparison (I-1, H-3):

	I-1	H-3
Front Yard:	15'*	20'
Side Yard:	0' (Lesser of 20 feet or 10% of lot width, min 5' abutting	Smaller of 15' or 10% of lot width (minimum 5', 20' abutting residential)

residential)

Rear Yard: 0' (Lesser of 20 feet or 10% of lot width, min 5' abutting Residential) Smaller of 30' or 20% of depth

Height 75' 55'*

*The front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a zoning district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

*In all H zoning districts, if the height of the building is over 45 feet but not more than 55 feet, that portion of the building in excess of 45 feet shall be required to have one additional foot setback to any required side and/or rear yard abutting an R-1 through R-4 zoning residential district for each one foot of building height in excess of 45 feet.

Setback and Height Requirements Comparison (I-1, B-3):

	<u>I-1</u>	<u>B-3 (Other Allowed Uses)</u>
Front Yard:	15'*	0' (except if block face is partially in a residential zoning district, then front yard setback the same as the residential district)
Side Yard:	0' (Lesser of 20 feet or 10% of lot width, min 5' abutting residential)	0' /5' if abutting residential
Rear Yard:	0' (Lesser of 20 feet or 10% of lot width, min 5' abutting Residential)	0' /30' if abutting residential
Height	75'	45' /35' if abutting R-1, R-2 or R-3 zoning district

*The front yard shall be none except where the frontage on one side of a street between two intersecting streets is located partly in the I-1 zoning district and partly in a zoning district that requires a front yard, in which case the front yard requirements of the adjacent district shall apply to the I-1 zoning district from the place where it abuts the other district to the next intersecting street, or for 300 feet, whichever is less.

- 6. A neighborhood meeting was held on November 1, 2017. Those in attendance expressed support and did not voice any concerns against the proposed change of zone. Prior to this neighborhood meeting, staff during the summer contacted a number of the affected property owners, including by letter and phone calls to see if they had any concerns. Lincoln Lumber Company in response to this initial contact submitted a letter of opposition (see attached). Most inquiries about the proposal have been questions about the intent of the change of zone and land uses permitted with the proposed zoning. A letter of support was received from Coscelia England (residential property owner at 3069 Overland Trail, see attached). Staff also attended neighborhood meetings of the East

Campus Community Organization and the Clinton Neighborhood Organization. The Clinton Neighborhood Organization submitted a letter of support (see attached). The East Campus Community Organization did not raise any concerns about the proposed change of zone during their meeting.

- 7. It should be noted that west of North 23rd Street some rail service still exists, but lumber yard use on the rail line is an allowed use in H-3 Zoning. Also, there is a large I-1 area west of North 22nd Street which will be reviewed in the future as it also has I-1 next to R zoning.
- 8. Comprehensive Plan: The proposal is consistent with the goals of the Comprehensive Plan of locating industrial uses away from residential so as to avoid incompatible uses and the potential risks associated with hazardous materials that may be found with manufacturing or other industrial uses.

EXISTING LAND USE & ZONING: Commercial, Residential, Public

SURROUNDING LAND USE & ZONING

(West Area)

North: Industrial, Commercial, Residential; I-1, B-3, R-4
South: UNL, Residential, Commercial; P, R-6, B-3, R-4
East: Residential; R-4
West: Industrial; I-1

(East Area)

North: Residential, Commercial; R-4, R-2, H-2
South: Residential; R-4, R-2
East: Residential; R-4, R-2
West: Residential; R-4

