Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Dennis Scheer: Chair
Tracy Corr: Vice-Chair
Thomas Beckius
Dick Campbell
Tracy Edgerton
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PLANNING STAFF

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

January 9, 2019

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, January 9, 2019, 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, January 9, 2019, from 11:15 a.m. to 12:30 p.m. in Studio Room 113 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss (1) On-Street Facilities Bike Plan; and (2) 33rd & Cornhusker Subarea Plan & Corridor Enhancement Plan.

****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, JANUARY 9, 2019

Approval of minutes of the regular meeting held December 12, 2018.

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

CHANGES OF ZONE AND RELATED PERMITS:

1.1a Page 01 — Change of Zone 18032, from R-3 (Residential District) to R-4 (Residential District) on approximately 1.23 acres, more or less, and from R-4 (Residential District) to R-3 (Residential District) on approximately 0.31 acres, more or less, on property generally located at North 102nd and O Streets.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.1b Page 15 — Special Permit 18041, to allow for the development of 79 single-family attached lots with associated waivers, on property generally located at North 102nd and O Streets. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.2 Page 37 — Change of Zone 18033, to declare 1600 O Street a local historic landmark, on property generally located at 1600 O Street.
Staff recommendation: Approval with Preservation Guidelines
Staff Planner: Stacey Hageman, 402-441-6361, shageman@lincoln.ne.gov

1.3a Page 67 Change of Zone 18034, from AGR (Agricultural Residential District) to R-1 (Residential District), on property generally located at 3700 South 84th Street.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.3b Page 77 Special Permit 872J, to amend the Firethorn Community Unit Plan, to redevelop a 10.16 acre lot into 9 single-family dwelling lots, on property generally located at 3700 South 84th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

SPECIAL PERMIT:

1.4 Page 89 Special Permit 18003A, to amend the Resolution for SP18003, to include 19,000 square feet of commercial space, on property generally located at 150 SW 14th Place. ****FINAL ACTION****
Staff recommendation: Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

STREET & ALLEY VACATION:

2.1 Street & Alley Vacation 18005, to vacate P Street stub from the east right-of-way line of 70th Street to approximately 100 feet to the east, located adjacent to Lot 83 I.T., generally located at North 70th and P Streets.
Staff recommendation: No Recommendation
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

3. ITEMS REMOVED FROM CONSENT AGENDA:

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE:

4.1 Page 97 Change of Zone 05061C, to amend the Planned Unit Development (PUD) including the site plan and phasing, and to add excavating as a conditional use, on property generally located at South 1st Street and West Denton Road.
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

TEXT AMENDMENT:

4.2 Page 113 Text Amendment 18016, to amend Section 13.048 of the Lancaster County Zoning Regulations relating to Wind Energy Conversion System.
Staff recommendation: Approval of Recommended Alternative
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:

Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.

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
Tom Cajka, *Planner*	402-441-5662	tcajka@lincoln.ne.gov
Stacey Groshong Hageman, *Planner*	402-441-6361	slhageman@lincoln.ne.gov
Rachel Jones, *Planner*	402-441-7603	rjones@lincoln.ne.gov
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 18032	No	Smetter Custom Homes, LLC/Waterford Estates, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
January 9, 2019	SP18041	North 102nd Street and O Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone over 1.23 acres to rezone from R-3 Residential to R-4 Residential and over 0.31 acres to rezone from R-4 to R-3. These properties comprise approximately 1.54 acres in total and are located in the southeast part of Waterford Estates along the east side of the proposed SP18041 Waterford Estates Townhomes Addition Community Unit Plan generally located near North 102nd Street and O Street.

The change of zone is proposed to straighten the zoning district boundary line between the R-4 and R-3 districts so that the proposed SP18041 Waterford Estates Townhomes Addition Special Permit is entirely zoned R-4 and to avoid lots with split zoning designation.

JUSTIFICATION FOR RECOMMENDATION

The proposed change of zone is consistent with the Comprehensive Plan which identifies the property for Urban Density Residential and will avoid lots with split zoning in the proposed Waterford Estates Townhomes Addition development.

APPLICATION CONTACT
Mark Palmer, (402) 474-6311 or
mpalmer@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map designates the property as Urban Density Residential. R-3 and R-4 zoning districts are both consistent with this future land use designation so adjusting the boundary line is compatible with the Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

ANALYSIS

1. This is a request for a change of zone from R-3 Residential to R-4 Residential over 1.23 acres and over 0.31 acres to change from R-4 to R-3. These properties together comprise approximately 1.54 acres and are located in the southeast part of Waterford Estates north of O Street along the east side of the proposed Waterford Estates Townhomes Addition Community Unit Plan. The purpose of the change of zone request is to provide for consistent zoning for the CUP and to avoid lots with split zoning designations.

2. Related SP18041 is for the development of 79 single-family attached lots with associated waivers on 14.22 acres located in the southeast part of Waterford Estates.

3. This property was previously rezoned in April, 2007 as part of a multiple zoning district change of zone (CZ07002) which included B-1, B-2, R-3 and R-4 zoning designations and consisted of 123.63 total acres as part of Waterford Estates 1st Addition.

4. The future land use map in the 2040 Comprehensive Plan designates this property and the general area for Urban Density Residential.

5. The proposed change of zone is consistent with the Comprehensive Plan and will provide for consistent zoning designation for the related SP18041 application.

EXISTING LAND USE & ZONING: Vacant R-4 Residential, R-3 Residential

SURROUNDING LAND USE & ZONING

North:	Vacant	R-4/R-3
South:	Vacant	R-4/R-3
East:	Vacant	R-3/O-3
West:	Vacant	R-4

APPLICATION HISTORY

March, 2005 Waterford Estates Preliminary Plat 04011 was approved by Planning Commission.

April, 2006 Annexation 04003 and Change of Zone 04019 were approved by City Council.

June, 2006 Waterford Estates conditional annexation and zoning agreement signed by Mayor's Office.

February, 2007 Waterford Estates 1st Addition Preliminary Plat 07001 was approved by Planning Commission.

April, 2007 Change of Zone 07002 approved by City Council. This change of zone included an area of AG to R-4 where the proposed CUP is located and it was noted in the staff report that the R-4 areas were shown on the preliminary plat as "Future Multi-Family".

APPROXIMATE LAND AREA: 1.54 acres, more or less

LEGAL DESCRIPTION: Portions of Outlot I, Outlot J, and Outlot K, Dominion at Stevens Creek Addition, located in the SW 1/4 of Section 24-10-7, Lincoln, Lancaster County, Nebraska, generally located at North 102nd and O Streets (See attached legal descriptions).

Prepared by

_____
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: December 27, 2018

Owner/ Applicant: Waterford Estates, LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512
(402) 421-1604
tew@inebraska.com

Contact: Mark Palmer
601 P Street, Suite 200
Lincoln, NE 68508
mpalmer@olsson.com

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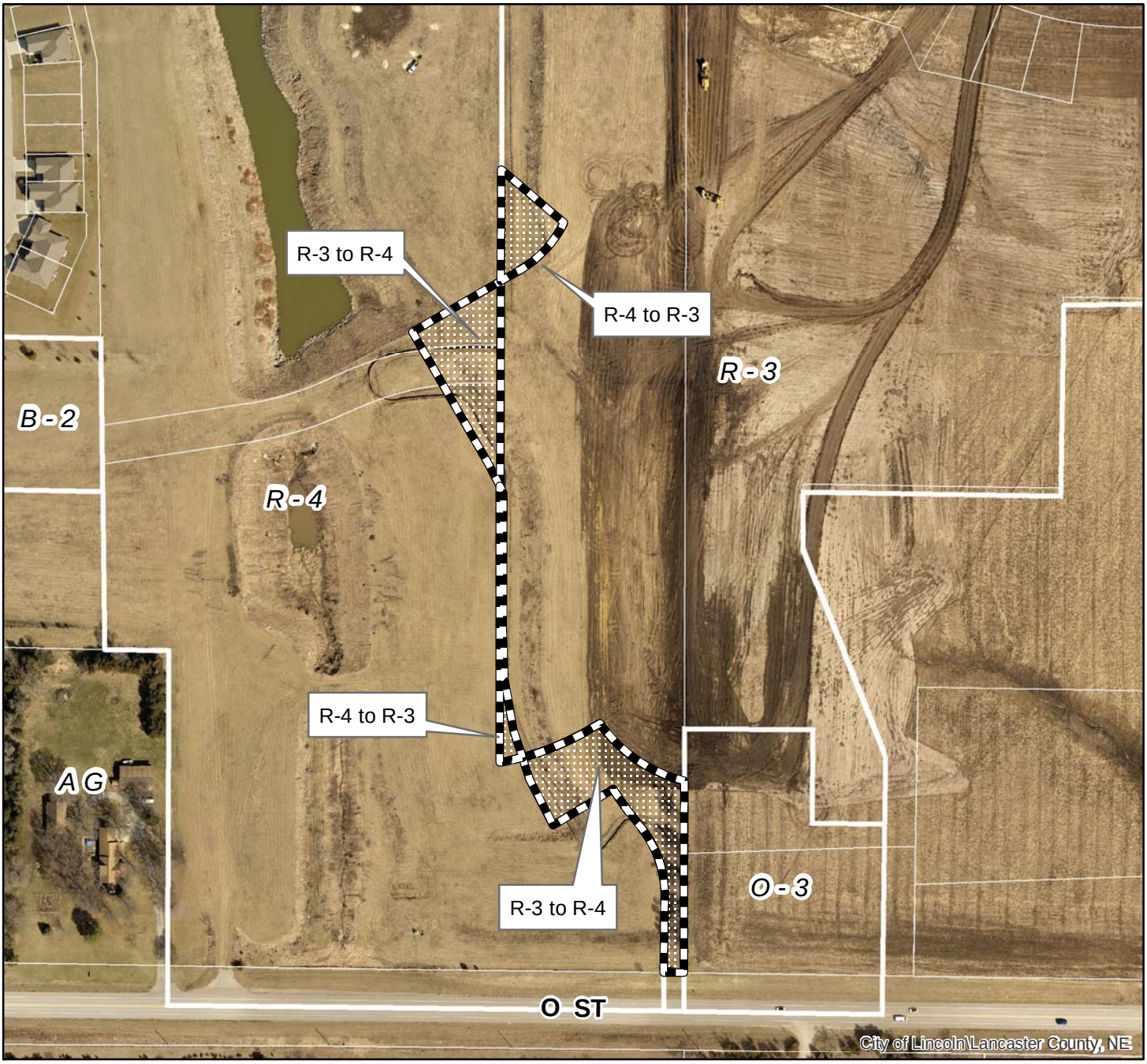


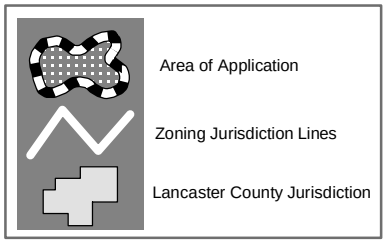
2018 aerial

Change of Zone #: CZ18032
Waterford Estates Townhomes Addition
N 102nd St & O St

Zoning:

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

One Square Mile:
Sec.24 T10N R07E



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OLSSON ASSOCIATES

October 24, 2018

George Wesselhoft
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Waterford Estates Townhomes Addition
Community Unit Plan Application
OA# 018-1384

Dear Mr. Wesselhoft

On behalf of the owner, Waterford Estates, LLC, and developer, Smetter Custom Homes, LLC, we are requesting a Community Unit Plan for the property located north of approximately N. 102nd and 'O' Streets, Lincoln, Nebraska.

