Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Dennis Scheer: Chair
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Cristy Joy
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PLANNING STAFF

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

November 14, 2018

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 14, 2018, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, November 14, 2018, from 11:45 a.m. to 12:45 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss the Downtown Master Plan Update.

****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, NOVEMBER, 14, 2018

Approval of minutes of the regular meeting held October 24, 2018.

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

CHANGE OF ZONE:

1.1 Change of Zone 08041B, from AGR (Agricultural Residential District) to R-3 PUD (Residential District Planned Unit Development) to expand the existing PUD by approximately 16.63 acres to allow single-family residential and up to 12,500 square feet of commercial floor area, on property generally located at 6501 Pine Lake Road.
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

PERMITS:

1.2 Special Permit 06022B, to expand the limits of the garden center, on property generally located at 10901 and 10777 South 14th Street. ****FINAL ACTION****
Page 17
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.3 Special Permit 18034, to allow for soil excavation, on property generally located west of 14th Street, between Rokeby Road and Saltillo Road.
Page 25
****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.4 Use Permit 10001A, to allow a waiver to the front yard setback requirement for a freestanding sign to be set back a minimum of 15 feet instead of the required 25 feet from the front property line, on property generally located at 1040 North Cotner Boulevard.
Page 37
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

2. REQUESTS AND FOR DEFERRAL:

2.1 _____

2.2 _____

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

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

TEXT AMENDMENT:

4.1 Text Amendment 18014, amending Lincoln Municipal Code Sections 27.60.060, 27.63.030, 27.64.010, Figure 27.67.020 – Parking Matrix, 27.67.030, 27.67.040, add a new Section 27.67.045, and 27.67.065, to revise parking requirements; and repealing Sections 27.60.060, 27.63.030, 27.64.010, 27.67.030, 27.67.040, 27.67.065, and Figure 27.67.020 – Parking Matrix of the Lincoln Municipal Code as hitherto existing; also amending Title 3 Design Standards for Zoning Regulations by amending Chapter 3.45, Section 3 and Section 3.7, Chapter 3.50, Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, Chapter 3.76 Section 4.1, and Chapter 3.77 Section 4.3 to revise the Design Standards for Screening and Landscaping and related changes to other Design Standards chapters; and repealing Chapter 3.45, Section 3 and Section 3.7, Chapter 3.50, Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, Chapter 3.76 Section 4.1, and Chapter 3.77 Section 4.3 as hitherto existing.
Page 47
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

CHANGE OF ZONE:

4.2 Change of Zone 18030, from AG (Agricultural District) to AGR (Agricultural Residential District), on property generally located at 6705 West Van Dorn Street.

Page 129

Staff recommendation: Denial

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

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

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Adjournment:

PENDING LIST:

Annexation No. 18003, to annex approximately 24.1 acres, more or less, on property generally located at 7420 Yankee Hill Road.

Change of Zone No. 18015, from AGR (Agricultural Residential District) to R-3 (Residential District), on property generally located at 7420 Yankee Hill Road.

*Special Permit No. 18022, for a 55 lot CUP (Community Unit Plan), with waivers to allow sanitary sewer to flow opposite street grades, block length, pedestrian easements, lot lines radial to streets, 2 to 1 side slope for detention embankments, and sidewalks along one side of a street, on property generally located at 7420 Yankee Hill Road. **FINAL ACTION***

Planning Department Staff Contacts:

David Cary, *Director* ..... 402-441-6364 ..... dcary@lincoln.ne.gov
Stephen Henrichsen, *Development Review Manager* ..... 402-441-6374 ..... shenrichsen@lincoln.ne.gov
Paul Barnes, *Long Range Planning Manager* ..... 402-441-6372 ..... pbarnes@lincoln.ne.gov
Collin Christopher, *Planner* ..... 402-441-6372 ..... cchristopher@lincoln.ne.gov
Michael Brienzo, *Transportation Planner* ..... 402-441-6369 ..... mbrienzo@lincoln.ne.gov
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Dessie Redmond, *Planner* ..... 402-441-6373 ..... dredmond@lincoln.ne.gov
Andrew Thierolf, *Planner* ..... 402-441-6371 ..... athierolf@lincoln.ne.gov
George Wesselhoft, *Planner* ..... 402-441-6366 ..... gwesselhoft@lincoln.ne.gov
Brian Will, *Planner* ..... 402-441-6362 ..... bwill@lincoln.ne.gov
Kellee Van Bruggen, *Transportation Planner* ..... 402-441-6363 ..... kvanbruggen@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* ..... 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	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #08041B Pine Woods Planned Unit Development	No	Frank Hargitt
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
November 14, 2018	None	6501 Pine Lake Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AGR to R-3 Planned Unit Development (PUD) and an amendment to the Pine Woods PUD to expand it to include three neighboring lots to the west. The east most lot is 1.61 acres in area and developed with a single-family dwelling. The middle lot is 10.02 acres in area and the site of the new joint LFR/Police substation. The west most lot is owned by the applicant. He wants to be allowed to continue to rent out the single-family dwelling, and consolidate his drywall contracting business on the property.

JUSTIFICATION FOR RECOMMENDATION

The subject property is impacted by floodway and floodplain on the south and west, fronts onto Pine Lake Road with access to no other streets, and is adjacent to a new LFR/Police substation. Subject to the recommended conditions of approval, this request allows the owner reasonable use of his land while maintaining compatibility with surrounding properties.

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

This proposed infill/redevelopment preserves sensitive areas and maintains compatibility with surrounding land uses. Now being subject to the PUD overlay, future changes will also be subject to review to ensure they also maintain compatibility with surrounding uses. Subject to the recommended conditions of approval this request is consistent with the goals of the Comprehensive Plan.

WAIVERS

1. Adjust parking from 1:300 to 1:1,000 for Lot 15, Block 2 – Recommend Approval

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for urban density residential, green space, and environmental resources land uses on the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

- The community continues its commitment to strong, diverse neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies.
- An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.
- LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

P. 2.8 - Guiding Principles for Community Form: The Urban Environment

- Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways.
- Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods

- Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods.
- Maintain and enhance infrastructure and services in existing neighborhoods.
- Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.

ANALYSIS

1. This is a request for a change of zone from AGR to R-3 Planned Unit Development (PUD) to amend the Pine Woods Planned Unit Development (PUD) to include the 3 parcels adjacent to the west. The east most lot is 1.61 acres in area and developed with a single-family dwelling. The middle lot is 10.02 acres in area and is the site of the new joint LFR/Police substation. The west most lot is 5 acres in area and owned by the applicant. He wants to be allowed to continue to rent out the single-family dwelling, and consolidate his drywall contracting business on the property.

2. The original Pine Woods PUD was approved in 2008. It allowed up to 53,000 square feet of commercial floor area, which included a mix of office and retail uses. It also included a residential portion for up to 11 dwelling units. The recently approved amendment, CZ#08041A, expanded the PUD by 3.02 acres to accommodate 5,500 square of motorized vehicle repair and contractor services, thereby expanding the overall PUD to 12.13 acres and a total of 58,500 square feet of commercial floor area.

3. This request expands the PUD by 16.63 acres to allow an additional 12,500 square feet of commercial for contractor services on Lot 15, Block 2.

   Lot 13, Block 2 is developed with a single-family dwelling. It is being included in the PUD in anticipation that the owner will request a change in use in the future, and to provide a more logical boundary for the overall PUD. Change of zone requests do not require the property owner's consent, and at this point the owner of Lot 13, Block 2 is not actively participating in the zoning action. At such time as a change in use is desired, that owner will have the option to seek an amendment to the PUD.

   Lot 14, Block 2 is the site of the new LFR/Police substation now under construction. As a City-owned property it is not subject to the regulatory requirements of the PUD, but has been included so the PUD can be expanded to include Lot 15, Block 2 within one contiguous boundary.

4. In addition to the dwelling on the site, a 12,500 square foot building has been built. The owner wants to continue to rent the dwelling, and locate a drywall contracting business in the building. The lot neighbors a new fire/police substation on the east, and a youth ministry facility on the west. This amendment is specifically to allow a commercial use in a PUD with underlying R-3 zoning. As R-3 zoning does not anticipate commercial uses, the regulations need to be adapted with adequate setbacks, allowed uses, and screening.

   The B-2 zoning district setbacks were designed to maintain compatibility between commercial and adjacent residential uses and are appropriate for Lot 15, Block 2. With respect to uses, the only uses allowed are single-family residential and contractor services along with a prohibition on outdoor storage. Appropriate screening/landscaping is addressed in #5 below.

5. The underlying zoning is R-3, for which there is no applicable screening requirement for the proposed use. The Planning Department reviewed this request and adapted the typical commercial landscaping/screening requirements to create an appropriate standard for this particular site. The recommended modified screening standard unique to this site, which includes screening the east edge of the parking lot and the west edge of the building, is included as a condition of approval.

6. There are development constraints within the section of land the subject property is located in. The section is bisected by both a railroad and Beal Slough floodplain. The railroad and creek have limited connections between the northeast quarter and the rest of the section. The outlet stream from Pine Lake also flows through this area and intersects with Beal Slough. Significant portions of lots in the area adjacent to Beal Slough and the Pine Lake outlet are affected by both floodway and floodplain. The PUD allows a reasonable use of the lots affected by development constraints where limitations and conditions can be added as appropriate.

7. Construction is underway to improve Pine Lake Road. All necessary right-of-way has been acquired, and a sidewalk on the south side and bike trail on the north side are part of the project. As part of those improvements, the subject property relinquished its driveway access to Pine Lake Road and now shares a driveway with the substation. The responsibility for street trees and sidewalks where required adjacent to this property would be appropriate for this applicant.

8. In the future, this PUD could be expanded to include the lot adjacent to the west should that owner wish to propose it. Providing an access easement for that lot with this amendment will allow another driveway to be eliminated on an arterial street. The site plan should be revised to show an access easement across Lot 15, Block 2 as part of this amendment. The timing of construction of the shared driveway to the west lot line can coincide with either redevelopment of the neighboring property, or potentially to additional, more intense development on the subject property.

9. Building and Safety noted that the large building was not originally permitted for commercial occupancy. The owners will need to acquire the necessary permits from Building and Safety for commercial occupancy. Also, the owners will be required to get a building permit for the parking lot. A reduction in the required parking from one space per 300 square feet of floor are to one space per 1,000 square feet of floor area is appropriate. The owner notes the company only has four employees with limited customer traffic, and is not a retail facility. This parking adjustment is only appropriate for the proposed use, and should the PUD be amended in the future to change the allowed uses on this lot, a revised parking requirement may also be required.

10. This request provides the applicant a reasonable use of the property while maintaining compatibility with surrounding land uses. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Single-family dwelling and associated accessory buildings AGR

SURROUNDING LAND USE & ZONING

North:	Residential	AGR, R-1
South:	Vacant	R-3(PUD)
East:	Residential	R-3(PUD)
West:	Residential	AGR

APPLICATION HISTORY

Jul 2005 – CZ#08041 for the Pine Woods Planned Unit Development was approved for up to 53,000 square feet of commercial floor area and up to 11 dwelling units was approved.

Oct 2018 – CZ#08041A for the Pine Woods Planned Unit Development was expanded by 5 acres to allow an additional 5,500 square feet of commercial floor area.

APPROXIMATE LAND AREA: 16.63 acres more or less (subject application to add to the original PUD)
28.76 acres more or less (entire PUD)

LEGAL DESCRIPTION: Lots 18, 19, and 108 I.T., all located in the NE 1/4 of Section 21-9-7, Lincoln, Lancaster County, Nebraska,

Prepared by

_____
Brian Will, 402-441-6362
bwill@lincoln.ne.gov
August 29, 2018

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

Owner: Frank Hargitt
9401 Wishing Well Drive
Lincoln, NE 68516
fasterpatch@oal.com

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CONDITIONS OF APPROVAL – CHANGE OF ZONE #08041B

This approval expands the Pine Garden PUD and allows: 12,500 square feet of contractor services and a single-family dwelling as permitted uses, an adjustment to the sign regulations previously granted to allow a freestanding sign up to one-half way into the front yard setback and one 50 sq. ft. in area wall sign, and adjusts the parking requirement from one space per 300 square feet of floor area to one space per 1,000 square feet of floor area for contractor services, all for Lot 15, Block 2; for a total of 71,000 square feet of commercial floor area, a fire station, and 14 single-family dwelling units.

Site Specific Conditions:

1. Before commencing any commercial use 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.

    1.1 Show the setbacks for the B-2 zoning district when adjacent to residential on Lot 15, Block 2.

    1.2 Modify Note #18 of the development plan to refer to the owner of Lot 12, Block 2.

    1.3 Modify Note #15 of the development plan to refer to Lots 12, 13, and 15, Block 2.

    1.4 Modify Note #12 of the development plan to refer to Lot 12, Block 2.

    1.5 Modify Note #3 of the development plan to include that the parking requirement is adjusted from one space per 300 square feet of floor area to one space per 1,000 square feet of floor area for contractor services.

    1.6 Consolidate Notes #2, 3 and 4 to the satisfaction of the Planning Department.

    1.7 Delete Note #6 of the development plan, building restrictions are established by Note #1.

    1.8 Revise Note #7 of the development plan by replacing the work 'should' with 'shall'.

    1.9 Modify Note #8 of the development to refer to Lot 12, Block 2. Also include a note that at such time as the access is combined, Lot 12, Block 2 will be readdressed.

    1.10 Revise the site plan to show a 24'-wide access easement granted to the lot adjacent to the west of Lot 15, Block 2 to allow shared access to the driveway/median opening in Pine Lake Road. Said access easement to be located outside the required 20' front yard.

    1.11 Add a note to the development plan that states the adjacent lot to the west is allowed to build a 24'-wide driveway in access easement on Lot 15, Block 2 for the purpose of shared access and use of the median opening in Pine Lake Road.

    1.12 Modify Note #14 of the development plan to state: No outdoor storage allowed, except for cars waiting for customer servicing on Lot 12, Block 2.

    1.13 Modify Note #11 of the development plan to refer to Block 1.

    1.14 Modify Note #19 of the development plan to state: Owners of Lots 12 and 15 agree to plant street trees along Pine Lake Road per Design Standards.

    1.15 Revise the site plan to include screening/landscaping per the Planning Department staff review comments.

    1.16 Revise the grading and drainage plan to provide detention or show there is no increase in runoff from the proposed improvements; and, provide a proposal to meet the water quality standards or prove the disturbance is less than one acre.

1.17 Revise the site plan to delete the 'developable area' in the southwest corner of Lot 15, Block 2.

1.18 Consolidate Sheets 1 and 1A of the plan set.

2. Before certificate of occupancy is issued for Lot 15, Block 2 the developer shall provide the following to the Planning Department:

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

2.2 A cash payment to the City for the equivalent cost of the sidewalk along Pine Lake Road in an amount to be determined by the Public Works and Utilities Department.

2.3 Proof that a public access easement granted to the owner of the lot to the west for a 24'-wide driveway has been granted.

Standard Conditions:

3. The following conditions are applicable to all requests:

3.1 Before commercial activity commences all development and construction shall substantially comply with the approved plans.

3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.

3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

3.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.

3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

3.6 The site plan as approved with this 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.

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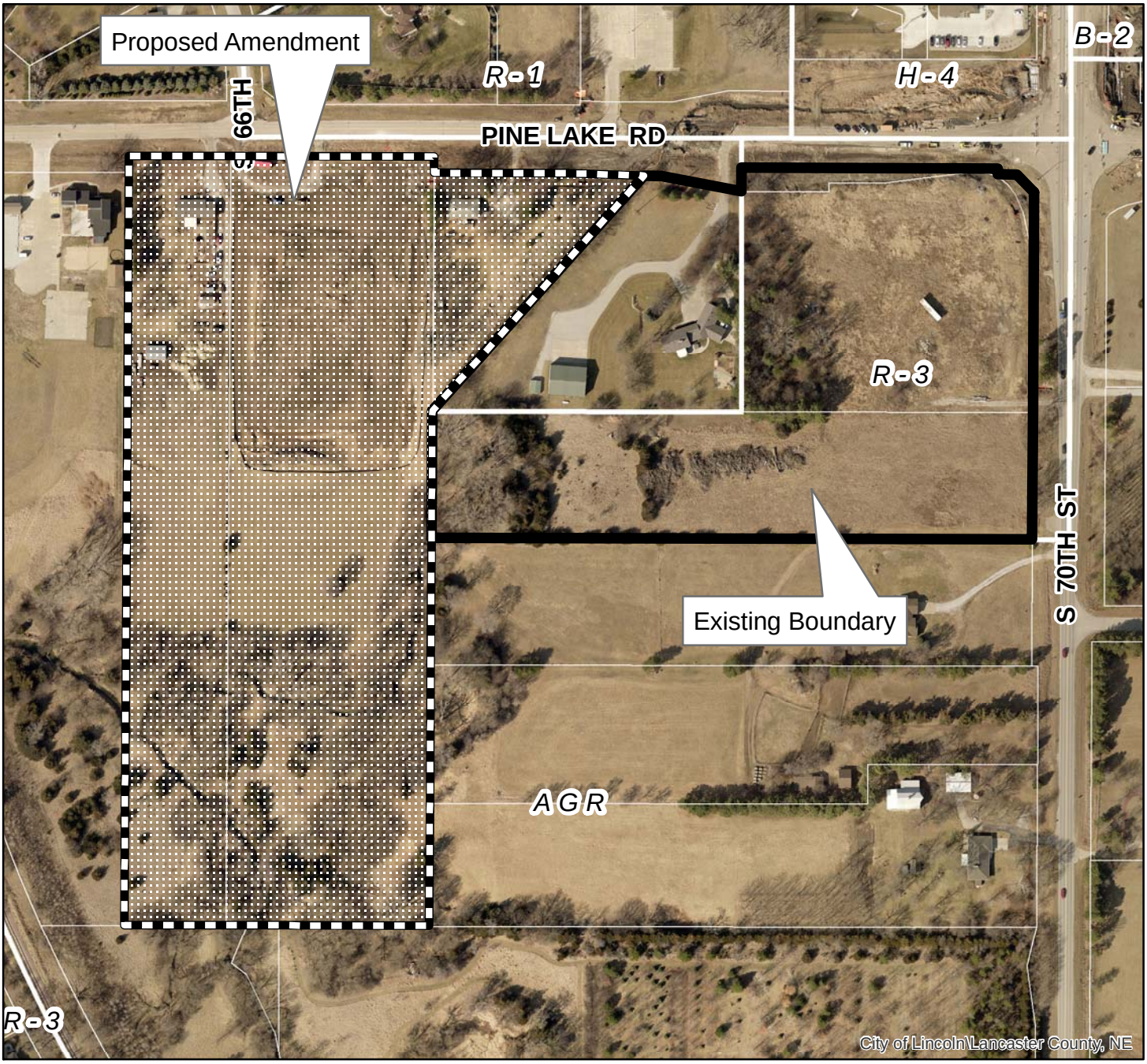


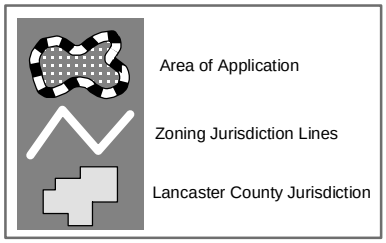
2018 aerial

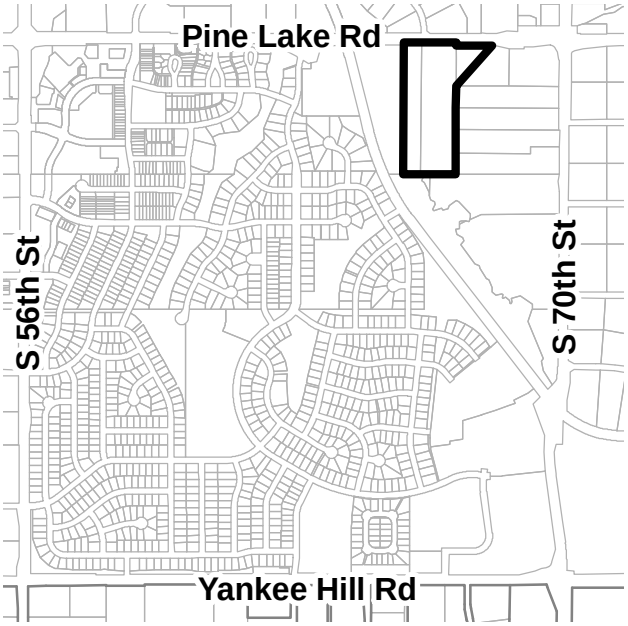
Change of Zone #: CZ08041B
Pine Garden PUD
S 66th St & Pine Lake Rd

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.21 T09N R07E





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The Clark Enersen Partners

October 18, 2018

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

RE: Pine Woods PUD Amendment

Dear Mr. Cary:

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

1. Application fee: $1,813 ($988 base + $825)
2. PUD Site Plan
3. PUD Site Notes
4. PUD Development Plan

On behalf of the Owner, Franklin Hargitt, 9401 Wishing Well Drive, Lincoln Ne. 68516, we are requesting an Amendment to the Pine Woods Planned Unit Development located at the southwest corner of S. 70th and Pine Lake Road. The amendment is to change the zone from AGR (Agricultural Residential) to an R-3 Planned Unit Development for properties located at 6501, 6601 and 6701 Pine Lake Road. The change of zone is to allow a contractor services use (drywall business) to locate on the 6501 Pine Lake Road property with the existing residential house.

The property is located between a new fire station and an existing Christian youth camp with a floodplain/floodway covering the majority of the property. The City Council just recently approved a similar change of zone request to allow an auto repair business to be located 900 feet to the east of the application property. Given the existing uses surrounding the property and the expansive floodplain we believe the change of zone is appropriate for this property.

Please contact me if you have any questions or require 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

Brian Will

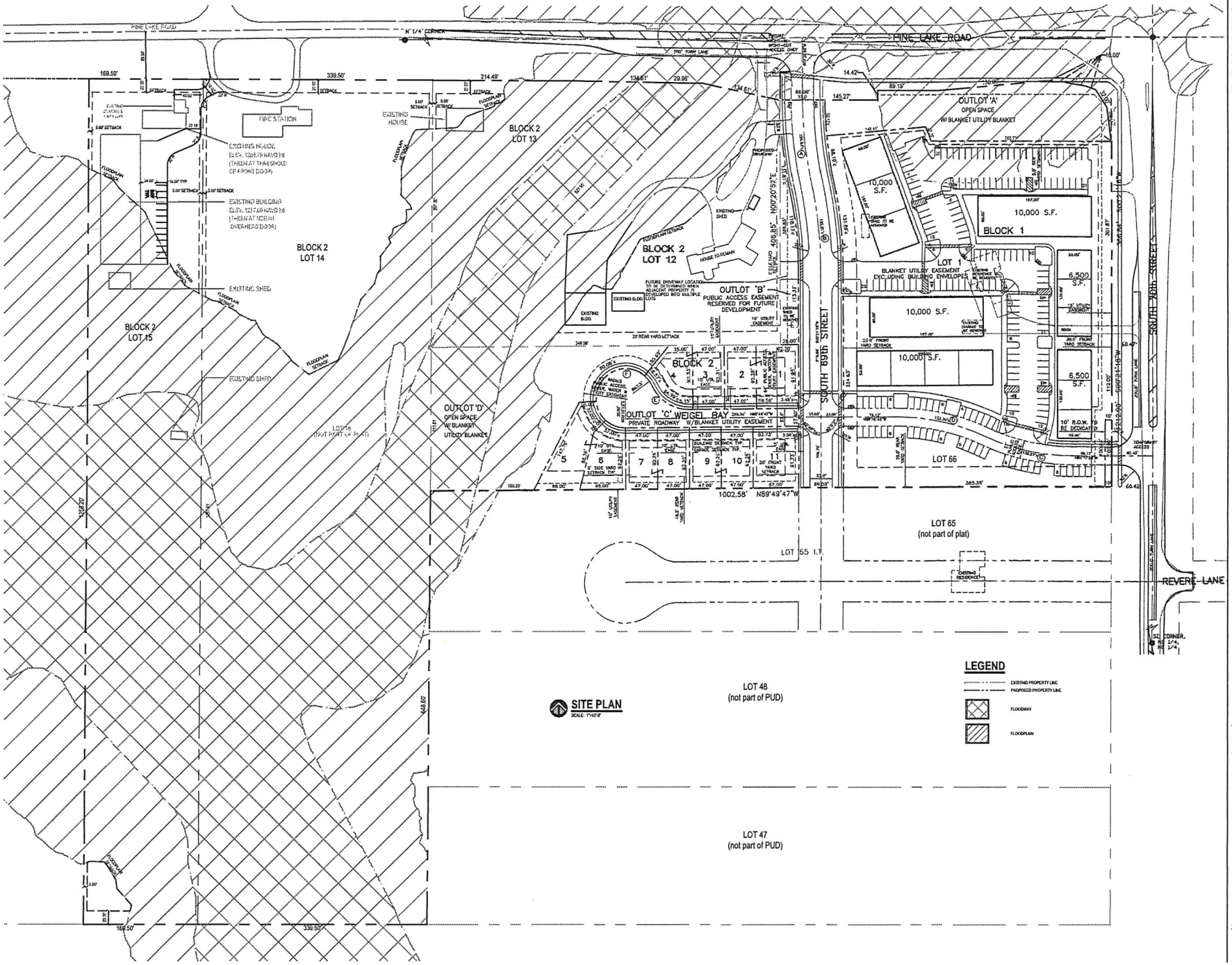
From: Franklin Drywall <fasterpatch@aol.com>
Sent: Wednesday, August 15, 2018 12:14 PM
To: Brian Will
Subject: Pine Lake zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brian,

As per our conversation yesterday, we have built a building at 6501 Pine Lake and would like to get it zoned for doing our business out of it. We are a small drywall contracting business that has 4 employees. Two work in the office and 2 are out in the field working daily. We do not sell supplies but we do have supplies that come back to our shop that is left over from jobs and we do stock on an occasion material in our shop to have incase we may need more or we are doing a smaller project. We subcontract out our work so traffic is minimal. We have a rental house on the property currently and would like to keep it as is if we could but our first priority is getting it rezoned for our business. If you have any further questions, dont hesitate to ask.

Sincerely,
Frank Hargitt & Curt Jones



The Clark Enersen Partners

Pine Woods
Planned Unit Development
S. 70th St & Pine Lake Rd
Lincoln, Nebraska

TCEP No.: 242-001-18

October 16, 2018

Site Plan
1 of 7

GENERAL NOTES

1. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVING AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
2. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
3. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT AND 2-1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 5 INCH CROWN AND A 3 INCH ROLL-OVER CURB.
4. ALL PRIVATE ROADWAYS/DRIVEWAYS SHALL BE 27 FEET WIDE UNLESS OTHERWISE NOTED.
5. SIDEWALKS ALONG PRIVATE ROADWAYS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 4 INCH THICK CONCRETE, 5 INCH THICK AT DRIVEWAY CROSSINGS. SIDEWALKS IN THE COMMERCIAL AREA TO OTHERWISE BE PROVIDED IN COMPLIANCE WITH CHAPTER 3.105 OF THE DESIGN STANDARDS.
6. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
7. THIS PLANNED UNIT DEVELOPMENT CONTAINS 10 SINGLE-FAMILY TTACHED LOTS, 1 SONGLE FAMILY LOT AND 2 COMMERCIAL LOTS. THE TOTAL NUMBER OF LOTS ARE 13 AND 4 OUTLOTS.
8. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
9. PRIVATE ROADWAYS /DRIVEWAYS, IMPROVEMENTS AND MEDIANS SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION.
10. OUTLOTS 'A' AND 'B' SHALL BE OWNED AND MAINTAINED COLLECTIVELY BY THE OWNER/OWNERS OF LOT 1, BLOCK 1. OUTLOTS 'C' AND 'D' SHALL BE MAINTAINED BY THE OWNER/OWNERS OF LOTS 1 THROUGH 11, BLOCK 2.
11. 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 REGULARTIONS ANDS STANDARDS ARTICLE 2, SECTION 32.
12. STREET TREE PLAN SHALL BE SUBMITTED AT THE TIME OF FINAL PLAT, AND INDIVIDUAL LANDSCAPE PLANS TO BE SUBMITTED AT THE TIME OF BUILDING PERMITS, ALL IN COMPLIANCE WITH LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS. LANDSCAPING AND SCREENING IN THE COMMERCIAL AREA TO BE PROVIDED CONSISTENT WITH THE REQUIREMENTS FOR THE B-2 ZONING DISTRICT.
13. STRUCTURES LOCATED ON LOTS 5 THROUGH 7, BLOCK 2 SHALL HAVE NO BASEMENTS OR SHALL HAVE BASEMENTS WITH PUMP EJECTORS FOR THE SANITARY SEWER SERVICE.

LEGAL DESCRIPTION

A SURVEY OF LOTS 18, 19, 66, 108, 109 AND 110 IRREGULAR TRACTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, CONTAINING A CALCULATED AREA OF 28.76 ACRES

LOT AREA TABLE

BLOCK	LOT	AREA (S.F.)
1	1	208,332.91
2	1	5,733.83
	2	4,337.85
	3	4,339.06
	4	4,779.52
	5	6,762.83
	6	5,585.13
	7	4,326.50
	8	4,326.50
	9	4,326.50
	10	4,326.50
	11	5,194.89
	12	131,985.00
	13	78,131.50
	14	426,853.78
	15	213,271.00
OUTLOT A		32,602.39
OUTLOT B		5,122.74
OUTLOT C		12,487.65
OUTLOT D		47,148.52

SHEET LEGEND

1. SITE PLAN
1A. PUD NOTES
2. LANDSCAPE PLAN
3. UTILITY PLAN
4. PRELIMINARY GRADING/DRAINAGE
5. FUTURE GRADING/DRAINAGE
6. STREET PROFILES
7. STREET PROFILES

WAIVERS

1. ALLOW A 50 SF WALL SIGN. LINCOLN MUNICIPAL CODE 27.69.240(a).
2. LOT AREA PER FAMILY FOR TWO-FAMILY DWELLING FROM 5,000 SQUARE FEET TO 4,300 SQUARE FEET.
3. SANITARY SEWER RUNNING OPPOSITE STREET GRADE IN WOODEL DAY.

ENGINEER & PREPARER
THE CLARK ENERSEN PARTNERS
1010 LINCOLN MALL
SUITE 200
LINCOLN, NE 68508

OWNER/DEVELOPER:
REALTY TRUST GROUP, INC
2300 SOUTH 48TH STREET
LINCOLN, NE 68506 (402) 484-8484

OWNER
FRANKLIN MARQUIT
9401 WISHING WELL DRIVE
LINCOLN, NE 68516

LAND AREA TABLE - COMMERCIAL

FLOOR AREA	USE	PARKING FORMULA	REQUIRED PARKING	PROVIDED PARKING	HEIGHT
10,000	OFFICE/MEDICAL	1 STALL/225 SF	45		35 FT.
23,000	OFFICE/RETAIL	1 STALL/300 SF	77		35 FT.
20,000	OFFICE	1 STALL/300 SF	67		35 FT.
2,000	AUTO REPAIR WITH ATTACHED OFFICE	N/A	11		35 FT.
12,500 SF	CONTRACTOR SERVICES W/ EXISTING HELICOPTER	1 STALL/1,000 SF	13		35 FT.
TOTALS			212	212	

LAND USE TABLE - RESIDENTIAL

# OF UNITS	USE	REQUIRED PARKING	PROVIDED PARKING	HEIGHT
10	SINGLE FAMILY ATTACHED	20	20	35 ft.
1	SINGLE FAMILY	2	2	35 ft.

CURVE DATA:

(A) R = 600.00'
T = 62.81'
Δ = 11°57'07"
L = 125.15'
CH = 124.93'
CH BRG. = S05°37'41"E

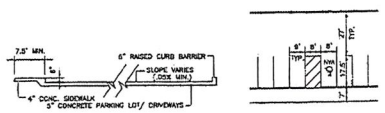
(B) R = 600.00'
T = 62.81'
Δ = 11°57'33"
L = 125.24'
CH = 125.01'
CH BRG. = S05°37'28"E

(C) R = 300.00'
T = 67.90'
Δ = 25°28'13"
L = 133.36'
CH = 132.27'
CH BRG. = N78°53'48"W

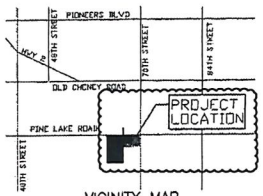
(D) R = 200.00'
T = 67.84'
Δ = 25°29'02"
L = 133.43'
CH = 132.34'
CH BRG. = N76°54'11"W

(E) R = 60.50'
T = 38.52'
Δ = 64°27'50"
L = 68.00'
CH = 64.99'
CH BRG. = S07°41'05"W

(F) R = 43.50'
T = ---
Δ = 244°38'18"
L = 185.99'
CH = 73.39'
CH BRG. = N32°15'56"W



TYPICAL PARKING LOT DETAILS
NO SCALE



VICINITY MAP
SCALE: NONE

Pine Woods
Planned Unit Development
S. 70th & Pine Lake Road
Lincoln, Nebraska

TCEP No.: 242-001-18

October 16, 2018

PUD Notes

1A of 7

PINE WOODS PLANNED UNIT DEVELOPMENT GENERAL NOTES

October 19, 2018

1. Any building outline shown on the PUD Site Plan is illustrative only. Fences, trash enclosures, decorative structures and accessory buildings are not shown. Buildings may be located anywhere on the lot subject to setback limitations.

2. Block 2, Lot 12 is allowed to be an auto repair facility up to 5,500 sf contained in two buildings with up to 3 employees and with an existing residence. The signage for Block 2, Lot 12 will be a single ground sign up to 20 square feet in size and a building signage of 50 square feet on one single building.

3. Block 2, Lot 15 is allowed to be a contractor services use up to 12,500 sf contained in two buildings with an existing residence. The signage for Block 2, Lot 15 will be a single ground sign up to 20 square feet in size and a building signage of 50 square feet on one single building.

4. This Planned Unit Development allows 53,000 S.F. of office/medical/commercial/retail space, 5,500 S.F. of automotive repair space, 12,500 sf of contractor services use, fire station 10 single family attached units and 2 single family lots.

5. Maximum of 71,000 square feet of commercial floor area allowed. Convenience store/gas station, fast food restaurant with drive-through facility, and bank with drive-through facility are prohibited. Commercial land uses are limited to a maximum of 23,000 square feet of retail, 10,000 square feet of medical office, 20,000 square feet of office, 5,500 square feet of automotive repair space and 12,500 square feet of contractor services.