APPROXIMATE LAND AREA: 30.71 acres, more or less

LEGAL DESCRIPTIONS: See attached

Prepared by

George Wesselhoft, Planner
Date: November 22, 2017

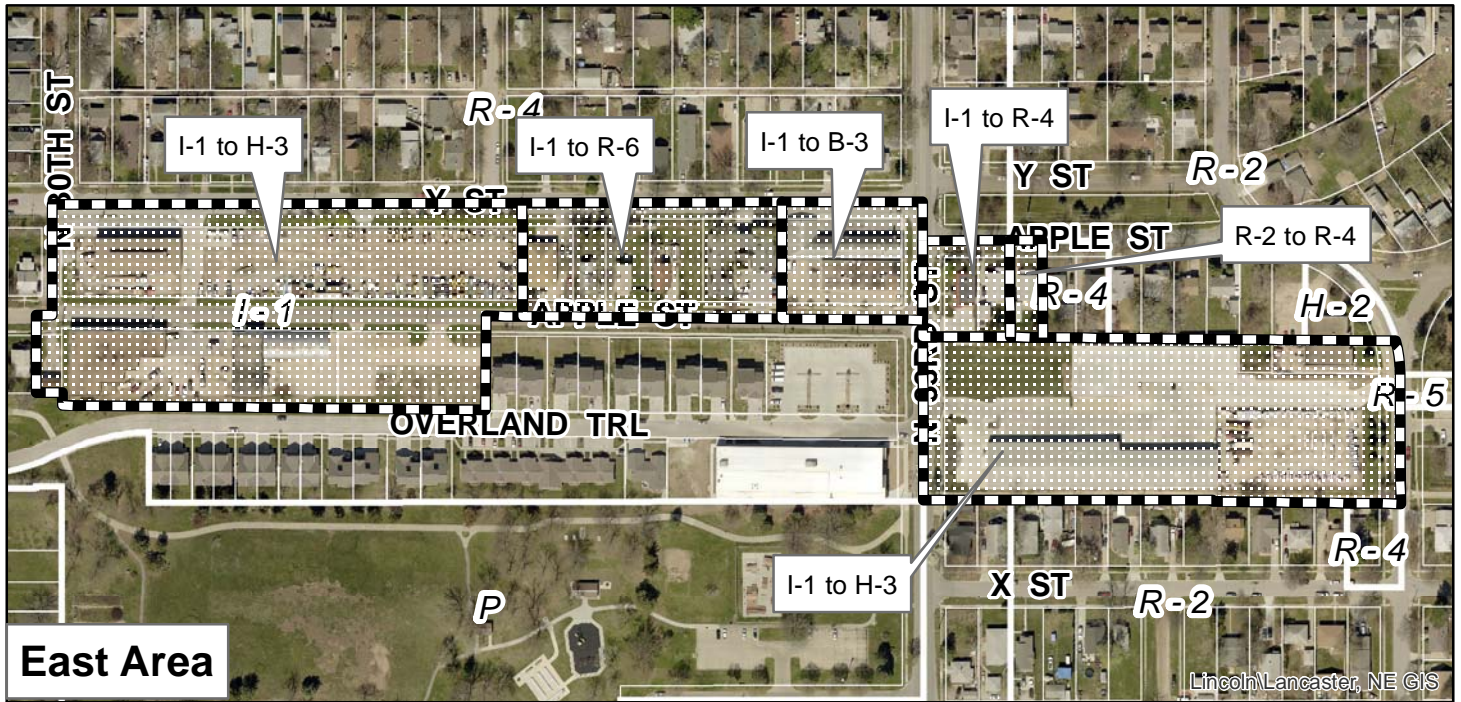
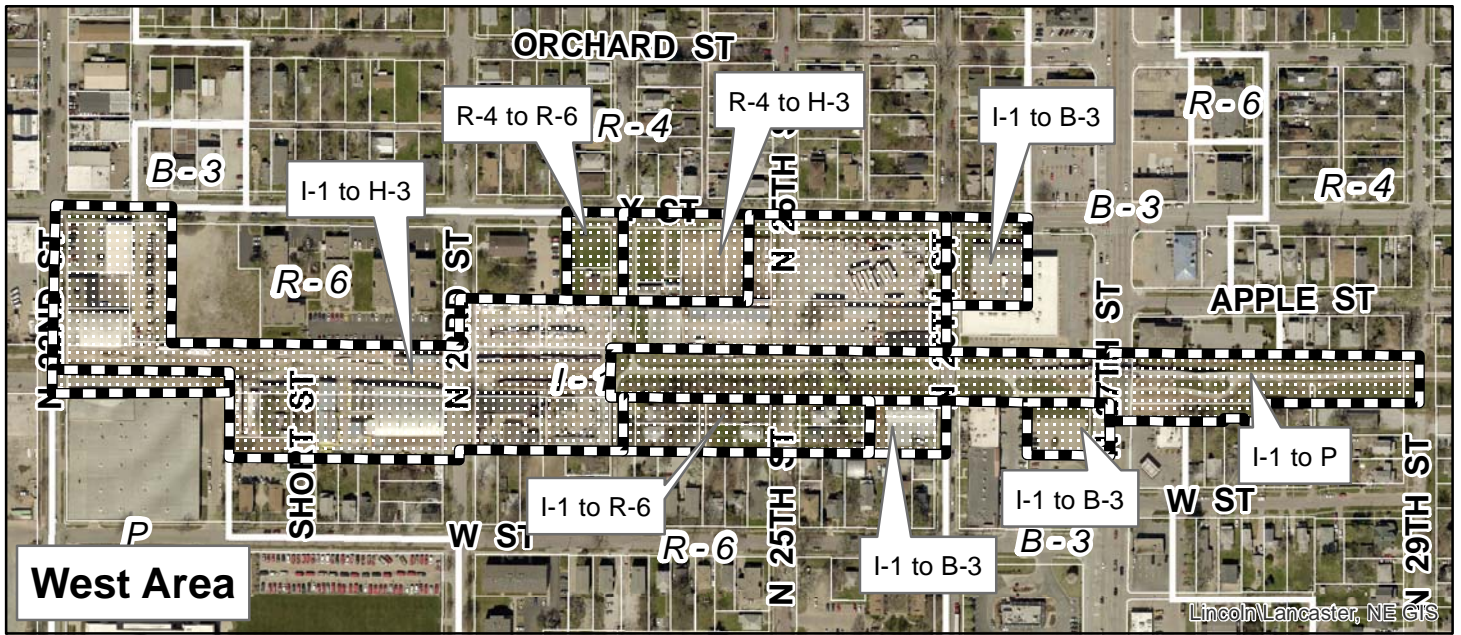
Applicant/Contact: George Wesselhoft, Planner
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