This Permit will allow the development of 79 single family attached lots and 3 out-lots. Outlots 'A' and 'B' will be for drainage and green space while Outlot 'C' will be reserved for future development. The existing site is comprised of 13.34 acres of undeveloped grassed land and listed as "Future Mulit-family (R-4 Zoning)" in the approved Waterford Estates Preliminary Plat. The property is bound by a undeveloped grassed land to the north and west, the developing single family residential development 'Dominion at Stevens Creek' to the east, 'O' Street to the south and a single family residential lot to the southwest. On a larger scale the Site is currently surrounded by existing and proposed residential and commercial development as well as agricultural land. The property is currently zoned R-3 and R-4 with proposed zoning of R-4.

This proposed Permit will only develop a portion of what is currently Waterford Estates 1st Addition, Outlot 'G', leaving the remainder for development under a future Permit.

We are proposing to construct all streets in this permit as public streets. The owner has an agreement with the developers of the adjacent Dominion at Stevens Creek that the 105th Street connection with 'O' Street will be completed by June 20, 2019. There will also be access from this proposed development to Holdrege Street through the Dominion at Stevens Creek in 2019.

The following waivers are being requested as part of this P.U.D.:

1. A waiver to the Lincoln municipal code to allow lot lines not perpendicular to right of way.
2. A waiver to the design standards of Lincoln to allow to allow sanitary sewer mains to flow opposite street grades.
3. A waiver to the Lincoln municipal code to adjust the front yard setback on the non-garage facing side of corner lot to 10'. the facade of a building oriented to a street and treated as a side yard shall contain a window of at least five square feet in size.
4. A waiver to the Lincoln municipal code to adjust the rear yard setbacks to 20'.

5. A waiver to the Lincoln municipal code to adjust the average lot width for multi-family dwellings to 24'.
6. A waiver to the Lincoln municipal code to adjust the lot area for multi-family dwellings to 2,600 square feet per family.

Please let me know if you have any questions or comments.

Sincerely,

Matt Langston

LEGAL DESCRIPTION
CHANGE OF ZONE
R3 TO R4
PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°10'10"E, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "O" STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE N89°21'18"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 31.50' TO A POINT; THENCE N00°46'15"E, A DISTANCE OF 119.38' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 38°37'07", A RADIUS OF 170.00', AN ARC LENGTH OF 114.58', A CHORD LENGTH OF 112.43', A TANGENT LENGTH OF 59.56', AND A CHORD BEARING OF N18°32'19"W, TO A POINT; THENCE N37°50'53"W, A DISTANCE OF 28.43' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°25'10", A RADIUS OF 430.00', AN ARC LENGTH OF 48.18', A CHORD LENGTH OF 48.15', A TANGENT LENGTH OF 24.11', AND A CHORD BEARING OF N34°38'18"W, TO A POINT; THENCE S58°34'17"W, A DISTANCE OF 110.00' TO A POINT; THENCE N27°05'38"W, A DISTANCE OF 81.63' TO A POINT; THENCE N18°25'29"W, A DISTANCE OF 35.93' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID OUTLOT "J", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 18°11'40", A RADIUS OF 420.00', AN ARC LENGTH OF 133.37', ON A NORTH LINE OF SAID OUTLOT "J", A CHORD LENGTH OF 132.81', A TANGENT LENGTH OF 67.25', AND A CHORD BEARING OF N66°06'12"E TO A NORTH CORNER OF SAID OUTLOT "J", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 40°47'58", A RADIUS OF 230.00', AN ARC LENGTH OF 163.78', A CHORD LENGTH OF 160.34', A TANGENT LENGTH OF 85.54', AND A CHORD BEARING OF S55°36'40"E TO A NORTHEAST CORNER OF SAID OUTLOT "J", SAID POINT BEING ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°10'10"W, ON THE EAST LINE OF SAID OUTLOT "G", SAID LINE BEING THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 301.03' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 31,705.10 SQUARE FEET OR 0.73 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

LEGAL DESCRIPTION
CHANGE OF ZONE
R3 TO R4
PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOTS "I", "J", AND "K", DOMINION AT STEVENS CREEK ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°10'10"E, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "O" STREET; THENCE N89°21'18"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 31.50' TO A POINT; THENCE N00°46'15"E, A DISTANCE OF 119.38' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 38°37'07", A RADIUS OF 170.00', AN ARC LENGTH OF 114.58', A CHORD LENGTH OF 112.43', A TANGENT LENGTH OF 59.56', AND A CHORD BEARING OF N18°32'19"W, TO A POINT; THENCE N37°50'53"W, A DISTANCE OF 28.43' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°25'10", A RADIUS OF 430.00', AN ARC LENGTH OF 48.18', A CHORD LENGTH OF 48.15', A TANGENT LENGTH OF 24.11', AND A CHORD BEARING OF N34°38'18"W, TO A POINT; THENCE S58°34'17"W, A DISTANCE OF 110.00' TO A POINT; THENCE N27°05'38"W, A DISTANCE OF 81.63' TO A POINT; THENCE N18°25'29"W, A DISTANCE OF 35.93' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID OUTLOT "J", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°57'36", A RADIUS OF 420.00', AN ARC LENGTH OF 36.36', A CHORD LENGTH OF 36.35', A TANGENT LENGTH OF 18.19', AND A CHORD BEARING OF S77°40'50"W TO NORTH CORNER OF SAID OUTLOT "J"; THENCE N00°00'01"E, ON A EAST LINE OF SAID OUTLOT "J", A DISTANCE OF 434.06' TO **THE TRUE POINT OF BEGINNING**; THENCE N27°06'23"W, A DISTANCE OF 37.85' TO A POINT; THENCE N29°58'43"W, A DISTANCE OF 240.06' TO A POINT; THENCE N60°01'17"E, A DISTANCE OF 160.12' TO A POINT OF INTERSECTION WITH THE EAST LINE OF OUTLOT "K", DOMINION AT STEVENS CREEK ADDITION; THENCE S00°10'09"W, ON THE EAST LINE OF SAID OUTLOT "K", A DISTANCE OF 100.10' TO THE SOUTHEAST CORNER OF SAID OUTLOT "K"; THENCE N89°49'57"W, ON A SOUTH LINE OF SAID OUTLOT "K", A DISTANCE OF 1.20' TO A POINT OF INTERSECTION WITH A NORTHERLY EXTENSION OF AN EAST LINE OF SAID OUTLOT "J"; THENCE S00°00'01"W, ON THE NORTHERLY

EXTENSION OF AN EAST LINE OF SAID OUTLOT "J", AND ON AN EAST LINE OF SAID OUTLOT "J", A DISTANCE OF 221.55' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 21,912.59 SQUARE FEET OR 0.50 ACRES, MORE OR LESS.

Tuesday, December 18, 2018
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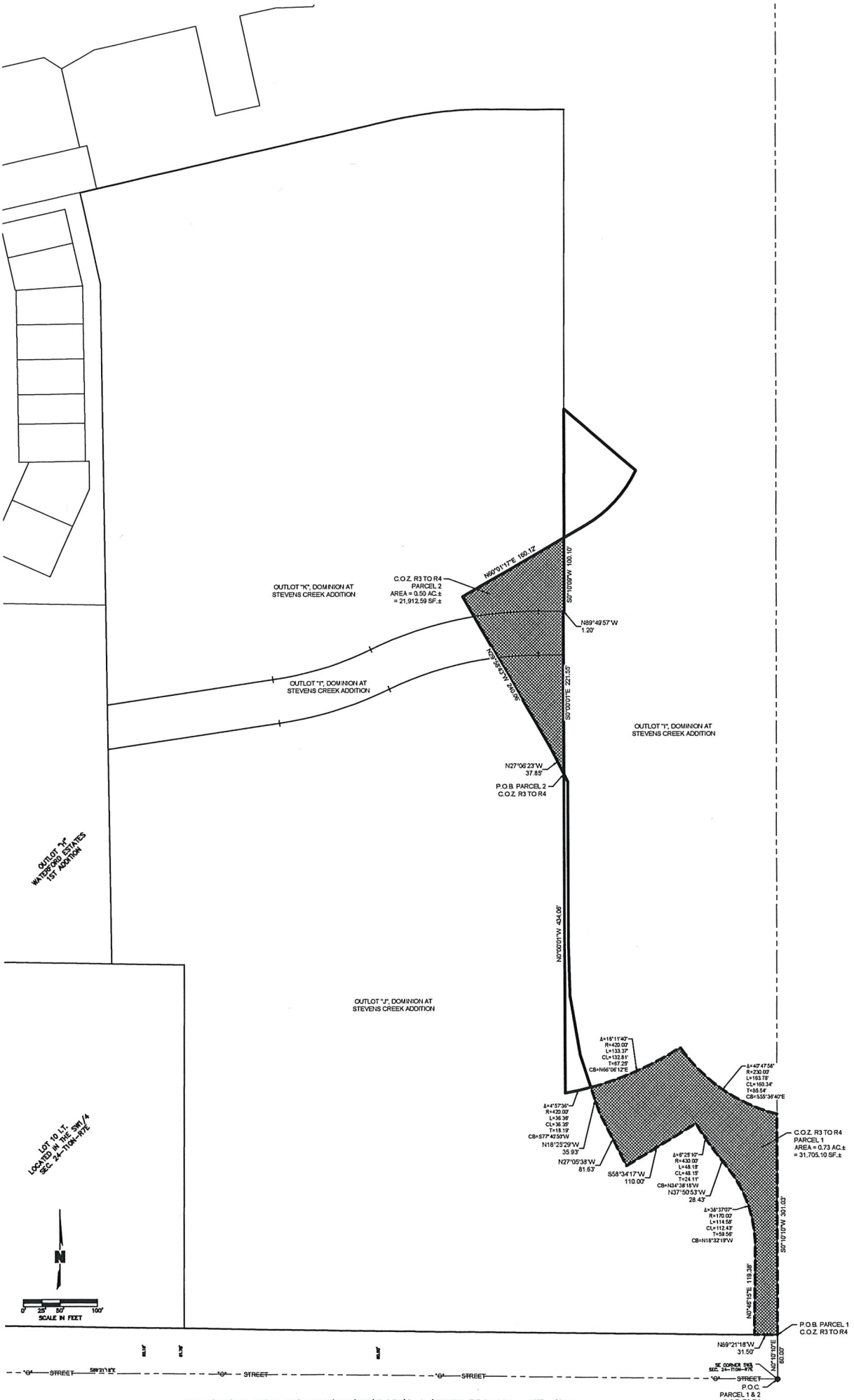