6. The owner/developer reserves the right to build anywhere within the building envelopes shown on this Planned Unit Development.

7. Building height should not exceed 35 feet (R-3).

8. Direct vehicular access to South 70th Street is hereby relinquished except as shown. The temporary driveway onto South 70th Street shall be a right-in/right-out access at such time as South 70th Street is improved and the extension of South 69th Street to Revere Lane has not been completed. The temporary driveway onto South 70th Street to be removed at such time as South 69th Street is extended to the south of this property and the intersection of South 70th Street and Revere Lane is constructed. Direct vehicular access to Pine Lake Road is hereby relinquished except as shown.

9. All Signage shall comply with Chapter 27.69.340 of the Lincoln Municipal Code and this Planned Unit Development. Signs and sign locations are not required to be shown on this plan.

10. Lots 1 through 11, block 2 shall have a setback of 30' from the front property line to the front of the garages (not to be less than 22' from the sidewalk to the front of the garage) and a 20' setback from the front property line to the building.

11. The office/medical buildings shall comply with R-T District height and 'R-T' residential transition building requirements regarding pitched roof, nonreflective exterior siding and roof materials and prohibition on air conditioners on the roof.

12. The residential driveway onto Pine Lake Road located on the adjacent property to the west must be eliminated when South 69th Street is built.

13. Contractor services and motorized vehicle service and repair permitted on Lot 12, Block 2.

14. No outdoor storage allowed, except for cars waiting for customer servicing.

15. No future development within the floodway or floodplain.

16. One 50 S.F. in area wall sign is allowed on Lot 12 and Lot 15, Block 2. The allowed freestanding sign may be located up to halfway into the front yard setback.

17. The owners of Lot 12, Block 2 agrees to install the sidewalk and street trees along the west side of South 69th Street where the street is adjacent to Lot 12. Owner further agrees to install the remaining trees and sidewalks along the west side of South 69th Street adjacent to Outlot B if Owner purchases Outlot B.

18. Owner agrees to relocate the driveway to South 69th Street after its construction and remove the old driveway access to Pine Lake Road.

19. Owner agrees to plant street trees along Pine Lake Road per design standards.

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
Building & Safety	Terry Kathe	1	Did Not Complete		First In Group
County Health	chris schroeder	1	Recommend Approval	The LLHCD does not object to the approval of this application.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required	10-23-18	Individual
Fire Department	patrick borer	1	Recommend Approval	Lincoln Fire and Rescue does not have a zoning preference for our properties or neighboring properties, our only recommendation is the City of Lincoln follow established practices regarding zoning changes and accept change requests based upon the benefit of the change to the City of Lincoln.	Individual
Planning Dept	brenda thomas	1	No Review Required		First In Group
	collin christopher	1	Corrections Required	Provide Screening/Landscape Plan that address the following: 1) Screen the parking lot along the east edge, per Section 7.1 of Chapter 3.50 of the Design Standards. 2) Provide two shade trees along the east perimeter of the parking lot. 3) Along the west edge, screen the first 300' of the property - starting at the northwest corner and moving south - by providing a total of 10 new evergreen or ornamental trees. At least 5 and no more than 7 of the new trees shall be evergreen.	Individual
Public Works - Engineering Services	brion perry	1	Recommend Approval	see markup if applicable to the change of zone	First In Group
Public Works - Watershed Management	tim zach	1	Corrections Required	10/29/18 1. Add a note, if not already added, to the development plan that states "No future development within the floodway or floodplain." 2. Need to provide detention or show that there are not increases in runoff from the proposed improvements	First In Group

Current Project - Agency Review Report

				3. Provide proposal to meet water quality requirements, or prove that the improvements are under 1 acre of land disturbance.	

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

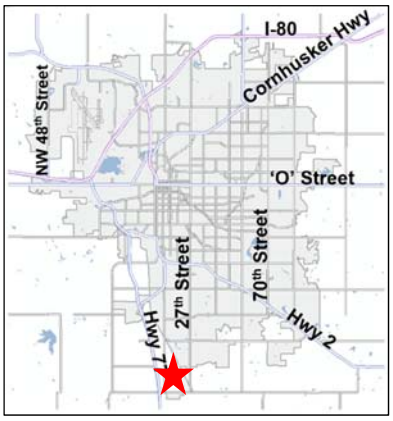
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #06022B	Yes	William Allen LLC and Hendricks Investments LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
November 14, 2018	SP#18034	10777 S. 14th St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to increase the boundary for a Garden Center to relocate the existing location for topsoil storage and processing to this new area. After processing the soil is then sold to the public or contractors. The current area where topsoil is stored will be used for bulk plant material.



JUSTIFICATION FOR RECOMMENDATION

The expansion of the garden center will allow the stockpile of soil to be relocated a significant distance from a dwelling that is located south of the garden center. This will help alleviate any issues with dust on the neighboring property.

APPLICATION CONTACT
John Hendricks, 402-440-4219
john@outdoorsolutions-lincoln.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2040 Comprehensive plan encourages retention and expansion of existing businesses while striving for predictability and protection of existing residential uses and neighborhoods.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged. (p.5.1)

Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community. (p.5.2)

Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities. (p.5.2)

Provide flexibility to the marketplace in siting future commercial and industrial locations.

Strive for predictability for neighborhoods and developers. (p.5.2)

ANALYSIS

1. This request is to increase the area of the garden center by 4.85 acres bringing the total area of the garden center to approximately 27 acres. The new area will be used for stockpiling of soil. The soil will then be processed for sale. The expansion area is adjacent farm ground zoned AG-Agriculture. The future land use plan in the 2040 Comprehensive Plan identifies this area as agricultural.
2. Currently soil is stored in the southwest part of the property. By relocating the stockpiling and processing of the top soil to the proposed location it will benefit the property to the south by alleviating any potential dust and noise issues. The soil is being excavated in the northeast area of Lot 15; the same lot as the expansion area.
3. The associated Special Permit #18034 for soil excavation will have public hearing at Planning Commission with this application.
4. The area of expansion is within the States corridor protection for the South Beltway. This application was sent to Nebraska Department of Transportation (NDOT) for review. NDOT will not require a Corridor Protection Review for this application. However Corridor Protection remains in place and any future buildings must be reviewed by NDOT.
5. There are no new buildings shown in the expanded area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Garden Center, AG Agricultural

SURROUNDING LAND USE & ZONING

North:	AG Agricultural	Farm ground
South:	AG Agricultural	Acreage lots with 2 houses.
East:	AG Agricultural	Farm ground
West:	H-3 Highway Commercial	Hwy 77 and commercial uses.

APPLICATION HISTORY

April 2006	Special Permit #06022 was approved for construction and operation of a garden center.
June 2014	Administrative Amendment #14031 to Special Permit #06022 was approved for an additional garden center building and two storage buildings, and added a second access to the site.
April 2015	Administrative Amendment #15019 to Special Permit #06022 was approved to change the approved square footage and location of one of the buildings and added a note stating that buildings may be built anywhere within the building envelope as shown on the approved site plan.
August 28, 2017	Special Permit 06022A was approved to allow two freestanding signs on South 14th Street.

APPROXIMATE LAND AREA: 27.09 acres, more or less.

LEGAL DESCRIPTION: Lot 52 Irregular Tract and a portion of Lot 15 Irregular Tract located in the E1/2 of Section 35-Township 9 North, Range 6 East, Lancaster County, NE.

Prepared by

_____
Tom Cajka, Planner

Date: October 29, 2018

Applicant: John Hendricks
7501 Olive Creek Road
Firth, NE 68358

Contact: Jeremy Williams
Design Associates of Lincoln
1609 "N" St.
Lincoln, NE 68508
jeremy@DAofLincoln.com
402-474-3000

Owner: William Allen, LLC and Hendricks Investments, LLC
7501 Olive Creek Rd.
Firth, NE 68358

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CONDITIONS OF APPROVAL – SPECIAL PERMIT #06022B

Per Section 27.63.110 this approval permits a garden center up to 10,000 square feet.

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 Identify the blank area in the northwest portion of the site between the 2 Bulk Plants area as Bulk Plants.

    1.2 Add a note that the garden center allows up to 10,000 sq ft. of floor area.

    1.3 Add the following note, "Access to N. 14th St. is limited to the two drives shown on the site plan."

    1.4 Show a more precise location of the soil stockpile. Dimension the soil stockpile area from HWY 77 right-of-way.

    1.5 In the 3rd course of the legal change West to East.

    1.6 Add a note, "The soil stockpile shall be setback 100 feet from the west lot line and shall be no taller than 10 feet or The soil stockpile shall be setback 100 feet from the west lot line and the stockpile shall have a 20 feet height limit and there shall be 100% screen from the ground to 25 feet above the ground for the soil stockpile."

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

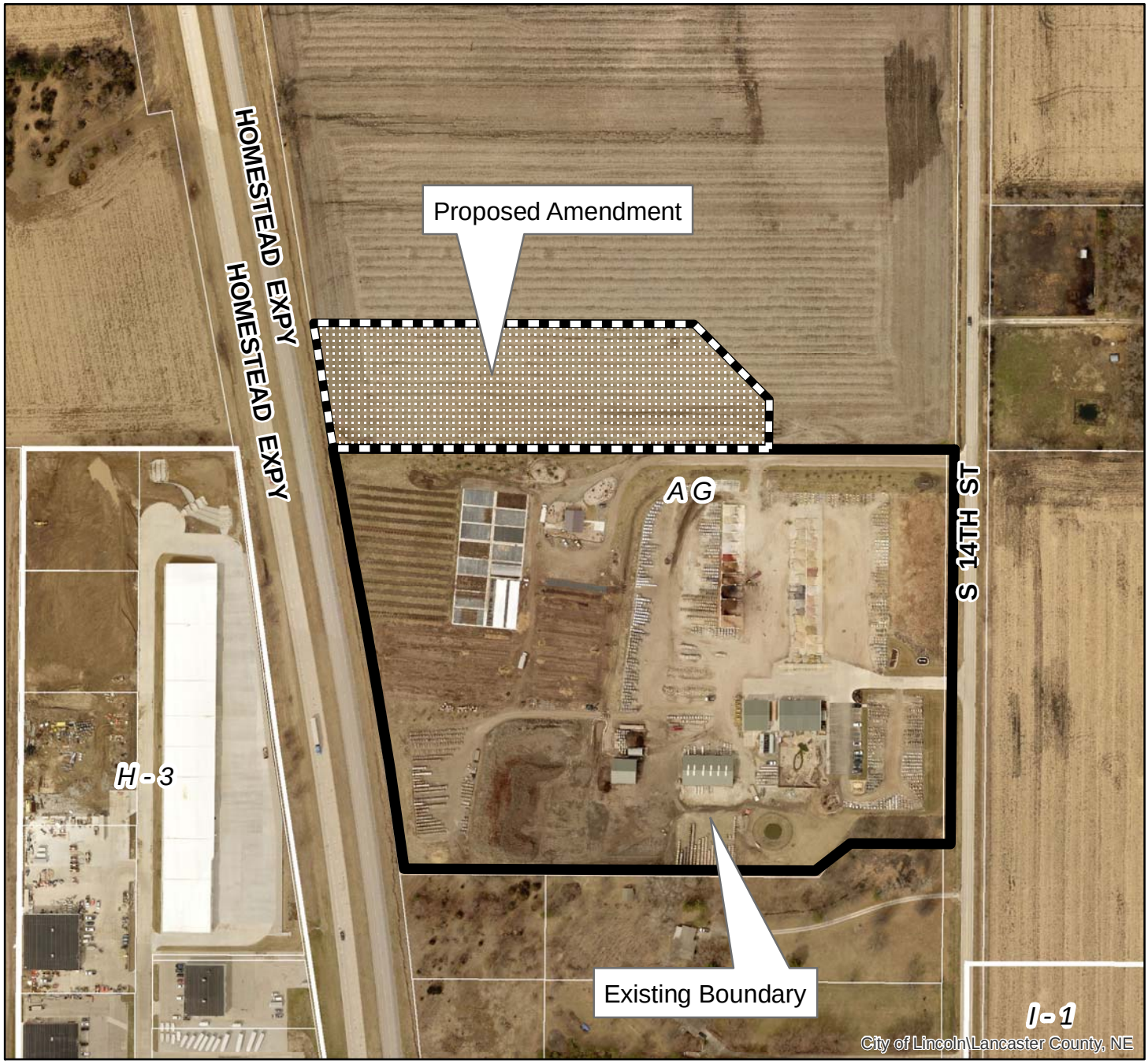
    3.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

    3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

    3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

    3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

    3.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



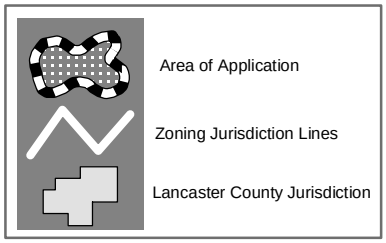
2018 aerial

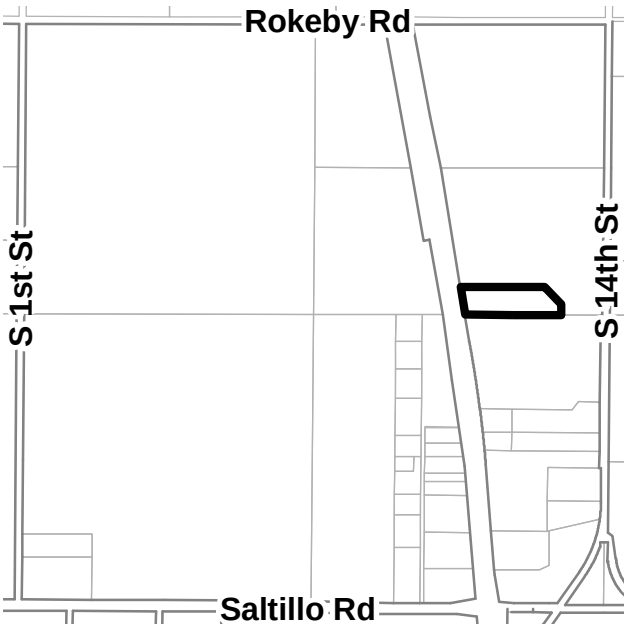
Special Permit #: SP06022B
Outdoor Solutions and Heritage Nursery
S 14th St & Saltillo Rd

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.35 T09N R06E





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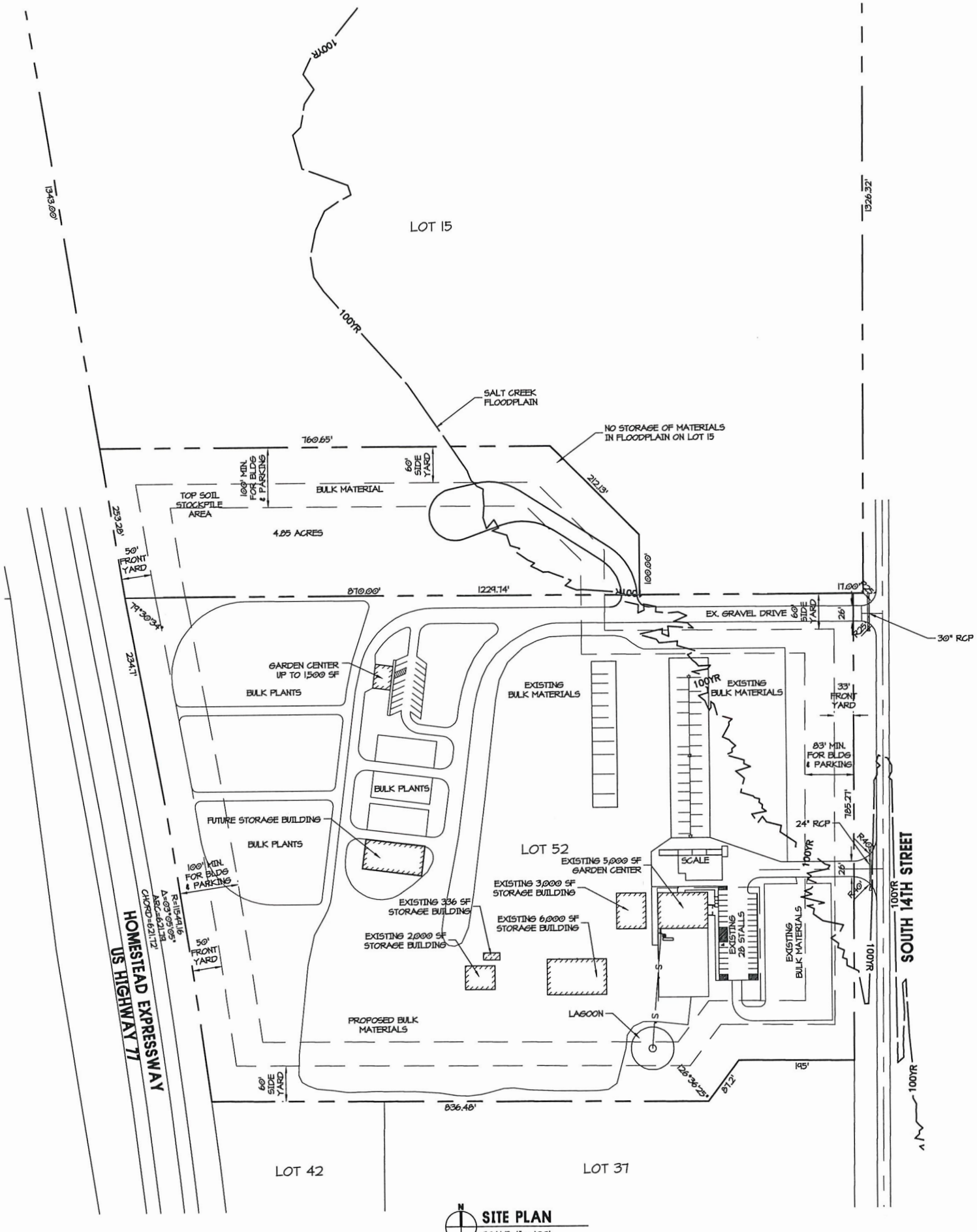
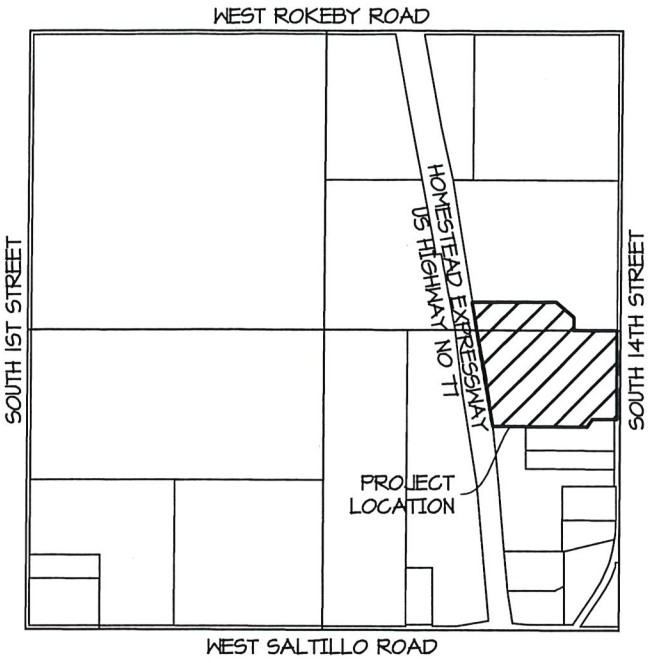

LOT 15
100YR
SALT CREEK FLOODPLAIN
NO STORAGE OF MATERIALS IN FLOODPLAIN ON LOT 15
1343.00'
1326.32'
760.65'
100' MIN. FOR BLDG & PARKING
60' SIDE YARD
BULK MATERIAL
TOP SOIL STOCKPILE AREA
4.85 ACRES
259.28'
50' FRONT YARD
870.00'
1229.74'
212.13'
100.00'
17.00'
EX. GRAVEL DRIVE
26'
30" RCP
TR=30°34'
234.17'
GARDEN CENTER UP TO 1,500 SF
BULK PLANTS
EXISTING BULK MATERIALS
33' FRONT YARD
83' MIN. FOR BLDG & PARKING
185.27'
24" RCP
FUTURE STORAGE BUILDING
LOT 52
EXISTING 5,000 SF GARDEN CENTER
SCALE
EXISTING 3,000 SF STORAGE BUILDING
EXISTING 336 SF STORAGE BUILDING
EXISTING 6,000 SF STORAGE BUILDING
EXISTING 2,000 SF STORAGE BUILDING
EXISTING 28 STALLS
EXISTING BULK MATERIALS
R=11544.16'
Δ=01°05'05"
ARC=221.79'
CHORD=221.72'
PROPOSED BULK MATERIALS
LAGOON
195'
126°36'25"
812'
836.48'
HOMESTEAD EXPRESSWAY
US HIGHWAY 77
SOUTH 14TH STREET
LOT 42
LOT 37
N
SITE PLAN
SCALE: 1" = 100'



LEGAL DESCRIPTION

LOT 52 & A PORTION OF LOT 15 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15, SAID POINT OF BEGINNING;
THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #77, ALONG AN ASSUMED BEARING OF N 09°04'19^ W FOR A DISTANCE OF 253.28';
THENCE S 89°50'15^ E FOR A DISTANCE OF 760.65';
THENCE S 44°50'15^W FOR A DISTANCE OF 212.13';
THENCE S 00°09'45^ W FOR A DISTANCE OF 100.00';
THENCE N 89D50'15^ W FOR A DISTANCE OF 870.00' TO THE POINT OF BEGINNING, CONTAINING 4.85 ACRES MORE OR LESS.

E 1/2 SEC. 35 T9N R6E,
LINCOLN, LANCASTER CO., NEBRASKA

ZONING: AG

FRONT YARD SETBACK = 50'
SIDE YARD SETBACK = 60'
REAR YARD SETBACK = 100'

BUILDINGS AND PARKING LOTS = 100'
(PER LMC 27.63.110)

GENERAL NOTES:

1. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, ALL SIGNS SHOWN ARE CONCEPTUAL. ALL SIGNS MUST BE IN CONFORMANCE WITH CHAPTER 27.69, EXCEPT THAT TWO FREE STANDING SIGNS ARE ALLOWED ON S. 14TH STREET, ONE AT EACH ENTRANCE.

2. BUILDINGS MAY BE LOCATED ANYWHERE WITHIN THE BUILDING ENVELOPE AS SHOWN. BUILDING LOCATIONS SHOWN ARE CONCEPTUAL.

Design Associates
of Lincoln, Inc.
ARCHITECTS • PLANNERS • ENGINEERS

August 28, 2018

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

Re: Amendment to Special Permit #06022A
Garden Center

Dear Mr. Cary:

On behalf of William Allen, LLC and Hendricks Investments, LLC, owners of Lot 52 and Lot 15 respectively, we submit this application for an Amendment to Special Permit #06022A for a Garden Center. The purpose of the amendment is to expand the limits of the Garden Center from all of Lot 52 to include a portion of Lot 15.

Lot 15 was recently acquired by the owner as a source of topsoil for the Outdoor Solutions garden center. Currently, topsoil is imported from off-site and stockpiled in the SW corner of Lot 52. It is then processed into various forms for retail sale by Outdoor Solutions. By relocating the stockpiling and processing of topsoil to the SW corner of Lot 15, the distance to transport the topsoil will be minimized. In addition, these operations will be moved away from the adjacent property to the south of Lot 52, which includes a dwelling. The remaining portion of Lot 15 will be maintained for Agricultural use.

Included with this submittal is the following information:

Special Permit Amendment Application
Special Permit Amendment Filing Fee - $988.00
This cover letter and the site plan will be uploaded to ProjectDox.

Please feel free to contact us (402) 474-3000 if we can provide any additional information or answer any questions that will assist in the review of this application.

Sincerely,

Jeremy Williams, P.E.

PERSHING SQUARE 1609 'N' STREET LINCOLN, NEBRASKA 68508
Phone: (402) 474-3000 www.DAofLincoln.com Fax: (402) 474-4045

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

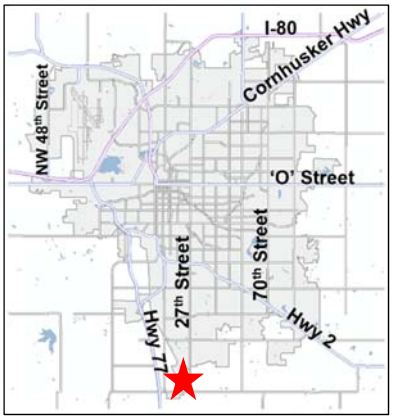
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #18034	Yes	John Hendricks
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
November 14, 2018	SP06022B	S. 14th Street between Rokeby Rd. and Saltillo Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code for Excavation. The property is currently in the AG Agricultural District. The boundary of the special permit is 36.5 acres and the area of excavation is approximately 5.6 acres.



JUSTIFICATION FOR RECOMMENDATION

This application with the conditions of approval meet the requirements for an Excavation special permit.

APPLICATION CONTACT

John Hendricks 402-420-1477

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.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.9 – this site is in Tier III of the Growth Tiers. Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential—beyond 50 years. Little active planning of utilities is likely to occur in the near term in Tier III.

ANALYSIS

1. This request is for soil excavation on a 36.5 acre site under the provisions of Chapter 27.63.160 Excavation. Approximately 15,000 cubic yards of soil is planned to be excavated from an area of approximately 5.6 acres. The excavated soil will be stockpiled on the property to be used as top soil for the adjacent garden center.

2. Related to this application is Special Permit #06022B to expand the boundary of the Garden Center. The stockpile of soil will be located in the new area.
3. The majority of the special permit area is within the 100 year flood plain. The area of excavation is located within the flood plain. A flood plain development permit is required. The applicant has submitted the application with Building and Safety Department.
4. Access to the site will be from an existing farm access on S. 14th Street and from a drive on the adjacent property to the south.
5. There are 3 private wells within 1,000 feet of the operation. Two of the wells are owned by the applicant. Lincoln-Lancaster County Health Department notes that the water report does not demonstrate that the operation and ultimate grading will not negatively impact nearby wells by draw-down or contamination and/or that monitoring wells will be installed to provide early warning of any such impact.
6. 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.
7. Lower Platte South Natural Resource District has reviewed this application and also commented that a flood plain development permit is needed. In addition an Erosion and Sediment Control Plan and a National Pollutant Discharge Elimination System are required.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agriculture Farm ground

SURROUNDING LAND USE & ZONING

North:	AG Agriculture	Farm ground and one dwelling
South:	AG Agriculture	Garden Center
East:	AG Agriculture	Farm ground and 2 dwellings
West:	AG Agriculture	Farm ground

APPROXIMATE LAND AREA: 36.53 acres, more or less.

LEGAL DESCRIPTION: See attached

Prepared by

_____
Tom Cajka, Planner

Date: October 31, 2018

Applicant: John Hendricks
PO Box 22189
Lincoln, NE 68542
402-420-1477
john@outdoorsolutions-lincoln.com

Contact: Same as applicant

Owner: Hendricks Investments, LLC
7501 Olive Creek Rd.
Firth, NE 68358

F:\DevReview\SP\18000\SP18034 Hendricks soil excavation.tjc.docx

CONDITIONS OF APPROVAL – SPECIAL PERMIT #18034

Per Section 27.63.160 this approval permits soil 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 and label the area of excavation.

    1.2 Add a note on the total cubic yards to be excavated.

    1.3 Identify the limits of the flood plain.

    1.4 Clearly define the limits of this special permit.

    1.5 Provide information that demonstrates there will be no negative impact to nearby wells to the satisfaction of Lincoln-Lancaster County Health Department.

    1.6 Add to Note #2, "An erosion and sediment control permit will be obtained prior to any grading."

    1.7 Add a note, "Contractor shall collect and store topsoil for redistribution to be uses at termination of grading.

    1.8 Add a note, "Hauling of material will occur off road with no public roads being affected by hauling operations except for equipment mobilization and demobilization occurring from South 14th Street at the existing access driveway shown on submitted layout plan."

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.

3. Before beginning the excavation operation,

    3.1 The Permittee shall have

        3.1.1 Received review and permits, in required for the Federal NPDES and 404 Permits.

        3.1.2 Post performance bond in the amount of $2,940.00 ($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.

        3.1.3 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.

        3.1.4 A sign shall be posted and maintained at the entrance to the site. The sign shall be:

3.1.4.1 Clearly visible from the adjacent road;

3.1.4.2 At least 32 square feet in area;

3.1.4.3 Lettering shall be at least two inches in heights, black on a white background;

3.1.4.4 The 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.

3.2 After beginning the excavation operations, the Permittee shall have

3.2.1 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.

3.2.2 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.

3.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.

3.2.4 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.

3.3.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.

3.3.6 Operating hours shall be limited to daylight hours, Monday through Saturday.

3.3.7 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.

3.3.8 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.

3.3.9 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.

3.3.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.

3.3.11 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.

3.3.12 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:

3.3.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have be met and complied with; and

3.3.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

3.3.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.

3.3.14 The construction plans shall generally comply with the approved plans.

4. 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:

5. The following conditions are applicable to all requests:

5.1 Before starting the operation all development and construction shall substantially comply with the approved plans.

5.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.

5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

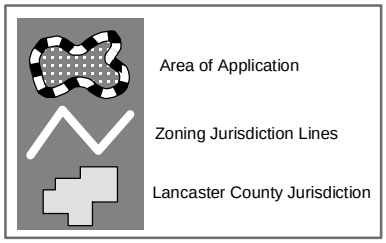
2018 aerial

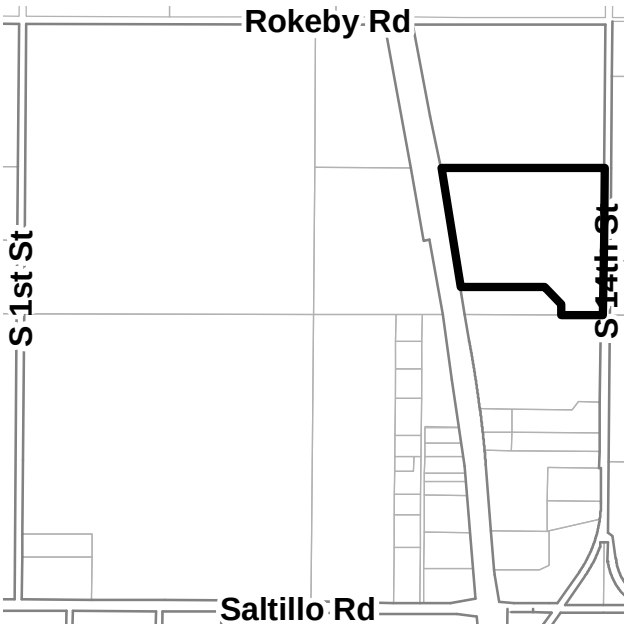
Special Permit #: SP18034
Hendricks Investments Excavation
S 14th St & Rokeby Rd

Zoning:

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

One Square Mile:
Sec.35 T09N R06E





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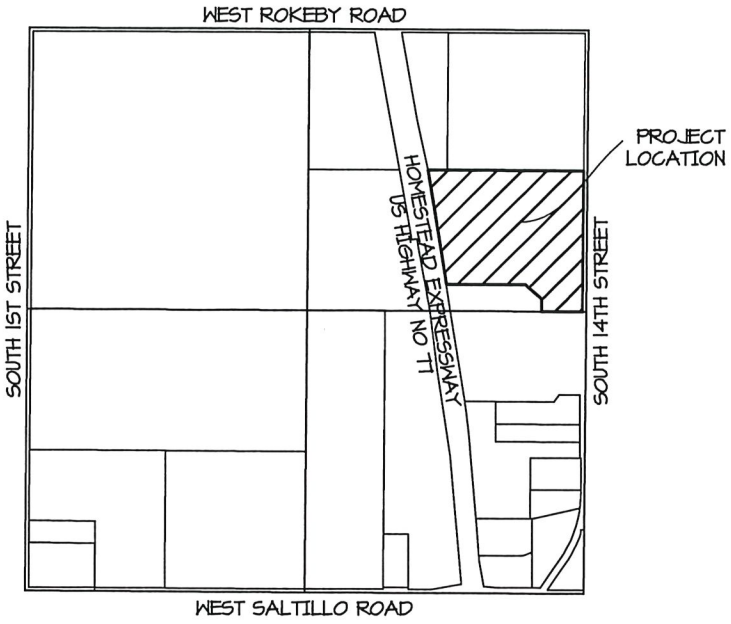


LEGAL DESCRIPTION

A PORTION OF LOT 15 OF IRREGULAR TRACTS IN THE NE ¼ OF SECTION 35, T9N, R6E OF THE 6TH PM, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15, SAID POINT OF BEGINNING;
THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #77, ALONG AN ASSUMED BEARING OF N 09°04'19" W FOR A DISTANCE OF 253.28' TO THE POINT OF BEGINNING';
THENCE N 09°04'19" W FOR A DISTANCE OF 1090.40';
THENCE S 89°50'35' E FOR A DISTANCE OF 1470.87';
THENCE S 00°31'13" W FOR A DISTANCE OF 1326.44';
THENCE N 89°50'15" W FOR A DISTANCE OF 376.96':
THENCE N 00°09'45' E FOR A DISTANCE OF 100.00';
THENCE N 44°50'15" W FOR A DISTANCE OF 212.13';
THENCE N 89°50'15" W FOR A DISTANCE OF 760.65':TO THE POINT OF BEGINNING, CONTAINING 36.53 ACRES MORE OR LESS.