F:\DevReview\CZ\17000\CZ17028 Rail to Trail.gjw.docx

CONDITIONS OF APPROVAL - CHANGE OF ZONE #17028

Site Specific Conditions:

1. ABC Electric Company, Inc. signs a zoning agreement concerning their properties on Y Street before the City Council approves the change of zone.






2016 aerial

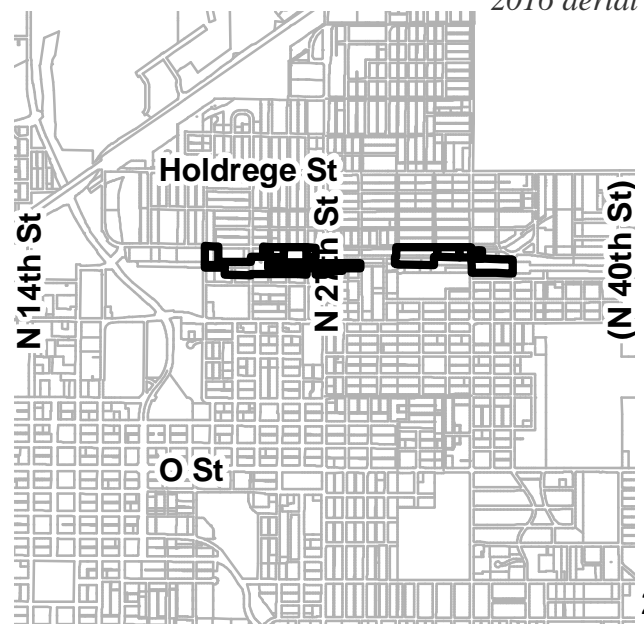
**Change of Zone #: CZ17028
Rail to Trail Zoning Update
N 35th St & Apple St**

Zoning:

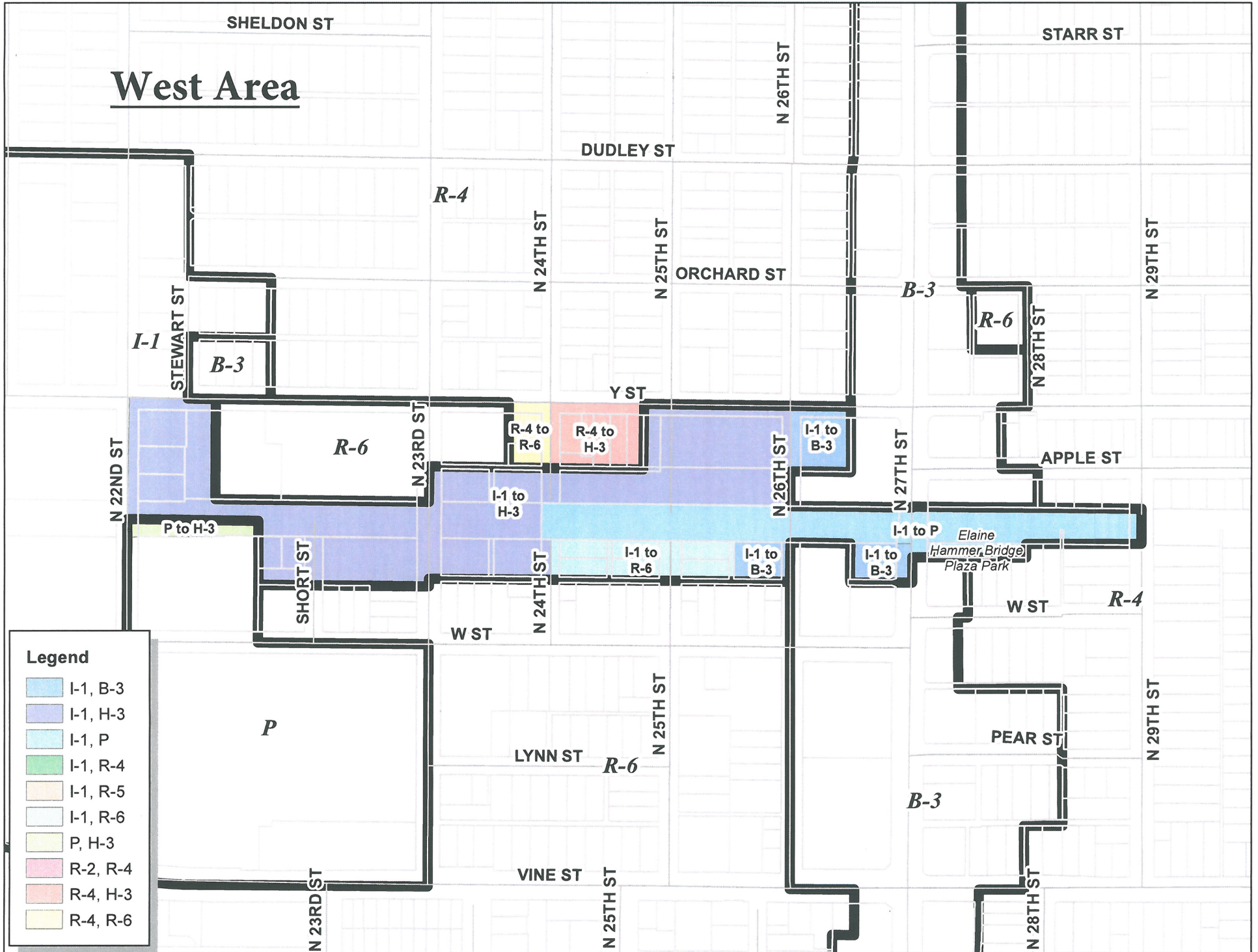
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
Sec.24 T10N R06E
Sec.19 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