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LEGAL DESCRIPTION
CHANGE OF ZONE
R4 TO R3
PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°10'10"E, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "O" STREET; THENCE N89°21'18"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 31.50' TO A POINT; THENCE N00°46'15"E, A DISTANCE OF 119.38' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 38°37'07", A RADIUS OF 170.00', AN ARC LENGTH OF 114.58', A CHORD LENGTH OF 112.43', A TANGENT LENGTH OF 59.56', AND A CHORD BEARING OF N18°32'19"W, TO A POINT; THENCE N37°50'53"W, A DISTANCE OF 28.43' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°25'10", A RADIUS OF 430.00', AN ARC LENGTH OF 48.18', A CHORD LENGTH OF 48.15', A TANGENT LENGTH OF 24.11', AND A CHORD BEARING OF N34°38'18"W, TO A POINT; THENCE S58°34'17"W, A DISTANCE OF 110.00' TO A POINT; THENCE N27°05'38"W, A DISTANCE OF 81.63' TO A POINT; THENCE N18°25'29"W, A DISTANCE OF 35.93' TO A POINT OF INTERSECTION WITH A SOUTH LINE OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 04°57'36", A RADIUS OF 420.00', AN ARC LENGTH OF 36.36', ON A SOUTH LINE OF SAID OUTLOT "I", A CHORD LENGTH OF 36.35', A TANGENT LENGTH OF 18.19', AND A CHORD BEARING OF S77°40'50"W TO A SOUTHWEST CORNER OF SAID OUTLOT "I"; THENCE N00°00'01"W, ON A WEST LINE OF SAID OUTLOT "I", A DISTANCE OF 434.06' TO A POINT; THENCE S27°06'23"E, A DISTANCE OF 12.15' TO A POINT; THENCE S00°10'10"W, A DISTANCE OF 216.00' TO A POINT; THENCE S01°46'27"E, A DISTANCE OF 75.73' TO A POINT; THENCE S09°45'19"E, A DISTANCE OF 81.63' TO A POINT; THENCE S18°25'29"E, A DISTANCE OF 45.69' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 4,127.85 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

LEGAL DESCRIPTION
CHANGE OF ZONE
R4 TO R3
PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°10'10"E, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "O" STREET; THENCE N89°21'18"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 31.50' TO A POINT; THENCE N00°46'15"E, A DISTANCE OF 119.38' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 38°37'07", A RADIUS OF 170.00', AN ARC LENGTH OF 114.58', A CHORD LENGTH OF 112.43', A TANGENT LENGTH OF 59.56', AND A CHORD BEARING OF N18°32'19"W, TO A POINT; THENCE N37°50'53"W, A DISTANCE OF 28.43' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°25'10", A RADIUS OF 430.00', AN ARC LENGTH OF 48.18', A CHORD LENGTH OF 48.15', A TANGENT LENGTH OF 24.11', AND A CHORD BEARING OF N34°38'18"W, TO A POINT; THENCE S58°34'17"W, A DISTANCE OF 110.00' TO A POINT; THENCE N27°05'38"W, A DISTANCE OF 81.63' TO A POINT; THENCE N18°25'29"W, A DISTANCE OF 35.93' TO A POINT OF INTERSECTION WITH A SOUTH LINE OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°57'36", A RADIUS OF 420.00', AN ARC LENGTH OF 36.36', A CHORD LENGTH OF 36.35', A TANGENT LENGTH OF 18.19', AND A CHORD BEARING OF S77°40'50"W TO A THE SOUTHWEST CORNER OF SAID OUTLOT "I"; THENCE N00°00'01"W, ON A WEST LINE OF SAID OUTLOT "I", A DISTANCE OF 434.06' TO A POINT; THENCE CONTINUING N00°00'01"W, ON A WEST LINE OF SAID OUTLOT "I", AND ON A NORTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 221.55' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID OUTLOT "I"; THENCE S89°49'57"E, ON A NORTH LINE OF SAID OUTLOT "I", A DISTANCE OF 1.20' TO A WEST CORNER OF SAID OUTLOT "I", THENCE N00°10'09"E, ON A WEST LINE OF SAID OUTLOT "I", A DISTANCE OF 100.10' TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N00°10'09"E, ON A WEST LINE OF SAID OUTLOT "I", A DISTANCE OF 175.05' TO A POINT; THENCE S49°40'37"E, A DISTANCE OF 129.05'

TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 34°29'17", A RADIUS OF 170.00', AN ARC LENGTH OF 102.33', A CHORD LENGTH OF 100.79', A TANGENT LENGTH OF 52.77', AND A CHORD BEARING OF S42°46'38"W TO A POINT; THENCE S60°01'17"W, A DISTANCE OF 35.15' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 9,673.81 SQUARE FEET OR 0.22 ACRES, MORE OR LESS.

Tuesday, December 18, 2018
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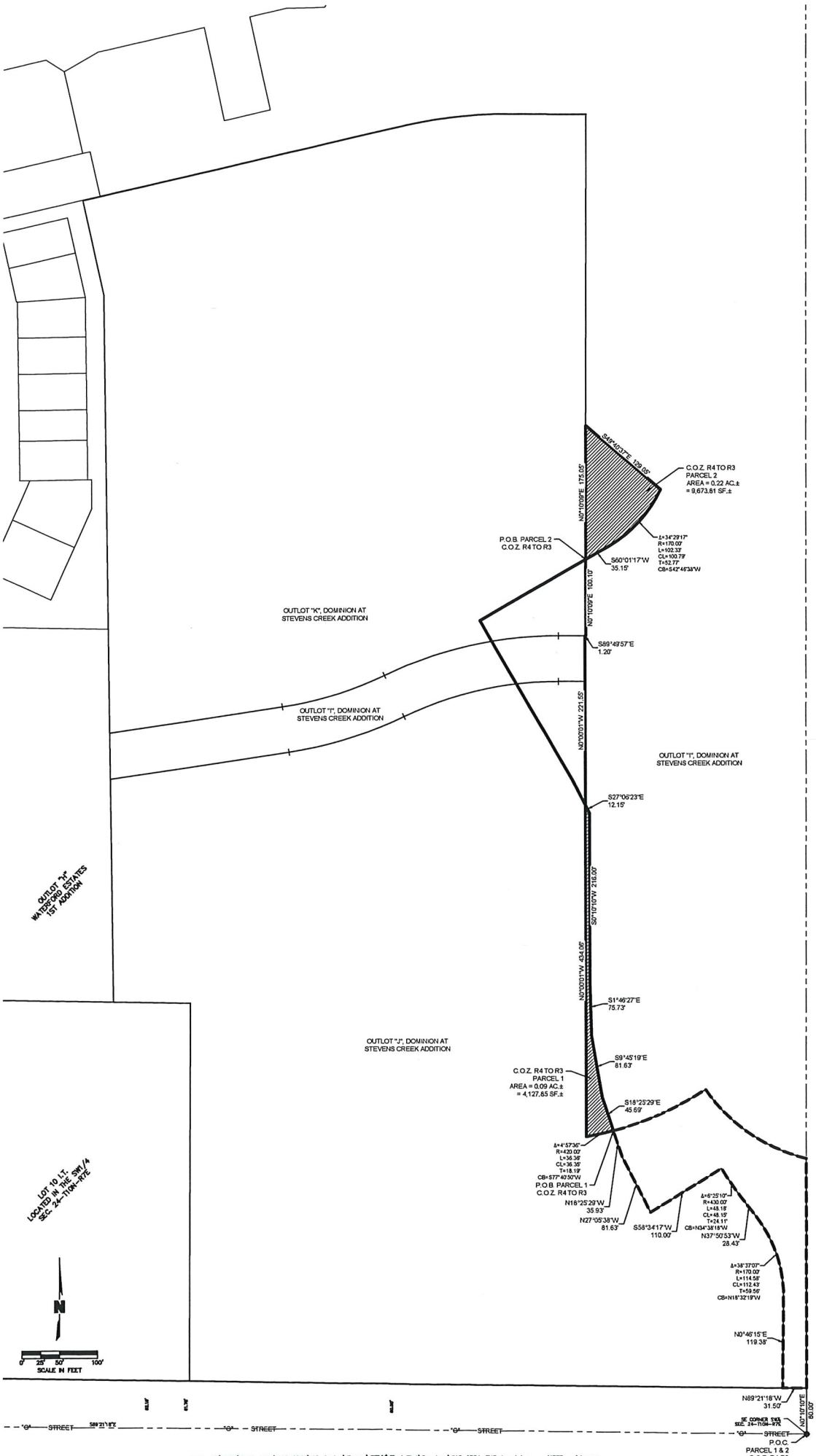

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DATE: Dec 18, 2018 5:40pm XREFS: 181384_PBASE G20092_R3

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 18041 Waterford Estates Townhomes Addition Community Unit Plan	Yes	Smetter Custom Homes, LLC/Waterford Estates, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
January 9, 2019	CZ18032	North 102nd Street and O Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) to allow 79 single family attached dwelling units on 14.22 acres. This property is located generally north of N. 102nd Street and O Street in Waterford Estates. The existing site is undeveloped and identified as future multi-family in the approved Waterford Estates Preliminary Plat. To the east is the planned Dominion at Stevens Creek development.

The zoning for the property is presently both R-4 and R-3, though the majority of it is R-4. Related Change of Zone 18032 will rezone the small R-3 zoned areas so that the entire CUP is zoned R-4.

Access for the development will include the 105th Street connection with O Street with all streets proposed as public streets. As a conditional of approval, no final plats will be approved for the area of the CUP until the intersection at 105th and O Street is under construction.

JUSTIFICATION FOR RECOMMENDATION

The proposed Community Unit Plan is already largely zoned R-4 with the property identified for urban density residential use. Related change of zone CZ18032 will provide for consistent R-4 zoning which matches the zoning to the north and west in the existing Waterford Estates. The waivers to the Subdivision Ordinance to allow for side lot lines relative to the street right of way lines are supportable given the subdivision design. The waiver to the Design Standards to allow sanitary sewer mains to run opposite the street grades is a common waiver request. The Zoning Ordinance waivers to adjust lot and yard requirements is a common request for Community Unit Plans.