E 1/2 SEC. 35 T9N R6E,
LINCOLN, LANCASTER CO., NEBRASKA

ZONING: AG

FRONT YARD SETBACK = 50'
SIDE YARD SETBACK = 60'
REAR YARD SETBACK = 100'

GENERAL NOTES:

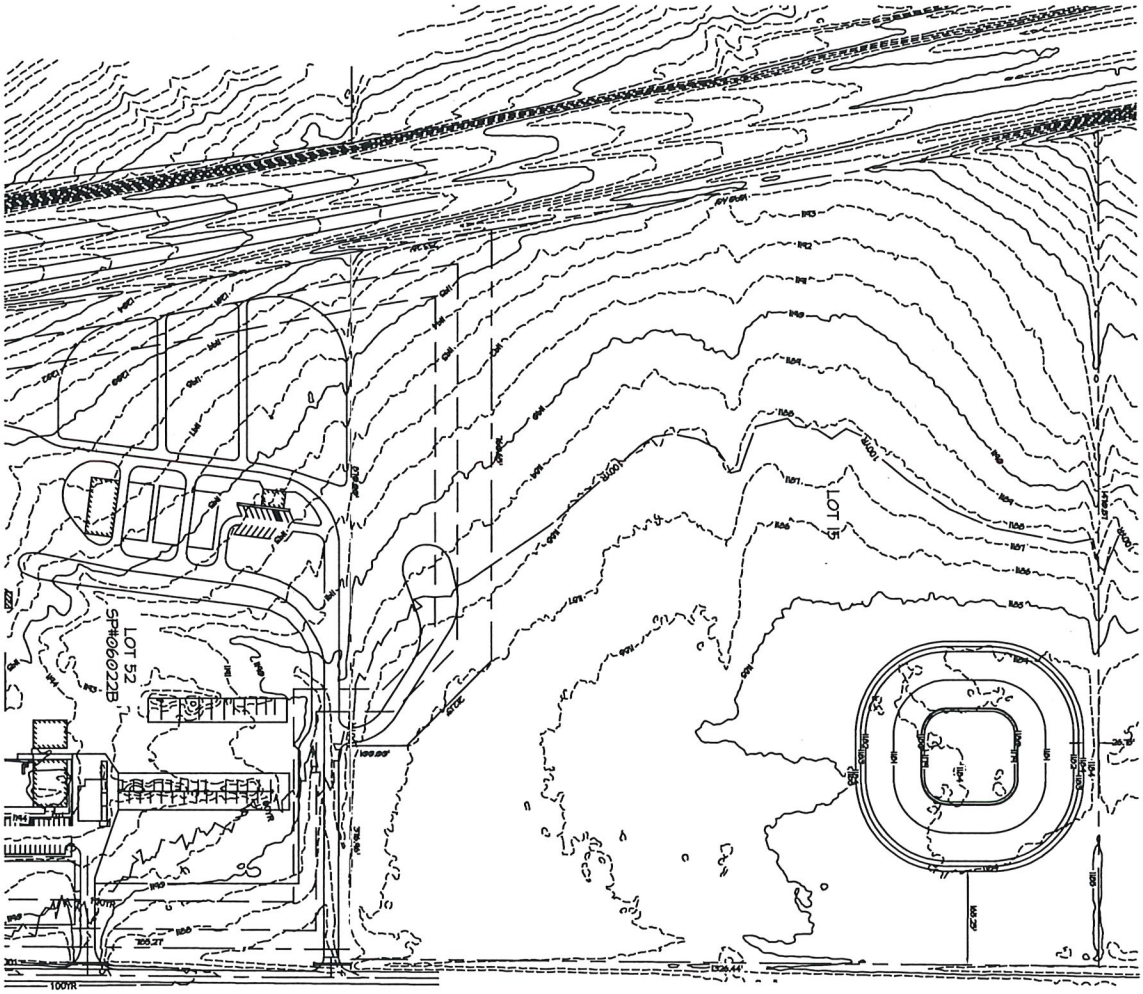
1. OPERATING HOURS SHALL BE LIMITED TO DAYLIGHT HOURS MONDAY THROUGH SATURDAY

2. PROPER EROSION CONTROL AND DRAINAGE SHALL BE MAINTAINED AT ALL TIMES.

3. ACCESS SHALL BE LIMITED TO EXISTING INTERNAL ACCESS BETWEEN LOTS 15&52.

4. DUST CONTROL TO MEET LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS.

5. ALL FLOODPLAIN REGULATIONS WILL BE FOLLOWED. A FLOODPLAIN PERMIT WILL BE OBTAINED PRIOR TO ANY GRADING.

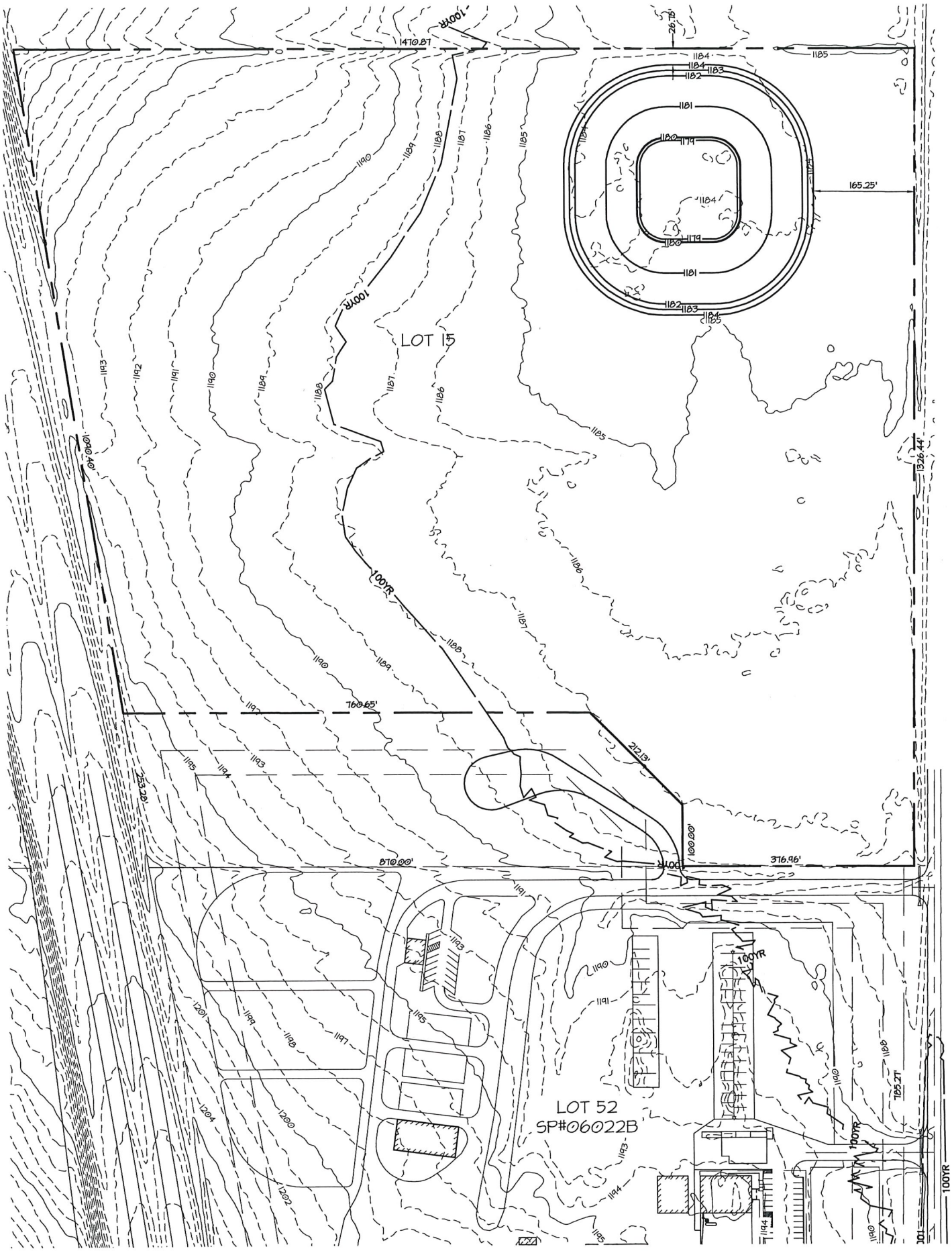


SITE PLAN
SCALE: 1" = 100'

LEGAL DESCRIPTION

A TRACT OF LAND COMPRISING PARTS OF LOTS 15 AND 52 I.T. LOCATED IN THE E 1/2 OF SECTION 34, T7N, R7E OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15, SAID POINT OF BEGINNING;
THENCE N 00°00'00" E ALONG THE WESTERLY LINE OF SAID LOT 15, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 77, A DISTANCE OF 1,320.00' TO THE NORTHWEST CORNER OF SAID LOT 15;
THENCE N 89°59'57" E ALONG THE NORTHERLY LINE OF SAID LOT 15 FOR A DISTANCE OF 1,320.00' TO THE NORTHEAST CORNER OF SAID LOT 15;
THENCE S 00°00'00" E FOR A DISTANCE OF 1,320.00';
THENCE S 89°59'57" E FOR A DISTANCE OF 1,320.00';



SITE PLAN
SCALE: 1" = 100'

SP18034

A portion of Lot 15 of Irregular Tracts in the NE ¼ of Section 35, T9N, R6E of the 6th PM, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the southwest corner of said Lot 15;
Thence northwesterly along the easterly right-of-way line of U.S. Highway #77, along an assumed bearing of N 09°04'19" W for a distance of 253.28' to the point of beginning;
Thence N 09°04'19" W for a distance of 1090.40';
Thence S 89°50'35" E for a distance of 1470.87';
Thence S 00°31'13" W for a distance of 1326.44';
Thence N 89°50'15" W for a distance of 376.96';
Thence N 00°09'45" E for a distance of 100.00';
Thence N 44°50'15" W for a distance of 212.13';
Thence N 89°50'15" W for a distance of 760.65' to the point of beginning, containing 36.53 acres more or less.

Design Associates
of Lincoln, Inc.
ARCHITECTS • PLANNERS • ENGINEERS

November 1, 2018

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

Re: Special Permit #18034
Excavation
Lot 15 IT, NE ¼ Sec. 35 T9N R6E

Dear Mr. Cary:

On behalf of Hendricks Investments, LLC, owner of Lot 15, we submit this application for Special Permit #18034 for Excavation. The purpose of the excavation is to mine the soil, transporting it the adjacent property to be stockpiled and sold under Special Permit #06022B for Garden Center. Approximately 15,000 cubic yards of soil will be excavated under the proposed permit.

Please feel free to contact us (402) 474-3000 if we can provide any additional information or answer any questions that will assist in the review of this application.

Sincerely,

Jeremy Williams, P.E.

PERSHING SQUARE 1609 'N' STREET LINCOLN, NEBRASKA 68508
Phone: (402) 474-3000 office@DAofLincoln.com Fax: (402) 474-4045

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	OWNER
UP10001A	No	Compensation Programs, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS**
November 14, 2018	None	1040 N. Cotner Blvd

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a use permit amendment to reduce the front yard setback requirement from 25 feet to 15 feet for a freestanding sign. The property is located at the southeast corner of Y Street and North Cotner Boulevard and is approximately 0.48 acres in size. The proposal is for a 4 foot by 3 foot freestanding sign that would face N. Cotner Boulevard to the west. The sign will consist of the name of the business (Compro) and the address placed on a boulder. The use permit amendment is required because per LMC 27.69 freestanding signs are not allowed in the front yard of the R-T District.

JUSTIFICATION FOR RECOMMENDATION

The use permit proposal is appropriate as it will allow for a limited setback reduction to place a small sign in front of trees and landscaping and will not be detrimental to the neighborhood.

APPLICATION CONTACT
Brian McPike, (402) 488-5100 or
bmcpike@comproins.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal subject to conditions is compatible with the Comprehensive Plan and is compatible with the character of the neighborhood.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as Residential – Urban Density on the 2040 Lincoln Area Future Land Use Plan.

p. 5.2 – Strive for predictability for neighborhoods and developers.

p. 7.10 – Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

ANALYSIS

1. This request is a proposed use permit that will allow for a reduction in the front yard setback from 25 feet to 15 feet to allow the placement of a freestanding sign, 12 square feet in size, in the front yard. The sign would include the name of the business (Compro) along with the address on a boulder. This property is zoned R-T. Per 27.72.030(a) the front yard setback in the R-T district is 10 feet or the same as the abutting district, whichever is greater. Since this property abuts lots to the east and south which are zoned R-2 Residential, the front yard setback for this property is 25 feet along North Cotner Boulevard and the Y Street frontage. Per Table 3 Chapter 27.69.040 free-standing signs are not allowed in the front yard of the R-T district. Signs not in the front yard are allowed, but no larger than 32 square feet in area, and 6 feet in height.
2. The applicant letter notes that the zoning was changed on the property to R-T Residential Transition previously in order to allow for the conversion of the house to their current office and that they never have had a sign at their location. The concern is that they would like a freestanding sign installed to be seen in both directions of N. Cotner Boulevard as they have had clients mistakenly walk into the house across the street from their office. The applicant states, in order for the sign to fit correctly in terms of existing conditions, it must be setback 15 feet from the front property line facing N. Cotner Boulevard as any further back and it would be blocked by one of the mature trees in the yard on N. Cotner Boulevard or they would have to remove one of the trees.
3. The site in question is a corner lot with two front yards, one facing North Cotner Boulevard and one facing Y Street. Y Street is a local street whereas North Cotner Boulevard is a minor arterial and the more likely route for arrival of clients to the business in question and therefore the proposed sign location. In this case, there are existing mature trees on the west side of the property that if the proposed freestanding sign were placed at 25' from the front lot line would reduce the visibility of the sign. The proposed sign is not allowed to be illuminated per **27.69.030(a)(9):**

   The required space between the location of any sign and an abutting residential premises in a residential district shall be as follows:

   i. 50 feet if non-illuminated,

   ii. 100 feet if illuminated;
4. The proposed use permit complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The R-T district is intended to provide a buffer between residential and more intense commercial uses. There is commercial zoning to the north and the property fronts a minor arterial. The proposed front yard setback adjustment for the freestanding sign will not be of detriment to the neighborhood and is still in keeping with the intent of the R-T District.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Office; R-T

SURROUNDING LAND USE & ZONING

North: Office, Single Family Detached; B-1, R-2
South: Single Family Detached; R-2
East: Single Family Detached; R-2
West: Single Family Detached; R-2

APPLICATION HISTORY:

Jan, 2011 City Council approved CZ10025 which changed the zoning from R-2 Residential to R-T Residential Transition District to convert an existing single family home into an office.

Jan, 2011 City Council approved UP10001 which permitted 3,100 square feet of office use and allowed for the reduction of setback for parking lots, including driveways adjacent to a residential district.

APPROXIMATE LAND AREA: 0.48 acres, more or less

LEGAL DESCRIPTION:
Lots 4-6, Block 94, Bethany Heights, located in the NE 1/4 of Section 21-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

_____
George Wesselhoft, Planner

Date: November 1, 2018

Owner: Compensation Programs, Inc.
1040 N. Cotner Blvd
Lincoln, NE 68505
(402)488-5100
Bmcpike@comproins.com

Applicant/: Brian McPike
Contact 1040 N. Cotner Blvd
Lincoln, NE 68505
(402)488-5100

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CONDITIONS OF APPROVAL – UP10001A

This approval allows 3,100 square feet of office with a front yard setback reduction for a freestanding sign from 25 feet to 15 feet within the boundaries of the use permit.

Site Specific Conditions:

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

    1.1 Update the Use Permit title to Use Permit 10001A

    1.2 Remove Use Permit 10001 Prior Approval stamp, Received and Final Approved Copy text from drawing.

    1.3 Add Note 8 "'Signs need not be shown on the site plan. The setback for signs along North Cotner Boulevard is reduced to 15 feet" and remove specific proposed sign location.

Standard Conditions:

2. The following conditions are applicable to all requests:

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

    2.2 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.

    2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

    2.4 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.

    2.5 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.

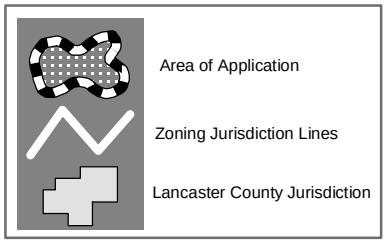
2018 aerial

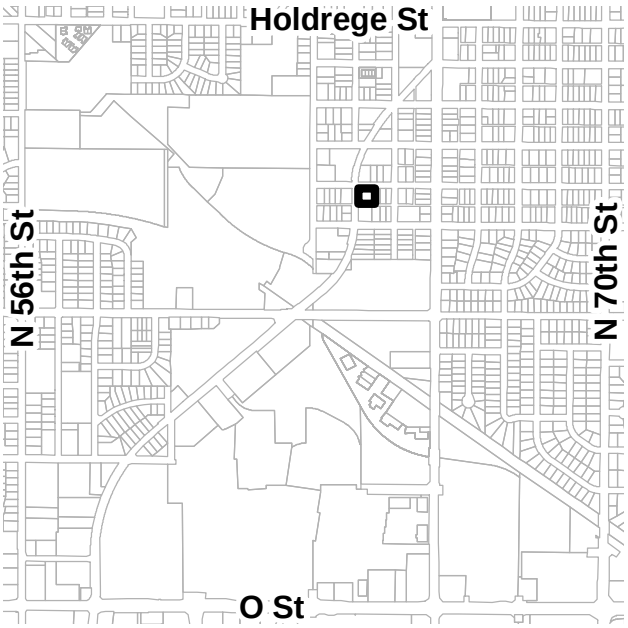
Use Permit #: UP10001A
N Cotner Blvd & Y St

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





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COMPRO
health insurance simplified

October 8, 2018

City Planning Division
City/County Building
Lincoln, NE 68501

Re: Sign/Use Permit for Boulder Sign at 1040 N Cotner Blvd

To Whom It May Concern:

I have owned a health/employee benefits insurance agency for the past 27 years. In 2010 I purchased the property at 1040 N. Cotner Blvd and converted this house to our office. We did have to get the zoning changed to Residential Transition.

During the process we have never had a sign at our office due to the regulations and where it would need to be installed to be seen in both directions of Cotner Blvd. Several times, our clients have walked in to the house across the street from our office (they couldn't figure out southeast corner of Cotner & Y Street). After 7 years I think I have figured out a way to install a sign.

For it to fit correctly it must start no more than 18 feet from the sidewalk, any further back it would either be blocked by on of the 3 Oak trees in the yard on N Cotner or I would have to cut down one of the Oak trees.

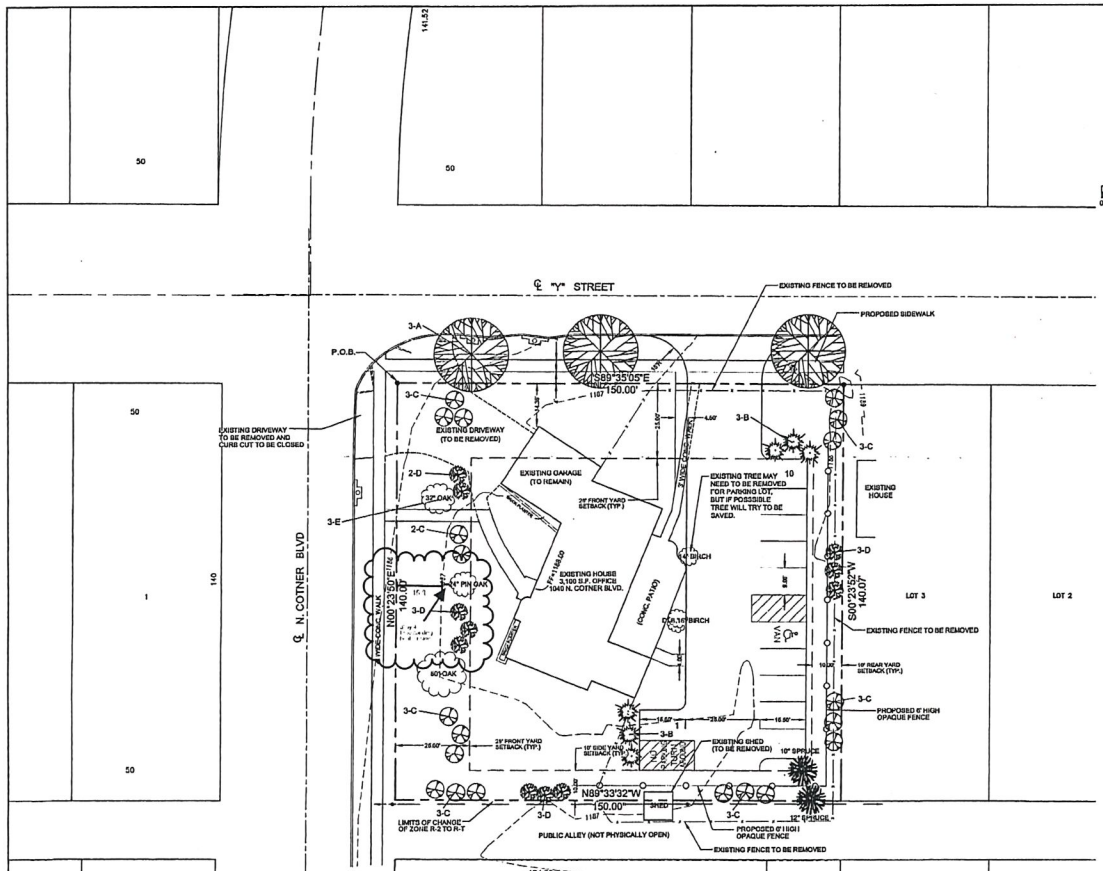
My request is to allow us to install this boulder sign 18 feet back from the sidewalk. I have attached a site map to approximate where the boulder would be located. Any help in approving this "Boulder" sign will be greatly appreciated.

Sincerely,

Brian K McPike
President/Agent

℄ N. COTNER BLVD
32" OAK
3-E
2-C
BRICK PLANTER
25' FRONT YARD
SETBACK (TYP.)
FF=1188.00
EXISTING HOUSE
3,100 S.F. OFFICE
1040 N. COTNER BLVD.
(CONC. PATIO)
WIDE CONC. WALK
N00°23'50"E 186
140.00'
187
24" PIN OAK
15 ft
3-D
3' by 4'
Freestanding
boulder sign
BRICK PLANTER
50" OAK
3-C

1040 N. COTNER BLVD.
USE PERMIT #10001



VICINITY MAP
NO SCALE

OWNER & DEVELOPER:
COMPENSATION PROGRAMS, INC
8101 "O" STREET, SUITE 201
LINCOLN, NE 68510
PHONE: (402) 488-5100

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

ATTORNEY:
SEACREST & KALKOWSKI
1111 LINCOLN MALL, SUITE 350
LINCOLN, NE 68508
PHONE: (402) 435-6000

SURVEYOR:
ALLIED SURVEYING AND MAPPING, INC.
6120 S. 58TH STREET
SUITE 'A'
LINCOLN, NE 68516
(402)434-2666

GENERAL SITE NOTES

1. THIS USE PERMIT IS APPROVED FOR 3,100 S.F. OF OFFICE.
2. THE CURRENT ZONING IS R-2 WITH A REQUESTED CHANGE OF ZONE TO RT.
3. THE OWNER/DEVELOPER SHALL COMPLY TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE EMISSION, DUST, ODOR, GLARE, AND HEAT AS ADOPTED BY THE CITY OF LINCOLN.
4. ALL CURVILINEAR DIMENSIONS SHOWN ARE CHORD LENGTHS UNLESS NOTED.
5. PAVING RADII SHALL BE 15 FEET AT INTERIOR INTERSECTIONS.
6. SIDEWALKS SHALL BE BUILT FOUR FEET WIDE ALONG "Y" STREET.
7. THE DEVELOPER/OWNER AGREES NOT TO LIGHT THE PARKING LOT.

WAIVER

1. REDUCTION OF SETBACK FOR PARKING LOTS, INCLUDING DRIVEWAYS ADJACENT TO RESIDENTIAL DISTRICT TO 10 FEET.

LEGAL DESCRIPTION - CHANGE OF ZONE & USE PERMIT

LOTS 4, 5 AND 6, BLOCK 94, BETHANY HEIGHTS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

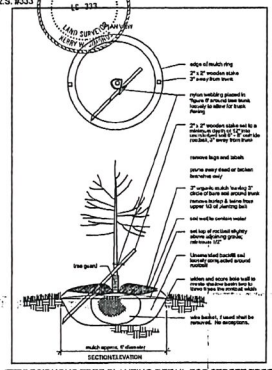
BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 94; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTH LINE OF SAID BLOCK 94, ON AN ASSUMED BEARING OF S 89°35'05" E FOR A DISTANCE OF 150.00' TO THE NORTHEAST CORNER OF SAID LOT 4 THENCE S 00°23'52" W, ALONG THE EAST LINE OF SAID LOT 4, FOR A DISTANCE OF 140.00' TO THE SOUTHEAST CORNER OF SAID LOT 4
THENCE N 89°33'32" W, ALONG THE SOUTH LINE OF SAID LOTS 4, 5 AND 6, FOR A DISTANCE OF 150.00' TO THE SOUTHWEST CORNER OF SAID LOT 6
THENCE N 00°23'50" E, ALONG THE WEST LINE OF SAID LOT 6, FOR A DISTANCE OF 140.00' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 21005 SQUARE FEET.

SURVEYOR'S CERTIFICATE

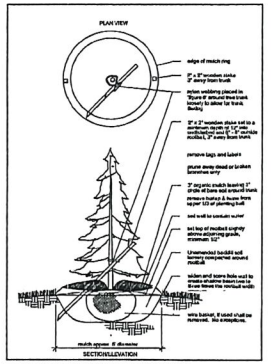
I, Kerry W. Simonds, a registered land surveyor in the State of Nebraska, certify that a survey of the outer boundary of this Community Unit Plan was performed by me or under my direct supervision, and that said survey is correct to the best of my knowledge and belief.

1-11-11 Kerry W. Simonds
Date Kerry W. Simonds, L.S. #333

PLOT PLAN REFERRED TO IN
Resolution # A-90449
ADOPTED BY THE CITY COUNCIL
ON 1-31-2011



1 DECIDUOUS TREE PLANTING DETAIL FOR STREET TREES



2 EVERGREEN TREE PLANTING DETAIL

STREET TREE SCHEDULE

KEY	LOCATION	COMMON NAME	BOTANICAL NAME	SIZE @ PLANTING	PLANTING METHOD	DESIGN SPRD	DESIGN HT.	EXISTING QUANTITY LANDSCAPE	EXISTING QUANTITY STREET	PROPOSED QUANTITY LANDSCAPE	PROPOSED QUANTITY STREET	ARTERIAL IMPROVED	ARTERIAL UNIMPROVED
A	"Y" STREET	'PACIFIC SUNSET' MAPLE	ACER TRUNCATUM X A. PLANTANOIDES 'WARRENRED'	1 1/2" cal	B&B	30'	25'		-		3		
B	PARKING LOT SCREENING	GOLDTIP PFITZER	JUNIPERUS CHINENSIS PFIZERIANA	18" - 24"	B&B	6'	3'			6			
C	PARKING LOT SCREENING	SWISS STONE PINE	PINUS CEMBRA	4' - 5'	B&B	6'	12'			20			
D	PARKING LOT SCREENING	WINGED EUONYMUS (BURNING BUSH)	EUONYMUS ALATA COMPACTA	18" - 24"	B&B	6'	10'			11			
E	N. COTNER BLVD.	OAK	-						3			X	

NOTES:

1. ALL PLANT MATERIAL INSTALLED SHALL BE "NURSERY GROWN" MEETING THE FOLLOWING CRITERIA.
   A. PLANT MATERIAL GROWN BY ESTABLISHED COMMERCIAL NURSERIES AND SOLD TO LICENSED AND CERTIFIED NURSERIES AND/OR LANDSCAPE CONTRACTORS.
   B. GROWN AND SOLD ACCORDING TO AMERICAN STANDARD FOR NURSERY STOCK SPECIFICATIONS (ANSI Z60.1-1990).
2. CITY OF LINCOLN SHALL MARK STREET TREE PLANTING LOCATIONS BEFORE PLANTING IS DONE.

LINCOLN CITY - LANCASTER COUNTY PLANNING COMMISSION APPROVAL

THE FOREGOING USE PERMIT & CHANGE OF ZONE WAS APPROVED BY THE LINCOLN CITY-PLANNING COMMISSION ON THIS _____ DAY OF _____, 201_.

ATTEST:_____
CHAIR

LINCOLN CITY COUNCIL APPROVAL

THE FOREGOING USE PERMIT & CHANGE OF ZONE WAS APPROVED BY THE LINCOLN CITY COUNCIL ON THIS 31 DAY OF January, 2011.

ATTEST:_____
CHAIR

LEGEND

- EXISTING ROW
- EXISTING CENTERLINE
- USE PERMIT BOUNDARY
- PROPOSED SETBACK
- EASEMENT
- FOUND PROPERTY CORNER
- SET PROPERTY CORNER

RECEIVED
JAN 3 ...
...ARE APPROVED COPI...

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

REVISIONS

NO.	DATE	DESCRIPTION
1	12/1/2010	PLANNING COMMISSION REVISIONS

1040 N. COTNER BLVD.
USE PERMIT #10001

SITE PLAN

LINCOLN, NEBRASKA 2010

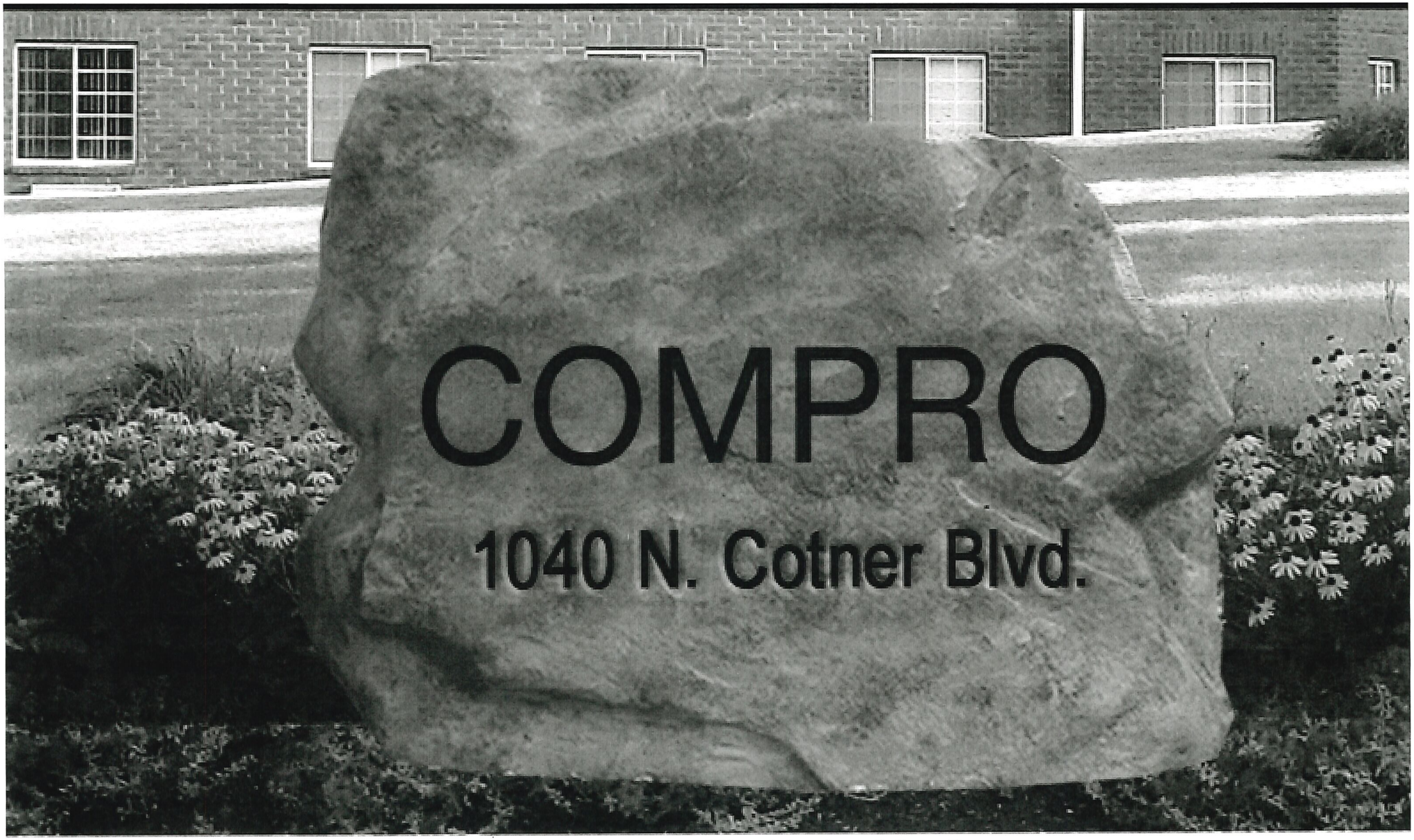
drawn by: jds
checked by: -
approved by: -
project no.: 2010-0019
drawing no.: -
date: 11/18/2010

SHEET 1 OF 1

DWG: N:\Projects\2010\2010019\Engineering\Use Permit\100019_Site.dwg
DATE: Jan 06, 2011 8:34am
USER: Jill Schuerman
XREFS: 100019_base

Boulder Designs

PROOF 2 for, 09/04/2018



Boulder Size - 48" wide by 36 tall

* NOTE THAT NO TWO BOULDERS ARE THE SAME. *ALL FONTS AND IMAGES MAY VARY SLIGHTLY ON COMPLETED PRODUCT. PROOFS SHOWN ARE NOT EXACT REPRESENTATIONS AND LIKE ALL NATURAL MATERIALS VARIATION IS NORMAL.

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 #18014

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
November 14, 2018

RELATED APPLICATIONS
None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The intent of these changes is to balance recently approved and currently proposed parking requirement relaxations that encourage development with enhanced screening and landscaping. This text amendment would revise the parking regulations, screening and landscaping for parking lots, add a requirement that street trees be installed with the commercial building permitting process, and related changes to other design standards chapters. A general update of the Design Standards for Screening and Landscaping is also proposed to make the standards easier to understand and enforce.

APPLICATION/ STAFF CONTACTS

Zoning – Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov
Screening and Landscaping – Collin Christopher, (402) 441-6370 or cchristopher@lincoln.ne.gov

JUSTIFICATION FOR RECOMMENDATION

Redevelopment should be incentivized through the removal of unnecessary barriers in site design, but it is also important to ensure that redevelopment follows a higher level of design to further economic development, promote consistency and fairness, and enhance the community and its neighborhoods. The proposed changes are not intended to be major in scale but rather incremental steps towards the above-mentioned adopted goals and strategies.

The amendment would help to implement the goals of the Comprehensive Plan by refining the standards on parking, screening and landscaping, and street trees. The update of the Design Standards for Screening and Landscaping will make interpretation and enforcement of the standards more straightforward.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Goals of the Comprehensive Plan include streamlining review processes and reducing unnecessary development requirements, while encouraging equity in redevelopment between older and newer areas of the city and strengthening design standards to improve sense of place.