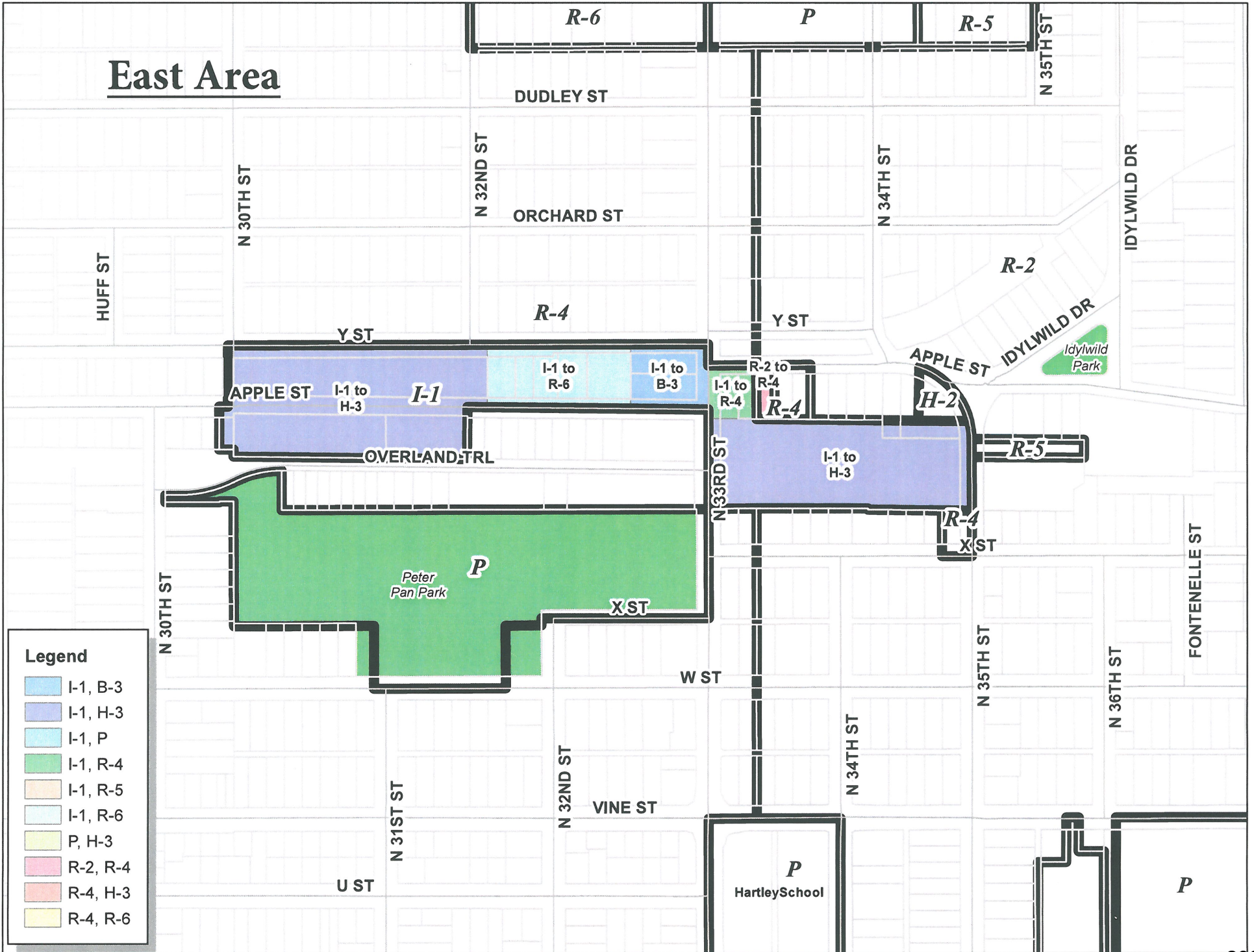
West Area



Legend

- I-1, B-3
- I-1, H-3
- I-1, P
- I-1, R-4
- I-1, R-5
- I-1, R-6
- P, H-3
- R-2, R-4
- R-4, H-3
- R-4, R-6

East Area



Legend

- I-1, B-3
- I-1, H-3
- I-1, P
- I-1, R-4
- I-1, R-5
- I-1, R-6
- P, H-3
- R-2, R-4
- R-4, H-3
- R-4, R-6

Legal Descriptions:

I-1 to B-3

The South 71.15' of the East 1/2 of Lot A Subdivision of Block One Pecks Grove;
Lots 1-2 Block 7 Tresters Addition;
The South 60' of the North 85' of the East ½ Lot A Subdivision of Block One Pecks Grove;
Lots 4-6 Block 1 Tresters Addition and the Vacated North ½ of the Adjacent East-West Alley;
Lots 1-2 Block 8 Tresters Addition Except for the East Part for Street and the East ½ of the Adjacent Vacated Alley;

I-1 to H-3

Lots 1-2 Clark and MacFarlands Subdivision and the West ½ of the Adjacent Vacated Alley;
Lot 1 Whitmer Addition;
Lots 1-3 and Lots 10-12 Block 1 Vine Street Addition;
Lots B-C of the Subdivision of Block One Peck's Grove & the Vacated 31st Street right of way except the 150' by 115.5 foot tract in the Southeast Corner of the North 35' of Lot B;
The East ½ of Lots 1-2 Block 2 Vine Street Addition;
The West ½ of Lots 1-2 Block 2 Vine Street Addition;
Lot 1 Hylander Subdivision except the north 122.42 feet adjoining Lot 12, Block 10 Woods Bros University Addition;
Lot 48 Hartz & Braces Subdivision excluding the former railroad right of way;
Lot 2 Whitmer Addition;
The North 242' and the East ½ of the Adjacent Vacated Alley to the North 100' of Lot 7 and all of the Vacated Adjacent Alley to the south 142' of the North 242' of Lot 7 Griffiths (A K) Addition;
Lot 3 Block 2 Vine Street Addition;
Lots 7-10 Block 4 Tresters Addition;
Lots 1-4 Block 5 Tresters Addition;
The South 24' Lot 4 and Lot 5 Clark and MacFarlands Subdivision;
Lot 3 and the North 26' of Lot 4 Clark and MacFarlands Subdivision;
Lot 3 Whitmer Addition and Lots 7 & 8 Block 3 Tresters Addition;
Lot D Subdivision of Block One Pecks Grove and the 20' wide strip of adjacent vacated Missouri Pacific Railroad Right of Way;
Lot 1 Block 2 City Impact Addition;
The south 49.95 feet of Lots 1-4, Block 10 Woods Bros University Addition;

I-1 and P to H-3

Vacated Missouri Pacific Railroad Right of Way located in the Northwest and Northeast Corners of Section 24-10-6 Between Antelope Valley 1st Addition Outlot C and the West Right of Way line of North 24th Street except that part West of the West Right of Way line of North 22nd Street;

I-1 to P

Lot 1 Skolds Tract excluding Street;

The Vacated Missouri Pacific Railroad Right of Way located between the East Right of Way line of North 24th Street and the West Right of Way Line of North 29th Street

I-1 to R-4

Lot 12 Block 10 Woods Bros University Addition;
The north 122.42 feet of Lot 1 Hylander Subdivision adjoining Lot 12, Block 10 Woods Bros University Addition;

I-1 to R-6

The West 78' East 150' South 114' Lot B Subdivision of Block One Pecks Grove;
Lot 4 Block 6 Tresters Addition;
Lot 2 Block 6 Tresters Addition;
The East 121.67' of West ½ Except the North 25' of Lot A Subdivision of Block One Pecks Grove;
Lot 4 Block 7 Tresters Addition;
The West 50' of the East 72' Except the North 35' of Lot B Subdivision of Block One Pecks Grove;
Lot 3 Block 7 Tresters Addition;
The West 60.83' Except the North 25' of Lot A Subdivision of Block One Pecks Grove and the East 20 feet of the Vacated 32nd Street right of way except for the North 25';
The East 22' except the North 35' of Lot B Subdivision of Block One Pecks Grove and the West 46' of the adjacent Vacated 32nd Street right of way;
Lot 3 Block 6 Tresters Addition;
Lot 1 Block 6 Tresters Addition;

R-2 to R-4

Lot 11 Block 10 Woods Bros University Addition;

R-4 to H-3

Lot 3 Block 3 Tresters Addition;
Lot 4 Block 3 Tresters Addition;
Lot 2 Block 3 Tresters Addition;
The North 108' of the West 12.5' of the North 20' of the South 45' of the East 33' Lot 5 and the
The North 108' of Lot 6 Block 3 Tresters Addition;
The East 33' of the North 97' of Lot 5, Block 3, Tresters Addition;
The South 25' of the East 33' and the South 34' of the West 12.5' Lot 5 and the South 34' of Lot 6 Block 3 Tresters Addition;

R-4 to R-6

The North 82' of Lots 1-2, Block 4 Tresters Addition;
The South 60' of Lots 1-2, Block 4 Tresters Addition.