APPLICATION CONTACT
Mark Palmer, (402) 474-6311 or mpalmer@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land use and density are in conformance with the 2040 Comprehensive Plan, which identifies future urban density residential uses in this location.

WAIVERS

1. Subdivision Ordinance, 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets. (Recommend Approval)

2. Zoning Ordinance, Table 27.72.020(a) to adjust the front yard setback on the non-garage facing side of corner lots to 10' with the facade of a building oriented to a street and treated as a side yard shall contain a window of at least five square feet in size. (Conditional Approval)
3. Zoning Ordinance, Table 27.72.020(a) to adjust the rear yard setback to 20'. (Recommend Approval)
4. Zoning Ordinance, Table 27.72.020(a) to adjust the average lot width for multi-family dwellings to 24'. (Recommend Approval)
5. Zoning Ordinance, Table 27.72.020(a) to adjust the minimum lot area for multi-family dwellings to 2,600 square feet per family. (Recommend Approval)
6. Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.8 - Strategies for Developing Neighborhoods

- Encourage new development to achieve densities greater than five dwelling units per gross acre.

ANALYSIS

1. This is a request for a new Community Unit Plan (CUP) to develop 79 single family attached lots on approximately 14.22 acres. The project is located north of O Street in the southeast part of Waterford Estates. The property is presently zoned both R-4 Residential and R-3 Residential but will all be rezoned to R-4 as part of related CZ18032 application.
2. All proposed streets in the development would be public streets. The owner has an agreement with the developers of the adjacent Dominion at Stevens Creek that the 105th Street connection with O Street will be completed by June 20, 2019. As a condition of approval, no final plats will be approved for the area of the proposed CUP until the latter connection to O Street is under construction. This is due to the fact that there are already over 150 lots between existing Waterford Estates and Dominion that would otherwise have only one means of ingress/egress through Shore Front Drive/Boathouse Road/98th Street to O Street.
3. The future land use map shows the proposed residential area for future urban density residential land uses. The Community Unit Plan identifies 79 dwelling units, single family attached, which is an appropriate urban density. A CUP in the R-4 district is permitted a maximum density of 13.93 dwelling units per acre, which equates to 198 dwelling units allowed for the 14.22 acres site.
4. The proposed CUP includes three outlots. Two of these outlots (Outlots A and B) are for drainage, open space and utility easement while the third (Outlot C) is reserved for future development.
5. The applicant has requested the following waivers to the Lincoln Municipal Code and to Design Standards:
    i) Subdivision Ordinance, 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This is a typical waiver request.
    ii) Zoning Ordinance, Table 27.72.020(a) to adjust the front yard setback on the non-garage facing side of corner lots to 10' with the façade of a building oriented to a street and treated as a side yard shall contain a window of at least five square feet in size. This waiver is supportable and has been allowed

before, however, to assure at least one side has sufficient room for automobile parking in front of the garage, the waiver language should be revised to read "Corner lots shall have one 20' front yard which shall be applicable to the driveway entrance to the lot, and the other front yard setback shall be 10'. The facade of the building oriented to the street with a 10' setback shall contain one window per story of at least five square feet in size."

iii) Zoning Ordinance, Table 27.72.020(a) to adjust the rear yard setback to 20'. This lot yard adjustment is supportable as lot and yard adjustments are common for community unit plans.

iv) Zoning Ordinance, Table 27.72.020(a) to adjust the average lot width for multi-family dwellings to 24'. This lot requirement adjustment is for the townhouses and this type of reduction is not unusual for a community unit plan.

v) Zoning Ordinance, Table 27.72.020(a) to adjust the minimum lot area for multi-family dwellings to 2,600 square feet per family. This lot requirement adjustment is not unusual for a community unit plan.

vi) Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades. This a common waiver request and is supportable for this CUP.

6. The proposed community unit plan subject to conditions of approval is consistent with the Comprehensive Plan and will be at appropriate urban residential density compatible with the neighborhood.

CONDITIONS OF APPROVAL: See attached.

UTILITIES: All utilities are generally available at this site.

TOPOGRAPHY: Topography generally slopes downward from the west and east sides of the proposed CUP with approximate change of 20 feet to the proposed interior outlot (Outlot B).

TRAFFIC ANALYSIS: The proposed streets within the CUP will be local streets. Waterford Estates 22nd Addition Final Plat to the east includes N. 104th Street connection from Shore Front Drive to Wayborough Lane. As a condition of approval, the N. 105th Street and O Street connection must be under construction prior to any final plats being approved for the proposed CUP area. This condition will assure that traffic is dispersed with two means of access using N. 104th Street either via Shore Front Drive to the north or via Wayborough Lane to the south connecting to 105th Street/O Street intersection.

PUBLIC SERVICE: The nearest Lincoln Fire and Rescue Stations are located at 901 N Cotner Boulevard (Fire Station #9) and 2201 South 84th Street (Fire Station #`12). Station #16 is planned to be located in close proximity just north of 98th Street and O Street intersection with a construction completion target date of January 1, 2020.

EXISTING LAND USE & ZONING: Vacant R-4 Residential, R-3 Residential

SURROUNDING LAND USE & ZONING

North:	Vacant	R-4 Residential, R-3 Residential
South:	Single Family Residential, Agricultural	AG Agricultural
East:	Vacant	R-3 Residential/O-3 Office Park
West:	Single Family Residential, Open Space	AG Agricultural/B-2 Planned Neighborhood Business

APPROXIMATE LAND AREA: 14.22 acres, more or less

LEGAL DESCRIPTION: Outlot J, Dominion at Stevens Creek Addition, and a portion of Outlot I, Dominion at Stevens Creek Addition, located in the SW 1/4 of Section 24-10-7, Lincoln, Lancaster County, Nebraska (See attached legal description).

Prepared by

_____
George Wesselhoft, Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov
Date: December 27, 2018

Owner/
Applicant: Waterford Estates, LLC
2001 Pine Lake Road, Suite 100
Lincoln, NE 68512
(402) 421-1604
tew@inebraska.com

Contact: Mark Palmer
601 P Street, Suite 200
Lincoln, NE 68508
(402) 474-6311
mpalmer@olsson.com

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CONDITIONS OF APPROVAL – SPECIAL PERMIT 18041

Per Section 27.63.320 this approval permits a Community Unit Plan for seventy nine residential units with the following waivers:

1. Subdivision Ordinance, 26.23.140(c) to allow for side lot lines to deviate from being radial and perpendicular to street ROW lines on curved streets.
2. Zoning Ordinance, Table 27.72.020(a) to adjust the front yard setback such that corner lots shall have one 20' front yard which shall be applicable to the driveway entrance to the lot, and the other front yard setback shall be 10'. The facade of the building oriented to the street with a 10' setback shall contain one window per story of at least five square feet in size.
3. Zoning Ordinance, Table 27.72.020(a) to adjust the rear yard setback to 20'.
4. Zoning Ordinance, Table 27.72.020(a) to adjust the average lot width for multi-family dwellings to 24'.
5. Zoning Ordinance, Table 27.72.020(a) to adjust the minimum lot area for multi-family dwellings to 2,600 square feet per family.
6. Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades.

Site Specific Conditions:

1. Before a final plat is approved the access connection to O Street at 105th Street shall be under construction.
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

    2.1 Make the following revisions:

    2.1.1 Add note to the site plan notes that states Residential Dwellings, Schools, Residential and Nonresidential Health Care Facilities and Childcare Facilities are not allowed within the Pipeline Planning Area.

    2.1.2 Sheet 1: Add to Requested Waivers the requested waiver of multi family lot area to 2,600 square feet/family.

    2.1.3 Sheet 1: Correct street names so they are fully legible for Shore Front Drive and Wayborough Lane.

    2.1.4 Sheet 2: Identify lot lines in darker color than the sidewalk lines.

    2.1.5 Sheet 2: Provide typical front, side, and rear yard setbacks dimensions.

    2.1.6 Sheet 2: Correct street names for Wayborough Lane and Boathouse Road so they are fully legible.

    2.1.7 Add requested easements per LES 11/6/18 markup.

    2.1.8 Add project name instead of Under Design to plan sheets.

    2.1.9 Sheet 1: Also show access per the approved Dominion at Stevens Creek plan and add note that the location shown will be done by NDOT in the future.

    2.1.10 Sheet 1: Change General Site Note 7 to reference Special Permit not Use Permit.

2.1.11 Sheet 1: Delete notes 11, 14, and 19.

2.1.12 Sheet 1: Revise Note 12 to prohibit driveway connections to Boathouse Road.

2.1.13 Sheet 1: Remove conceptual cul-de-sac to the west of the CUP.

2.1.14 Sheet 1: Show conceptual extension of Boathouse Road.

2.1.15 Sheet 1: Revise Requested Waiver 3 second sentence to read Corner lots shall have one 20' front yard which shall be applicable to the driveway entrance to the lot, and the other front yard setback shall be 10'. The facade of the building oriented to the street with a 10' setback shall contain one window per story of at least five square feet in size.

2.1.16 Sheet 2: Dimension and show rear yard setbacks for lots adjoining Outlot A as per markup.

2.1.17 Sheet 2: Dimension the future street right of way adjoining the southeast part of the CUP and add note that right of way will be dedicated at no cost upon request when the entrance is relocated and label as separate outlot with designation as "For Future Right-of-way".

2.1.18 Sheet 2: Label Outlot C as "For Future Development".

2.1.19 Sheet 2: Correct alignment of North arrow.

2.1.20 Sheet 2: Remove blanket utility easement from Outlot A and label use as "Open Space".

2.1.21 Sheet 1: Delete note 15.

2.1.22 Sheet 1: Identify roadway cross section as public.

2.1.23 Sheet 1: Reference Design Standards 3.35 Design Standards for Community Unit Plans for R-4 CUP density calculations and update density calculation to reflect area of 14.22 acres.

2.1.24 Sheet 2: Identify O Street right of way.

2.1.25 Sheet 3: Change name of Deepwater Bay Drive to N. 103rd Street.

2.1.26 Submit legal description corrections to the satisfaction of Public Works-Survey Check including update to reflect Dominion at Stevens Creek Addition and Waterford Estates 22nd Addition final plat filings.