A number of goals and strategies in the Comprehensive Plan address the proposed amendments including encouraging shared parking, promoting street trees and parking lot shade trees, updating and enforcing the design standards, and providing mechanisms for appropriate reductions to parking requirements.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 4.6-4.7 – Placemaking Guiding Principles

- Design standards should be developed, monitored, and revised as necessary to express and protect community values without imposing burdensome delays or restrictions on creativity. Well-crafted standards should add predictability and clarity to the development process, rather than imposing a design solution. Design standards for landscape elements should be developed, updated periodically and monitored and enforced with attention to long-term sustainability, or the benefit of this investment can quickly be lost.
- Historic areas and quality new development share underlying aspects of good design— durable materials, thoughtful attention to maintaining or creating a desirable overall setting, accessibility by multiple modes and all people, well-designed and effective signs that communicate without dominating, and sustainable, maintainable landscaping.

P. 5.7 – Strategies for Commercial Centers

- 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.

P. 5.14 - Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of other commercial structures should be explored.

P. 5.15, 6.8, 7.7, 7.11 – Detailed Strategies for Commercial Infill, Mixed Use Redevelopment, Developing Neighborhoods, and Existing Neighborhoods - Encourage shared driveways and interconnected parking lots where possible.

P. 5.15, 6.8 – Detailed Strategies for Commercial Infill and Mixed Use Redevelopment - Encourage shared parking between land uses with different peak demand periods.

P. 6.10-6.11 - Strategies for Facilitating Redevelopment

- Establish stronger design standards for redevelopment projects to provide assurance that they will blend into the context of, or enhance, the surrounding neighborhood and avoid conflicting visions among developers, neighbors, and city officials.
- Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.

P. 7.7 – Encourage shared parking wherever possible.

P. 7.11 - Encourage shared parking whenever possible — permit minor incursions of accessory parking for public/semi-public uses into neighborhoods if properly screened.

P. 9.3 - Comprehensive and adaptive urban forestry management approaches should be applied to sustain the city's urban forest; it is essential that adequate human and financial resources be allocated and specifically dedicated to sustaining our community's expanding public green infrastructure in conjunction with increasing development and population growth.

P. 9.10 - Continue to promote planting and management of street trees along all public streets within the corporate limits, and planting and management of trees in park areas.

P. 9.11 - Continue to require that parking lot trees be planted with new construction and consider increasing the number of required trees.

ANALYSIS

1. These revisions have been compiled by City staff and are intended to balance the relaxing of parking regulations with enhanced screening and landscaping requirements.
2. The changes were developed based on feedback and experience working with the development community as well as identified needs and inequities in the application of the Design Standards for Screening and Landscaping. They are intended to generally balance one another with parking incentives to encourage development and redevelopment, as well as enhanced and more consistent screening and landscaping.
3. The basis for these changes is the 2040 Comprehensive Plan. There are a number of strategies in the Comprehensive Plan that speak directly to these changes as noted above. These changes are not intended to be a major overhaul of these regulations, but incremental steps toward implementing these goals and strategies.
4. This text amendment has been posted on the Planning Department website since October 9. It was also sent to neighborhood and homeowners' association representatives and the development community requesting comments on October 9. The amendment was presented at the Mayor's Neighborhood Roundtable on October 8 and November 5, and to the Urban Design Committee on November 6.
5. The comments received to date relate mainly to the parking lot tree requirements. One written comment was submitted suggesting changes to the approved species list and other aspects of review for landscape plans (see attached comment). In addition, it was noted during the Planning Commission briefing that there may be space conflicts between a large parking lot shade tree and a parking lot light within a particular internal landscape island, which has been addressed by allowing substitution of a smaller ornamental tree in those cases.
6. The amendments proposed with this application are summarized below and listed in full legislative format on the attached draft ordinance and resolution documents.
7. Parking Changes

   Setting appropriate parking standards is important for promoting the efficient use of land. When developing the proposed parking changes, the following intended impacts were considered:

   1) Reduce minimum required parking where appropriate to reduce the over-parking of sites due to City requirements.
   2) Support redevelopment and denser development by adding greater flexibility into the regulations for shared parking, off-site parking, and parking within setbacks.
   3) Create an administrative approval process for minor parking modifications to better serve the development community while considering the context and potential impacts on adjacent property.

   a. Allow parking in the side yard setback in the H-2, H-3 and H-4 districts when not abutting a residential zoning district.

   Parking in the side yard is not currently permitted by right in commercial or industrial zoning districts, although parking is permitted in the rear yard. This change would allow parking in the side yard for the above zoning districts when not abutting a residential district. The H-2, H-3 and H-4 districts require a side yard even when not adjacent to residential zoning, and might not otherwise have a zoning mechanism to allow for this modification. If not adjacent to residential zoning as proposed, this change will not have a negative effect on neighboring properties.

   The required 6-foot wide parking lot perimeter screening requirement would still apply for new parking areas, which will help mitigate the impact of parking in the side yard as redevelopment occurs. In addition, although this change would expand the areas where parking is allowed, the related screening and landscaping amendments would generally increase the number of required parking lot trees, screening, and landscaped areas.

   The H-1 district is not included in this change because that district exists in very few locations and is being eliminated over time. The B-1 and B-3 districts are not included as they have a zero foot side yard when not adjacent to residential zoning. The B-2 and B-5 districts are not included as they are Use Permit districts with a mechanism for reducing setbacks. The B-4 district is not included as it is located in downtown and typically does not have any setbacks except where adjacent to residential zoning.

b. Reduce the minimum parking for restaurants and on-sale alcohol in the B-2 and B-5 zoning districts from 1 stall per 100 square feet to 1 stall per 300 square feet.

The B-5 zoning district is designed for the development of regional shopping facilities and related activities, and is represented by the "Regional Commercial Center" designation in the Comprehensive Plan. The B-2 zoning district is intended for planned retail centers serving adjacent neighborhoods.

Regional centers are very large in nature, requiring at least 30 acres of land. Both types of centers incorporate a large number of use types and they usually have a high tenant turnover rate, making it difficult to keep track of parking requirements as sites are redeveloped and new tenants renovate existing buildings. This difficulty is compounded by joint parking provisions where tenants often share parking stalls across the center instead of allocating specific stalls for their business.

In the B-2 and B-5 districts, the standard parking requirement for office/retail/commercial uses is 1 stall per 300 square feet. However, a number of uses have their own special parking requirements including restaurants and the sale of alcoholic beverages for consumption on the premises (i.e., restaurants with a liquor license and bars) which have a parking requirement of 1 stall per 100 square feet except in the B-1 and B-3 districts where the standard differs. These two uses are common in the B-2 and B-5 districts which have a mix of retail, restaurant, and office uses. It becomes complicated to track required parking as restaurants develop and redevelop within the centers over time, and buildings and sites may convert from retail to restaurant and back again and from one parking standard to another.

The sale of alcoholic beverages for consumption on the premises currently has a parking requirement of 1 stall per 100 square feet. The parking ratio is the same as the requirement for restaurants, as restaurants would normally need to meet both requirements. To facilitate development and redevelopment, the parking requirement for these uses should be reduced to match the standard of the district and the majority of commercial uses that will be present in a center.

This change has been implemented individually over several B-5 use permits and one B-2 use permit over the past several years. Specific prior approvals related to this change include a 2016 text amendment that reduced the B-5 district standard parking requirement from 4.5 stalls per 1,000 square feet to 1 stall per 300 square feet. The B-5 use permits with an approved parking reduction to this standard are SouthPointe, Edgewood, East Park Plaza, and Gateway.

c. Reduce the minimum parking in the H-2 zoning district from 1 stall per 300 square feet to 1 stall per 600 square feet.

The H-2 district is located almost exclusively in the area of 48th and O Streets. The character of the H-2 district at 48th and O Streets is becoming increasingly oriented to retail and restaurant rather than other types of typical highway commercial uses.

There have been several changes of zone from H-2 to B-3 in recent years, two of which were for purposes of achieving the lower parking requirement of the B-3 district of 1 stall per 600 square feet (CZ13013 at 366 N. 48th Street and CZ15017 for Paws 4 Fun). Rather than continuing to re-zone individual H-2 properties for lower parking, the H-2 district should be made more flexible as it continues to redevelop. Reducing minimum parking to the B-3 standard is one significant step in that direction.

d. Allow off-site parking within 300 feet in the H-4 zoning district.

Additional off-street parking is typically required when there is an increase in floor area or a change in use, such as retail to restaurant. Often, there is no space on the same lot to add additional parking, prohibiting uses that might otherwise be desirable at that location. This is an impediment to potential development and reuse of vacant buildings on small parcels.

Off-site parking is allowed in most commercial zoning districts in Lincoln with the condition that the property owner enter into a long term lease for the parking. The B-5 and H-4 zoning districts are exceptions to the general rule. Expanding off street parking options should be extended to the H-4 district as 300 feet is a walkable distance that people can be expected to make from their car to a business, while increasing flexibility for providing parking, especially on smaller commercial lots.

However, the B-5 district is not appropriate to allow separated parking as these regional shopping districts are

large in scale and should be able to contain all required parking within their boundaries, therefore preventing overflow into neighborhoods and other adjacent commercial areas.

e. Allow the maximum distance for off-site parking to be measured from the nearest point of the parking lot that contains the required stalls.

Currently, required parking within the maximum separation distance is interpreted to mean that the parking stalls themselves must fall within that distance. Instead, language would be added allowing parking stalls to be counted as long as the nearest point of the parking lot that contains the required stalls is within the separation distance.

f. Allow shared parking based on the mix of non-concurrent uses in all commercial districts.

To promote mixed use developments and efficient, denser use of land in older areas of the city, parking regulations need to be more flexible and sensitive to specific locations, yet still provide predictability for developers and neighbors. Shared parking is a concept based on the simple idea that different destinations attract customers, workers and visitors during different times of the day.

For example, an office that closes at 5:00 PM could share parking with a restaurant that has peak parking after 5:00 PM. Shared parking allows developers to decrease the amount of land required for a mixed use development. Shared parking reduces development costs, and allows for more efficient use of the land and better design including walkability and traffic flow. Use of central parking lots or garages discourages the development of many scattered facilities. Requiring more parking than the market demands adds substantial cost to the development and may prevent development.

This change would apply simplified joint (shared) parking regulations in any zoning district, whereas currently, the regulations vary by district and do not allow joint parking in every district.

g. Allow administrative approval of minor parking modifications.

The Planning Director would be granted the ability to administratively approve minor modifications to parking requirements including reducing minimum parking and increasing the maximum offsite parking separation distance. This change would not include the ability to waive the parking lot surfacing requirement. Minor parking modifications would be allowed in all zoning districts. The modification would generally be limited to a change of no greater than 25%, except that to accommodate smaller parking lots, any parking requirement could be decreased by 3 or fewer stalls as long as the overall reduction is no greater than 50% of the required parking. This revision is structured in a similar way to the existing Section 27.72.190 allowing the Planning Director to approve minor modifications to the rear yard setback and building height.

8. Parking Lot Screening and Landscaping Changes

Effective parking lot screening can have a significant positive impact on the appearance and functionality of the built environment. When developing the proposed screening and landscape changes, the following intended impacts were considered:

- Soften the visual harshness of surface lot parking through attractive screening and landscaping, while still preserving sight lines into the property.
- Create a more consistent application of the screening and landscaping of parking lots, eliminating the "missing teeth" effect within non-residential districts.
- Reduce heat island effects by increasing the number of shade trees within parking lots.
- Increase the standard for landscaping of parking lots, while taking into account the demands of landscape maintenance.

a. Eliminate the exception for screening of parking lots on shallow lots.

The current screening standards for parking lots include two related exceptions that state that lots with an average lot depth of less than 150 feet shall not be required to screen the front yard of a parking lot. While these

exceptions were intended to accommodate the limitations of shallower lots, they have contributed to an inconsistent application of the screening standards citywide. Thus, the proposal is to remove these exceptions from the standards.

b. Clarify the exception for screening of abutting parking lots to only allow it to be applied when the parking lots are connected via one or more drive aisles.

The current screening standards for parking lots include an exception that states that abutting parking lots do not need to be screened from one another. The term "abutting" is not clearly defined, but has generally been interpreted to allow completely separate parking lots in close proximity to one another to avoid screening along their adjacent edge. The proposed change revises this exception to read as follows:

"No screen shall be required along the side or rear property lines where there is a parking lot on the neighboring property abutting the side or rear yard that is connected via one or more drive aisles."

Exhibit 1 illustrates an example of where this exception would be applied. The intent of this revision is to increase consistency in screening around parking lots, while also providing a small incentive for better access management solutions, such as the incorporation of shared access.

c. Increase the shade tree requirements for parking lots.

The current shade tree requirements for parking lots do not require a shade tree until the size of the parking lot reaches 6,000 square feet. This proposed change would require all parking lots, regardless of size, to have at least one shade tree. Beyond this minimum of one tree, parking lots would be required to provide an additional tree per every 6,000 square feet. This revision essentially increases the requirement for all parking lots by one tree. Additionally, the revised standards would now state that parking lots must provide interior landscape islands (see Item 8d. below for more detail), with the intent that shade trees be located within these islands. All required double row islands would necessitate the planting of at least one shade tree, while every two required single row islands would necessitate the planting of at least one shade tree. If this double row/single row standard results in a higher required number of shade trees than required in the previous paragraph (1 shade tree, plus 1 per every 6,000 square feet of parking lot), than this higher standard would prevail.

In conjunction with the increased shade tree requirements for parking lots, additional shade tree increases are being proposed for sites with larger buildings. See Item 9a. on the next page for more detail.

d. Require interior landscape islands within parking lots.

The current screening standards do not require interior landscaping of parking lots, even though the parking lot shade tree requirement suggests that they be located internally. The proposed addition will require internal landscape islands at the end of every row of parking, plus additional islands to help break up longer runs of uninterrupted parking. The islands will be required to be a minimum of nine (9) feet in width in order to accommodate necessary soil volumes for healthy tree growth. Overall, interior parking lot landscaping will be required to account for a minimum percentage of the total parking lot square footage, as shown below:

Required Interior Landscaping

Parking Stalls	***Required Interior Landscaping (% of total parking lot sq. ft.)***
6 – 50 stalls	*5%*
51 – 200 stalls	*8%*
Greater than 200 stalls	*10%*

See **Exhibit 2** for an example of how this new standard would be applied.

9. Other Screening and Landscaping Changes

a. Increase open space landscape requirements.

In order to encourage more open space landscaping on larger developments, the requirements of Section 7.6 of Chapter 3.50 of the Design Standards are proposed to increase for sites with building coverage that equals or exceeds 10,000 square feet in the O-3, B-2, B-5, H-2, H-4, I-2 and I-3 Districts, as well as Churches in the R-1 through R-4 Districts. The H-2 and H-4 Districts are not included in the current standard, but are being proposed to be added as part of this change. As the table below summarizes, the requirement of 3 shade trees and 400 square feet of understory landscaping for every 10,000 square feet of building coverage is being proposed to increase to 4 shade trees and 700 square feet. Though this table stops at 49,999 sq. ft., the requirement applies to sites with building coverages that meet or exceed 50,000 square feet as well. Open space landscaping can be applied within parking lots, along entry drives, in building-adjacent landscape beds, or in dedicated open space on the site. Regardless of the location, the increase in shade tree and understory requirements will serve to beautify and minimize the impacts of larger developments and the parking lots that serve them.

Open Space Requirements

Building Coverage	Required Shade Trees	Required Understory
10,000 – 19,999 sq. ft.	~~3~~ 4	~~400~~ 700 sq. ft.
20,000 – 29,999 sq. ft.	~~6~~ 8	~~800~~ 1,400 sq. ft.
30,000 – 39,999 sq. ft.	~~9~~ 12	~~1,200~~ 2,100 sq. ft.
40,000 – 49,999 sq. ft.	~~12~~ 16	~~1,600~~ 2,800 sq. ft.

b. Require street trees as a condition of the commercial building permitting process.

The benefits of street trees are many, including the following:

- Street trees serve to frame views and enhance the urban form of our streets, districts and corridors.
- Street trees make public streets feel more inviting, comfortable and safe for all users. Drivers tend to slow down and residents typically walk more on streets lined by trees.
- Street trees have a positive impact on the environment and mitigate a variety of typical urban conditions. They improve air quality by converting carbon dioxide into oxygen, and reduce traffic noise by buffering street traffic from adjacent properties.
- Street trees have been proven to lead to increased property values for adjacent properties.

While property owners often fear the impact of reduced visibility into their sites, the reality is that street trees make streets and their adjacent properties more inviting to the passerby. Further, well-spaced and well-selected trees rarely limit sight lines in the way that property owners fear. Trees are not fully opaque objects; instead, they can be seen around, under and through. While they may block some views from specific perspectives, travelers moving along a street are not stuck in one static position. Any loss of visibility is temporary, finite and easily manageable.

Street trees have long been acknowledged as a critical component of the beautification of Lincoln's public streetscapes. However, current standards present a major hurdle toward maximizing their impact citywide. Today, street trees are only required for subdivisions, or as a condition of a Planned Unit Development, Use Permit or Special Permit. In order to provide for a more consistent application of street trees along public streets, the amendment proposes that they be required for sites receiving a commercial building permit that fall under one of the following conditions:

a) New construction

b) Major remodeling or reinvestment in a property, where the total investment – as defined by total construction valuation – exceeds fifty percent of the property's assessed value.

For minor remodeling, where the total investment is fifty percent or less of the property's assessed value, care should be taken to preserve existing street trees. Any trees removed shall be replaced in accordance with the city's Master Street Tree Plan.

Under this proposed change, required street trees shall meet the standards set forth in ***Chapter 2.35 – Design Standards for Street Trees***.

c. Make minor updates and formatting changes to the design standards.

Beyond the changes above, the amendment proposes to update and reformat the Design Standards for Screening and Landscaping to make the document more readable and easier to navigate. This includes the addition of tables and updated graphics. It also includes a number of minor text edits intended to clarify or simplify the standards, or provide additional flexibility in how the standards are applied. These edits will not result in added screening requirements, but will make interpretation and enforcement of the standards more straightforward. Updates include:

i. Under Section 4, the standards for a plant material screen would be revised to allow additional flexibility in plant selection and diversity, encouraging the use of ornamental grasses and other plants with seasonal interest. The proposed revision is provided below (relevant language bolded):

   At least one-half (1/2), but no more than three-quarters (3/4) of the screen shall be evergreen plant material, except as otherwise provided in this chapter. An exception would be allowed if in conflict with Item 6 of the general requirements. ***Additional exceptions to the percentage of evergreen plantings may be made to accommodate screens that incorporate ornamental grasses or other understory plant species with seasonal interest.***

ii. In Sections 7.4, 7.10 and 7.11, language related to the landscaping of fence screens is proposed to be modified to clarify the standard. A new graphic has also been added to better illustrate the intended standard. These clarifications do not result in any substantive changes to the requirement.

iii. *Section 7.9 – Screening for Broadcast Towers* would be updated to go from including a percentage-based requirement to a per linear foot requirement for screening around the perimeter of a tower. The change may result in additional flexibility in plant material selection.

iv. *Section 7.12 – Screening for Motorized Vehicle Sales Display Areas* has been added to the standards as part of the proposed changes. This language has been taken directly from 27.62.100 of the Municipal Code. Inclusion in Chapter 3.50 serves to consolidate screening and landscaping requirements into a single location. No revisions have been proposed to the actual standard.

v. *Section 7.13 – Screening for Downtown Lincoln* has also been added to this chapter in the proposed changes. This language has been transferred from Chapter 3.76 – Lincoln Downtown Design Standards and Chapter 3.77 – South Haymarket Design Standards. Again, inclusion in Chapter 3.50 simply serves to consolidate screening and landscaping requirements into a single location.

vi. *Section 8 – PROCEDURES* has been revised under the proposed change to accurately reflect the process for review and enforcement of the Screening and Landscaping Design Standards. The updated language would read as follows:

   All plans and documents required to be submitted by the Owner hereunder shall be filed with the Building Official. Three (3) copies of a detailed and accurately scaled layout showing the screening and landscaping shall be submitted for review and approval by the Planning Department. The Building Official shall serve as the coordinating agency for reviews and approval required by the various departments hereunder.

   Upon final inspection approval for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots, a Landscape Enforcement Record shall be created. From the point in time in which a Landscape Enforcement Record is created, the Owner shall have six (6) months to complete all screening and landscaping improvements included as part of the approved permit plans.

Once the six-month window has elapsed, an inspection will be completed by the Planning Department to determine compliance. If it is determined during the course of this inspection that the property is not in compliance with the approved screening/landscape plan, the Planning Official will send a notification of non-compliance to the property owner. A determination of non-compliance may be found if the property meets one or more of the following conditions:

1) A significant portion or all of the approved screening/landscaping has not been installed.

2) The screening/landscaping that has been installed deviates significantly enough from the approved screening/landscape plan that it no longer meets the intent of the design standards.

3) The screening/landscaping was installed but has not been adequately maintained – as described in Section 4, Item 5 of this chapter – and no longer meets the intent of the design standards.

The notification will clearly delineate the steps that need to be followed to bring the screening/landscaping into compliance. From the date that the letter is sent, the owner will be given an additional six (6) months to comply. If it is determined at end of this second six-month period that the property is still in non-compliance, the Building Official may revoke the certificate of occupancy or refer the case to the City Attorney's Office.

EXHIBIT 1: ABUTTING PARKING LOTS DIAGRAM

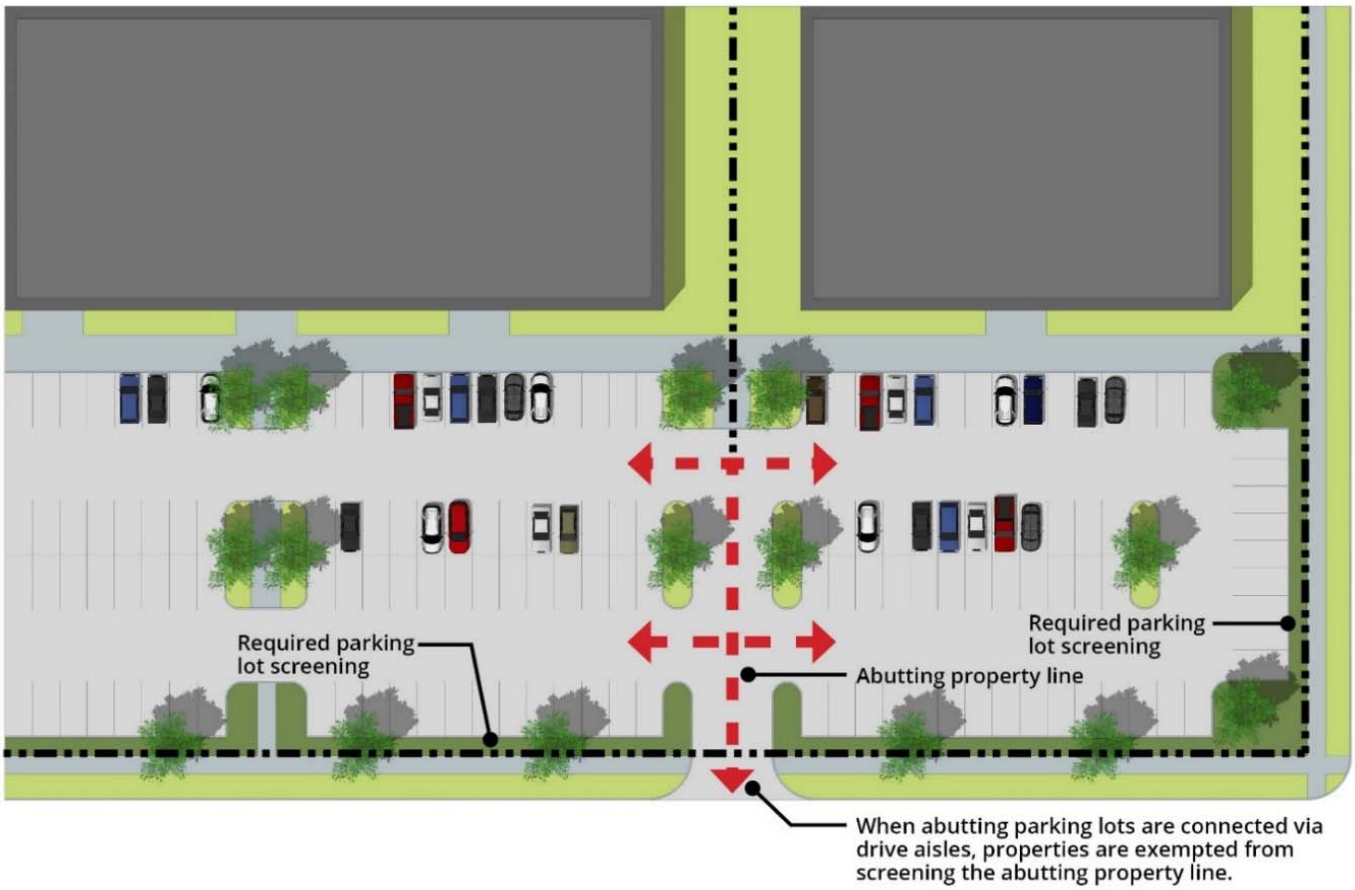
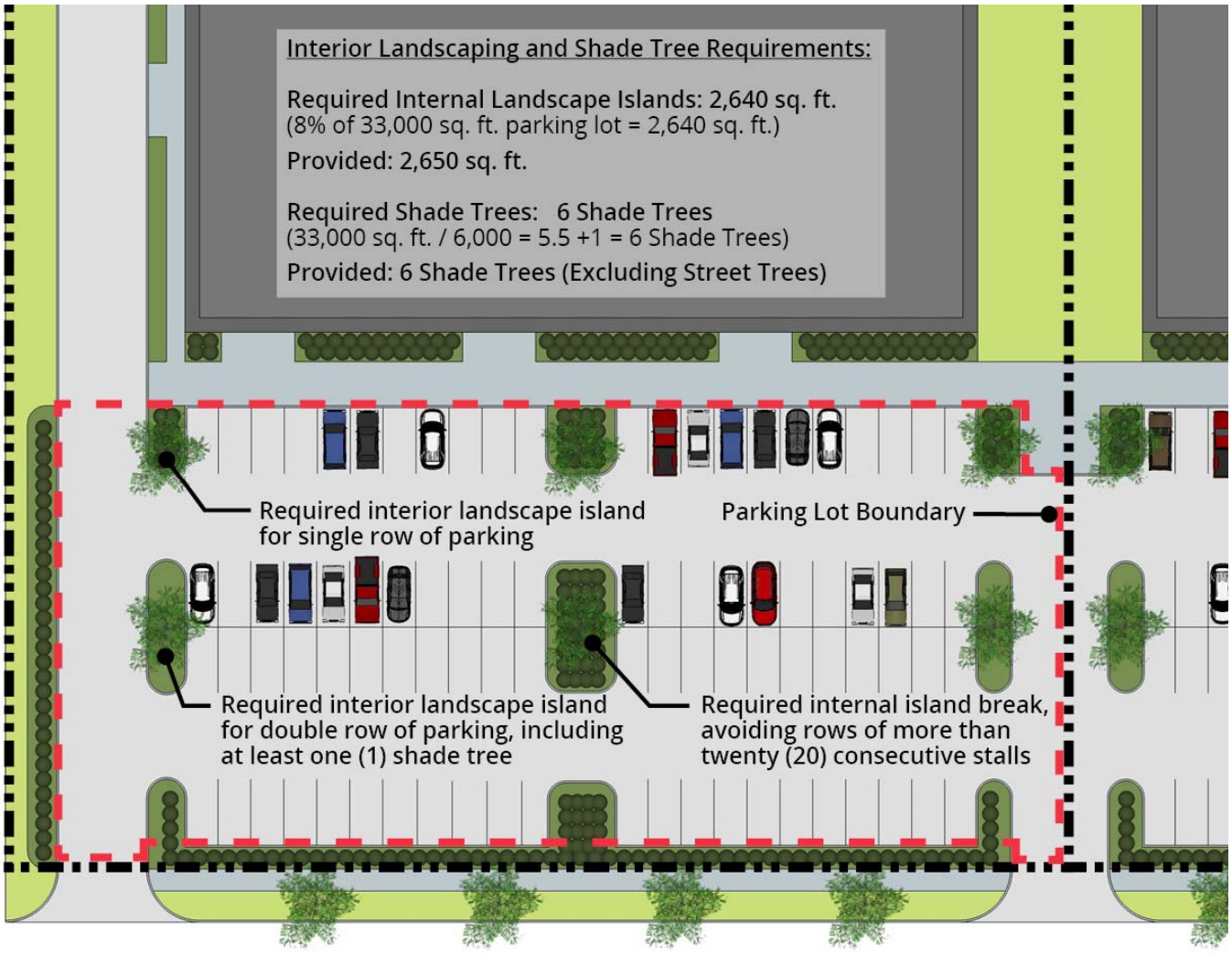


EXHIBIT 2: PARKING LOT INTERIOR LANDSCAPING DIAGRAM



Prepared by

_____
Collin Christopher and Rachel Jones, Planners

Date: November 6, 2018

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Contacts: Zoning – Rachel Jones
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(402) 441-6370 or cchristopher@lincoln.ne.gov

From: Richard Sutton <rsutton131@gmail.com>
Sent: Sunday, October 14, 2018 9:07 PM
To: Collin M. Christopher <CChristopher@lincoln.ne.gov>
Subject: Trees in Parking Lots

Collin

Increasing the number of required parking lot trees is an important step for improving the development ordinances and sustainability for the City of Lincoln. The current acceptable tree list needs to be modified to identify species that are best suited for harsh parking lot growing conditions.

When trees are placed in parking lots, consideration needs to be given to the minimum root volumes to support healthy tree growth. All plans should therefore require details that shown the proposed tree volumes matched to the tree species as a part of the plant schedule. Also shown should be the supporting soil depth and type of drainage in tree islands. Most parking lots (and many streets) are mass graded and compacted to 95% Proctor density. If such compacted soil remains under a tree planting island it can impair proper anchor and deep water-seeking roots ; it may also drown a tree in period of heavy rainfall.

Many parking lots are designed and detailed by civil engineers who do not have the requisite training or experience in horticulture or landscape architecture. A Professional Landscape Architect should design or review any parking lot planting plans and affix their registration stamp.

Section 7.9 A1 should have the word coniferous stricken. Evergreen will suffice since all evergreen trees hardy in Lincoln are members of the order Pinales (formerly Coniferales).

https://www.greenblue.com/na/resources/soil-calculator/

https://environment.arlingtonva.us/2015/11/soil-volume-and-urban-tree-canopy-finding-the-space-to-grow/

Richard K. Sutton, PLA
Professor Emeritus Landscape Architecture UN-Lincoln

18-
TX18014

Introduce: xx-xx-2018

ORDINANCE NO. _____

AN ORDINANCE amending Lincoln Municipal Code Sections 27.60.060, 27.63.030, 27.64.010 to add a provision that the Planning Director may approve modifications to parking requirements and revise existing parking requirements; adopting a revised Figure 27.67.020 – Parking Matrix to revise existing parking requirements; amending Lincoln Municipal Code Section 27.67.030 to allow parking in the side yard in the H-2, H-3, and H-4 zoning districts; amending Section 27.67.040 by reducing the parking ratio for restaurants, social halls, and businesses engaged in the sale of alcohol for consumption on the premises in the B-2 and B-5 zoning districts and striking provisions related to joint parking; amending Chapter 27.67 of the Lincoln Municipal Code to add a new Section 27.67.045 Modifications to Parking Requirements to provide joint parking for in all zoning districts under stated conditions as well as to add provisions to allow the Planning Director to make minor modifications to parking requirements in all zoning districts; amending Section 27.67.065 to allow for exceptions to the parking requirements in the O-3 zoning district where approved by the Planning Director; and repealing Sections 27.60.060, 27.63.030, 27.64.010, 27.67.030, 27.67.040, 27.67.065, and Figure 27.67.020 – Parking Matrix of the Lincoln Municipal Code as hitherto existing.

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

Section 1. That Section 27.60.060 of the Lincoln Municipal Code be amended to read as follows:

27.60.060 Planned Unit Development; Amendments.

After the City Council has approved a planned unit development, the Planning Director is authorized to approve amendments in the planned unit development provided that:

(a) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;

(b) Minor increases in the number of dwelling units or total floor area originally authorized by the City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the planned unit development and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;

(c) No public land will be accepted as a result of the amendment;

(d) Amendments shall keep with the intent and spirit of the approved development plan;

(e) Amendments shall not violate any regulation set forth in this title;

(f) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the planned unit development;

(g) Minor internal changes to the applicable setback, yard, or height requirements may be made within the planned unit development if they conform to the intent of the approved development plan and do not adversely impact existing development within the planned unit development;

(h) Notwithstanding any provision to the contrary in (f) and (g) above, a request for a height increase over the allowed zoning district height may be approved for up to ten feet for multi-family dwellings, and up to five feet for single or two family dwellings, along the perimeter or within the planned unit development in accordance with Section 1.2 of Chapter 3.35, City of Lincoln Design Standards for Community Unit Plans.

(i) Parking spaces located on a driveway approach to a garage, as part of a multi-family complex, may be approved and counted toward the satisfaction of a portion of the required parking stalls.

(j) The Planning Director may approve minor modifications to parking requirements in conformance with the provisions of Section 27.67.045(b).

(k) Any amendment not in conformance with this paragraph shall be submitted to the City Council in the same manner as a formal application for a planned unit development.

Section 2. That Section 27.63.030 of the Lincoln Municipal Code be amended to read as follows:

27.63.030 Amendments.

After the application for a special permit has been approved, including the specific plot plan required under Section 27.63.010, the Planning Director is authorized to approve amendments to the special permit, provided that:

(a) A request for amendment is filed with the Planning Director, together with all information pertinent to the proposed amendment;

(b) Such amendment shall not violate any regulations set forth in this title;

(c) Such amendment may provide for minor increases in total floor area and storage space originally permitted;

(d) There is no increase in the number of dwelling units;

(e) No reduction is made to the applicable setback or yard requirements;

(f) The Planning Director may approve minor modifications to parking requirements in conformance with Section 27.67.045(b);

(g) No public land is accepted;

(hg) Such amendment shall not be contrary to the general purposes of this chapter;

(ih) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original special permit.