**CLINTON
NEIGHBORHOOD
ORGANIZATION**



A 501(c)(3) Corporation

Nov. 10, 2017 1533 North 27th Street, Lincoln, NE 68503

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

Dear Planning Commission members:

The Clinton Neighborhood Organization board voted Monday (Nov. 6) to endorse the proposed zoning changes in an area located generally south of Y streets between 22nd St. and 35th St. The elimination of I-industrial zoning and the implementation of H-3, B-3 and residential zoning as appropriate will correctly reflect the current uses and will prevent future industrial development in the area.

The proposal is officially designated as Change of Zone CZ 17028.

We urge the Planning Commission to approve the proposed zoning changes and recommend them to the City Council for adoption.

Sincerely,

Russ Irwin, President

RECEIVED

NOV 14 2017

Lincoln-Lancaster Co
Planning Department

George J. Wesselhoft

From: Coscelia England <CEngland@vivial.net>
Sent: Monday, October 30, 2017 10:02 AM
To: George J. Wesselhoft
Subject: RE: Change of Zone CZ 17028

Good Morning George,

This email is to follow up from our phone conversation last week that confirms Coscelia C. England, property owner at 3069 Overland Trail, is in favor of the passing of the zone change to reduce the potential for incompatible uses of manufacturing materials.

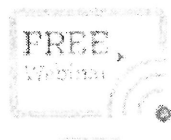
Please let me know if you require anything additional to make this submission part of the comments at the Planning Commission on December 6th, 2017.

Regards,

Coscelia England
Senior Ad Tech Consultant

vivial

300 N. 44th St, Lincoln, NE 68503
O: 402.817.7527 E: cenland@vivial.net W: vivial.net





LINCOLN LUMBER COMPANY

Lumber Division
932 No. 23rd Street
402/474-4488

P.O. Box 30373
Station A
Lincoln, Nebraska 68503

Millwork Division
2201 Dudley
402/435-5073

August 10, 2017

Mr. George Wesselhoft
Lincoln-Lancaster County Planning Dept.
555 S. 10th St., Suite 213
Lincoln, Ne. 68508

RE: Properties east of N. 22nd along MPRR ROW- Zoning

In reference to the letter from you dated 8/7/2017, as President of Lincoln Lumber Company, I am opposed to the change of zoning.

Sincerely

Don Hamill
President and owner

RECEIVED

AUG 14 2017

Lincoln/Lancaster Co.
Planning Department

First in Quality—First in Service

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 Street and Alley Vacation #17011	FINAL ACTION? No	DEVELOPER/OWNER Joseph & Amy Borer, Steve & Patsy Shald
PLANNING COMMISSION HEARING DATE December 6, 2017	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1200 & 1221 Beechcraft Road

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

To vacate the 15' right of way adjoining the south sides of Lots 7 and 8 of Sky Ranch Acres Addition which was platted as a resident pathway. The right of way is located on the east and west sides of Beechcraft Road and comprises 8,671 square feet more or less. The right of way in question does not include the existing right of way necessary for street connection to the planned Dominion at Stevens Creek Community Unit Plan to the south.



JUSTIFICATION FOR RECOMMENDATION

Vacation of the public rights-of-way will allow for private ownership for property not needed by the City for street or alley or other purpose. Retaining the 15 foot resident pathway easement on the property is consistent with the intent of the platting of Sky Ranch Acres Addition which intended for a resident pathway along the perimeter of the subdivision.

APPLICATION CONTACT

Joe Borer, 402-890-1200
jborer8@hotmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - The right-of-way is not shown on the Functional Street and Road Classification plan.

P. 10.14 - Local streets and alleys or other miscellaneous right of ways are not included in the functional classification.

ANALYSIS

1. This is a request to vacate the right of way adjoining the south side of Lots 7 and 8 of Sky Ranch Acres Addition final platted in 1971. The area to be vacated is approximately 8,671 square feet.
2. 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.
3. The area to be vacated is within the Sky Ranch Acres Addition final plat. Sky Ranch Acres 1st Addition final plat to the west included the resident pathway as part of outlots. In the case of Sky Ranch Acres Addition, the resident pathway was not platted as outlots but as part of public right of way.
4. The adjoining property owners of Lots 7 and 8 in Sky Ranch Acres now maintain the property as part of their yards and as such are requesting to purchase this property from the City. The Sky Ranch Acres Homeowners Association thought for years they owned the 15' strip. Recent City review of the final plat proved City ownership. It is unusual to have a 15' easement in right of way rather than an outlot.
5. The vacation request does not include the public right of way for Beechcraft Road extension. The right of way areas to be vacated are adjacent on the east and west sides of Beechcraft Road. Vacating the right of way in question will not affect the planned street connection to the Dominion at Stevens Creek Community Unit Plan to the south.
6. The proposed vacation subject to conditions will not be of detriment to Lincoln's transportation system and would be in conformance with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Green space, gravel drive to single family residence.