2.1.27 Submit corrections per Public Works-Watershed 10/31/18 comments and markups.

3. Before a final plat is approved provide the following documents to the Planning Department:

3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

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

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

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

to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

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

to complete the installation of public street lights along ***streets*** within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets within this plat within six (6) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

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

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

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

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

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

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

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

(1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

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

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

to protect the trees that are indicated to remain during construction and development**.**

Standard Conditions:

5. The following conditions are applicable to all requests:

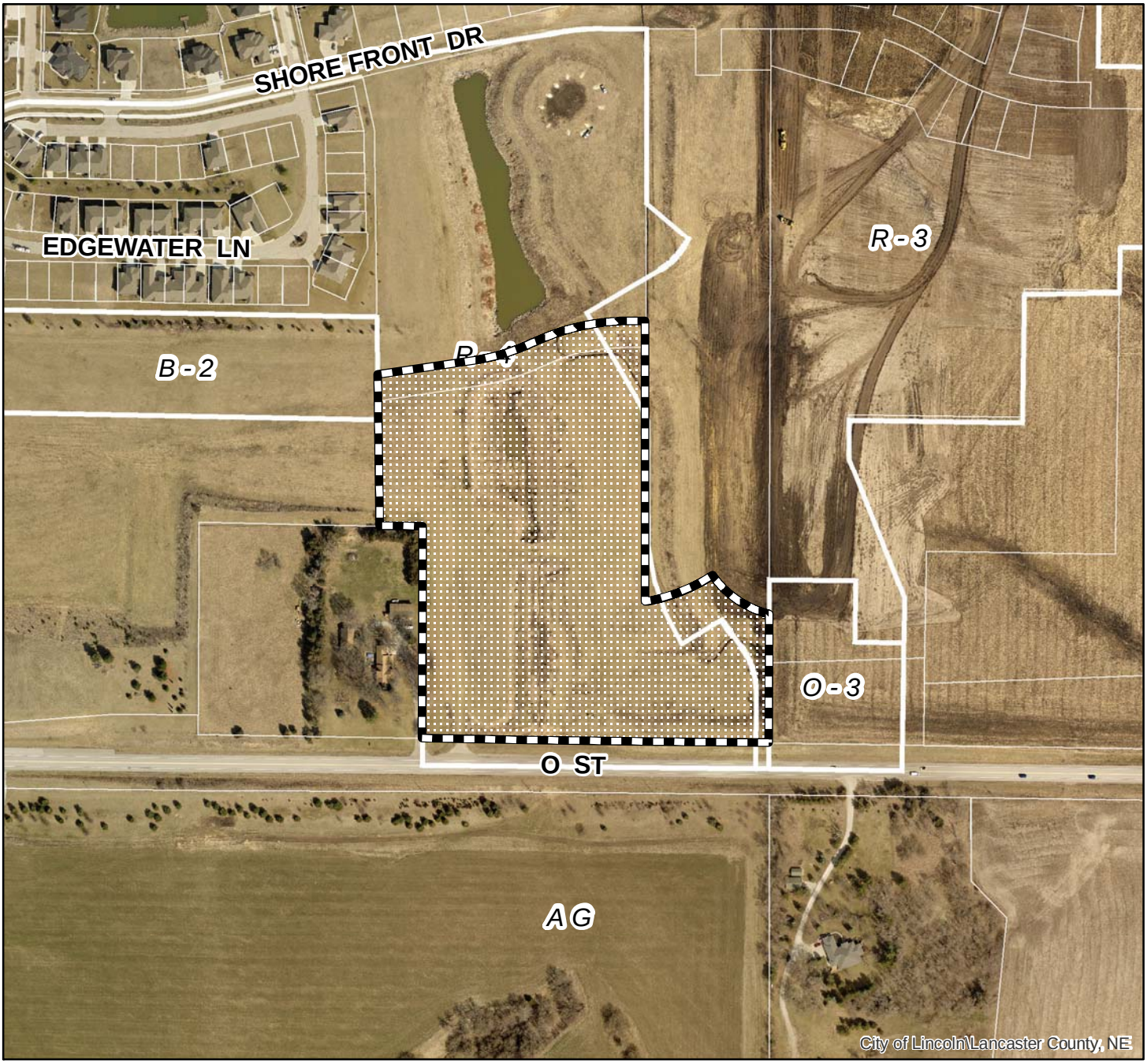
5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

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



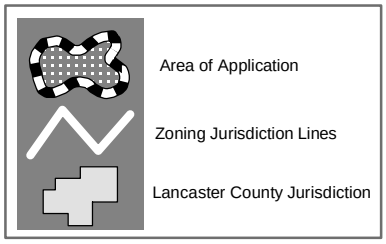
2018 aerial

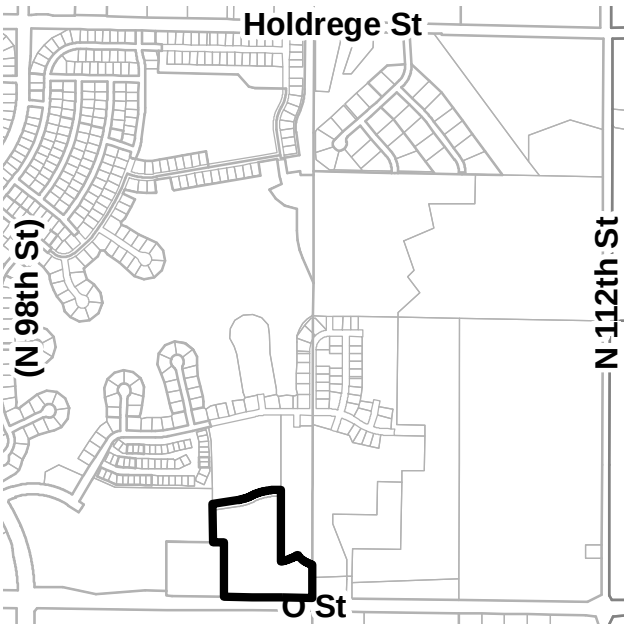
Special Permit #: SP18041
Waterford Estates Townhomes Addition
N 102nd St & O St

Zoning:

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

One Square Mile:
Sec.24 T10N R07E





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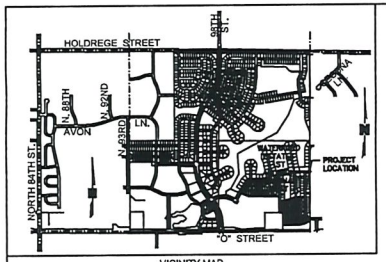
WATERFORD ESTATES TOWNHOMES ADDTITION

COMMUNITY UNIT PLAN



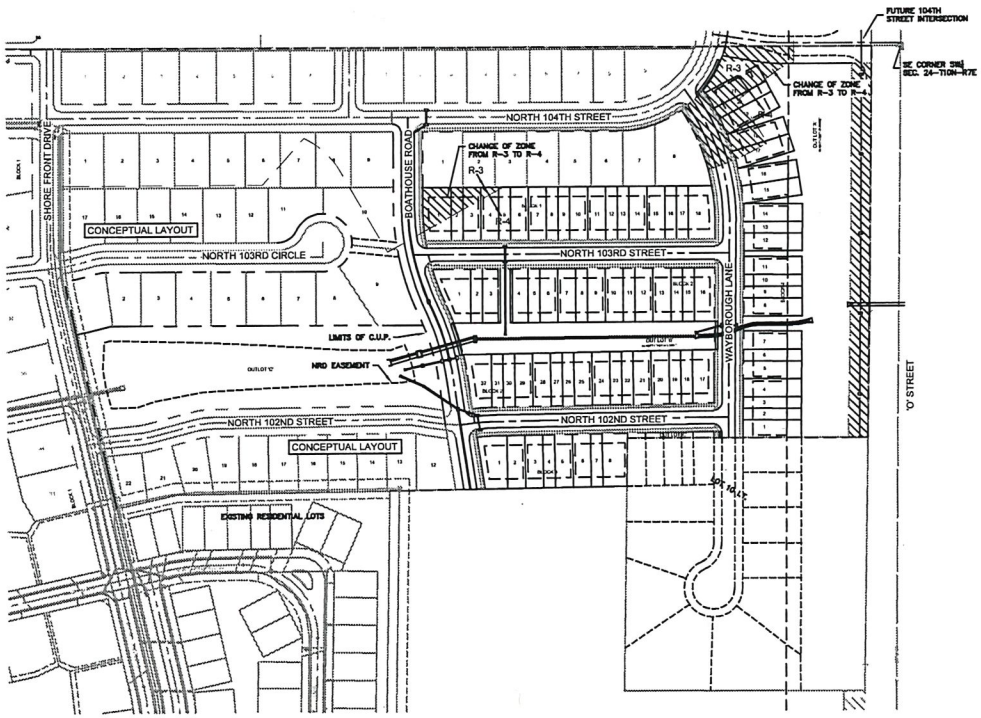
VICINITY MAP
NO SCALE

SCALE IN FEET

OWNER	DEVELOPER	ENGINEER & PREPARER
WATERFORD ESTATES, LLC 2001 PINELAKE RD. SUITE 100 LINCOLN, NE. 68512 PHONE: 402-421-1804	SMETTER CUSTOM HOMES LLC 9700 THORNWOOD CIRCLE LINCOLN, NE. 68512 PHONE: 402-730-6685	OLSSON ASSOCIATES 601 "P" STREET SUITE 200 LINCOLN, NE. 68508 PHONE: 402-474-6311

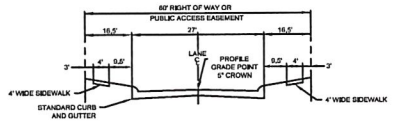
SHEET INDEX

1 COVER SHEET
2 SITE PLAN
3 GRADING AND DRAINAGE PLAN
4 STREET PROFILES



LEGEND

- LIMITS OF C.U.P.
- PROPERTY LINE
- RIGHT OF WAY
- CENTERLINE
- SETBACK



60' R.O.W, TYPICAL ROADWAY CROSS SECTION
NOT TO SCALE

NOTE:
MINIMUM OPENING ELEVATION FOR LOTS 1-32, BLOCK 2 IS 1213.0

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE UNLESS OTHERWISE SHOWN. STORM SEWER SHALL BE CONSTRUCTED USING APPROVED PIPE MATERIALS OF THE BUILDING AND SAFETY PLUMBING DEPARTMENT. PUBLIC AND PRIVATE UTILITIES TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
2. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
3. ALL PAVEMENT RETURN RADII TO BE 20' (MIN.) UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
5. DIRECT VEHICULAR ACCESS TO 'O' STREET SHALL BE RELINQUISHED EXCEPT AS SHOWN.
6. ALL ELEVATIONS ARE TO NAVD 1988.
7. ALL OUTLOTS WITHIN THIS USE PERMIT TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
8. UTILITY EASEMENTS TO BE PROVIDED AS REQUESTED BY L.E.S.
9. TOTAL USAGE:

   TOTAL BLOCKS – 4
   TOTAL SINGLE FAMILY ATTACHED LOTS – 79

   OUTLOT 'A', 'B' — RESERVED FOR DRAINAGE AND BLANKET UTILITY EASEMENT AND GREEN SPACE.
   OUTLOT 'C' — RESERVED FOR FUTURE DEVELOPMENT.
10. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
11. INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
12. DRIVEWAY CONNECTIONS TO BOATHOUSE ROAD ARE PERMITTED IF THE LOCATIONS MEET DESIGN STANDARD REQUIREMENTS FOR DRIVEWAY LOCATIONS.
13. THE MASTER DRAINAGE, INCLUDING DETENTION, FOR THIS PROJECT WAS PLANNED AND APPROVED WITH THE WATERFORD ESTATES PRELIMINARY PLAT IN 2004.
14. A SEDIMENT AND EROSION CONTROL PERMIT IS REQUIRED PRIOR TO ANY GRADING ON SITE.
15. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
16. THE 104TH AND 'O' STREET INTERSECTION LOCATION IS BEING COORDINATED WITH THE DOMINION AT STEVENS CREEK THE LANCASTER COUNTY ENGINEERS OFFICE AND THE STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION.
17. REQUIRED OFFSITE & ONSITE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE WATERFORD ESTATES ANNEXATION AGREEMENT.
18. ADJUSTMENTS TO THE NRD FLOOD CONTROL EASEMENTS HAVE BEEN COORDINATED WITH THE NRD.
19. LANDSCAPE SCREENING AND STREET TREE PLAN SHALL BE DEFERRED UNTIL TIME OF FINAL PLAT.
20. EXISTING ZONING IS R-3 AND R-4 WITH PROPOSED ZONING OF ALL R-4.
21. WATER QUALITY DESIGN AND EASEMENTS SHALL BE PROVIDED AT TIME OF FINAL PLAT.