Section 3. That Section 27.64.010 of the Lincoln Municipal Code be amended to read as follows:

27.64.010 Procedures and Requirements.

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

(b) Preliminary plan: The Planning Director may require a preliminary plan that may include the following information:

(1) Boundary survey and gross acreage;

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

(3) Street right of way;

(4) Utility easements;

(5) Adjacent land use and zoning classifications;

(6) Location of structures on property to be removed;

(7) Vicinity map;

(8) Date prepared, scale, and north point;

(9) Schematic and location of existing buildings;

(10) Parking areas and capacity;

(11) Open space for residential uses (except in the R-T District);

(12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses;

(13) Height of buildings;

(14) Location of existing trees and proposed landscape plan;

(15) Proposed vehicular and pedestrian circulation system including egress and ingress;

(16) Building and parking setback lines;

(17) Grading plan;

(18) On-site and off-site water and sanitary sewer improvements;

(19) On-site and off-site drainage and storm sewer improvements;

(20) Location of proposed free-standing signs;

(21) Cross-section for paving of parking lots and sidewalks;

(22) In the B-2 and B-5 districts, proposed name of the shopping center;

(23) Name, address, and telephone number of developer; certified record owner or owners and addresses; and legal description of the proposed use permit area, including the number of acres.

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

(d) Environmental performance standards: Any applicant for a use permit under the provisions of this section shall comply with environmental performance standards relating to noise,

emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.

(e) Environmental impact statement and market analysis: If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit in the B-5 district under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis in accordance with Chapters 3.05 and 3.10 of the City of Lincoln Design Standards for Zoning Regulations which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community.

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

(g) Planning Commission action: After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any such use permits. Such conditions may include an increase in the minimum parking and yard requirements and decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the applicable R-T, O-3, B-2, B-5, or I-3 District shall apply. The Planning Commission may require that

certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for which may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may also require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within ninety days from the date of the Council's referral of the application to the Planning Commission, the applicant may file a written request with the Planning Director requesting the Planning Commission to take final action on the application. If the Planning Commission fails to take such final action within thirty days following the Planning Director's receipt of the written request, the Planning Director shall schedule the application on the City Council's agenda for public hearing and final action.

(h) Appeal of Planning Commission action:

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

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

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

(i) Adjustment: Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, adjust the minimum subdivision requirements, minimum parking, height and lot requirements, sign regulations for location, height, and area of a sign, and specific I-3 use regulations set forth in Title 26 and Title 27 provided the public welfare and interest of the City and surrounding area are protected and the general interest and spirit of the regulations are preserved and provided further that in the R-T district, the maximum height of a building shall not exceed the height of the tallest residence on the same and facing block fronts. The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the use permit and the adjustment.

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

(1) A request for amendment is filed with the Planning Director and, if appropriate, accompanied by a plot plan showing all pertinent information;

(2) Minor increases in the number of dwelling units or total floor area originally authorized by the Planning Commission or City Council may be approved if such increases will not cause a significant adverse impact on the public infrastructure, existing development within the use permit, and adjoining properties. Minor increases shall not exceed more than fifteen percent (15%) cumulative additional dwelling units or total floor area;

(3) The Planning Director may approve minor modifications to parking requirements in conformance with the provisions of Section 27.67.045(b).

(4) Amendments shall preserve the intent and spirit of the approved development plan;

(5~~4~~) Amendments shall not violate any regulation set forth in this title;

(6~~5~~) No change is made to the applicable setback, yard, or height requirements for lots along the perimeter of the use permit;

(7~~6~~) Minor internal changes to the applicable setback, yard, or height requirements may be made within the use permit if they conform to the intent of the approved use permit and do not adversely impact existing development within the use permit;

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

(k) Building permits, certificates of occupancy, and certificates of compliance: Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has

been compliance with all conditions of a use permit and subsequent amendments within each phase of development of a use permit.

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

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

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

Section 4. That Figure 27.67.020 Parking Matrix of the Lincoln Municipal Code be amended to read as follows:

Figure 27.67.020
PARKING MATRIX

Zoning Districts	Parking Spaces Required										
	Dwellings				Office/Retail/Commercial Uses						Industrial Uses
	0.5 per dwelling unit	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per 1,200 sq. ft.	2 per 3 persons on max. shift or 1 per 1,000 sq. ft. ~~*~~a	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.	1 per 150 sq. ft.	2 per 3 persons on maximum shift or 1 per 1,000 sq. ft. ~~*~~a
AG	AG District: None except uses with special parking requirements listed under Section 27.67.040 of the Lincoln Municipal Code.										
AGR				•							
R-1				•							
R-2				•							
R-3				•							
R-4				•							
R-5			•								
R-6			•								
R-7		•									
R-8		•						•			
R-T		•							•		
O-1	•				within 900'						
O-2		•							•		
O-3				•					•		
B-1		•							within 300'		
B-2		•							within 300'		
B-3		within 300'					within 300'				
B-4	B-4 District: There is no required parking in the B-4 District.										
B-5				•					•		
H-1										•	
H-2							within 300'		~~within 300'~~		
H-3									within 300'		
H-4									within 300'~~•~~		
I-1						within 300'					within 300'
I-2						within 300'					within 300'
I-3									•		•

a. If the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the construction of the additional spaces.
Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.
Refer to Section 27.67.040 of the Lincoln Municipal Code for uses with special parking requirements.
Refer to Section 27.67.066 of the Lincoln Municipal Code for uses in the H-3 district with special parking requirements.
Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.
b. In zoning districts that allow parking within a certain separation distance, the separation distance shall be measured from the nearest point of the parking lot that contains the required parking stalls.

Section 5. That Section 27.67.030 of the Lincoln Municipal Code be amended to read as follows:

27.67.030 General Conditions.

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

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

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

(2) Parking in the front yard is permitted in the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoning districts for passenger cars, pickup trucks, or vans outside of an enclosed structure on a concrete driveway or its equivalent under the following conditions:

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

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

(iii) The property shall be used for single-family dwellings, two-family dwellings, townhouses, and single-family dwellings with an accessory dwelling unit.

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

(b) No parking space is permitted in the required side yard in any district except in the H-2, H-3, and H-4 zoning districts when the side yard is not abutting a residential zoning district or as otherwise provided in this chapter and in Section 27.63.170.

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

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

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

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

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

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

Section 6. That Section 27.67.040 of the Lincoln Municipal Code be amended to read as follows:

27.67.040 Parking Requirements; Special Conditions.

An alphabetical list of uses with special parking requirements for this title are set out in Figure 27.67.040 at the end of this chapter. The following special parking requirements shall apply to the listed uses in place of the general parking requirements found in Section 27.67.020:

(a) A fraternity or sorority shall provide 0.75 spaces per resident. Parking shall be provided either onsite or within 600 feet of the premises. Notwithstanding the above, no parking shall be required for a fraternity or sorority located within the boundaries of 14th Street to 17th Street and Q Street to W Street.

(b) Group homes: One space per three client or employee residents, plus two spaces per three nonresident employees on the largest shift; provided, however, that no spaces shall be required for client residents who will not possess motor vehicle operator's licenses. Appropriate documentation from the group home licensing agency shall be provided evidencing the non-possession of motor vehicle operator's licenses by clients.

(c) Adult day service facilities: One space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. Joint parking with another use is acceptable if the adult care center and the other use have nonconcurrent parking demands.

(d) Elderly or retirement housing: One space/dwelling unit.

(e) Mini-warehouses:

(1) Two spaces for manager's quarters or office; and

(2) One space for every 60 storage cubicles; however, if access lanes and roads to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass, no additional parking for the storage cubicles is required.

(f) Two-family or attached single-family dwellings, approved as part of a Special Permit for a Community Unit Plan pursuant to Chapter 27.65 Community Unit Plan, a development plan for a planned unit development pursuant to Chapter 27.60 Planned Unit Development District, or a use permit pursuant to Chapter 27.64 Use Permits on lots having a width of less than 35 feet and where garages take direct access from a public street or private roadway are required to provide 1 off-premises guest parking stall per 2 dwelling units. On-street parking may be counted if there is at least 22 contiguous feet of uninterrupted curb space abutting each lot along the face of curb from the edge of the curb return to the lot line.

(g) Drive-in restaurants: One space/40 sq. ft. of floor area.

(h) Bowling alleys: 4 spaces/lane (plus required parking for affiliated uses.)

(i) Auditoriums, theaters, grandstands, stadia, amphitheaters, and other places of public assembly: One space/50 sq. ft. of seating area plus parking for affiliated uses within 300 ft. of the main use.

(j) Recreational uses:

(1) Racquetball and other court games: Four spaces/court (plus required spaces for affiliated uses);

(2) Swimming pools: One space/100 sq. ft. of water surface (plus parking for affiliated uses) as determined by the city;

(3) Golf courses: Two spaces/hole on course, plus parking for affiliated uses.

(k) Hospitals: One space/2.5 beds, plus one space/employee on the largest shift.

(l) Places of religious assembly, chapels, public schools, private schools having a curriculum equivalent to a public elementary or public high school, and private business or commercial schools: One space/50 sq. ft. in largest assembly hall as determined by the City.

(m) Academies, such as gymnastic, karate, judo, dance, or music academies: One space for every three students allowed per class session plus one space for every employee. In those instances where two sessions of classes occur one after another, without at least one-half hour separation between sessions, the maximum number of students allowed at both sessions shall be combined in determining the amount of required parking per class session.

(n) Housing for the physically handicapped: (see also Section 27.63.215) One space/ dwelling unit.

(o) Domestic shelters: One space for every four residents and two spaces for every three employees on the largest shift.

(p) Salvage yard: Six spaces, two spaces/acre of lot area, or one space/1,000 square feet of floor area, whichever is greater.

(q) Dwellings for members of a religious order: one space for every three residents.

(r) Warehouses:

(1) Warehouses with a floor area of 50,000 square feet or less: one space per every 1,000 square feet of floor area or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.

(2) Warehouses with a floor area of more than 50,000 square feet: one space per every 1,000 square feet of floor area for the first 50,000 square feet of floor area

and one additional space per 2,000 square feet of floor area in excess of 50,000 square feet, or a minimum of one space per employee on the largest shift. The floor area shall be calculated based on the total floor area of all structures on the lot.

(3) If the number of spaces required by the building ratio is greater than required by the employee ratio in (1) or (2) above, the additional parking spaces need not be provided physically, but sufficient areas shall be reserved to accommodate construction of the additional spaces. If the Building Official finds at any time that the character of the use of the warehouse is such as to require the full provision of parking facilities to be constructed, the Building Official shall report this fact to the City Council which may, after holding a hearing of which the owner shall be notified, require such additional parking to be installed.

(s) Hotels and motels: one space per room and one space per 100 square feet of accessory uses.

(t) Restaurants and Social Halls: one space per 100 square feet; one space per 200 square feet for restaurants located in the B-1 and B-3 zoning districts; one space per 300 square feet for restaurants located in the B-2 and B-5 zoning districts.

(u) Dwellings for caretakers employed and residing on the premises and/or accessory dwelling units: one space per dwelling unit in addition to the number required for the main use.

(v) Early childhood care facilities: One space/ employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. Joint parking with another

use is acceptable if the early childhood care facility and the other use have nonconcurrent parking demands.

(w) Residential Healthcare Facilities: One space for every four residents and two spaces for every three employees on the largest shift.

(x) Sale of alcoholic beverages for consumption on the premises: One space per 100 square feet of floor area; one space per 200 square feet for premises for on-site alcohol consumption located in the B-1 and B-3 zoning districts; one space per 300 square feet for premises for on-site alcohol consumption located in the B-2 and B-5 zoning districts.

(y) Greenhouses and garden centers located in the AG or AGR zoning districts: For greenhouses, one parking space shall be provided for each employee on the maximum shift. Parking for greenhouses and garden centers in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls.

(z) Heritage Centers and Agricultural Attractions located in the AG zoning district: One space shall be provided for every 200 square feet of floor area devoted to permanent retail and service use. In addition, an overflow parking area shall be provided with three stalls for every acre included within the special permit area. Parking may be provided on unpaved areas, except for ADA accessible stalls.

(aa) Community Halls, Farm Wineries, and Market Gardens located in the AG and AGR zoning districts: There shall be adequate parking for vehicles compatible with the number of people using the facility.

(bb) Off-street Freight Loading Requirements. At the time of construction, alteration, or enlargement of any commercial or industrial building having a floor area of 10,000 square feet or

more, and containing a use or uses which requires off-street freight loading, off-street freight loading areas shall be provided on the premises to serve the use and maintained as follows:

(1) Six hundred square feet for the first 10,000 square feet of floor area;

(2) An additional 600 square feet for each additional 20,000 square feet of floor area.

~~(cc) Joint Parking. Uses that have nonconcurrent parking demand may join their parking facilities so as to reduce aggregate parking requirements as follows:~~

~~(1) B-5 District. The uses shall be located in the B-5 District and may include adjacent places of religious assembly or chapels located outside the B-5 District. Uses that have nonconcurrent parking demand may join their parking facilities; however, the use having the largest floor area shall provide 1 parking space for every 300 square feet of floor area, provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.~~

~~(2) O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4 Zoning Districts. The uses shall be located in the following zoning districts: O-3, B-1, B-2, B-3, B-4, H-2, H-3, and H-4, and may include uses in adjacent O-2 districts and adjacent places of religious assembly and chapels outside the above districts. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demand that have the largest parking demands as determined by the parking matrix (Section 27.67.020) and any additional conditions in this chapter; provided, however, that the number of additional spaces that~~

~~would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event that future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.~~

~~(3) O-1 District. The uses shall be located in the O-1 District and may include adjacent places of religious assembly or chapels located outside the O-1 District. Uses that have nonconcurrent parking demand may join their parking facilities. The aggregate parking requirement shall be computed on the basis of providing the parking required for that use or those uses having concurrent parking demands that have the largest parking demands as determined by the parking matrix and any additional conditions in this chapter; provided, however, that the number of additional spaces that would be required in the absence of this paragraph need not be provided physically, but sufficient land shall be reserved in the event the future uses may not have nonconcurrent parking demand. For the purpose of determining the adequacy of the joint parking arrangement, all such joint parking use shall be authorized by a written agreement between the city and all parties to such use.~~

(cc~~dd~~) Data Center: Two (2) spaces per three (3) employees on largest shift, plus land shall be reserved to provide required parking for office uses in the underlying zoning districts in the event the Data Center is changed to another office use.

(dd~~ee~~) Urban Gardens greater than two acres in size shall provide three off-street parking stalls per every acre or part thereof over two acres.

~~(ff) Joint parking is a permitted use in the O-3, R-T, B-2, B-5, and I-3 zoning districts under the following conditions:~~

~~(1) The joint use of parking lots and garages shall be authorized by a cross access easement or by other written agreement between the parties to such joint parking ("Joint Use Agreement").~~

~~(2) The minimum aggregate number of parking stalls provided under the Joint Use Agreement shall be equal to the sum of the required parking for each use.~~

~~(3) The Joint Use Agreement shall be submitted to and approved by the City Law Department.~~

~~(4) The Joint Use Agreement shall be filed of record with the Register of Deeds for Lancaster County, Nebraska and indexed against the affected properties.~~

(ee~~gg~~) Dwellings for Nonrelated Persons, for four to six persons living as a single housekeeping unit permitted under a community unit plan: One space per resident.

(ff~~hh~~) Parking for accessory buildings for retail sales, such as lumber storage areas, is not required to be provided, when they are not fully enclosed or are left open during business hours.

(gg~~ii~~) Three parking stalls shall be provided on premises used for motorized vehicle sales if the premises is less than two (2) acres in size. If the premises is two (2) or more acres in size, parking shall be as shown on the parking matrix for the district the motorized vehicles sales is located in.

Section 7. That Chapter 27.67 of the Lincoln Municipal Code be amended to add a new Section numbered 27.67.045 to read as follows:

27.67.045 Modifications to Parking Requirements.

(a) Joint Parking. In all zoning districts, uses that have parking demands which occur at substantially different times ("non-concurrent parking demand") may join their

parking facilities so as to reduce the minimum aggregate number of parking stalls required for the combined uses as follows:

(1) The joint parking spaces must be located upon abutting lots or within the boundaries of a Planned Unit Development, Community Unit Plan or Use Permit or within the applicable distance requirement allowed if required parking is allowed offsite.

(2) The times demanded for these joint parking spaces will not conflict substantially between the use offering the spaces and the use to be served.

(3) The minimum aggregate number of joint parking stalls shall be computed on the basis of providing the parking required for the non-concurrent use that has the largest parking demand as determined under Section 27.67.020.

(4) The joint parking arrangement shall be memorialized by a written agreement between the City and all parties to such use ("Joint Use Parking Agreement"). The Joint Use Parking Agreement shall be submitted to and approved by the City. The Joint Use Parking Agreement shall be filed of record with the Register of Deeds. In the event the Joint Use Parking Agreement is terminated or additional parking is required by a change of use and provision for such additional parking is not provided, an approval shall be required by the City Council.

(b) Minor Modifications. In all zoning districts, the Planning Director may approve minor modifications to the parking requirements, provided that a request for modification is filed with the Planning Director which describes the specific modification requested, a statement of the practical difficulties caused by strict enforcement of the parking requirements of this Title, and

supporting documentation as to why the modification will not adversely affect existing or reasonably anticipated future uses of land in the surrounding area. Supporting documentation could address but would not be limited to the mix of uses and non-concurrent peak parking requirements, the amount and availability of on-street parking during the peak hour parking demand; how local conditions such as lower customer frequency reduce typical vehicle parking demand and justify parking minimums less than those required in this chapter.

The Planning Director is not authorized to waive the surfacing requirement.

Within thirty (30) days from the date of filing of the request for modification, the Planning Director shall approve or deny the request and shall notify the applicant in writing of the director's approval or denial. The request for minor modification may be approved by the Planning Director only upon a finding that:

(1) The modification (including any previously approved modifications) does not reduce the required parking by more than 25%; in addition, the Planning Director may decrease any parking requirement by 3 stalls or fewer as long as the overall reduction is no greater than 50% of the required parking.

(2) The modification (including any previously approved modifications) does not expand the distance requirement for the required parking by more than 25%; and

(3) The modification will have no significant adverse effect on existing or reasonably anticipated future uses of the premises or land in the surrounding area.

(4) The modification is needed to address practical difficulties encountered by the applicant. For the purpose of this section, practical difficulty shall mean a difficulty which cannot be alleviated by an amendment to an existing special permit, use permit, or Planned Unit Development; compliance with the setback requirement is

unnecessarily burdensome; and which amounts to more than a mere inconvenience in the reasonable use of the premises.

Any council member, the Mayor, or aggrieved person may appeal any approval or denial of the request for modification by the Planning Director in accordance with Section 27.81.021.

Section 8. That Section 27.67.065 of the Lincoln Municipal Code be amended to read as follows:

27.67.065 Special Conditions; O-3 Zoning District.

In the O-3 zoning district, the following parking regulations shall apply:

(a) Two parking spaces per dwelling unit, however, the City Council may reduce the parking requirement to no less than one and one-half parking spaces per dwelling unit when the application includes information justifying the reduction;

(b) The location of required parking as set forth elsewhere in this chapter may be adjusted by the City Council;

(c) All other parking requirements in the O-3 zoning district shall apply except the Planning Director may approve minor modifications to parking requirements in conformance with the provisions of Section 27.67.045(b).

Section 9. That Sections 27.60.060, 27.63.030, 27.64.010, 27.67.030, 27.67.040, 27.67.065, and Figure 27.67.020 – Parking Matrix of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 10. This ordinance shall be published, within fifteen days after the passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of

passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication or after its posting and notice of such posting given by publication as herein and in the City Charter provided.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ___ day of _____, 2018:

_____
Mayor

18R-
TX18014

Introduce:

RESOLUTION NO. A-_____

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

WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards for Zoning Regulations by amending Chapter 3.45 Design Standards for Parking Lots Section 3.6, to make reference to the Design Standards for Screening and Landscaping in Section 7.1 of Chapter 3.50 as they apply to landscape islands and shade trees in parking lots; and by amending Section 3.7, to remove an exception to screening requirements for abutting parking lots, property in a non-dwelling district adjacent to an O-2 district, and where applicable, screening requirements otherwise in addition to requirements of an applicable special permit; and repealing Sections 3.6 and 3.7 of Chapter 3.45 as hitherto existing.

WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards for Zoning Regulations by amending Chapter 3.50 Design Standards for Screening and Landscaping Section 1 to replace the term “minimum” with the term “reasonable”, amending Section 2 to add the article “A” to the Title, amending Section 3 to require that a screening plan be submitted for review and to delineate the information to be contained on said plan, amending Section 4 to refer to evergreen plant material and to define how screening percentage will be calculated for plant material, amending Section 5 to describe acceptable fence materials to be used in required screening, amending Section 6 to make grammatical corrections, amending Section 7.1 to describe perimeter screening and interior landscaping requirements for parking lots and parking areas, amending Section 7.2 to describe screening requirements for mobile home courts and mobile home subdivisions approved by special permit, amending Section 7.3 to describe screening

requirements for multiple family dwellings, planned unit developments, and use permits, amending Section 7.4 to describe screening requirements for residential lots backing up to major streets and railroads, amending Section 7.5 to describe screening requirements for property in the B-1, B-2, B-3, H-1, H-2, H-2, H-4, B-5, O-2, I-1, I-2, and I-3 zoning districts adjacent to residential zoning districts, amending Section 7.6 to describe screening requirements in the O-3, B-2, B-5, H-2, H-4, I-2, and I-3 zoning districts, amending Section 7.7 to describe screening requirements for salvage yards, amending Section 7.8 to describe screening requirements for day care centers and preschools approved by special permit, amending Section 7.9 to describe screening requirements for broadcast towers, amending Section 7.10 to describe screening requirements in the R-T zoning district, amending Section 7.11 to describe screening requirements for outdoor storage and display of merchandise as well as contractor services, outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment, adding section 7.12 to describe and establish screening requirements for motor vehicle display areas, adding Section 7.13 to describe and establish screening requirements for those properties located in the B-4 and O-1 zoning districts, adding Section 7.14 to require street trees to be installed according to Chapter 2.35 of the Lincoln Design Standards for new commercial buildings as well as those that undergo a major remodel or reinvestment, and amending Section 8 to provide procedures to be followed for regular inspections to determine compliance with landscaping and screening design standards and requirements; and repealing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, and 7.11 of Chapter 3.50 as hitherto existing.

WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards for Zoning Regulations by amending Chapter 3.76 Lincoln Downtown Design Standards Section 4.1 c. and d. to strike specific screening requirements and set forth in Section 4.1 and to refer to screening requirements established by Section 7.13 of Chapter 3.50 of the Lincoln Design Standards; and repealing Section 4.1 of Chapter 3.76 as hitherto existing.

WHEREAS, the Planning Director has proposed to amend Title 3 Design Standards for Zoning Regulations by amending Chapter 3.77 South Haymarket Design Standards Section 4.3

a. and b. to strike specific screening requirements stated in said Section and to refer to screening requirements established by Section 7.13 of Chapter 3.50 of the Lincoln Design Standards; and repealing Section 4.3 of Chapter 3.77 as hitherto existing.

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

1. That Section 3 of Chapter 3.45 Design Standards for Parking Lots be and the same is hereby amended as shown on Attachment "A" which is attached hereto and incorporated herein by this reference.

2. That Section 3 of Chapter 3.45 of the City of Lincoln Design Standards is repealed as hitherto existing.

3. That Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, and 7.11 of Chapter 3.50 of Chapter 3.50 Design Standards for Screening and Landscaping are hereby amended and Sections 7.12, 7.13, and 7.14 are hereby added to Chapter 3.50 all as shown on Attachment "B" which is attached hereto and incorporated herein by this reference.

4. That Sections 1, 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, and 7.11 of Chapter 3.50 of Chapter 3.50 Design Standards for Screening and Landscaping are repealed as hitherto existing.

5. That Section 4.1 of Chapter 3.76 Lincoln Downtown Design Standards be and the same is hereby amended as shown on Attachment "C" which is attached hereto and incorporated herein by this reference.

6. That Section 4.1 of Chapter 3.76 of the City of Lincoln Design Standards is repealed as hitherto existing.

7. That Section 4.3 of Chapter 3.77 South Haymarket Design Standards be and the same is hereby amended as shown on Attachment "D" which is attached hereto and incorporated herein by this reference.

8. That Section 4.3 of Chapter 3.77 of the City of Lincoln Design Standards is repealed as hitherto existing.

Introduced by:

_____

Approved as to Form & Legality:

_____
City Attorney

Approved this ____ day of _____, 2018:

_____
Mayor

Chapter 3.45

DESIGN STANDARDS FOR PARKING LOTS

The Department of Public Works and Utilities is assigned responsibility for administration of these design standards.

Section 1. GENERAL

This standard shall apply to all parking lots located within the zoning jurisdiction of the City of Lincoln.

Title 28, Code of Federal Regulations, Part 36 (ADA Accessibility Guidelines), *Title 156, Nebraska Administrative Code - Nebraska Accessibility Requirements*; and the *City of Lincoln, Nebraska Design Standards for Screening and Landscaping, Drainage Criteria Manual* and *Design Standards for Driveway Design and Location*, generally apply to the design of parking lots in the City of Lincoln.

Section 2. POLICIES

2.1 Reviewing Agencies

All plans for the construction of parking lots shall be reviewed and approved by the Department of Public Works, screening and landscape design shall be reviewed and approved by the Lincoln City-Lancaster County Planning Department and the lighting design, if required, shall be reviewed and approved by the Lincoln Electric System.

Section 3. DESIGN

3.1 Layout

The size, location and orientation of the parking spaces and aisles shall conform to the details shown in *Figure PL-1*. Barriers and islands should generally conform to the details shown on *Figure PL-2*.

Required accessible parking spaces, including van-accessible spaces, shall be located, designed, marked and signed in conformance with the requirements of *Title 28, Code of Federal Regulations, Part 36* (ADA Accessibility Guidelines) and *Title 156, Nebraska Administrative Code - Nebraska Accessibility Requirements*.

Upon completion of construction of the parking lot, the required parking spaces shall be marked on the parking lot surface with paint formulated for that purpose and in accordance with the approved layout. Parking spaces provided in excess of the number required under *Title 27, Lincoln Municipal Code* or as required by conditions of a special permit need not be marked, or they may be marked to lesser standards.

3.2 Driveway Approaches

Driveway approaches shall conform to the requirements of the *Design Standards for Driveway Design and Location.*

3.3 Parking Barriers

Parking barriers must be provided around parking lots to prevent the parked vehicles from overhanging the required yards where parking is prohibited, sidewalk space, public streets, public alleys, or other public or private property and to protect any required landscaping or landscape screen planting.

Approved barriers include the following types:

1. Poured concrete curb - nominal 6" x 6" (152 x 152 mm) exposed.
2. Fence - minimum 30" (762 mm) height - wire fabric, solid wood, post and rail, etc.
3. Masonry, modular segmental block or concrete wall - minimum 30" (762 mm) height.
4. Beam guardrail.
5. Post and cable guardrail.
6. Precast concrete wheel stop, firmly and permanently anchored.

Other barriers which fulfill the required function may be permitted, subject to approval by the Public Works and Utilities Department.

Barriers must be located to contain the parking within the approved parking lot. When a concrete curb or precast wheel stop is used as a barrier for perpendicular or angle parking, it must be offset at least 2 feet (0.6 m) from the edge of the parking lot to allow for the front overhang of the vehicle.

3.4 Drainage

Parking lots shall be designed to properly manage the surface drainage accumulating on and flowing onto the site.

For new parking lots containing 6,000 square feet (557 square meters) or more and which are located within 150 feet (45.7 m) of, or reasonably accessible to, an existing storm sewer or other drainageway, including open channels and creeks, but excluding roadway gutters, the parking lot must be graded and surfaced such that storm water runoff from the site is not allowed to discharge through the driveway approaches onto the public street or other property, but is collected on the site by an internal drainage system located on the site and carried to that existing storm sewer. Use of parking lot surfaces and surrounding landscaped areas to provide storm water detention is encouraged.

Parking lot drainage facilities and appurtenances shall be designed and constructed in conformance with the requirements of the *Drainage Criteria Manual* of the City of Lincoln, Nebraska.

3.5 Surfacing

All parking lots other than nonpermanent lots that are allowed for a maximum period of two years shall be surfaced with one of the following minimum cross sections:

1. Portland cement concrete pavement, 5 inches (125 mm) thick.
2. Asphaltic concrete pavement, 6 inches (155 mm) thick.
3. 3-inch (75 mm) asphaltic concrete surface on a 4-inch (100 mm) crushed rock or recycled concrete base course.
4. Modular pavers, open landscape paving blocks, pervious asphalt surfaces with subdrains or other permanent surfacing approved by the Public Works and Utilities Department.

It should be noted that the above surfacing sections are intended only to serve as minimum standards for primary use by automobile traffic. In parking lots and drive areas where moderate to heavy truck traffic is anticipated, the structural capacity of the surfacing should be analyzed and the pavement structure designed accordingly. Such instances may require thicker or reinforced sections and special subgrade treatments.

Nonpermanent parking lots may be graveled as approved by the City, and shall be maintained in a dust-free condition during the two-year period they are permitted.

3.6 Landscaping

Interior landscape islands and shade trees shall be required for all parking lots, per the standards set forth in Section 7.1 of Chapter 3.50, *Design Standards for Screening and Landscaping*~~(See Chapter 3.50, Section 7.1)~~.

3.7 Perimeter Screening

Parking lots shall be screened along the boundary of the parking lot on all sides as required by ~~the~~Chapter 3.50, *Design Standards for Screening and Landscaping*. ~~No screen shall be required between abutting parking lots, or on a property located in a non-dwelling district located next to an O-2 district being used for nonresidential purposes, or in addition to the requirements of an applicable special permit.~~ The design and construction of any screen shall be in conformance with *Section 14.44.010, Lincoln Municipal Code* and the *Design Standards for Screening and Landscaping*.

3.8 Lighting (*Repealed by Resolution No. A-85023, 9-15-08)*

3.9 Continuation of Nonconforming Lighting

The lawful use of parking lot lighting existing immediately prior to the effective date of this resolution may be continued although such use does not conform to this design standard. When any fixture is replaced at its existing location, the design shall meet the standards set forth herein.

3.10 Sidewalks

A pedestrian walkway may be required across or through parking lots by the Public Works and Utilities Department to provide for pedestrian circulation along a direct route to an adjacent sidewalk system. Barrier free access should also be provided across

parking lots and between adjacent pedestrian generators such as commercial or public buildings. Barrier free access may include providing ramps at curbs, clear walkways between precast wheel stops, and clearly delineated walkways on the parking lot surface.

Where the most direct pedestrian route between two pedestrian traffic generators is parallel to an internal roadway having a projected average daily traffic volume (ADT) of more than 2,000 vehicles, a separate pedestrian walkway shall be required.

Section 4. PARKING LOT PERMIT APPLICATION

Three (3) copies of the drawings and required documentation containing the information described herein and in the appropriate design standards and all other applicable ordinances, resolutions and special permits shall be submitted with the permit application to the Department of Building and Safety for review and approval by the City. The Department of Building and Safety shall serve as the coordinating agency for the reviews and approvals required by the various departments hereunder.

Included in the submittal shall be a detailed scale drawing of the site showing the location, orientation, and dimensions of existing and proposed parking spaces, aisles, barriers, driveway approaches, buildings, property lines, adjacent streets and roadways, sidewalks, pedestrian ways and drainage facilities. A detailed landscape plan showing the required landscaping and screening and all information required in the *Design Standards for Screening and Landscaping*. If the parking lot is to be lighted, the following information shall be submitted:

<u>Lighting Plan Review Information</u>

A. Include catalog cuts or data showing lamp characteristics:
   1. Type (incandescent, fluorescent, HID, etc.)
   2. Wattage
   3. Lumen output (initial)
   4. Lumen maintenance factor (mean or end-of-life)

B. Include catalog cuts showing luminaire characteristics:
   1. Type (roadway, rectilinear, post top, floodlight, etc.)
   2. Isofootcandle diagram
   3. Utilization curve
   4. Isconcandela diagram

C. Include details and information showing installation specifics:
   1. Mounting height
   2. Tilt angle (when other than 90 degrees to vertical)

D. Include site plan information including:
   1. Location of parking area on site and site boundaries
   2. Location of lighting fixtures
   3. Zoning and type of use on adjacent properties

4. Location of buildings on site

E. Documentation showing:

1. Calculation of initial average footcandle (fc) level - Formula:

   Ave. initial fc = (lamp lumens x coefficient of utilization) ÷ area in sq. ft.