SURROUNDING LAND USE & ZONING

North: AG Agricultural	Single family dwellings
South: AG Agricultural	Agricultural
East: AG Agricultural	Private air strip
West: AG Agricultural	Single family dwellings

APPROXIMATE LAND AREA: 8,671 square feet, more or less

LEGAL DESCRIPTION: 15' right of way adjoining the south side of Lots 7 and 8, Sky Ranch Acres Addition, located in the NE 1/4 of Section 24-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

George Wesselhoft, Planner

Date: November 22, 2017

Applicant/
Contact: Joe Borer
1200 Beechcraft Road
Lincoln, NE 68527
402-890-1200
Jborer8@hotmail.com

Owner: Joseph & Amy Borer
1200 Beechcraft Road
Lincoln, NE 68527
402-890-1200
Jborer8@hotmail.com

Steve & Patsy Shald
1221 Beechcraft Road
Lincoln, NE 68527

F:\DevReview\SAV\17000\SAV17011 Sky Ranch Acres.gjw.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #17011

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 The property owners of Lots 7 and 8 Sky Ranch Acres Addition sign easements dedicating a new 15 foot pedestrian easement for use by property owners and residents of Sky Ranch Acres Addition and Sky Ranch Acres 1st Addition.



Lincoln\ Lancaster, NE GIS

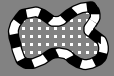


2016 aerial

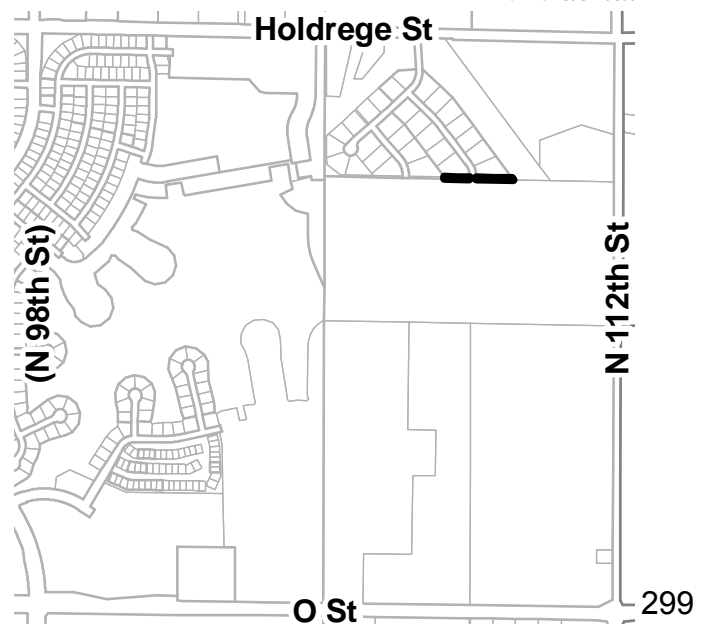
Street and Alley Vacation #: SAV17011
Beechcraft Rd & Cessna La