REQUESTED WAIVERS

1. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ALLOW LOT LINES NOT PERPENDICULAR TO RIGHT OF WAY.
2. A WAIVER TO THE DESIGN STANDARDS OF LINCOLN TO ALLOW SANITARY SEWER MAINS TO FLOW OPPOSITE STREET GRADES.
3. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ADJUST THE FRONT YARD SETBACK ON THE NON-GARAGE FACING SIDE OF CORNER LOT TO 10 FEET. THE FACADE OF A BUILDING ORIENTED TO A STREET AND TREATED AS A SIDE YARD SHALL CONTAIN A WINDOW OF AT LEAST FIVE SQUARE FEET IN SIZE.
4. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ADJUST THE FRONT YARD SETBACKS TO 20 FEET
5. A WAIVER TO THE LINCOLN MUNICIPAL CODE TO ADJUST THE AVERAGE LOT WIDTH FOR MULTI-FAMILY DWELLINGS TO 24 FEET.

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'O', WATERFORD ESTATES 1ST ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH-EAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°16'35"E, A DISTANCE OF 60.00' TO THE SOUTH-EAST CORNER OF OUTLOT 'O', WATERFORD ESTATES 1ST ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF O STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE N89°21'16"W, ON A SOUTH LINE OF SAID OUTLOT 'O', SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 660.20' TO A POINT; THENCE N88°57'46"W, ON A SOUTH LINE OF SAID OUTLOT 'O', SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 265.92' TO THE SOUTHWEST CORNER OF SAID OUTLOT 'O', SAID POINT BEING 61.29' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N00°13'22"E, ON A WEST LINE OF SAID OUTLOT 'O', A DISTANCE OF 494.82' TO A WEST CORNER OF SAID OUTLOT 'O'; THENCE N85°57'40"W, ON A SOUTH LINE OF SAID OUTLOT 'O', A DISTANCE OF 109.29' TO A WEST CORNER OF SAID OUTLOT 'O'; THENCE N00°48'32"W, ON A WEST LINE OF SAID OUTLOT 'O', A DISTANCE OF 202.12' TO A POINT; THENCE N81°36'23"E, A DISTANCE OF 238.00' TO A POINT OF CURVATURE FOR A CURVE; IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°04'30", A RADIUS OF 530.00', AN ARC LENGTH OF 157.95', A CHORD LENGTH OF 157.37', A TANGENT LENGTH OF 79.52', AND A CHORD BEARING OF N72°04'08"E TO A POINT OF REVERSE CURVATURE FOR A CURVE; IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 25°36'41", A RADIUS OF 470.00', AN ARC LENGTH OF 210.31', A CHORD LENGTH OF 208.54', A TANGENT LENGTH OF 106.95', AND A CHORD BEARING OF N77°31'15"E TO A POINT; THENCE S89°49'24"E, A DISTANCE OF 34.34' TO A POINT; THENCE S00°00'00"E, A DISTANCE OF 589.89' TO A POINT OF CURVATURE; FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°09'42", A RADIUS OF 470.00', AN ARC LENGTH OF 189.98', A CHORD LENGTH OF 188.67', A TANGENT LENGTH OF 96.07', AND A CHORD BEARING OF N88°34'49"E TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 40°46'01", A RADIUS OF 230.00', AN ARC LENGTH OF 163.71', A CHORD LENGTH OF 160.29', A TANGENT LENGTH OF 85.50', AND A CHORD BEARING OF S55°37'10"E TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID OUTLOT 'O', SAID POINT BEING ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°16'35"W, ON THE EAST LINE OF SAID OUTLOT 'O', SAID LINE BEING THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 301.04' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 580,943.05 SQUARE FEET OR 13.34 ACRES, MORE OR LESS.

DENSITY CALCULATIONS

TOTAL ACRES	13.34
UNITS PER ACRE	/13.93
UNITS ALLOWED	185
UNITS PROPOSED	79

OLSSON ASSOCIATES
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68501
TEL 402.474.6311
FAX 402.474.5160
www.olssonassociates.com

UNDER DESIGN

REV. NO.	DATE	REVISIONS DESCRIPTION

REVISIONS

COVER SHEET

WATERFORD ESTATES TOWNHOMES ADDITION
COMMUNITY UNIT PLAN

LINCOLN, NEBRASKA

2016

drawn by:	DJR
checked by:	MCL
approved by:	RJE
QA/QC by:	
project no.:	011L1784
drawing no.:	
date:	11-03-2016

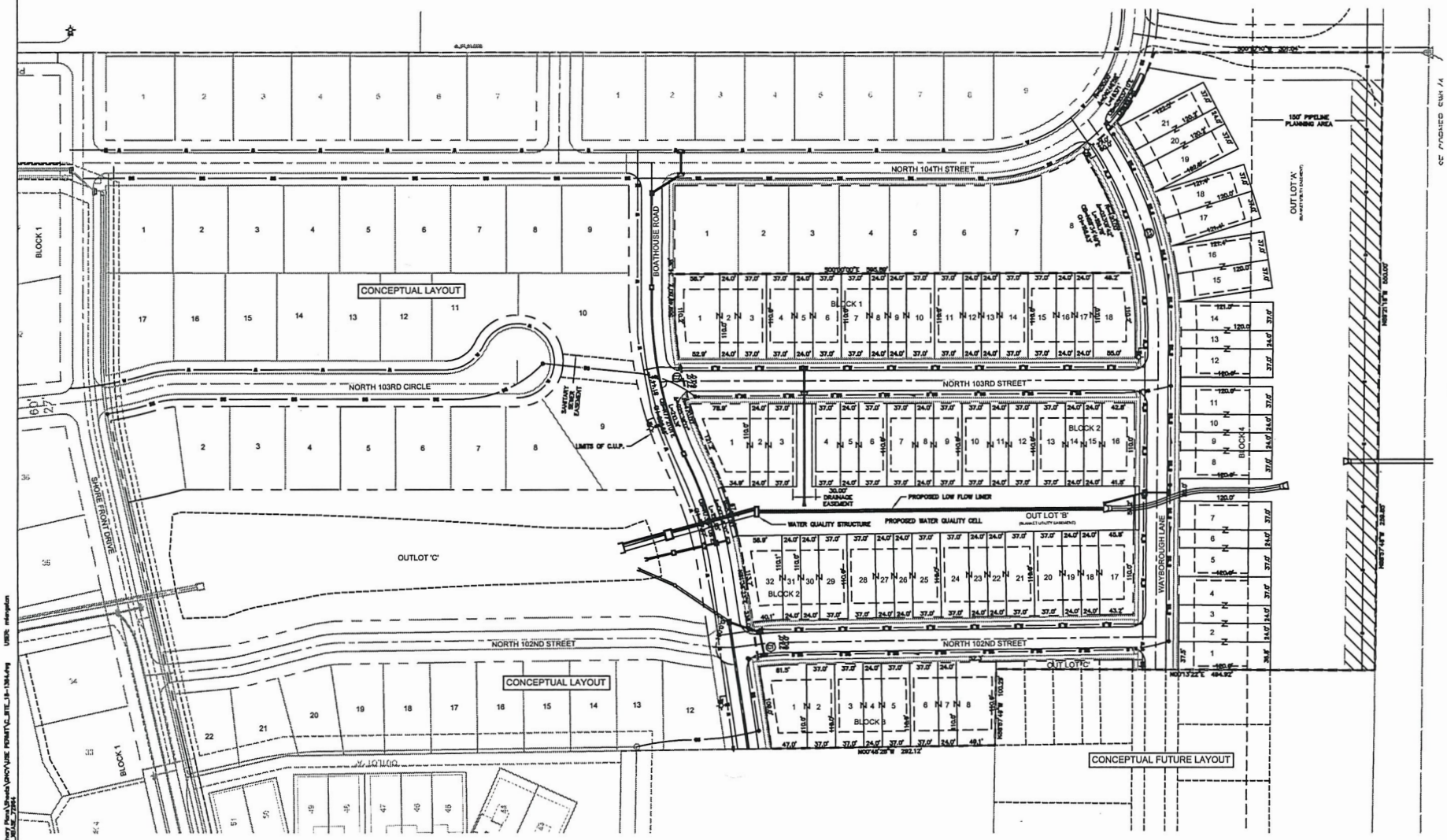
SHEET
1 of 4

PRO: P:\2011\011L1784\CAD\Sheets\Waterford Plans\Sheets\PMOVUSE PERMIT\E_SITE_11-1784.dwg USER: mlangston
DATE: Nov 02, 2016 8:41am XREFs: 1ft0M_PHASE C_2KSUE_2ft0M

Nebraska 811 — Know what's below. Call before you dig.