2. Calculation of maintained average footcandle level - Formula:

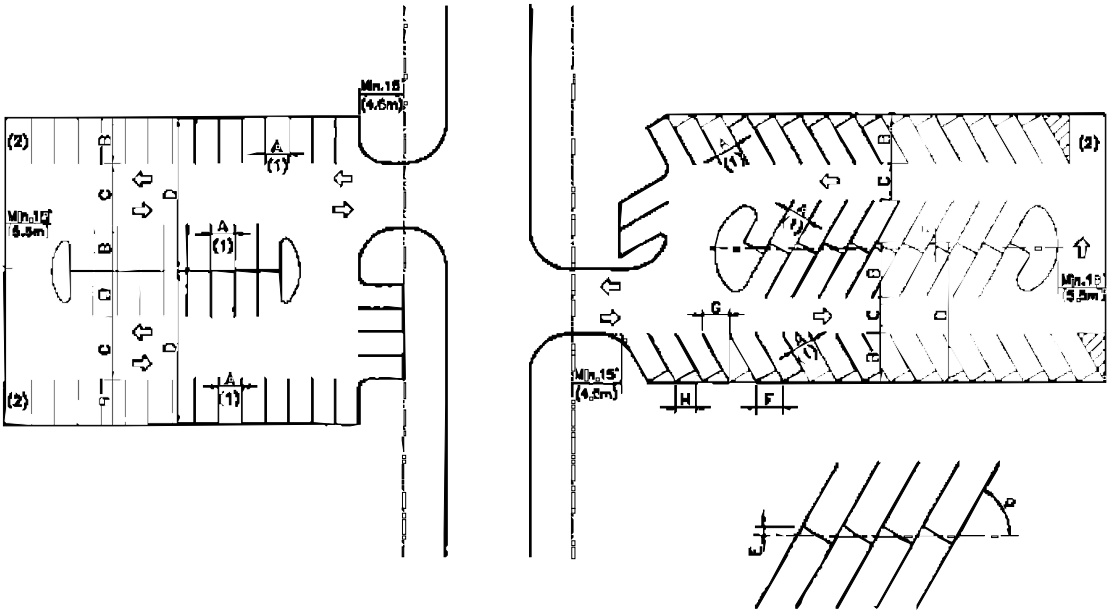
   Ave. initial fc x lamp lumen depreciation x luminaire dirt depreciation

3. Calculation of uniformity ratio - Formula:

   Ratio = average initial level ÷ minimum initial level

4. Point-by-point footcandle levels plotted on parking lot site plan.

5. Point-by-point footcandle levels at site perimeter plotted on parking lot site plan.



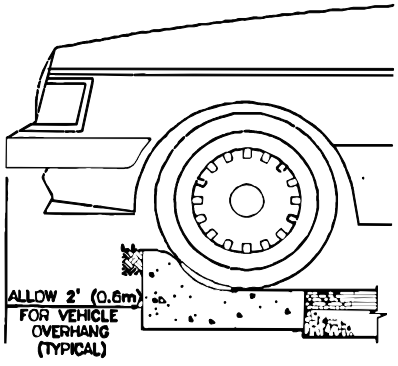
ANGLE (a)	STALL WIDTH (A)	STALL DEPTH (B)	AISLE WIDTH (C)		TYPICAL MODULE (D)		INTERLOCK REDUCTION (E)*	CURB LENGTH (F)*	REAR EXTENSION (G)*	FRONT EXTENSION (H)*
			LONG TERM	SHORT TERM	LONG TERM	SHORT TERM				
30°	8.5' (2.6m)	14.0' (4.3m)	10.0' (3.1m)	11.0' (3.4m)	40.0' (12.2m)	41.0' (12.5m)	3.7' (1.1m)	17.0' (5.2m)	15.2' (4.6m)	4.3' (1.3m)
	9.0' (2.7m)	15.0' (4.6m)	10.0' (3.0m)	10.0' (3.1m)	40.0' (12.2m)	40.0' (12.2m)	3.8' (1.2m)	18.0' (5.5m)	15.2' (4.6m)	
45°	8.5' (2.6m)	17.0' (5.2m)	11.0' (3.4m)	12.0' (3.7m)	45.0' (13.7m)	46.0' (14.0m)	3.0' (0.9m)	12.0' (3.6m)	12.4' (3.8m)	6.0' (1.8m)
	9.0' (2.7m)	17.0' (5.2m)	10.0' (3.0m)	11.0' (3.4m)	44.0' (13.4m)	45.0' (13.7m)	3.2' (1.0m)	12.7' (3.9m)	12.4' (3.8m)	6.4' (1.9m)
50°	8.5' (2.6m)	17.7' (5.4m)	12.0' (3.7m)	13.0' (4.0m)	47.4' (14.4m)	48.4' (14.6m)	2.7' (0.8m)	11.1' (3.4m)	11.3' (3.4m)	6.5' (2.0m)
	9.0' (2.7m)	17.7' (5.4m)	11.0' (3.4m)	12.0' (3.7m)	46.4' (14.1m)	47.4' (14.1m)	2.9' (0.9m)	11.7' (3.6m)	11.3' (3.4m)	6.9' (2.1m)
60°	8.5' (2.6m)	18.5' (5.6m)	14.0' (4.3m)	15.0' (4.6m)	51.0' (15.5m)	52.0' (15.8m)	2.1' (0.6m)	17.0' (5.2m)	8.8' (2.7m)	7.4' (2.3m)
	9.0' (2.7m)	18.5' (5.6m)	13.0' (4.0m)	14.0' (4.3m)	50.0' (15.2m)	51.0' (15.5m)	2.3' (0.7m)	18.0' (5.5m)	8.8' (2.7m)	7.8' (2.4m)
70°	8.5' (2.6m)	18.8' (5.7m)	19.0' (5.8m)	20.0' (6.1m)	56.5' (17.3m)	57.5' (17.6m)	1.5' (0.4m)	9.1' (2.8m)	5.0' (1.5m)	8.0' (2.4m)
	9.0' (2.7m)	18.8' (5.7m)	18.0' (5.5m)	19.0' (5.8m)	55.8' (16.9m)	56.8' (17.3m)	1.5' (0.5m)	9.8' (2.8m)	8.0' (1.8m)	8.5' (2.6m)
90°	8.5' (2.6m)	17.5' (5.3m)	23.0' (7.0m)	24.0' (7.3m)	58.0' (17.7m)	59.0' (18.0m)	0	8.5' (2.6m)	0	0
	9.0' (2.7m)	17.5' (5.3m)	22.0' (6.7m)	23.0' (7.0m)	57.0' (17.4m)	58.0' (17.7m)	0	9.0' (2.7m)	0	0

* APPROXIMATE

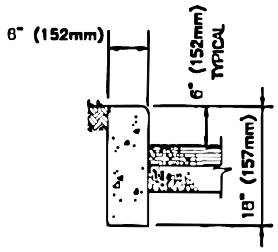
(1) THE MINIMUM STALL WIDTH FOR ALL LOTS SHALL BE 8.5 FEET (2.6 m).

(2) FOR PERPENDICULAR (90°) PARKING, STALL ADJACENT TO CLOSED END OF THE AISLE SHALL BE A MINIMUM OF 10 FEET (3.0m) WIDE.

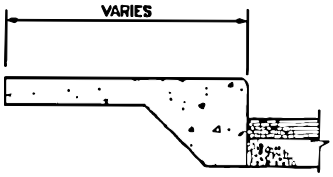
FIGURE PL-1



CURB AND GUTTER

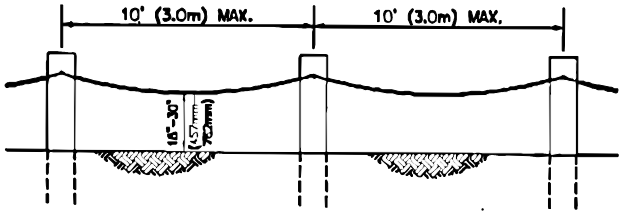


BARRIER CURB

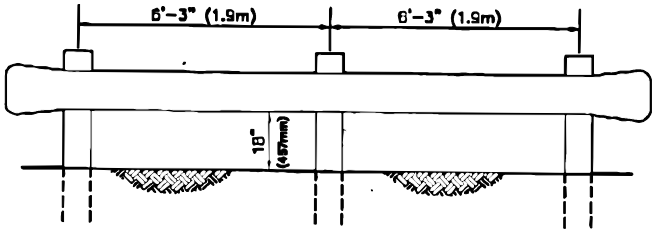


WALK CURB

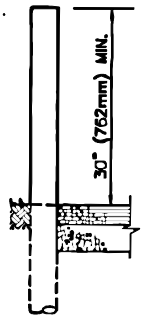
POURED CONCRETE CURBS



POST AND CABLE

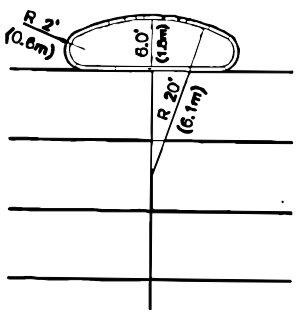


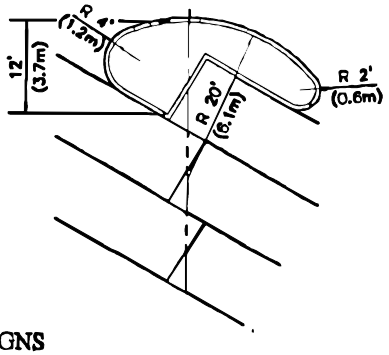
BEAM GUARDRAIL



FENCE OR WALL

PARKING BARRIERS





TYPICAL ISLAND DESIGNS

FIGURE PL-2

Chapter 3.50

DESIGN STANDARDS FOR SCREENING AND LANDSCAPING

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. OBJECTIVE

To achieve a desirable and a permanent landscape screen which will, with a ~~minimum~~reasonable amount of maintenance, provide a buffer to minimize the visual effect of adjacent incompatible land uses, land uses substantially different, and similar land uses of different character, and to protect the health, safety and welfare of the general public.

Section 2. DEFINITION OF A LANDSCAPE SCREEN

A visual buffer consisting of plant material, masonry, wood, other material approved by the Planning Director, and differences in land surface elevations or a combination of these elements. (Slats in a chain link fence shall not be acceptable.)

Section 3. GENERAL REQUIREMENTS

1. The requirements of this chapter, unless otherwise stated, shall apply to all new construction of structures and/or parking lots and to construction of new additions to existing buildings and/or parking lots provided that the screening and landscaping requirements shall only apply to the area of expansion for building additions and parking lot additions. Notwithstanding the above, when lot area or setbacks are reduced as the result of any conveyance to the federal government, state of Nebraska, any natural resources district, any county, the city, or any village within the zoning jurisdiction of the city under the threat of eminent domain any screening or landscaping required to bring the existing structure and/or parking lot located on the remaining portion of the lot into compliance with these design standards shall automatically be waived and the lot shall be deemed to be in compliance with these design standards.

~~2. Where required by conditions of approval of a plat, special permit, Planned Unit Development, or use permit the developer shall submit to the City for review and approval, a detailed and accurately scaled plan clearly showing the location, height and design of the fence screen, earth berm or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread, planting size and method of handling shall be shown on the plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles, the square feet of the building or addition and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing.~~

~~3. Where screening is required by Title 27 between incompatible land uses, or around parking lots, the owner or builder of a structure or parking lot shall submit a landscape plan showing the location, height, and design of the fence screen, earth berm, or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread planting size, and method of handling shall be shown on the landscape plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing. Such plan shall be submitted and approved prior to the issuance of a final building permit with a structure or parking lot; provided, however, limited construction as permitted by Section 106.4.1 of the Building Code, may proceed without submittal or approval of the landscape plan.~~

2. Where screening is required, the owner or developer shall submit a detailed and accurately scaled plan clearly showing the following:

(a) The location, height, and design of the fence screen, earth berm, or excavation and clearly showing the location and identifying the plant material in the plant material screen.

(b) A plant material list including the common name, botanical name, quantity, mature height and spread planting size, and method of handling.

(c) The total square footage of the parking lot or addition, including driving aisles. Any existing parking areas or buildings shall be shown and labeled as existing.

(d) The total square footage of the building or addition. Any existing buildings shall be shown and labeled as existing.

(e) The zoning designation of the lot.

Such plan shall be submitted and approved when required by conditions of a plat, special permit, Planned Unit Development, or use permit. Additionally, it shall be submitted and approved prior to the issuance of a final building permit with a structure or parking lot; provided, however, limited construction as permitted by Section 106.4.1 of the Building Code, may proceed without submittal or approval of the landscape plan.

43. Fences shall be installed during construction of the project or as soon as weather permits and shall be inspected and approved prior to permitting initial occupancy of the property. Plant material shall be installed within ~~one year~~six months following completion of the development and initial occupancy of the property unless phased development is permitted or otherwise specified by the Planning Director.

~~5~~4. Screens over thirty inches (30") in height shall not be installed in the triangular open space required for sight distance for vehicles entering and exiting the property.

~~6~~5. Screens shall be maintained in a neat appearance and repaired or replaced to the original state if damaged, destroyed, or in need of repair; masonry and wood fences shall be replaced within a period of thirty (30) days, or as soon as weather permits; plant material shall be replaced in the next appropriate planting season (spring or fall, depending on the particular plan material), in accordance with the approved landscape plan. If the screen is totally destroyed by an "Act of God," the replacement period may be extended with a written request approved by the Planning Director.

~~7~~6. The landscape screen design and the selection of plant material should:

(a) Allow the sun to shine on habitable buildings and recreation areas, streets, roadways, parking lots, sidewalks and other traveled ways in winter for solar heat radiation to aid in melting of the snow and ice.

(b) Provide shade on habitable buildings, recreation areas, streets, roadways, parking lots, sidewalks, and other traveled ways in summertime to reduce solar heat radiation to aid in the reduction of heat and glare.

(c) Not increase the drifting of snow onto streets, roadways, parking lots, sidewalks and other traveled ways.

~~8. Trees shall not count toward required screening of the surface from the ground to a height of ten feet (10').~~

~~9. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes but is not acceptable screen material with or without slats.~~

(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).

Section 4. PLANT MATERIAL FOR SCREENING AND LANDSCAPING

1. ~~(a)~~ At least one-half (1/2), but no more than three-quarters (3/4) of the screen shall be ~~coniferous or a variety of plant material that will retain its leaves through the winter months~~evergreen plant material, except as otherwise provided in this chapter. An exception would be allowed if in conflict with paragraph ~~7~~6 of the general requirements. Additional exceptions to the percentage of evergreen plantings may be made to accommodate screens that incorporate ornamental grasses or understory plant species with seasonal interest.~~Where the number of deciduous plants is increased to provide a year around screen the Planning Director may approve a reduction in the amount of coniferous plants or plants that retain their leaves in the winter. The branching characteristics of the plant will be considered when considering the reduction. This reduction cannot be approved for salvage yards and scrap processing operations.~~

~~(b) The sole use of plants to screen salvage yards and scrap processing operations is not acceptable.~~

2. A list of acceptable plant material shall be available upon request in the City~~Office of the~~ Planning Department. This list will specifically ~~list~~ identify the size, method of handling, and design spread diameter for each variety of plant material. However, other plant material may be used and added to the list upon meeting the requirements in subparagraph 3 below and with the approval of the Planning Director. If anyone chooses to add a plant to the list, they should submit information such as its mature spread and height, rate of growth and other information as requested by the Planning Director for consideration.

3. The variety of plant material used shall be reasonably:

   (a) Free from litter and offensive odors;
   (b) Resistant to breakage by wind and winter storms;
   (c) Resistant to disease, insect attack and weather stresses;
   (d) Long lived;
   (e) Adaptable to City conditions; and
   (f) Easily transplanted and grown.

4. The installation of the plant material shall be by a certified landscape contractor as approved by the Parks and Recreation Department and shall conform to the approved landscape plan and the general requirements of the City of Lincoln Specifications for Street Trees. These specifications shall be on file at the Planning Department, Parks and Recreation Department, Department of Building and Safety, and City Clerk. The installation may be inspected by the City.

5. The land owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of watering, weeding, fertilizing, controlling diseases and insects, pruning, removing ~~the~~ tree stakes and ~~wires used to secure the plant when~~ties within 12 months of planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.

6. The mature size and form of the plant material shall be used in computing the opacity of the screen.

7. Deciduous shade trees shall not count toward required screening of the surface from the ground to a height of ten feet (10').

(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).

Section 5. FENCE SCREENS

1. Fence screens shall~~Shall~~ be installed to withstand wind pressures and in accordance with the acceptable practices and the installation shall be inspected by the City as provided in Section 3. , ~~"~~General Requirements~~,"~~ ~~sub~~paragraph 4.

2. Acceptable fence materials for landscape screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Chain link fencing may continue to be used for security or other purposes. Alternative fence materials being used for screening must be approved by the Planning Director.

~~2~~3. Plant material may be combined ~~along~~ with ~~the~~ masonry or wood fence.

~~3~~4. Fences do not need to be completely opaque.

~~4~~5. The height of fences shall conform to Title 27 of the Lincoln Municipal Code.

~~5~~6. Generally, fences should not slope with the ground, but should be built on level lines. (See ~~attached sketch~~Figure 1).

~~6~~7. The color of the fences should be in the neutral range of colors. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes but is not acceptable screening material with or without slats.

Section 6. BERM AND EXCAVATION

1. The side slopes shall not exceed three to one (horizontal to vertical) without the use of retaining material.

2. The land surface shall be protected to prevent erosion. The means of protection shall be either:

(a) ~~s~~Sodding, to be done as soon as weather permits;

(b) ~~s~~Seeding with grass if permitted, depending on erosion control measures and the steepness of the slope; or

(c) ~~p~~Planting with an approved permanent ground cover.

3. Retaining walls shall be constructed in accordance with acceptable engineering standards.

Section 7. ~~HOW MUCH IS TO BE SCREENED AND WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY~~LOCATION, COVERAGE, AND LAYOUT STANDARDS FOR SCREENS:
~~(See Attached Sketch)~~

~~If plant material is used for part of the screen, the design size and shape of the plant material shall be used in computing the opacity of the screen.~~

7.1 Parking Lots, Parking Areas, and Driving Aisles

~~It is the intention of the screening standards for parking lots and parking areas to provide an adequate, aesthetic visual screen of the facility while not seriously impairing observation of the lot from public ways for the sake of security.~~

~~(a) General: The screen shall be located adjacent to the barrier surrounding the parking lot or parking area but far enough from the barrier so as to be protected from the bumpers of other vehicles.~~

~~(b) Driveway throats/driveway curb cuts shall be excluded from the required screen.~~

~~(c) The screen shall be evenly distributed horizontally and may vary in height.~~

~~(d) The sides of parking lots, parking areas and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six foot (6') landscape strip. The screen shall be at least ninety percent (90%) when the parking lot, parking areas and driving aisles are set back less than thirty five feet (35') from the lot line or edge of pavement on private streets; at least sixty percent (60%) when the parking lot, parking areas and driving aisles are set back thirty-five to fifty feet (35' - 50') from the lot line or edge of pavement on private streets; and at least thirty percent (30%) when the parking lot, parking areas and driving aisles are set back more than fifty feet (50') from the lot line or edge of pavement on private streets. Fences may not be used to meet this screening requirement adjacent to a public street or private roadway. When there is less than five feet (5') between the parking lot, parking areas and driving aisles and the street or alley right-of-way, one (1) deciduous tree shall be required for parking lots, parking areas and driving aisles less than five thousand (5,000) square feet and one (1) additional deciduous tree shall be required for each additional five thousand (5,000) square feet or fraction of five thousand (5,000) square feet. When the parking lot, parking area and driving aisles are set back 100 feet or more from the nearest public right of way, then no screening for adjacent right of way per this section shall be required.~~

~~(e) In the B-1, B-3, H-1, H-2 and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.~~

~~EXCEPTIONS:~~

~~(1) No screen shall be required in the area needed for the necessary paving of walkways and driveways to reach parking and loading areas.~~

~~(2) No screen shall be required in the front yard for a parking lot, parking area or driving aisle on lots that have less than an average lot depth of 150 feet.~~

~~(3) On corner lots, the front six feet landscape area shall be required along each street unless the distance between the street right-of-way and the opposite lot line is less than 150 feet.~~

~~(f) No screen shall be required between abutting parking lots.~~

~~(g) No screen shall be required between the parking lot and the building being served by that parking lot.~~

~~(h) If plant material is used, the density percentage is calculated at plant maturity.~~

~~(i) For all parking lots which equal or exceed 6,000 square feet in paved area, there shall be planted within that paved area one shade tree for each 6,000 square feet of parking lot paving. For example, for parking lots which have between 6,000 to 11,999 square feet of paved area, one shade tree would be required; whereas, for parking lots which have between 12,000 square feet to 17,999 square feet of paved area, two shade trees would be required. The unpaved planting area around each tree shall be not less than 50 square feet and shall be constructed in such a manner as to prevent intrusion of vehicles into said planting area. Shade trees may be planted along the perimeter of the parking lot within eight feet (8') of the paved area. Each tree planted along the perimeter of the parking lot may be used for one-half (1/2) of the required one shade tree for each 6,000 square feet of parking lot paving or portion in excess thereof. Such landscaping shall be in conformance with *Lincoln Municipal Code Section 14.44.010* and the *Design Standards for Screening and Landscaping.*~~

It is the intention of the perimeter screening, interior landscaping, and shade tree standards for parking lots and parking areas to provide an aesthetically pleasing visual screening and softening of the facility while not seriously impairing observation of the lot from public ways for the sake of security.

A. Perimeter Screen Location, Coverage, and Layout

1. The perimeter of parking lots, parking areas, and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six-foot (6') landscape strip.

2. The screen shall be evenly distributed horizontally, but it may vary in height.

3. The screen shall be located adjacent to the parking area but far enough from the edge so as to be protected from the bumpers of other vehicles.

4. The required screen coverage shall be dependent on the proximity of the parking lot to the lot line or edge of pavement on private streets. The table that follows identifies these coverage requirements.

Table 1. Required Screen Coverage

Proximity to Lot Line	Screen Coverage
0-35’	90%
35’-50’	60%
50’- 100’	30%
100’ or Greater	Not Required

5. If plant material is used, the density percentage shall be calculated at plant maturity.

6. Fences may not be used to meet this screening requirement adjacent to a public street or private roadway.

7. In the B-1, B-3, H-1, H-2 and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.

B. Perimeter Screen Exclusions and Exceptions

1. Driveway throats/driveway curb cuts shall be excluded from the required screen.

2. No screen shall be required along the side or rear property lines where there is a parking lot on the neighboring property abutting the side or rear yard that is connected via one or more drive aisles (See Figure 3).

3. No screen shall be required between the parking lot and the building being served by that parking lot.

C. Interior Landscaping Location, Coverage, and Location

1. Interior landscape islands shall be located at the end of every parking row, between the last parking space and an adjacent travel aisle or driveway (See Figure 4). The interior width of the island – measured from back-of-curb to back-of-curb – shall be no less than nine (9) feet. The minimum interior square footage for a single row island shall be 125 square feet, while the minimum square footage for a double row island shall be 250 square feet. Islands shall be planted with some combination of turf, trees, and understory landscaping such as shrubs, ornamental grasses and flowering perennials.

In islands with trees, rock mulch may be allowed as an alternative groundcover to turf or understory landscaping.

2. Additionally, rows or parking shall not exceed twenty (20) consecutive stalls without an internal island break (See Figure 4).

3. In total, interior landscape islands and strips shall account for the following percentage of total parking lot square footage:

Table 2. Required Interior Landscaping

Parking Stalls	Required Interior Landscaping
6 – 50 stalls	5%
51 – 200 stalls	8%
Greater than 200 stalls	10%

D. Shade Tree Location, Coverage, and Layout.

1. For all parking lots, there shall be planted within the paved area a minimum of one (1) shade tree. Beyond this minimum requirement, there shall be one (1) additional shade tree planted within the paved area for every 6,000 square feet of parking lot paving. See the table below for a summary of typical shade tree requirements.

Table 3. Shade Tree Requirements for Parking Lots

Size of Parking Lot	Required Shade Trees
Less than 6,000 sq. ft.	1
6,000 – 11,999 sq. ft.	2
12,000 – 17,999 sq. ft.	3
18,000 – 23,999 sq. ft.	4

2. Each required internal landscape island for a double row of parking shall have at least one (1) shade tree. For required internal islands for a single row of parking, at least one (1) shade tree shall be required per every two islands. If the total number of required shade trees for this standard is higher than the requirement of Item 1 above, the higher shade tree requirement shall prevail. If the location of a parking lot light

prohibits the planting of a shade tree within a particular island, an ornamental tree may be substituted in its place.

3. The unpaved planting area around each tree shall be not less than 80 square feet and shall be constructed in such a manner as to prevent intrusion of vehicles into said planting area.

4. Shade trees may be planted along the perimeter of the parking lot within eight feet (8') of the paved area. Each tree planted along the perimeter of the parking lot may be used for one-half (1/2) of the required total of shade trees required within the paved area as set forth in Subsection 7.1, D., 1.

5. Trees in or along the perimeter of a parking lot that are required to meet the screening provisions of *Section 7.5* may be counted toward these parking lot tree requirements.

(Resolution A-90537, June 19, 2017: prior Resolution A-84549, September 24, 2007: Resolution A-83782, March 20, 2006).

7.2 Screening for Mobile Home Courts and Mobile Home Subdivisions Approved by Special Permit

~~The screen shall be evenly distributed horizontally; however, it may vary in height as to screen at least sixty percent (60%) of the surface from the ground to a height of ten feet (10') above the adjacent ground elevation of the mobile home court and mobile home subdivision. This screen is required along each side of the mobile home court and mobile home subdivision and shall be located within the fifty foot (50') exterior open space or between the mobile homes and the exterior boundary. Entrance roadways and the required open space for sight distance associated with intersections shall be excluded from the required screen.~~

A. Screen Location, Coverage, and Layout

1. The screen shall cover at least sixty percent (60%) of the surface from the ground to a height of ten feet (10') above the adjacent ground elevation of the mobile home court and mobile home subdivision.

2. The screen shall be evenly distributed horizontally but may vary in height.

3. This screen shall be required along each side of the mobile home court and mobile home subdivision and shall be located within the fifty foot (50') exterior open space or between the mobile homes and the exterior boundary.

B. Screen Exclusions and Exceptions

Entrance roadways and the required open space for sight distance associated with intersections shall be excluded from the required screen.

7.3 Screening for Multiple Family Dwellings Approved by Special Permit, Planned Unit Development, and Use Permit

~~(a) The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc. This screen shall be located between the structures and the adjacent property line. *(Resolution A-86877; July 9, 2012: Resolution A-83782, March 20, 2006).*~~

~~(b) When a multi-family dwelling is permitted above the zoning district height adjacent to an existing or planned single or two family dwelling, the additional setback area for such multi-family dwelling, except as provided in Section 7.3.c below, shall be devoted only to trees, shrubs, and grasses. The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the multiple dwelling. This screen shall be located between the multi-family dwelling and the adjacent property line. *(Resolution A-86877; July 9, 2012).*~~

~~(c) When garages, driveways or other accessory buildings for the multi-family dwelling are permitted in the setback area required in 7.3.b. above, the screening shall be increased as follows – the screen shall be evenly distributed horizontally. It may vary in height so as to screen at least seventy-five percent (75%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the garage and/or other accessory building. This screen shall be located between such buildings and the adjacent property line.~~

1. A screen shall be provided between the property line and all multi-family dwelling structures, garages, maintenance buildings, etc, and shall meet the following requirements:

   (a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc.

   (b) The screen shall be evenly distributed horizontally but may vary in height.

   (c) This screen shall be located between the multi-family dwelling and the adjacent property line.

2. When a multi-family dwelling is permitted above the zoning district height adjacent to an existing or planned single or two family dwelling, the additional setback area for

such multi-family dwelling, except as provided in Section 7.3.A., paragraph 3 below, shall be devoted only to trees, shrubs, and grasses. The screen shall meet the following requirements:

(a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the multiple dwelling.

(b) The screen shall be evenly distributed horizontally but may vary in height.

(c) This screen shall be located between the multi-family dwelling and the adjacent property line.

3. When garages, driveways or other accessory buildings for the multi-family dwelling are permitted in the setback area required in 7.3.A., paragraph 2 above, a higher-intensity screen shall be provided between the property line and such buildings. The screen shall meet the following requirements:

(a) The screen shall cover at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the garage and/or other accessory building.

(b) The screen shall be evenly distributed horizontally but may vary in height.

(c) The screen shall be located between such buildings and the adjacent property line.

(Resolution A-86877; July 9, 2012).

7.4 Screening For Residential Lots Backing Onto Major Streets and Railroads

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the street or railroads abutting the lots and from the ground elevation at the lot line to ten feet (10') above the surface elevation of the street or railroad. This screen may be located in the street right-of-way when the right-of-way is 120 feet or greater. If the street right-of-way is less than 120 feet, the screen shall be located on private property and along the lot line. Open space for sight distance associated with street intersections shall be excluded from the required screen.~~

~~If fences are used for the screen, they must be used in conjunction with plants. The plants shall be evenly distributed horizontally and may vary in height so as to screen at least twenty percent (20%) of the surface area of a vertical plane extending along the entire length of the fence from the ground to a height of ten feet (10') above the ground elevation. The plants shall be located on the street side of the fence. An opening in the fence (one per lot or joint access for two lots) is required for access to maintain the major street right-~~

~~of-way, unless a property owners association is made responsible for the maintenance. *(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).*~~

A. Screen Location, Coverage, and Layout

1. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the street or railroads abutting the lots and from the ground elevation at the lot line to ten feet (10') above the surface elevation of the street or railroad.

2. The screen shall be evenly distributed horizontally but may vary in height.

3. This screen may be located in the street right of way when the right-of-way is 120 feet or greater. If the street right-of-way is less than 120 feet, the screen shall be located on private property and along the lot line.

4. When using an opaque fence or masonry wall to meet the screening requirement, at least one third (1/3) of the vertical surface of the required fence or wall shall be softened with landscaping (See Figure 2).

   The plants shall be located on the street side of the fence. An opening in the fence (one per lot or joint access for two lots) is required for access to maintain the major street right-of-way, unless a property owners association is made responsible for the maintenance.

B. Screen Exclusions and Exceptions

Open space for sight distance associated with street intersections shall be excluded from the required screen.

7.5 Screening for Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts

~~The screen shall be evenly distributed horizontally, however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation. This screen shall generally be located adjacent to the property line abutting the different uses. *(Resolution A-83782, March 20, 2006).*~~

~~When the abutting residential district is across an alley from the above listed zoning districts and the commercial and/or industrial uses in said district take a driveway access from the alley, the screen shall be located adjacent to the property line of the commercial and/or industrial use along that portion of the alley not utilized for the driveway approach(es). The screen that would otherwise be required along that portion of the alley used as a driveway shall be located on the abutting residential property with the permission of the owner; provided that this portion of the screen is not required if the abutting~~

~~residential property owner refuses to grant permission for the screen to be installed on his/her property. *(Resolution A-84549, September 24, 2007)*.~~

1. In the B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, and I-3 zoning districts, the following screen requirements apply when abutting a residential district:

    (a) The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation.
    (b) The screen shall be evenly distributed horizontally but may vary in height.
    (c) This screen shall generally be located adjacent to the property line abutting the different uses.

2. When the abutting residential district is across an alley from the above-listed zoning districts and the commercial and/or industrial uses in said district take a driveway access from the alley, the screen shall be located adjacent to the property line of the commercial and/or industrial use along that portion of the alley not utilized for the driveway approach(es). The screen that would otherwise be required along that portion of the alley used as a driveway shall be located on the abutting residential property with the permission of the owner; provided that this portion of the screen is not required if the abutting residential property owner refuses to grant permission for the screen to be installed on his/her property.

7.6 Additional ~~Required Yards,~~ Open Space Screening for ~~Areas, Malls and Around Proposed Buildings in~~ the O-3, B-2, B-5, H-2, H-4, I-2, and I-3 Districts and Churches in R-1 through R-4 Residential Districts

~~For all buildings which equal or exceed 10,000 square feet of building coverage, there shall be provided for each 10,000 square feet of building coverage, three (3) deciduous shade trees and four hundred (400) square feet of ornamental grasses or shrub coverage. Ornamental trees may be used in lieu of deciduous shade trees, but are only credited one-half (1/2) of a deciduous shade tree. For example, for buildings which are between 10,000 to 19,999 square feet in building coverage, three (3) trees and four hundred (400) square feet of ornamental grasses or shrubs would be required; whereas for buildings which are between 20,000 to 29,999 square feet of building coverage, six (6) trees and eight hundred~~

~~(800) square feet of ornamental grasses or shrubs would be required. *(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).*~~

A. Screen Location, Coverage, and Layout

1. For all buildings which equal or exceed 10,000 square feet of building coverage, the following landscape screening shall be provided:
   (a) Four (4) deciduous shade trees for every 10,000 square feet of building coverage.
   (b) Seven hundred (700) square feet of understory shrubs and/or ornamental grasses for every 10,000 square feet of building coverage. See the table below for a summary of typical shade tree and understory requirements.

Table 4. Additional Open Space Screening

Building Coverage	Required Shade Trees	Required Understory
10,000 – 19,999 sq. ft.	4	700 sq. ft.
20,000 – 29,999 sq. ft.	8	1,400 sq. ft.
30,000 – 39,999 sq. ft.	12	2,100 sq. ft.
40,000 – 49,999 sq. ft.	16	2,800 sq. ft.

   (c) Ornamental trees may be used in lieu of deciduous shade trees, but shall only be credited one-half (1/2) of a deciduous shade tree.

7.7 Screening for Salvage Yards

~~7.7**.1** The area outside a building used for the storage of salvage material in connection with the operation of a salvage yard shall be screened. The screen shall be evenly distributed horizontally, but may vary in height and openness provided that it screens at least ninety percent (90%) of the surface area of a vertical plane from the ground elevation to a height of six feet (6') above the ground elevation. The screen shall be installed along the entire perimeter of the outdoor storage area, except where such area abuts the outside storage area of another salvage yard screened in accordance with a landscape screen approved by the City. If such screening is ineffective because of the topography of the premises or surrounding area or the presence of a public street viaduct, the ninety percent (90%) screen shall be extended to the height necessary to obstruct the view of the salvage material or vehicles waiting repair. The screen below a height of six feet (6') shall be accomplished by fences or differences in land surface elevations. *(Resolution A-86876; June 25, 2012).*~~

A. Screen Location, Coverage, and Layout

1. The area outside a building used for the storage of salvage material in connection with the operation of a salvage yard shall be screened to cover at least ninety percent (90%) of the surface area of a vertical plane from the ground elevation to a height of six feet (6') above the ground elevation.

2. The screen shall be evenly distributed horizontally but may vary in height.

3. The screen shall be installed along the entire perimeter of the outdoor storage area.

4. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes, but is not acceptable screening material with or without slats. The use of solely plant material to screen salvage yards and scrap processing operations is not acceptable.

5. If such screening is ineffective because of the topography of the premises or surrounding area or the presence of a public street viaduct, the ninety percent (90%) screen shall be extended to the height necessary to obstruct the view of the salvage material or vehicles waiting repair. The screen below a height of six feet (6') shall be accomplished by fences or differences in land surface elevations.

B. Screen Exclusions and Exceptions

No screening shall be required along the perimeter of the outdoor storage area where such area abuts the outside storage area of another salvage yard screened in accordance with a landscape screen approved by the City.

7.8 Screening for Day Care Centers and Preschools Approved by Special Permit

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least 90 percent (90%) of the surface area of a vertical plane from the ground elevation to six feet (6') in height. The screen shall be installed along the periphery of the outdoor play area.~~

1. The screen shall cover at least 90 percent (90%) of the surface area of a vertical plane from the ground elevation to six feet (6') in height.
2. The screen shall be evenly distributed horizontally but may vary in height.
3. The screen shall be installed along the periphery of the outdoor play area.

7.9 Screening for Broadcast Towers

~~Broadcast towers except those mounted on the top of existing structures:~~

~~Deciduous and coniferous evergreen trees shall be planted around the tower to screen the tower from adjacent properties, of 70 percent (70%) from the ground to eight (8) feet. Fifty percent (50%) or more of the trees should grow to a mature height of thirty-five feet (35') or more.~~

A. Screen Location, Coverage, and Layout

1. Deciduous and evergreen trees shall be planted around the perimeter of the tower to screen the tower from adjacent properties.