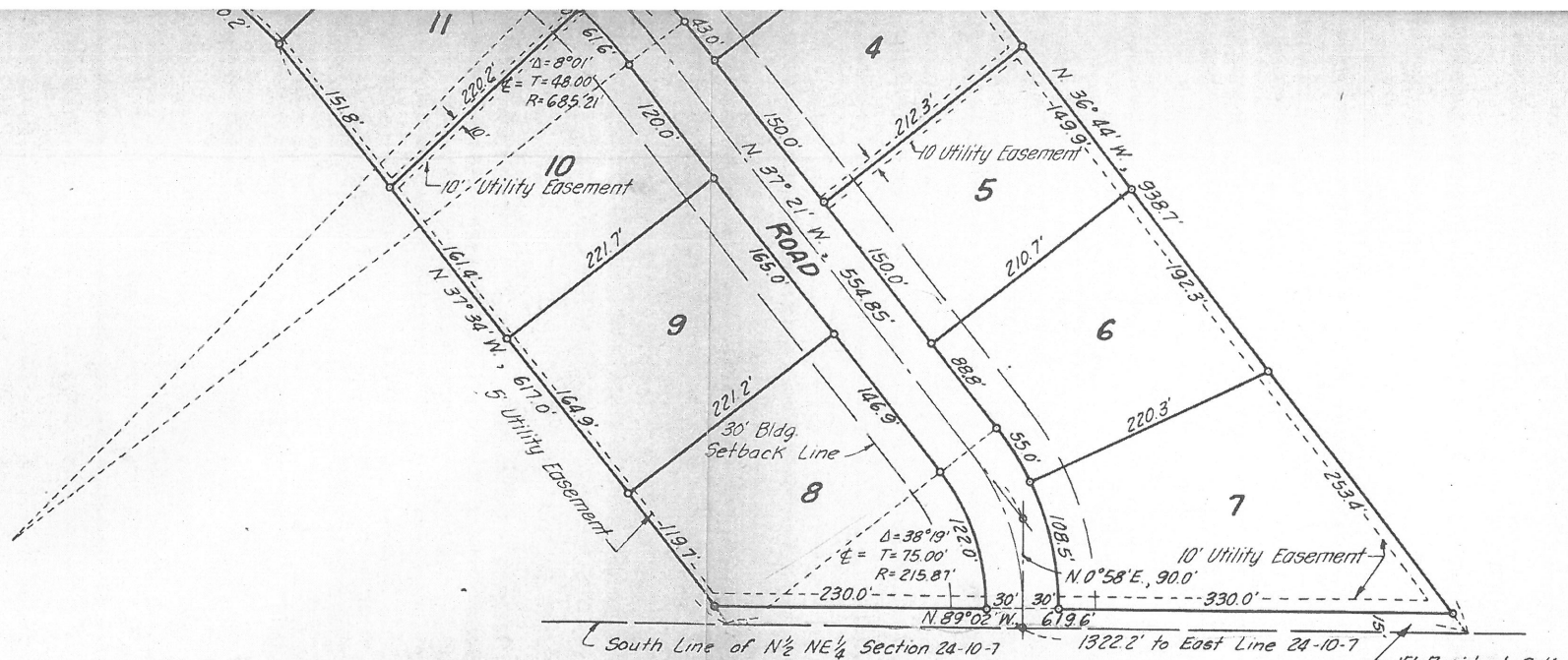
Zoning:

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

One Square Mile:
Sec.24 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits





DEDICATION

The foregoing plat, known as "SKY RANCH ACRES ADDITION", a plat of a parcel of land situated in the NE 1/4 of Section 24, T. 10 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, described as follows:

Commencing at the quarter Section corner between Sections 24 and 13, T. 10 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and extending S. 88° 50' E. 810.9 feet to the point of beginning of the land parcel herein described:

- thence S. 3° 50' E., 328.6' feet;
- thence S. 86° 10' W., 166.1 feet;
- thence S. 44° 40' W., 237.3 feet;
- thence S. 45° 20' E., 175.0 feet;
- thence S. 44° 40' W., 71.9 feet;
- thence S. 45° 20' E., 220.2 feet;
- thence S. 37° 34' E., 617.0 feet, to the South line of the N 1/2 of the NE 1/4 of said Section 24;
- thence S. 89° 02' E., along said South line, 619.6 feet;
- thence N. 36° 44' W., 938.7 feet;
- thence N. 46° 19' W., 376.0 feet;
- thence N. 3° 50' W., 323.4 feet;
- thence N. 88° 50' W., 60.2 feet to the point of beginning;

Is made with the free consent and in accordance with the desire of the undersigned owners and proprietors, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Lincoln Telephone and Telegraph Company, and other public utilities, their successors and assigns to construct, operate, maintain, repair, and replace storm sewers, sanitary sewers, water mains, conduits, buried cable, wire, poles, and appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. Said owner hereby dedicates the streets, as shown, to the public use and benefit.

Witness my hand this 28 day of April, 1971.

ACKNOWLEDGEMENT

STATE OF NEBRASKA
SS
LANCASTER COUNTY

Before me, a Notary Public, qualified in said county, personally came Paul C. Eden and Marjorie J. Eden, persons known to me to be the identical persons who signed the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal this 28 day of April, 1971.

Fred Hollingsworth
Notary Public

My commission expires 21 day of June, 1972

APPROVAL

The foregoing plat was approved by the Lincoln Lancaster Planning Commission on this 26 day of MAY, 1971.

ATTEST: J.P. Johnson
Chairman

To Whom it May Concern

We are submitting this letter along with our papers to obtain possession of the city right of way that runs along the South edge of our properties. It has been brought to our attention that on Lots 7 and 8 of Sky Ranch Acres, the southern easement is currently city/public ground. The Dominion at Stevens creek is being developed and will have an included easement on their side of the property line and ours is no longer needed or of interest to the city.

Currently we Mow, Maintain the Trees/Plant Growth and keep things clean. So, we are asking to purchase this piece of our yards back from the City.

Thanks for your assistance

Joe and Amy Borer, 1200 Beechcraft Road, Lincoln NE 68527

Steve and Patsy Shald, 1221 Beechcraft Road, Lincoln NE 68527