SITE PLAN

WATERFORD ESTATES TOWNHOMES ADDITION



CURVE TABLE					
CURVE ID	RADIUS (FT)	DELTA	LENGTH (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	450.00	007°30'09"	58.98	N04°36'02"W	58.94
C2	450.00	003°53'18"	30.54	S01°56'39"E	30.53
C3	450.00	034°54'37"	274.18	S73°04'18"W	269.96

N

0 25' 50' 100'

SCALE IN FEET

LEGEND

- USE PERMIT BOUNDARY
- PROPOSED WATER MAIN
- EXISTING WATER MAIN
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPERTY LINE
- RIGHT OF WAY
- CENTERLINE
- SETBACK
- DRAINAGE EASEMENT

OLSSON ASSOCIATES

UNDER DESIGN

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

SITE PLAN

WATERFORD ESTATES TOWNHOMES ADDITION
COMMUNITY UNIT PLAN

LINCOLN, NEBRASKA

2016

drawn by: DJE
checked by: KCL
approved by: BJE
QA/QC by:
project no.: 015x1384
drawing no.:
date: 10.01.2015

SHEET
2 of 4

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DATE: Oct 14, 2015 4:07pm
USER: mkingston
XREFs: 15TOWN_PRIME C_BASE_7284

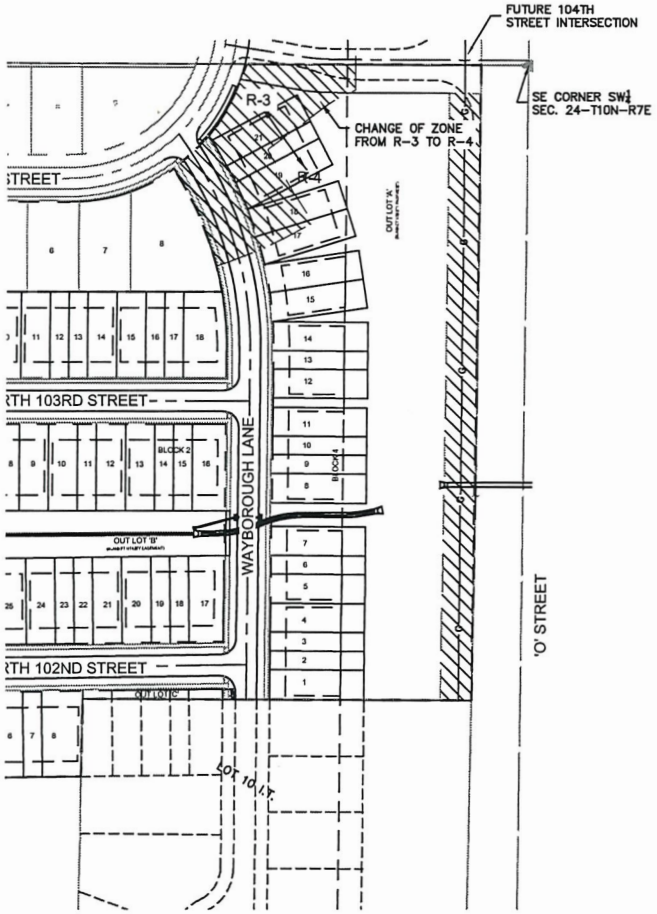
Nebraska 811 Know what's below. Call before you dig. 800-331-5666

DEVELOPER

SMETTER CUSTOM HOMES LLC
9700 THORNWOOD CIRCLE
LINCOLN, NE. 68512
PHONE: 402-730-6685

ENGINEER & PREPARER

OLSSON ASSOCIATES
601 "P" STREET
SUITE 200
LINCOLN, NE. 68508
PHONE: 402-474-6311



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601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508

UNDER DESIGN

REV. NO.	DATE	REVISIONS DESCRIPTION

REVISIONS

2016

GRADING AND DRAINAGE PLAN

WATERFORD ESTATES TOWNHOMES ADDITION

Minor Storm System Conveyance Analysis
Minor Storm Average Return Frequency (yr): 5

Major Storm System Conveyance Analysis
Major Storm Average Return Frequency (yr): 100

Location	Area, A (acres)	Overflow C	A x C	Sum A x C	Time of Concentration Tc (minutes)	Return Frequency (yrs)	Intensity I (in/hr)	Runoff Q= (cfs)	Pipe Slope So (ft/ft)	Pipe Length L (feet)	Pipe Diameter D (inches)	Pipe Capacity Qa (cfs)	Pipe Velocity Vp (fps)	Time in Section Tp (minutes)	Intensity I=10 (inch/hour)	Flow Q=AI (cfs)	Overflow Route Slope S_w (ft/ft)	Gen of Width Bw (feet)	Street Capacity Q_w (cfs)	Depth Water w (feet)	Sweep Capacity Q_{sw}	Overflow plus Pipe Capacity Q_{ow}	COMMENTS
A1	1.22	0.55	0.67	0.67	8.00	5	5.03	3.4	0.0050	32	15	4.5	3.7	0.14	9.00	6.04	0.050				30	169	172.6	
A2	0.49	0.55	0.27	0.94	8.00	5	5.03	4.7	0.0040	58	18	5.0	4.1	0.22	9.00	8.47	0.030				30	165	173.9	
B1	3.07	0.55	1.69	1.69	8.00	5	5.03	8.5	0.0150	32	15	8.7	7.1	0.08	9.00	15.20	0.030				30	165	176.7	To Outlot 'A'
B2	0.52	0.55	0.51	2.19	8.00	5	5.03	11.0	0.0300	148	15	11.2	9.1	0.27	9.00	19.70	0.030				30	165	179.2	To Outlot 'A'
C1	9.83	0.55	5.41	5.41	8.00	5	5.03	27.2	0.0300	32	21	27.4	11.4	0.05	9.00	48.68	0.015	27	62				89.4	
C2	0.73	0.55	0.40	5.81	8.00	5	5.03	29.2	0.0170	42	24	29.5	9.4	0.07	9.00	52.29	0.100	27	62				91.5	To proposed stub-out (By others)

SCALE IN FEET
0' 25' 50' 100'

CONCEPTUAL LAYOUT

DEEP WATER BAY DRIVE

OUTLOT 'C'

PERMANENT POOL ELEV. 1186.0

4' CONCRETE LOW FLOW LINER

WATER QUALITY STRUCTURE

NORTH 102ND STREET

BLOCK 1

BLOCK 2

BLOCK 3

OUTLOT 'A'

100.00' PROPOSED ROW

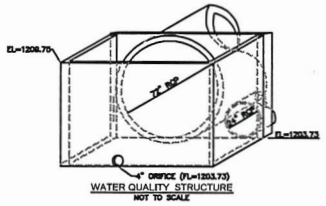
40.00' FUTURE DEDICATED ROW

FUTURE 60' ROW (BY OTHERS)

NOTE:
MINIMUM OPENING ELEVATION FOR LOTS 1-32, BLOCK 2 IS 1213.0

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- UTILITY EASEMENT
- BOUNDARY SETBACK
- UTILITY EASEMENT
- ROAD CENTERLINE
- CONCRETE PAVEMENT
- CONCRETE CURB AND GUTTER
- EASEMENT LINE
- LIMITS OF USE PERMIT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR



WATER QUALITY STRUCTURE
NOT TO SCALE

OLSSON ASSOCIATES
8517 Park, Suite 200
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Lincoln, NE 68501
TEL 402.474.6311
FAX 402.474.5160
www.olssonassoc.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

GRADING AND DRAINAGE PLAN
WATERFORD ESTATES TOWNHOMES ADDITION
COMMUNITY UNIT PLAN
LINCOLN, NEBRASKA
2018

drawn by:
checked by:
approved by:
DA/QC by:
project no.:
drawing no.:
date:

SHEET
3 of 4

DWG: F:\2018\018001-1500\018-1384\V4-Design\V4-CAD\Preliminary Plan\Sheets\ADMIN\VUE PERMIT\VUE1384_GRD.dwg USER: mlangdon
DATE: Oct 24, 2018 4:32pm XREFs: u_dcee_72264 cont-obj_layer2-added 181384_grunit 181384_PAUE

OLSSON
ASSOCIATES

October 24, 2018

George Wesselhoft
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Waterford Estates Townhomes Addition
Community Unit Plan Application
OA# 018-1384

Dear Mr. Wesselhoft

On behalf of the owner, Waterford Estates, LLC, and developer, Smetter Custom Homes, LLC, we are requesting a Community Unit Plan for the property located north of approximately N. 102nd and 'O' Streets, Lincoln, Nebraska.

This Permit will allow the development of 79 single family attached lots and 3 out-lots. Outlots 'A' and 'B' will be for drainage and green space while Outlot 'C' will be reserved for future development. The existing site is comprised of 13.34 acres of undeveloped grassed land and listed as "Future Mulit-family (R-4 Zoning)" in the approved Waterford Estates Preliminary Plat. The property is bound by a undeveloped grassed land to the north and west, the developing single family residential development 'Dominion at Stevens Creek' to the east, 'O' Street to the south and a single family residential lot to the southwest. On a larger scale the Site is currently surrounded by existing and proposed residential and commercial development as well as agricultural land. The property is currently zoned R-3 and R-4 with proposed zoning of R-4.

This proposed Permit will only develop a portion of what is currently Waterford Estates 1st Addition, Outlot 'G', leaving the remainder for development under a future Permit.

We are proposing to construct all streets in this permit as public streets. The owner has an agreement with the developers of the adjacent Dominion at Stevens Creek that the 105th Street connection with 'O' Street will be completed by June 20, 2019. There will also be access from this proposed development to Holdrege Street through the Dominion at Stevens Creek in 2019.

The following waivers are being requested as part of this P.U.D.:

1. A waiver to the Lincoln municipal code to allow lot lines not perpendicular to right of way.
2. A waiver to the design standards of Lincoln to allow to allow sanitary sewer mains to flow opposite street grades.
3. A waiver to the Lincoln municipal code to adjust the front yard setback on the non-garage facing side of corner lot to 10'. the facade of a building oriented to a street and treated as a side yard shall contain a window of at least five square feet in size.
4. A waiver to the Lincoln municipal code to adjust the rear yard setbacks to 20'.

5. A waiver to the Lincoln municipal code to adjust the average lot width for multi-family dwellings to 24'.
6. A waiver to the Lincoln municipal code to adjust the lot area for multi-family dwellings to 2,600 square feet per family.

Please let me know if you have any questions or comments.