2. The screen shall consist of one (1) tree per twenty-five (25) linear of the tower enclosure.

3. Fifty percent (50%) or more of the required trees shall be a variety reasonably expected to grow to a mature height of thirty-five feet (35') or more.

B. Screen Exclusions and Exceptions

Broadcast towers mounted on the top of existing structures are exempted from the screening requirements.

7.10 Screening for R-T District Screening

~~The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of ten feet (10') above the adjacent ground elevation. Fences may not be used to meet more than fifty percent (50%) of this screening requirement.~~

1. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of ten feet (10') above the adjacent ground elevation.

2. The screen shall be evenly distributed horizontally but may vary in height.

3. When using an opaque fence or masonry wall to meet the screening requirement, at least one-half (1/2) of the vertical surface of the required fence or wall shall be softened with landscaping (see Figure 2).

7.11 Screening for Outdoor Storage and/or Display of Merchandise for Service/Repair Facilities Including Motorized Vehicle Service and Repair Facilities and/or Contractor Services, Outdoor Refuse Areas, Recycling Bins, Open Storage, Loading Areas, and Ground Level Mechanical Equipment.

~~The area outside a building used for storage and/or display of merchandise for service/ repair facilities (including motorized vehicle service and repair facilities) and/or contractor services, and outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment associated with all uses shall be screened if they are located within 150 feet of street right-of-way and within the public view or abutting a residential district. The screen shall be evenly distributed horizontally; however, it may vary in height provided that it screens at least sixty percent (60%) of the surface area of a vertical plane~~

~~from the ground elevation to a height of ten feet (10'). Fences shall be softened by landscaping to screen at least thirty percent (30%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10'). *(Resolution A-87209; February 11, 2013; Resolution A-86876; June 25, 2012: Resolution A-83782, March 20, 2006).*~~

1. The area outside a building used for storage and/or display of merchandise for service/ repair facilities (including motorized vehicle service and repair facilities) and/or contractor services, and outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment associated with all uses shall be screened if they are located within 150 feet of street right-of-way and within the public view or abutting a residential district.

2. The screen shall cover at least sixty percent (60%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10').

3. The screen shall be evenly distributed horizontally but may vary in height.

4. When using an opaque fence or masonry wall to meet the screening requirement, at least one-half (1/2) of the vertical surface of the required fence or wall shall be softened with landscaping (see Figure 2).

7.12 Screening for Motorized Vehicle Sales Display Areas

A. Screen Location, Coverage, and Layout

1. In the B-1 and B-3 zoning districts, the following screen requirements apply as conditions of use for motorized vehicle sales and/or repair/services facilities:

    (a) Any facility located within 100 feet of any residential use or district which was lawfully established in the B-1 or B-3 zoning district on the effective date of these Design Standards, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood or of a substitute material acceptable to the Director of Building and Safety. This requirement shall not apply when said residential use or district is across a public street from the motorized vehicle sales and/or repair facility, but shall apply if said residential use or district is across an alley or private drive from said facility.

2. In the H-2 and H-3 zoning districts, the following screen requirements apply as conditions of use for motorized vehicle sales and/or repair/services facilities:

    (a) The front twelve feet of the front yard shall be devoted to shrubs and grasses.

    (b) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and

construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The landscape screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.

(c) No fence shall be erected in the front yard.

7.13 Screening for Downtown Lincoln

A. Screen Location, Coverage, and Layout

1. Those properties located within the B-4 and O-1 Districts are subject to the following screening requirements:

   (a) Any on-site surface parking shall be paved and must be screened with plant materials, masonry walls, or masonry and met (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade.

   (b) Parking shall be set back six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used.

B. Request for Waiver

1. All requests for waivers to the screening requirements for Downtown Lincoln shall follow the procedures set forth in the Design Standards, CHAPTER 1.00 REQUEST FOR WAIVER, PROCEDURE | Section 2. PROCEDURE | 2.5 Lincoln Downtown, South Haymarket, Neighborhood and Accessory Dwelling Design Standards.

7.14 Street Trees

A. Screen Location, Coverage, and Layout

1. As a requirement of the commercial building permitting process, street trees shall be required per the standards set forth in CHAPTER 2.35 DESIGN STANDARDS FOR STREET TREES. This requirement applies if the improvement project meets one of the following conditions:

   (a) New construction.

   (b) Major remodeling or reinvestment in a property where the total investment, defined as total construction valuation, exceeds fifty percent of the property's assessed value prior to commencement of construction.

2. For minor remodeling, where the total project investment is fifty percent or less of the property's assessed value, care should be taken to preserve existing street trees. Any trees removed shall be replaced in accordance with the City's Master Street Tree Plan.

B. Request for Waiver

All requests for waivers to the street tree requirements shall follow the procedures set forth in the Design Standards, CHAPTER 1.00 REQUEST FOR WAIVER, PROCEDURE | Section 2. PROCEDURE | 2.1 General.

Section 8. PROCEDURES

All plans and documents required to be submitted by the ~~developer~~Owner hereunder shall be filed with the Building Official. Three (3) copies ~~of each~~ of a detailed and accurately scaled layout showing the screening and landscaping shall be submitted for review and approval by the Planning Director. The Building Official shall serve as the coordinating agency for ~~the~~ reviews and approval~~s~~ required by the various departments hereunder.

~~No certificate of occupancy for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots shall be issued until the applicant has submitted or caused to be submitted to the Building Official an application from a certified landscape contractor for a landscape permit to install the landscaping required by these design standards. The landscape contractor shall file a certificate of completion certifying that the landscaping required by these design standards has been installed. The certificate of completion shall be filed with the Building Official within one year following final inspection of the work performed under the building permit. If the certificate of completion is not timely filed, the Building Official may revoke the certificate of occupancy.~~

~~Before the City issues the Certificate of Occupancy, the owner(s) shall sign an agreement to continuously maintain the required landscape screen and landscaping by performing the maintenance responsibilities described in Section 4, subparagraph (5) of these standards.~~

Upon final inspection approval for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots, a Landscape Enforcement Record shall be created. From the point in time in which a Landscape Enforcement Record is created, the Owner shall have six (6) months to complete all screening and landscaping improvements included as part of the approved permit plans.

Once the six-month window has elapsed, an inspection will be completed by the Planning Department to determine compliance. If it is determined during the course of this inspection that the property is not in compliance with the approved screening/landscape plan, the Planning Official will send a notification of non-compliance to the property owner. A determination of non-compliance may be found if the property meets one or more of the following conditions:

1. A significant portion or all of the approved screening/landscaping has not been installed.

2. The screening/landscaping that has been installed deviates significantly enough from the approved screening/landscape plan that it no longer meets the intent of the design standards.

3. The screening/landscaping was installed but has not been adequately maintained – as described in Section 4, paragraph 5 of this chapter – and no longer meets the intent of the design standards.

The notification will clearly delineate the steps that need to be followed to bring the screening/landscaping into compliance. From the date that the letter is sent, the owner will be given an additional six (6) months to comply. If it is determined at the end of this second six-month period that the property is still in non-compliance, the Building Official may revoke the certificate of occupancy or refer the case to the City Attorney's Office.

(Resolution A-84549, September 24, 2007: prior Resolution A-83782, March 20, 2006).

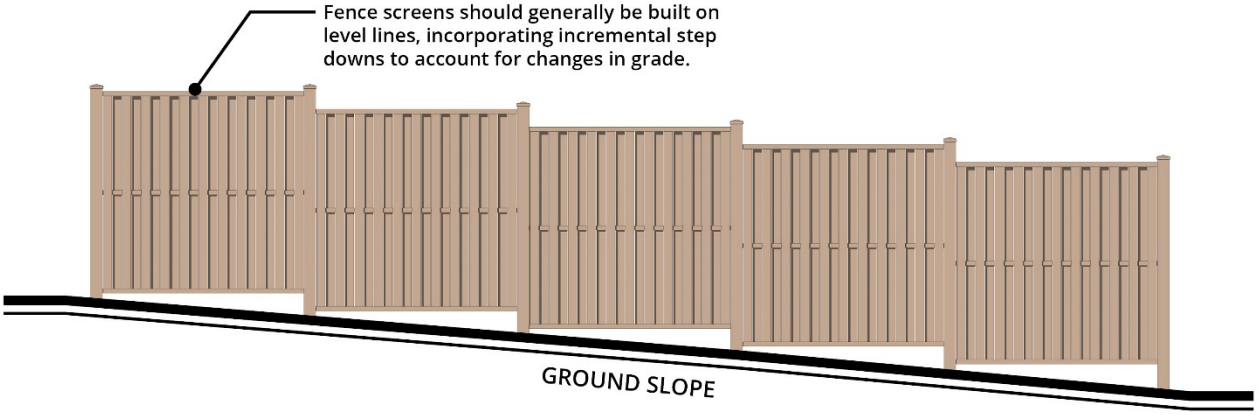


FIGURE 1: FENCE AND GROUND SLOPE DIAGRAM

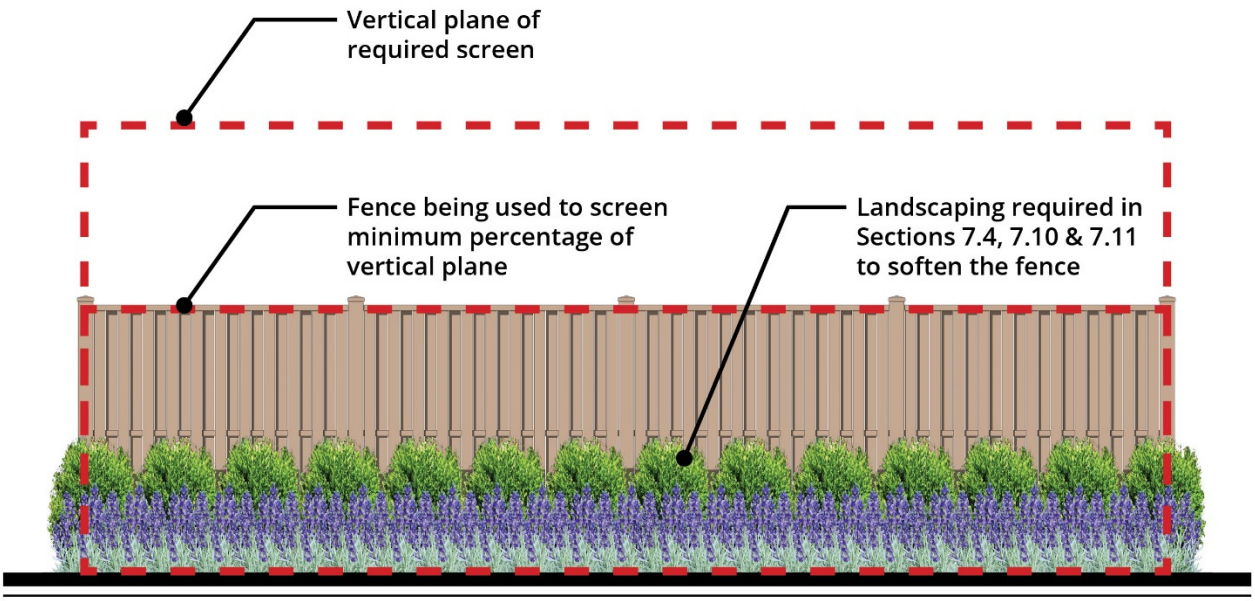


FIGURE 2: VERTICAL PLANE AND FENCE SOFTENING DIAGRAM

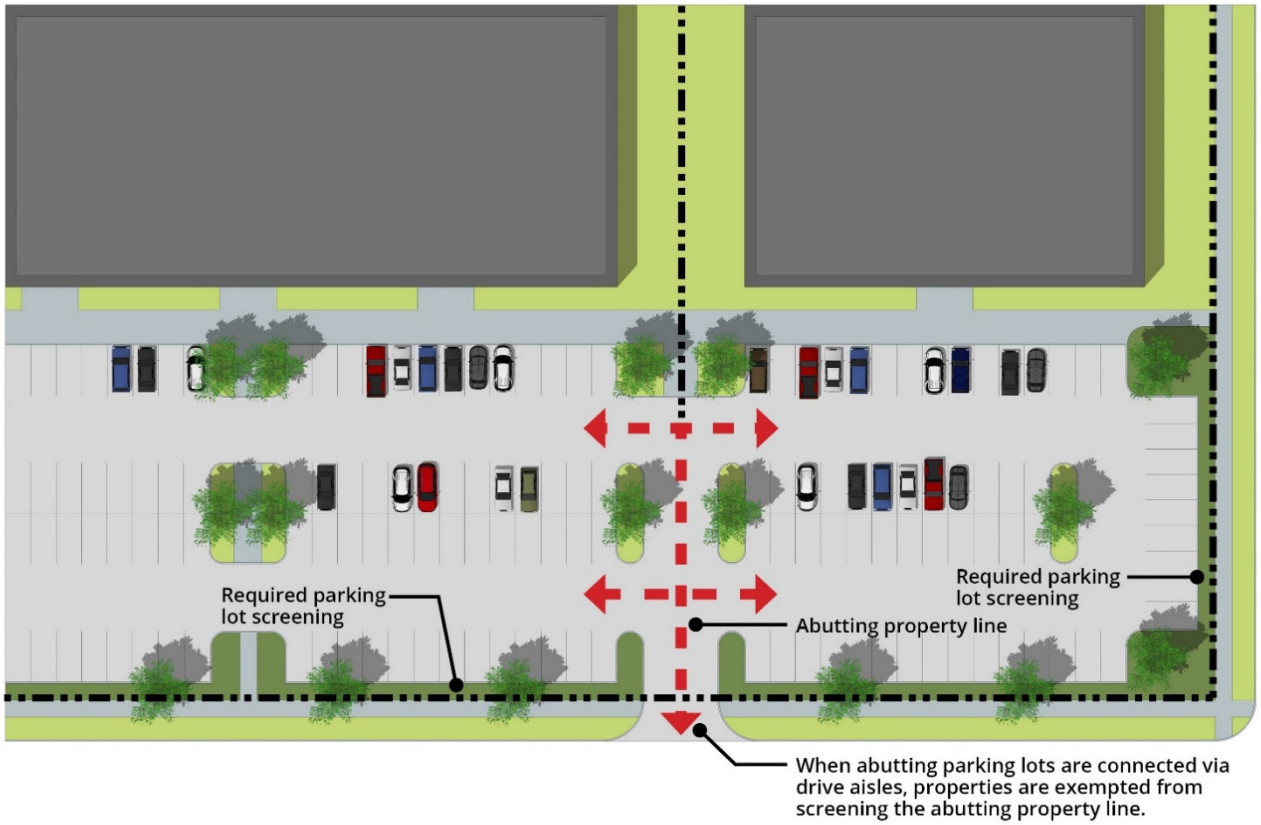


FIGURE 3: ABUTTING PARKING LOTS DIAGRAM

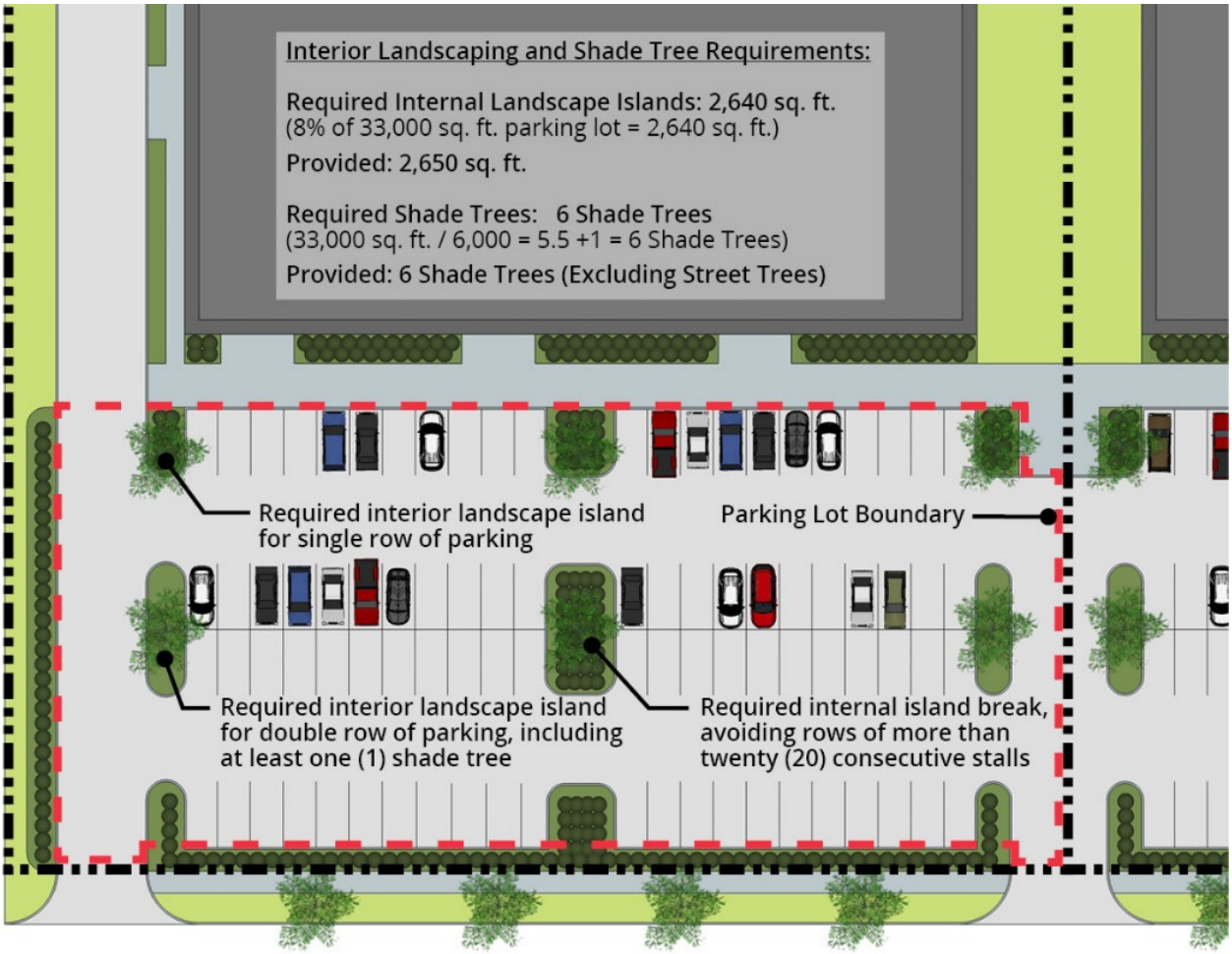


FIGURE 4: PARKING LOT INTERIOR LANDSCAPING DIAGRAM

Chapter 3.76

LINCOLN DOWNTOWN DESIGN STANDARDS

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. INTRODUCTION

Downtown Lincoln is the mixed-use center of the Lincoln community, offering employment, residences, education, recreation, and retailing. From the adoption of the Original Plat in 1867 through the present day, Downtown has developed as the community's most urban, most mixed, highest density neighborhood, with wide streets and sidewalks, buildings typically constructed from property-line to property-line, and relatively few but very important urban open spaces. For the purposes of these Lincoln Downtown Design Standards, "Downtown Lincoln" consists of those areas within the corporate limits zoned B-4 Lincoln Center Business District or O-1 Office District, as shown on the Lincoln Zoning District Map adopted pursuant to Section 27.05.020 of the Lincoln Municipal Code. Those areas zoned B-4 or O-1 located from 150 feet west of 9th Street to the western boundary of the B-4 District and south of O Street shall be considered "South Haymarket" and follow the design standards in Chapter 3.77.

The purpose of the Lincoln Downtown Design Standards ("Design Standards") is to recognize and build upon the substantial private and public investment in Downtown Lincoln, and to strengthen the best qualities of its urban form, while encouraging compatible new construction.

The Design Standards focus on a limited number of basic design elements which have significant effect on how Downtown Lincoln looks and even more importantly, on how it is experienced by residents, employees, and visitors. These standards do not guarantee good design -- only the talents and efforts of owners, designers, and builders do that. But they will ensure the best practices and discourage certain negative design features, thereby strengthening Downtown Lincoln's essential center. These Design Standards are derived from and consistent with the Downtown Master Plan and the Antelope Valley Redevelopment Plan.

The Design Standards shall apply to building permit applications filed on or after the adoption of the Request for Resolution designated as Misc. No. 08007.

Section 2. WORK REQUIRING REVIEW

2.1 Exterior Features

The Design Standards apply to exterior features of projects requiring building permits in the B-4 Lincoln Center Business District or O-1 Office District (except where South Haymarket Design Standards apply), whether the project is new construction, exterior remodeling of existing buildings, or site development that does not include buildings (such as parking lots). **Interior**

aspects of new or existing construction do **NOT** require review under the Design Standards (although other building and zoning codes may apply).

a. Minor Remodeling Projects (investing 50% or less of a property's assessed valuation). Exterior features of the project shall not cause greater deviation from these Design Standards than currently exists.

b. Major Remodeling Projects (investing more than 50% of a property's assessed valuation). Exterior features of the project shall meet the applicable Design Standards that are feasible given existing site conditions.

Review of minor and major remodeling projects should begin with a conference with staff to seek consensus on which are the applicable standards. Such a conference is especially useful for renovation projects or if the property in question is located in more than one zoning district or design standard subarea.

It is intended that both private and public property owners will comply with these Design Standards, including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, Lancaster County, State of Nebraska, and U. S. Government and any other government or agency that is not legally bound by local zoning requirements.

Section 3. APPLICATION AND REVIEW PROCESS

Planning staff will review projects and administratively approve those which meet the requirements of the Design Standards.

Efforts will be made to avoid increased time for review and approval. To facilitate this review process, the applicant shall submit the following items, as applicable, with the building permit application:

1. Street elevations and the site plan of the proposed project.

2. For new construction and major remodeling projects, samples or photographs of proposed major materials shall also be submitted.

3. For minor remodeling projects, a photograph of the existing building and sufficient written or drawn description to understand the proposed changes may be substituted.

Section 4. GENERAL REQUIREMENTS

4.1 Site Development

a. Downtown Lincoln buildings west of 19th Street and on North 21st Street from O to Q Streets shall be substantially "built-to" their front property lines (and on corner lots, shall be built-to both front property lines).

b. Pedestrian plazas and forecourts at street level shall be permitted except on P Street from 9th to 19th Street and on North 21st Street from O to Q Streets.

c. Any on-site surface parking shall be ~~paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade~~ screened pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.

d. Parking shall be set back from the property line pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*~~six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used~~.

e. Parking and driveways between a building and the street are prohibited with two exceptions:

1. hotels may offer drop-off lanes at their principal entrance; and

2. buildings situated on a parcel occupying an entire blockface may be built to one corner (fronting two streets) and may offer screened parking behind and/or beside the building.

f. Drive-through lanes, if used, must be located behind or beside buildings, and are prohibited between the building and streets.

g. Drive-through facilities (in which the customer is served directly in the car including, but not limited to, drive-in teller windows and ATMs, drive-in restaurants, motorized vehicle fuel sales facilities, motorized vehicle repair/service, or motorized vehicle wash facilities) are prohibited in the area of the B-4 Lincoln Center Business District bounded by 10th Street, 150 feet north of P Street, 14th Street, and N Street.

4.2 Building Features

a. Materials:

1. For the first 20 (twenty) feet above street level, durable masonry materials, such as stone, brick, or tile, or similar materials such as pre-cast concrete, or poured-in-place concrete are required as the primary exterior material facing streets for Downtown Lincoln buildings. Ample windows are allowed but glass curtain wall structures are allowed only in the area more than 20 feet above street level. Decorative accents of durable materials including metal architectural panels, architectural tile, and metalwork are allowed. Other high-

quality, durable materials as accents or primary materials may be proposed to and approved by the appropriate design review board.

2. Faux brick products (not made of fired clay) are prohibited.

3. Use of lap or shingle siding of any material including wood, vinyl, cementious, or painted or corrugated metal is prohibited for Downtown Lincoln buildings.

4. Plain or painted concrete block is prohibited as the primary material on street facades in Downtown Lincoln; other concrete masonry units may be proposed to and approved by the appropriate design review board.

5. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable masonry materials described in section 4.2.a.1.

b. Parking structures and lots:

1. Parking structures shall be designed with usable floor area on the ground floor between parking areas and public sidewalks if built between (and including) N and Q Streets, and between 9th and 19th Streets, and along North 21st Street between O and Q Streets and along Canopy Street.

2. Any ground-floor parking in structures must be screened from public sidewalks.

3. Entrances and exits shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement on sidewalks.

4. Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)

c. Roofs:

1. Downtown Lincoln buildings shall conceal low pitched or nearly flat roofs behind parapet walls. Visible roofs are acceptable only on penthouses providing habitable space, set back at least ten feet from parapet walls.

2. Mechanical equipment on rooftops shall be architecturally screened with materials compatible with the main walls of the building so they are not visible from adjacent streets.

d. Entrances and first floor windows:

1. Buildings shall have at least one principal entrance that faces the street. Buildings on corners or with multiple street frontages may have a single principal entrance, which must face a street.

2. The ground floor of buildings with frontages between (and including) N and Q Streets, and between 9th and 19th Streets and on North 21st Street from O to Q Streets and on Canopy Street shall have transparent glazing in at least 70% of the area between four feet and nine feet above the sidewalk, except in the case of residential buildings. Building in other areas shall have transparent glazing in at least 50% of the area between four and nine feet above the sidewalk, except in the case of buildings with first-floor residential uses.

3 Ramps for accessibility added to existing buildings, shall employ materials and design features drawn from the main structure. New buildings shall not include exterior ramps along street frontages.
(Res. A-86830, 5-21-2012).

4.3 Additional Pedestrian Considerations

a. To minimize interruptions of and conflicts with the pedestrian routes across adjacent sidewalks, garage doors and service bays shall not open directly onto sidewalks, but instead shall be oriented toward alleys or toward the interior of the lot. One service bay shall be permitted facing a sidewalk if a building has no alley access.

b. Sidewalk cafes and other high-quality amenities including street furniture are encouraged in Downtown Lincoln and shall be designed and located to minimize interruption of clear, direct pedestrian routes.

c. Dumpsters, service docks, transformers, and other necessary fixtures shall be located and screened so as not to be visible from adjacent sidewalks.

Section 5. WAIVERS AND APPEAL

Any request for a deviation of the Lincoln Downtown Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.

(Chapter 3.76 adopted by Resolution No. A-85010, 9-8-08;
amended by Resolution No. A-86830, 5-21-12; amended by Resolution No. A-90248, 2-13-2017).

Chapter 3.77

SOUTH HAYMARKET DESIGN STANDARDS

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. INTRODUCTION

South Haymarket lies in the southwestern corner of Greater Downtown. Like Historic Haymarket to the north, South Haymarket first developed with a wide range of uses. Industrial properties served by railroad sidings were interspersed with small residences and boarding houses. In the early 21st Century it remains a largely industrial area. This area is envisioned to transition to a high-density residential and mixed-use, urban neighborhood. For the purposes of these South Haymarket Design Standards, "South Haymarket" consists of those areas zoned B-4 Lincoln Center Business District or O-1 Office District, in the area located from 150 feet west of 9th Street to the western boundary of the B-4 District and south of O Street.

The purpose of the South Haymarket Design Standards ("Design Standards") is to recognize and build upon the substantial private and public investment, and to strengthen the best qualities of its urban form, while encouraging compatible new construction. The Design Standards focus on site and building design elements which have significant effect on how South Haymarket looks and even more importantly, on how it is experienced by residents, employees, and visitors. These standards do not guarantee good design – only the talents and efforts of owners, designers, and buildings do that. But they will encourage the best practices and discourage certain negative design features. These Design Standards are derived from and consistent with the South Haymarket Neighborhood Plan.

Section 2. WORK REQUIRING REVIEW

2.1 Exterior Features

The Design Standards apply to exterior features of projects requiring building permits in South Haymarket, whether the project is new construction, exterior remodeling of existing buildings, or site development that does not include buildings (such as parking lots). **Interior aspects** of new or existing construction do **NOT** require review under the Design Standards (although other building and zoning codes may apply).

a. Minor Remodeling Projects (investing 50% or less of a property's assessed valuation). Exterior features of the project shall not cause greater deviation from these Design Standards than currently exists.

b. Major Remodeling Projects (investing more than 50% of a property's assessed valuation). Exterior features of the project shall meet the applicable Design Standards that are feasible given existing site conditions.

2.2 Streetscapes

The South Haymarket streetscape standards in Section 4.2 establish a vision for streetscapes that will be realized through numerous streetscape improvement projects. Some of these improvements will be associated with private development projects while others will be initiated by the City of Lincoln or other public entities. The following are typical conditions, in excess of routine maintenance, that would likely require streetscape improvements:

a. A project is occurring in which the city has made or will make some financial contribution.

b. A project is occurring in which a portion of the streetscape area is being removed or replaced.

c. A major remodeling project is occurring as described in Section 2.1.b.

d. A street is being rehabilitated or curbs are being replaced or relocated.

e. A new street/streetscape is being constructed.

2.3 Other Considerations

Review of projects should begin with a conference with staff to seek consensus on which are the applicable standards. Such a conference is especially useful for renovation projects or if the property in question is located in more than one zoning district or design standard subarea.

It is intended that both private and public property owners will comply with these Design Standards, including voluntary cooperation by the University of Nebraska at Lincoln, City of Lincoln, Lancaster County, State of Nebraska, and U. S. Government and any other government or agency that is not legally bound by local zoning requirements.

Section 3. APPLICATION AND REVIEW PROCESS

Planning staff will review projects and administratively approve those which meet the requirements of the Design Standards.

Efforts will be made to avoid increased time for review and approval. To facilitate this review process, the applicant shall submit the following items, as applicable, with the building permit application:

a. Street elevations and the site plan (including the extent of the site and any abutting streetscapes) of the proposed project.

b. For new construction and major remodeling projects, samples or photographs of proposed major materials shall also be submitted.

c. For minor remodeling projects, a photograph of the existing building and sufficient written or drawn description to understand the proposed changes may be substituted.

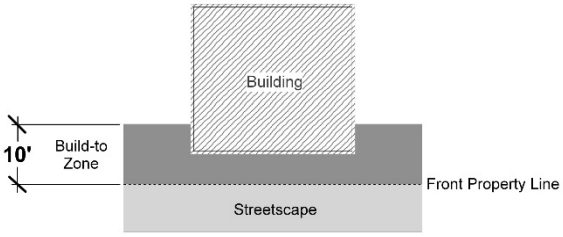
Section 4. SITE DEVELOPMENT

4.1 Building Placement and Orientation

a. Buildings in South Haymarket shall have street facades substantially "built-to" their front property lines (and on corner lots, shall be built-to both front property lines).

   1. In South Haymarket, buildings were historically built to their front property lines but over time portions of right-of-way have been vacated to accommodate loading docks and other private uses. Where right-of-way has been vacated "front property line" shall mean the line in which building facades were historically built to.

b. Where residential uses are located on the first floor, street facades may be built within a build-to zone. The build-to zone shall be between: 1) the front property line; and 2) 10 feet from the front property line. All elements of the street façade including alcoves, changes in wall plane, indentions for entrance displays, etc. shall be located within the Build-to Zone.

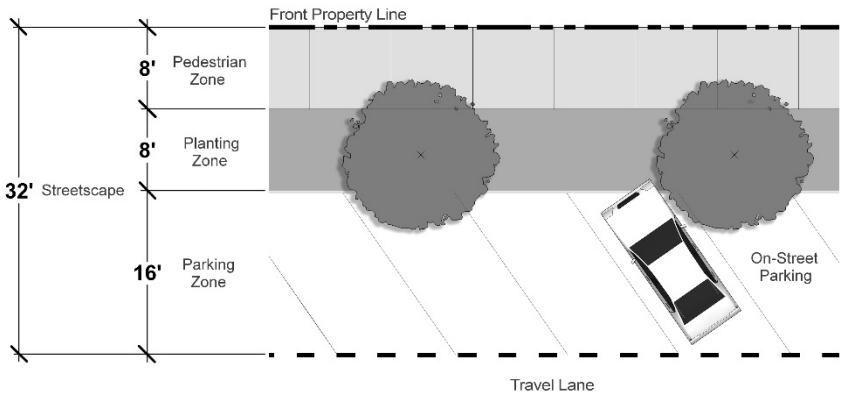


c. Buildings shall have at least one principal entrance that faces the street. Buildings on corners or with multiple street frontages may have a single principal entrance, which must face a street.

4.2 Streetscape

The South Haymarket Neighborhood Plan recommends organization of street trees, sidewalks, and on-street parking with design standards for streetscapes (the area along a public or private street or drive between the curb and the development). The following streetscape standards reflect a "standard" streetscape. Unique streetscapes should be considered on a case-by-case basis for N Street, M Street, 7th Street, and 8th Street. Detailed concepts for these streets are provided in the South Haymarket Neighborhood Plan.

a. The standard streetscape shall be a minimum of 32 feet wide and shall include a pedestrian zone, planting zone, and parking zone. The streetscape shall be located between the front property line and the vehicular travel lanes.



Example of Standard Streetscape

1. The **pedestrian zone** shall be provided between the front property line and the planting zone and be a minimum of 8 feet wide with a minimum 5-foot wide free and clear area.

    i. The free and clear area shall be a continuous pathway along the street and be ADA accessible.

    ii. "Loading dock" features (similar to what exists in the Historic Haymarket District) are encouraged along street facades, particularly along 7th Street, 8th Street, and N Street.

    iii. Sidewalk cafes and other high-quality amenities including street furniture are also encouraged in the pedestrian zone and shall be designed and located to minimize interruption of the free and clear area.

2. A minimum 8-foot wide **planting zone** shall be provided between the parking zone and the pedestrian zone. On 8th Street the planting zone shall be a minimum of 12 feet.

    i. Street trees are required within the planting zone for all development. Street trees shall be planted in conformance with Chapter 2.35 including any necessary relocation of sidewalks and utilities.

3. The **parking zone** shall be provided between the planting zone and the vehicular travel lanes and include on-street angled parking. The parking zone shall be wide enough to accommodate vehicle over-hangs and door swings. Refer to Figure PL-1 in Chapter 3.45 for minimum angled parking dimensions.

b. Where necessary, streetscapes shall extend onto vacated portions of right-of-way. A public access easement is required when the pedestrian zone is located on private property.

c. To minimize interruptions of and conflicts with the pedestrian routes across adjacent

streetscapes, garage doors and service bays shall not open directly onto pedestrian zones, but instead shall be oriented toward alleys or toward the interior of the lot. One service bay shall be permitted facing a pedestrian zone if a building has no alley access.

d. Entrances and exits to parking structures and lots shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement in the pedestrian zone.

e. Streetscape zones shall align with or transition to abutting streetscapes zones.

f. Dumpsters, service docks, transformers, and other necessary fixtures shall be located and screened so as not to be visible from adjacent streetscapes.

4.3 Vehicular Access, Circulation, and Parking

a. Any on-site surface parking shall be ~~paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade~~ screened pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.

b. Parking shall be set back ~~6 feet from the property line if only plant materials are used for screening or set back 3 feet if a fence or wall are used~~ from the property line pursuant to Section 7.13 of Chapter 3.50, *Design Standards for Screening and Landscaping*.

c. Parking and driveways between a building and the street are prohibited with two exceptions:

   1. hotels may offer drop-off lanes at their principal entrance; and

   2. buildings situated on a parcel occupying an entire blockface may be built to one corner (fronting two streets) and may offer screened parking behind and/or beside the building.

d. Drive-through lanes, if used, must be located behind or beside buildings, and are prohibited between the building and streets.

Section 5. BUILDING DESIGN

5.1 Articulation

a. Long street façades should be broken up by incorporating building elements every 50 feet, matching the historic pattern for commercial lot widths. Elements may include changes in wall or roof plane; changes of color, texture, or material; columns, ribs, or pilasters; window and door openings; and balconies, awnings, and canopies.

5.2 Transparency

a. The ground floor of street facades along N Street and Canopy Street shall have transparent glazing in at least 70% of the area between four feet and nine feet above the sidewalk.

b. All other South Haymarket buildings shall have transparent glazing in at least 50% of the area between four and nine feet above the sidewalk.

c. Where residential uses are located on the first floor, the transparency requirement may be reduced to 30%.

5.3 Materials

a. For the first 20 feet above street level, street facades shall be constructed of durable materials such as stone, brick, tile, or glass, or similar materials such as precast concrete, or poured-in-place concrete are required as the primary exterior material facing streets. Other high-quality materials may be proposed to and approved by the appropriate design review board.

b. Faux brick products (not made of fired clay) are prohibited.

c. Stucco or synthetic stucco is prohibited below the 12 (twelve) foot level but may be substituted above that level for the durable materials described in Section 5.3.a.

5.4 Parking Structures

a. Where feasible, parking structures north of M Street shall be designed with usable floor area on the ground floor between parking areas and public sidewalks.

b. Any ground-floor parking in structures must be screened from public sidewalks.

c. Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.)

5.5 Equipment Screening and Roofs

a. Mechanical equipment on rooftops shall be architecturally screened with materials compatible with the main walls of the building so they are not visible from adjacent streets.

Section 6. WAIVERS AND APPEAL

Any request for a deviation of the South Haymarket Design Standards may be approved by the Planning Director, Appeals Board, or City Council as provided in Chapter 1.00.

(Chapter 3.77 adopted by Resolution No. A-90248, 2-13-17)

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

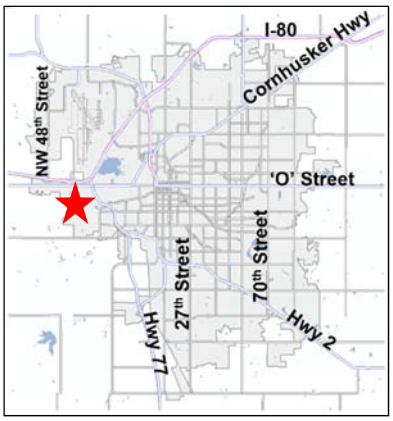
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #18030	No	Green Estates, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
November 14, 2018	None	6705 West Van Dorn St.

RECOMMENDATION: DENIAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG-Agriculture to AGR-Agriculture Residential on 157.7 acres.



JUSTIFICATION FOR RECOMMENDATION

This request is not in conformance with the Comprehensive Plan. The area is shown as agricultural in the 2040 Lancaster County Future Land Use Plan. The site is within Tier III Future Urban Growth Tier. The Comprehensive Plan does not support acreage development within the growth tiers. A study of the area shows that there is potential for 361 dwelling units in the area on land either zoned AGR or shown for Low-Density Residential in the Comprehensive Plan. This is an adequate supply of acreage lots and additional AGR zoning is not needed. Approval of this change of zone to AGR would likely lead to other AGR requests on adjacent or nearby land.

APPLICATION CONTACT
Robert Grimit, (402) 475-1075 or
RGrimit@baylorevnen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This change of zone request is not compatible with the comprehensive plan. This area is shown to remain agriculture in the Future Land Use Plan. There is already the potential for over 2,500 future acreage lots in areas designated for low density residential outside other towns ETJ.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 1.2 - An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development maximize the use of land in order to preserve agriculture and natural resources.

P. 1.2 - Policies of managing urban growth, maintaining an "edge" between urban and rural land uses, and preserving prime agricultural land form a distinctive and attractive built environment for Lincoln and Lancaster County.

p. 2.7 – Preserve areas throughout the county for agricultural production by designating areas for rural residential development—thus limiting potential conflicts between farms and acreages.

P. 2.7 - Provide for about four percent of the total population in the County in other incorporated towns, and six percent on acreages, farms and unincorporated villages.

P. 7.2 – Encourage acreages to develop in appropriate areas and preserve farmland.

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

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

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

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

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

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

P. 7.12- Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas.
A considerable supply of acreage lots has been platted in recent years in this manner.

P. 12.3/12.9 - this site is in Tier III in the 2040 Priority Growth Areas. Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential, beyond 44 years. It should remain in its present use in order to provide for future urban development.

ANALYSIS

1. This request is for a change of zone from AG-Agriculture to AGR-Agriculture Residential on 157.7 acres. The site is located at the southeast corner of SW 70th Street and West Van Dorn Street.
2. This property is shown to remain agricultural in the 2040 Lancaster County Future Land Use Plan. The property is within Lincoln's 3-mile extra territorial jurisdiction for zoning. The land to the north, south and east is zoned AG-Agriculture and is shown to remain agricultural in the Future Land Use Plan.
3. In Chapter 7, Neighborhoods and Housing-Rural Areas, of the Comprehensive Plan it states that acreage development is not encouraged in Growth Tiers with Priority Areas for Lincoln's 3-mile ETJ, except if shown for low-density on the future land use plan. This area is not shown for low-density development and is in Tier III.
4. The property is within Tier III as shown on the 2040 Priority Growth Areas in the 2040 Comprehensive Plan. Tier III provides an approximately 131 square mile area for Lincoln's longer term growth potential, beyond 44 years. It should remain in its present use in order to provide for future urban development.

5. The Comprehensive Plan details factors that should be evaluated for a change of zone for acreage developments. The factors are:

   a. **Paved Roads**—West Van Dorn is a two-lane rural paved road with no curb and gutter. There are no north-south roads adjacent this site.

   b. **Adequate water quality and quantity**—Each lot would need a private well. Ground water information was submitted with this application. Lincoln-Lancaster County Health Department reviewed the information submitted by the applicant and based on the provided data concluded that there is adequate quantity of water for the proposed development.

   c. **Soil conditions –** A small portion on the eastern part of the site is prime farmland.

   d. **Emergency Services**—The Lancaster County Sheriff's office and Southwest Rural Fire would provide emergency services.

   e. **Wastewater –** Wastewater would most likely be through private sewage systems.

   f. **Existing acreages**—There are existing acreages to the west and north. The acreage development to the west, Ridge Park and Meadow View, are zoned AGR. The small acreage development to the north is West Van Dorn Heights. West Van Dorn Heights is zoned AG with a AG cluster Community Unit Plan that preserves the majority of the site in agricultural uses for future urbanization.

6. Ridge Park Addition is adjacent to the subject property on the west. Ridge Park preliminary plat was approved in August 1996 and a change of zone from AG to AGR was approved in 1995. The development has 41 lots ranging in size from 3 to 4 acres. This development is built out.

7. A half mile west of this application is Meadow View 2nd Addition. Meadow View 2nd Addition Community Unit Plan and change of zone from AG to AGR was approved on April 18, 2005 and amended on September 3, 2014. The development has 57 lots ranging in size from one-half to one acre. This development has 30 lots that have not been final platted and there are 13 vacant lots within the platted subdivision. The Planning Department and Planning Commission had recommended denial to the change of zone and community unit plan. The area was shown to remain agricultural in the Comprehensive Plan.

8. Of the 4 nearby developments, three are zoned AGR and one AG. Two of the developments, Ridge Park and Meadow View, had a change of zone approved in 1995 and 1996. The third AGR development, Meadow View 2nd, had a change of zone approved in 2005 over the Planning Commission recommendation of denial. All of these developments were approved under previous comprehensive plans.

9. The 2040 Comprehensive Plan discourages AGR zoning within the 3-mile ETJ, unless already shown for acreage development in the future land use plan. This site is not shown for acreage development.

10. A concept plan was submitted with this application. The plan shows the potential for 41 lots.

11. A review of existing and potential dwellings on AGR land was conducted in October by the Planning Department. The study looked at areas currently zoned AGR and areas shown as Residential-Low Density on the 2040 Future Land Use Plan. County wide there is the potential for another **2,580 dwelling units** on land that is shown for low density residential in the current comprehensive plan or in approved developments zoned AG. That total includes approved dwelling units not yet built and potential dwelling units on land shown in the Comprehensive Plan as low-density residential, but has no approved development. The 2,580 dwelling units does not include potential acreage development within other towns zoning extra territorial jurisdiction. There is a potential for an additional 3,678 dwelling units within the towns ETJ. This would bring the total to 6,258 dwelling units county wide-over a 60 year supply based on current demand.

12. The area near this proposal was also reviewed to determine the supply of low density residential housing. The area was bounded by SW 56th Street on the east; SW 112th Street on the west; West Van Dorn Street on the north and West Denton Road on the south. The review shows that there is the potential for another **361 dwelling units** on land that is shown for low density residential in the 2040 Comprehensive Plan or in an approved development zoned AG. The 361 dwelling units does not include Denton's extra territorial jurisdiction (ETJ). The dwelling unit number is derived from vacant lots in approved developments and potential on land shown as low-density residential, but has no approved development. Currently there are **29 vacant lots** ready to be built on. In addition there are **57 lots** that have preliminary approval, but are not in a final plat. There is potential for an additional **248 dwelling units** based on one dwelling per 3 acres within Denton's ETJ bringing

the **total to 609 dwelling units**.

13. Based on the study conducted by the Planning Department there is sufficient land either currently zoned AGR or shown for AGR in the land use plan for acreage development. Within the study area there is a potential for 609 acreage lots, which is significantly larger than demand in the area. Over the last seven years, there has been less than 100 acreage units built per year in the entire County, including other jurisdictions.

14. In 2017 the City conducted an annexation study that includes several acreage subdivisions. Some property owners objected to the expansion of the city into their area and the potential costs that came with city services being provided. This experience, along with past annexations of acreages, has proven that AGR zoning in future growth area of Lincoln is a hardship both to the City and acreage owners. Many acreage owners questioned why the City allowed their subdivision to be "in the path" of the future growth of the City. They expressed a desire to be left out of the City, even though Lincoln was clearly growing out and around them. The Hillcrest Heights, Sunrise Estates, Dunrovin Acres and Portsche Heights acreage subdivisions were all approved and will be inside the city as of December 2018.

15. This property is approximately 1.5 miles from the city limits. It is located in the Haines Branch drainage basin. This drainage basin includes Tier II and Tier III land that will be served by an extension of the City's sanitary sewer line along Haines Branch to serve this basin. The 2015 Lincoln Wastewater Facilities Plan includes this basin for future Tier II and III sanitary sewer line extensions, including lines that would serve this property.

16. This property is designated in the City's future growth tiers as a logical extension of the City. It is just west of Pioneers Park and part of an area of several square miles of AG zoning. There is also a significant area of AG zoning and land for potential growth in the Haines Branch basin south of Pioneers Park, which is designated for Tier II growth. The Haines Branch as a whole is a large growth area for the long term western expansion of the city. Retention of the AG zoning helps preserve the land for future urban expansion, while allowing the property owner a reasonable use of the land.

17. An alternative to this change of zone is an AG-Community Unit Plan (CUP). The CUP would allow up to 10 acreage lots or 12 lots if a community sewage system is used. These lots could be as small as 3 acres if using private sewage system or less than 3 acres if using a community sewage system. The density for a CUP is based on one dwelling unit per 0.055 acres with a 20% bonus for preserving open space. An additional 20% bonus is granted if using a community sewage system.

Conclusion

The Comprehensive Plan provides land for future acreage subdivisions, but in areas that won't be detrimental to the future of Lincoln. Lancaster County has over 840 square miles. The future growth areas for Lincoln is a minor part of County -- thus it can be preserved without limiting the possibilities for acreage subdivision. There is already the potential for over 2,500 future acreage lots in areas designated for low density residential outside other towns ETJ, and overall over 6,200 including land in other jurisdictions. Over the last 7 years there has been less than 100 acreage units per year (including other jurisdictions). The supply of 6,200 could accommodate several decades worth of building.

The fact that this property is adjacent to AGR zoning, doesn't mean that it is appropriate for the same zoning. This ignores its potential for urban development in the long term.

Recent and past experience with annexation of acreage subdivisions has shown the difficulty when AGR zoning is granted in the City's future growth areas. Acreage owners face significant impacts when they are placed in areas where Lincoln will be expanding in the future. Even when the future growth may not occur for decades, the City shouldn't be so short sighted as to approve AGR zoning now. Our actions should be guided by what is best for acreage owners and the City in the future.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground and one dwelling

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Acreage development and farm ground
South:	AG-Agriculture	Farm ground and one dwelling
East:	AG-Agriculture	Farm ground and one dwelling
West:	AGR- Agriculture Residential	Ridge Park acreage development.

APPLICATION HISTORY

August 1996 Ridge Park Preliminary Plat for 41 acreage lots was approved by the City Council.

March 1999 Meadow View Community Unit Plan for 61 acreage lots was approved by the City Council.

April 2005 Meadow View 2nd Addition Community Unit Plan for 57 acreage lots was approved by the City Council.

APPROXIMATE LAND AREA: 157.7 acres, more or less.

LEGAL DESCRIPTION: Lot 4 Irregular tract located in the NW ¼ of Section 1, Township 9 North, Range 5 East, Lancaster County, NE.

Prepared by

_____
Tom Cajka, Planner

Date: October 31, 2018

Applicant: Robert Grimit
2626 S. 24th St.
Lincoln, NE 68502
402-475-1075
RGrimit@baylorevnen.com

Contact: Same as applicant

Owner: Green Estates, LLC
2626 S. 24th St.
Lincoln, NE 68502
402-475-1075
RGrimit@baylorevnen.com

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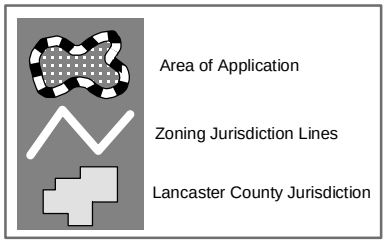
2018 aerial

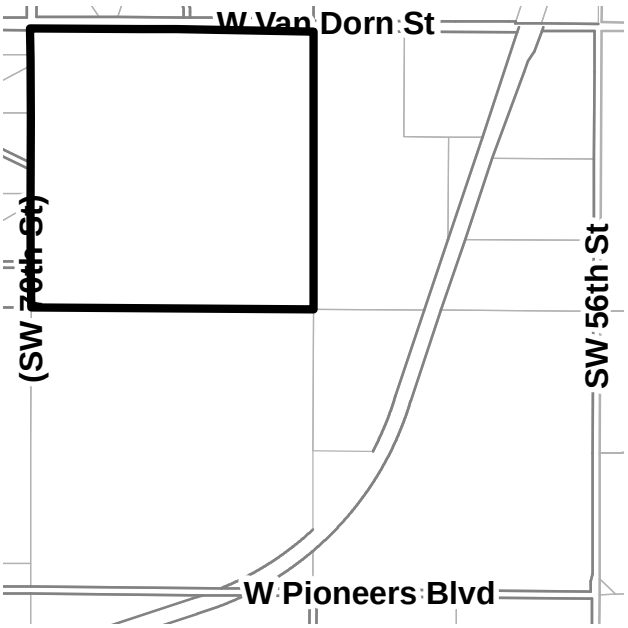
Change of Zone #: CZ18030 (AG to AGR)
SW 84th St & W Van Dorn St

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.01 T09N R05E





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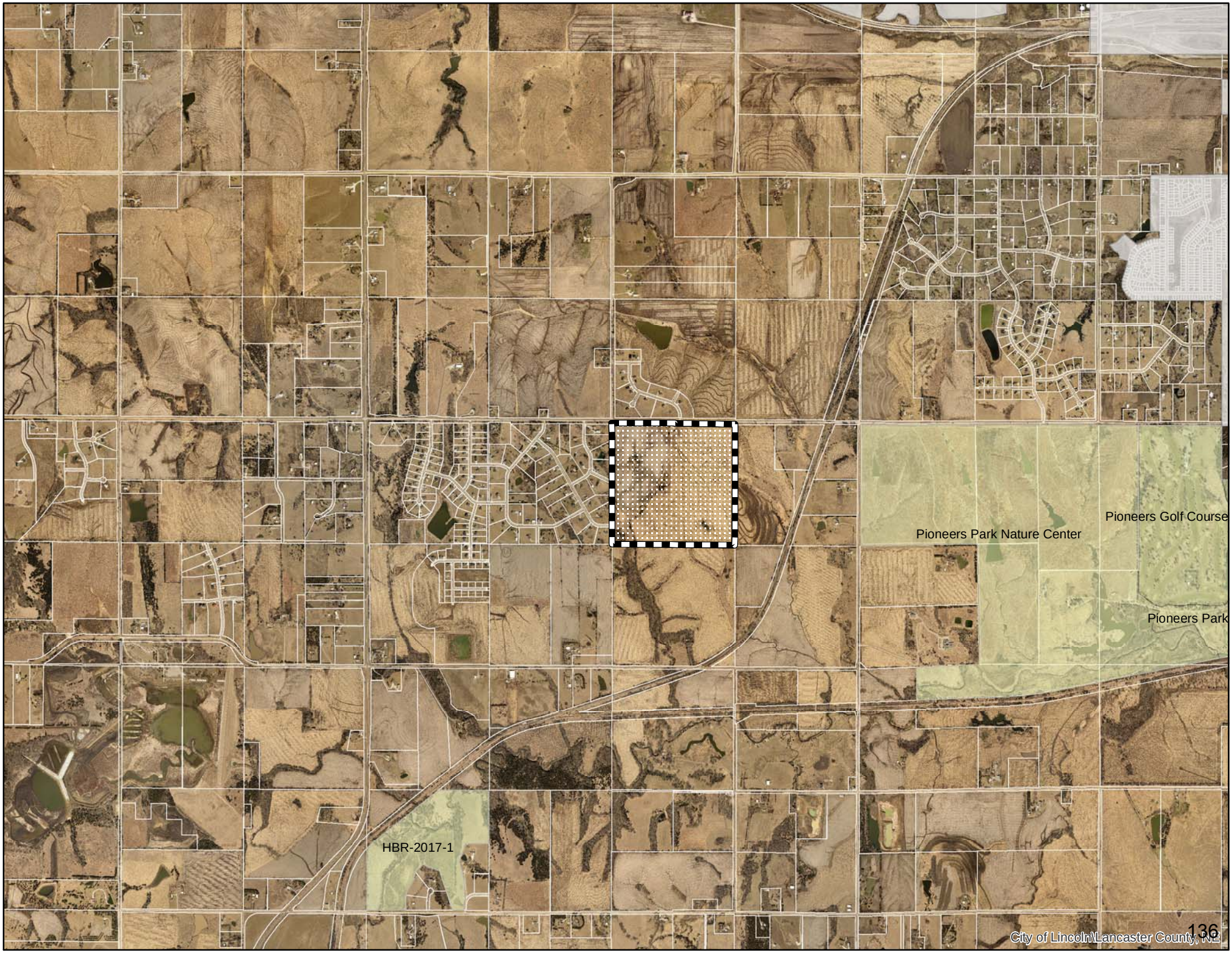
City of Lincoln\Lancaster County, NE


Pioneers Golf Course
Pioneers Park Nature Center
Pioneers Park
HBR-2017-1

October 16, 2018

City of Lincoln
Planning Commission
555 S. 10th Street, Ste. 213
Lincoln, NE 68508

RE: Green Estates, LLC Request for Rezoning

Dear Planning Commission Members:

The farm (Green family farm) is 160 acres, but only about 137 acres can be farmed. For over 50 years, Paul Green farmed the land. Since 1985, the farm was owned by siblings (Paul Green, Barbara Huenink, Pat Grimit (my wife), and Tom Green). Paul died in 2016 and then Barb died in 2017 so we have additional members in Green Estates, LLC, which was formed after Paul's death.

The difficulty with additional members/owners is coupled with the fact that it simply is not economical to farm the land anymore. Crop prices and taxes on the farm (particularly when only 137 acres can be farmed) make it impossible to realize any real return on the ownership of the land.

It has been very difficult for me to try to explain to the family the challenges of rezoning and developing the land when for more than 10 years there has been a large development "next door" to the west. All I can really say to the family is that we should have done this 10 years ago even though Paul Green's entire life was farming. The farm is on west Van Dorn which is a great paved road and there is more than adequate water. Many people like to live in the country in such an area and the additional housing would be a good addition for further growth to the southwest of Lincoln.

Finally, there is the element of basic fairness: Our next door neighbor to the west can put a large development on his farm but we can't!

Respectfully submitted,

Robert T. Grimit

Robert T. Grimit
Co-Manager of Green Estates, LLC

2261675

Civil Design Group, Inc.

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

August 7, 2018

Green Estates, LLC
ATTN: Robert Grimit
2626 S. 24th Street
Lincoln, NE 68502

Re: Ground Water Well Data Analysis for the Green Estates, LLC land located on the SW Corner of SW 70th Street and West Van Dorn Street.

Dear Mr. Grimit:

Per your request, attached is the ground water well data analysis for two acreage subdivisions that abut your land at SW 70th & Van Dorn Street. As required by Lincoln Municipal Code Section 26.15.015(i)(3), such a study is required to permit and AGR development. I have produced a series of maps and exhibits that are also attached to demonstrate the propensity of groundwater in this region of Lancaster County.

My analysis was performed on seven residential wells west of your property in the Ridge Park subdivision and on seven residential wells north of your property in the West Van Dorn Heights subdivision. All the subject wells in these two adjacent subdivisions were chosen due to their immediate proximity to your land. Additionally, these two subdivisions were chosen because there is a significant difference in the date of the well registrations in the two subdivisions that helps demonstrate the resiliency of the underlying aquifer over more than a decade.

The attached summary data for the well sets demonstrates that the adjusted aquifer level (as determined by the registered static water level and adjusted for the ground surface elevations of each respective wells) is remarkably consistent over time. The well set date range for the Ridge Park well set is from 1996 to 2001 and shows an aquifer range of 1,171' to 1,189' at an average of level of 1,184'. The West Van Dorn Heights well set date range is from 2007 to 2011 with an aquifer range of 1,173' to 1,181' at an average level of 1,178'.

See the attached chart for more details:

REGISTERED WELL DATA FOR THE RIDGE PARK AND WEST VAN DORN HEIGHTS SUBDIVISIONS

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Aquifer Level
	WELL DATA FROM RIDGE PARK SUBDIVISION					
1	G088013	1246	200	58	4/22/96	1188
2	G105479	1244	230	59	10/16/99	1185
3	G114574	1265	216	85	5/10/01	1180
4	G105430	1268	282	97	1/6/00	1171
5	G104505	1254	188	68	7/21/99	1186
6	G112001	1265	217	77	3/20/01	1188
7	G106061	1280	239	91	4/5/00	1189
					AVERAGE	1184

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Aquifer Level
	WELL DATA FROM WEST VAN DORN HEIGHTS SUBDIVISION					
1	G157806	1311	240	136	10/19/10	1175
2	G160958	1307	242	131	9/23/11	1176
3	G160959	1315	255	135	9/21/11	1180
4	G159640	1311	254	138	4/29/11	1173
5	G161596	1299	245	118	12/15/11	1181
6	G160096	1313	263	133	8/22/11	1180
7	G147351	1315	268	136	10/9/07	1179
					AVERAGE	1178

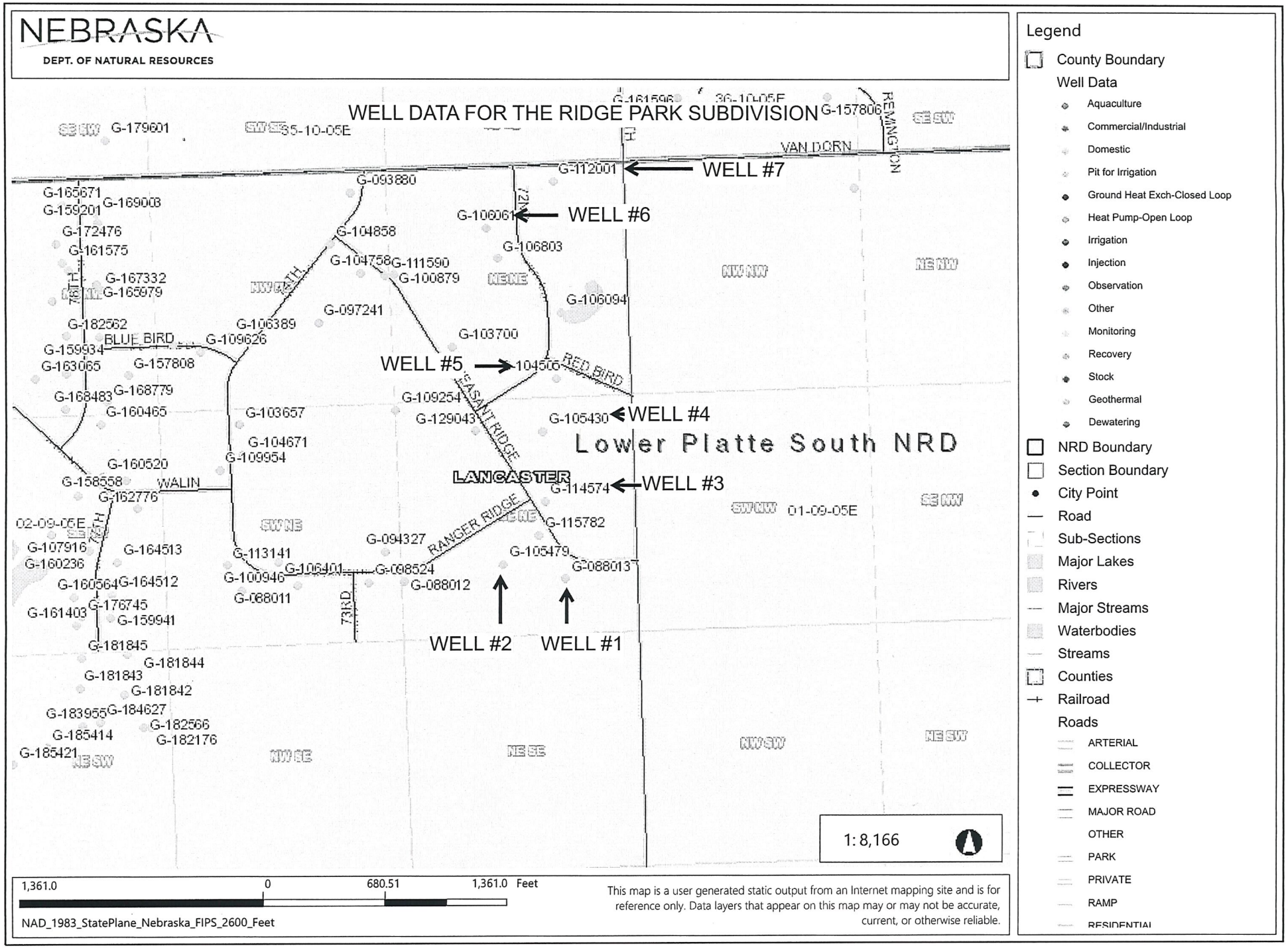
Additionally, since the 1990's over 80 additional residential wells not included in this study have been drilled and registered within one mile of your property. Suffice it to say, the aquifer in this area has demonstrated a high propensity of readily available ground water to serve large scale acreage subdivisions.

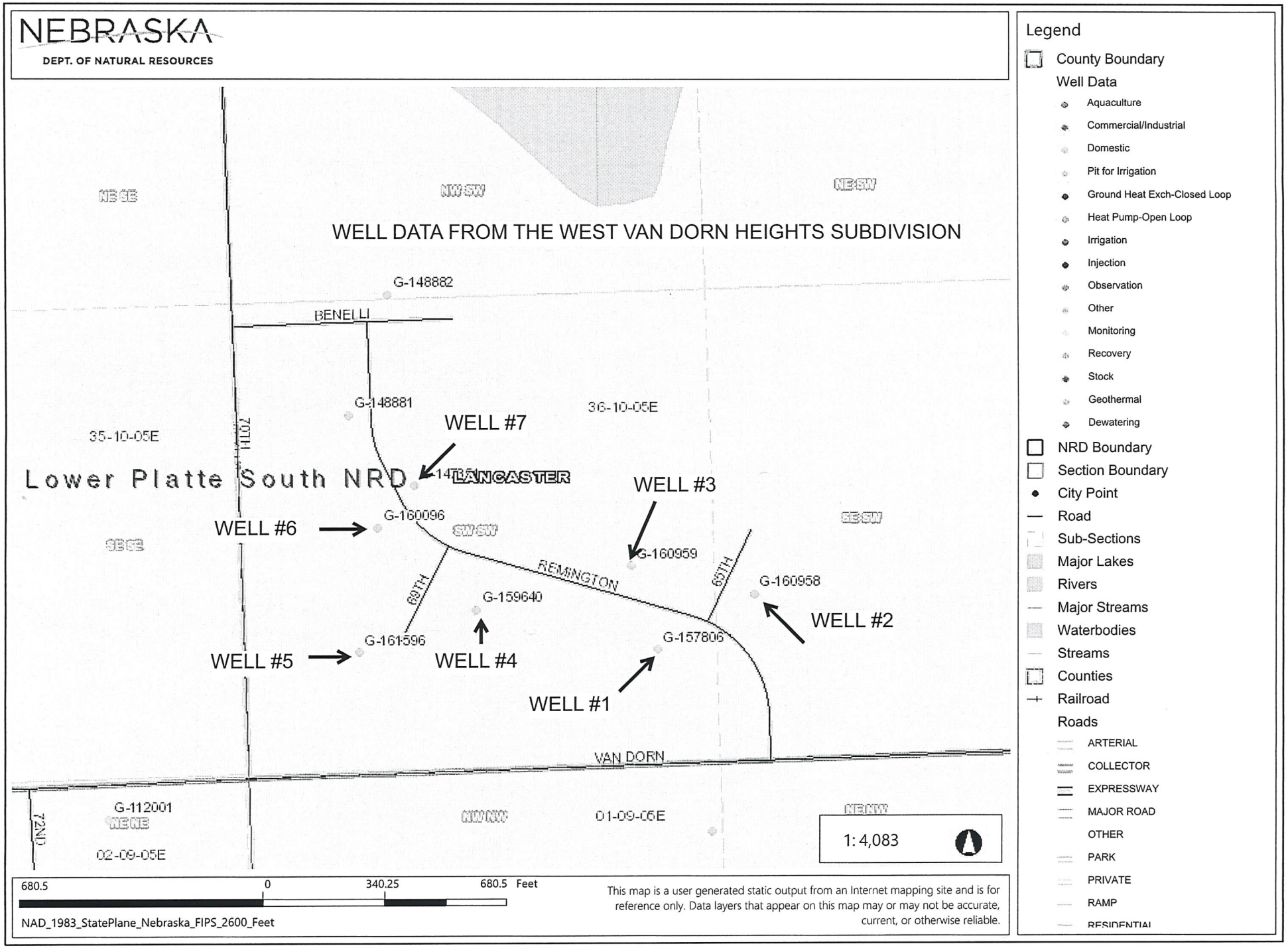
Please feel free to call me at (402) 434-8494 with questions you may have about this report.

Sincerely,

Mike Eckert

/Volumes/share/F/Projects/2018/20180062/Landplanning/Doc/Well data analysis on letterhead.docx


NEBRASKA
DEPT. OF NATURAL RESOURCES
WELL DATA FOR THE RIDGE PARK SUBDIVISION
WELL #7
WELL #6
WELL #5
WELL #4
WELL #3
WELL #2
WELL #1
Lower Platte South NRD
LANCASTER
VAN DORN
REMINGTON
BLUE BIRD
RED BIRD
WALIN
RANGER RIDGE
PEASANT RIDGE
1: 8,166
1,361.0 0 680.51 1,361.0 Feet
NAD_1983_StatePlane_Nebraska_FIPS_2600_Feet
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
Legend
County Boundary
Well Data
Aquaculture
Commercial/Industrial
Domestic
Pit for Irrigation
Ground Heat Exch-Closed Loop
Heat Pump-Open Loop
Irrigation
Injection
Observation
Other
Monitoring
Recovery
Stock
Geothermal
Dewatering
NRD Boundary
Section Boundary
City Point
Road
Sub-Sections
Major Lakes
Rivers
Major Streams
Waterbodies
Streams
Counties
Railroad
Roads
ARTERIAL
COLLECTOR
EXPRESSWAY
MAJOR ROAD
OTHER
PARK
PRIVATE
RAMP
RESIDENTIAL


NEBRASKA
DEPT. OF NATURAL RESOURCES
WELL DATA FROM THE WEST VAN DORN HEIGHTS SUBDIVISION
G-148882
BENELLI
G-148881
WELL #7
36-10-05E
35-10-05E
70TH
Lower Platte South NRD
LANCASTER
WELL #3
WELL #6
G-160096
SW SW
SE SW
SE SE
G-160959
REMINGTON
69TH
65TH
G-160958
G-159640
WELL #2
G-161596
G-157806
WELL #5
WELL #4
WELL #1
VAN DORN
G-112001
NE NE
NW NW
01-09-05E
NE NW
72ND
02-09-05E
1: 4,083
680.5 0 340.25 680.5 Feet
NAD_1983_StatePlane_Nebraska_FIPS_2600_Feet
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
Legend
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