Sincerely,

Matt Langston

LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, AND A PORTION OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N00°10'10"E, A DISTANCE OF 60.00' TO THE SOUTHEAST CORNER OF OUTLOT "J", DOMINION AT STEVENS CREEK ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF "O" STREET, SAID POINT ALSO BEING **THE TRUE POINT OF BEGINNING**; THENCE N89°21'18"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 60.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 550.00' TO A POINT; THENCE N88°57'48"W, ON A SOUTH LINE OF SAID OUTLOT "J", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 259.85' TO THE SOUTHWEST CORNER OF SAID OUTLOT "J", SAID POINT BEING 61.78' NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N00°13'22"E, ON A WEST LINE OF SAID OUTLOT "J", A DISTANCE OF 494.92' TO A WEST CORNER OF SAID OUTLOT "J"; THENCE N88°57'49"W, ON A SOUTH LINE OF SAID OUTLOT "J", A DISTANCE OF 100.19' TO A WEST CORNER OF SAID OUTLOT "J"; THENCE N00°50'01"W, ON A WEST LINE OF SAID OUTLOT "J", AND ON A WEST LINE OF OUTLOT "I", DOMINION AT STEVENS CREEK ADDITION, A DISTANCE OF 352.42' TO THE NORTHWEST CORNER OF SAID OUTLOT "I"; THENCE N81°36'16"E, ON A NORTH LINE OF SAID OUTLOT "I", A DISTANCE OF 230.02" TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 17°04'30", A RADIUS OF 470.00', AN ARC LENGTH OF 1140.07', A CHORD LENGTH OF 139.55', A TANGENT LENGTH OF 70.56', AND A CHORD BEARING OF N73°04'01"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 25°38'19", A RADIUS OF 530.00', AN ARC LENGTH OF 237.16', ON A NORTH LINE OF SAID OUTLOT "I", A CHORD LENGTH OF 235.19', A TANGENT LENGTH OF 120.60', AND A CHORD BEARING OF N77°20'54"E TO A POINT; THENCE S89°49'57"E, ON A NORTH LINE OF SAID OUTLOT "I", A DISTANCE OF 34.24' TO A POINT OF INTERSECTION WITH A NORTHERLY EXTENSION OF AN EAST LINE OF SAID OUTLOT "J"; THENCE S00°00'01"E, ON A NORTHERLY EXTENSION OF AN EAST LINE OF SAID OUTLOT "J", AND ON AN EAST LINE OF SAID OUTLOT "J", A DISTANCE OF 655.60' TO A NORTH CORNER OF SAID OUTLOT "J", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°09'17", A RADIUS OF 420.00', AN ARC LENGTH OF 169.73', ON A NORTH LINE OF SAID OUTLOT "J", A CHORD LENGTH OF 168.58', A TANGENT LENGTH OF 86.04', AND A CHORD BEARING OF N68°35'00"E TO A NORTH CORNER OF SAID OUTLOT "J", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 40°47'58", A RADIUS

OF 230.00', AN ARC LENGTH OF 163.78', ON A NORTHEAST LINE OF SAID OUTLOT "J", A CHORD LENGTH OF 160.34', A TANGENT LENGTH OF 85.54', AND A CHORD BEARING OF S55°36'40"E TO A NORTHEAST CORNER OF SAID OUTLOT "J", SAID POINT BEING ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°10'10"W, ON THE EAST LINE OF SAID OUTLOT "G", SAID LINE BEING THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 301.03' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 619,275.69 SQUARE FEET OR 14.22 ACRES, MORE OR LESS.

Tuesday, December 18, 2018
F:\2018\1001-1500\018-1384\40-Design\Survey\SRVY\Final Plat\Documents\018-1384_CUP-Legal.docx

ProjectDox

Department Review Status Report

Project Name: SP18041

Workflow Started: 10/24/2018 1:36 PM

Report Generated: 12/17/2018 09:51 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications	Brec Wilshusen	bwilshusen@allophone.net	No Review Required	No review required this early in the planning process...we will add this detail to our future build plans.	
	Black Hills Corp	Randy Kreifels	randy.kreifels@blackhillscorp.com	Recommend Approval	As long as there is an acceptable easement created for the existing 12" gas main paralleling "O" Street BHE would not have any objections.	
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov	Corrections Required	See mark-ups.	
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Corrections Required	Lots 1-18, Block 4 are located within a pipeline planning area. The Lincoln-Lancaster County Health Department does not recommend locating occupied residential dwellings within pipeline planning areas. The LLCHD requests the applicant add a site plan note that states, "Residential dwellings, schools, childcare facilities, retirement facilities, and healthcare facilities will not be located within the pipeline planning area." During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required	11-2-18	
	DOT - Noise	Will Packard	will.packard@nebraska.gov	Recommend Approval	setbacks reasonable to avoid future residential noise impacts	
	Emergency Communications	Kelly Davila	kdavila@lincoln.ne.gov	Recommend Approval	911 has no objections to this application.	
	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	
	LES	LES Reviews	edreviewer@les.com	Corrections Required	LES switchgear to be installed in Outlot A. JG	

ProjectDox

Department Review Status Report

1	Lincoln Police Department	Sgt Randy Clark	LPD886@CJIS.LINCOLN.NE.GOV	Recommend Approval		
	Lower Platte South NRD	Kyle Hauschild	khauschild@lpsnrd.org	Recommend Approval		
	Parks and Recreation	Sara Hartzell	shartzell@lincoln.ne.gov	No Review Required	No trail or park elements within this CUP boundary	
	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	1) Final plats will not be approved until such time adjoining parcels (outside of CUP) are final platted with access connection to O Street/105th Street. 2) Change "green" space to "open" space for outlot notes. 3) Delete note 15. on Sheet 1 4) Identify roadway cross section as public on Sheet 1 5) Reference Design Standards 3.35 Design Standards for Community Unit Plans for R-4 CUP density calculations on Sheet 1 5) Correct north arrow alignment on Sheet 2 6) Identify O Street right of way on Sheet 2 7) Change name of Deepwater Bay Drive to N. 103rd Street on Sheet 3	
	Planning Dept	Brenda Thomas	bthomas@lincoln.ne.gov	No Review Required		
	Public Works - Engineering Services	Bob Simmering	rsimmering@lincoln.ne.gov	Recommend Approval	10-26	
	Public Works - Survey Check	Troy Griffin	tgriffin@lincoln.ne.gov	Corrections Required	Text discrepancies (or omissions) between legal documents and drawings. COZ Parcel 2 has a closure gap that is NOT within limits.	

ProjectDox

Department Review Status Report

1	Public Works - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Corrections Required	1. Provide calculations for the water quality treatment volume. Also, revise the water quality control form to state the structural BMP type as "extended detention" or else revise the plans to show a bioswale. 2. Provide calculations showing that the cross culverts are sized for 1 ft of freeboard from the 50-year elevation to the roadway overtopping elevation, and provide the culvert details (i.e. slope, length, elevation). 3. Provide calculations showing that the 100-year flow coming from SC204 stays within the outlots and does not encroach onto the neighboring lots. 4. Provide the roadway profile for Boathouse Rd. 5. Add a note stating "All areas shown as Conceptual Layout, including Shore Front Drive from N. 104th St. to 102nd St., 102nd St. from Shore Front Drive to Boathouse Rd., and N. 103rd Circle, cannot be constructed and no grading may take place in this area until an Amendment to the Use Permit is submitted providing a detailed grading and drainage plan for this area." 6. Provide documentation from the NRD that they are okay with the revisions to their easement. 7. See markups on plan sheets for additional comments.	
	Public Works and Utilities - Wastewater	Brian Kramer	bakramer@lincoln.ne.gov	Recommend Approval	sanitary sewer is generally available.	
	Public Works and Utilities - Water	Dave Beyersdorf	dbeyersdorf@lincoln.ne.gov	Recommend Approval	water is available in the general area.	
	United States Post Office	Kerry Kowalski	kerry.j.kowalski@usps.gov	Recommend Approval	Recommend approval on the condition all new delivery addresses are established in Centralized Box Units (CBUs) which will be purchased and installed at the developer's expense in a location mutually agreed upon by the developer and the US Postal Service.	
	County Assessor	Chris Ladegard	cladegard@lancaster.ne.gov	No Review Required		
	Windstream	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Did Not Complete		
	DOT - Planning and Projects	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Did Not Complete		
	DOT - Corridors	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Did Not Complete	As per State Statute 39-1311, The Department now has 60 days to complete our review. You will have a response by December 24, 2018. If you have any questions, please call 402-479-4462 or email todd.wicken@nebraska.gov.	
	Street Name Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Did Not Complete		

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 #18033	No	Jeff Koepke
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
January 9, 2019	None	1600 O Street, Lincoln NE

RECOMMENDATION: APPROVAL WITH PRESERVATION GUIDELINES

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from B-4 Lincoln Center Business District to B-4 Lincoln Center Business District with landmark overlay. The owners seek this landmark designation in order to apply for a state and federal tax incentives for Historic Rehabilitation to redevelop the property for first floor commercial/parking and second floor residential.

JUSTIFICATION FOR RECOMMENDATION

The Strode Building is a large, early automotive building very prominently located downtown. The building was designed by Fiske & Meginnis, one of Lincoln's leading architectural partnerships of the first quarter of the 20th century. Landmark designation provides both protection and incentives for preserving the historic character of the property, consistent with the purposes of LMC27.57 (Historic Preservation District). The Historic Preservation Commission unanimously recommended approval of this designation.

APPLICATION CONTACT
Melissa Dirr Gengler
(402)770-5877
melissa@hrg-nebraska.com

STAFF CONTACT
Stacey Hageman, (402)441-6361
slhageman@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 3.11 – Strategies for Cultural and Historic Landscapes: Document or promote historic, cultural and archeological sites throughout the City and County.

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

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

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

ANALYSIS

1. This is a request for designating the property as a local landmark, while retaining the underlying B-4 Lincoln Center Business District.
2. The Strode Building was built in 1916-17 by Edmund C. Strode. It is a large, early automotive building in a very prominent downtown location. The building was designed by Fiske & Meginnis, one of Lincoln's leading architectural partnerships of the early 20th century.
3. The Strode family was prominent in Lincoln's history. E. C. Strode was a well-known attorney that served as City Attorney from 1900 to 1907.
4. The proposed preservation guidelines for the Strode Building are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln area landmarks.
5. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on December 20, 2018 (excerpt from meeting record attached).

EXISTING LAND USE & ZONING: Commercial, B-4 Lincoln Center Business District.

SURROUNDING LAND USE & ZONING

North:	Commercial	B-4 Lincoln Center District
South:	Commercial	B-4 Lincoln Center District
East:	Commercial	B-4 Lincoln Center District
West:	Public	P Public Use District

APPROXIMATE LAND AREA: 0.33 acres, more or less

LEGAL DESCRIPTION: Lots 7-10, County Clerk's Subdivision of Lot 65, Little's Subdivision in the SW quarter of Section 24, Township 10, Range 6, in Lincoln, Lancaster County, Nebraska.

Prepared by

_____
Stacey Hageman, Planner

Date: December 27, 2018

Applicant: Jeff Koepke
8101 S 15th St.
Lincoln, Nebraska 68512
jeff@bkrestoration.com

Contact: Melissa Dirr Gengler
2840 Calvert St.
Lincoln, Nebraska 68502
(402)770-5877
melissa@hrg-nebraska.com

Owner: Kevin & Sarah Gilbert
1600 O St.
Lincoln, Nebraska 68508

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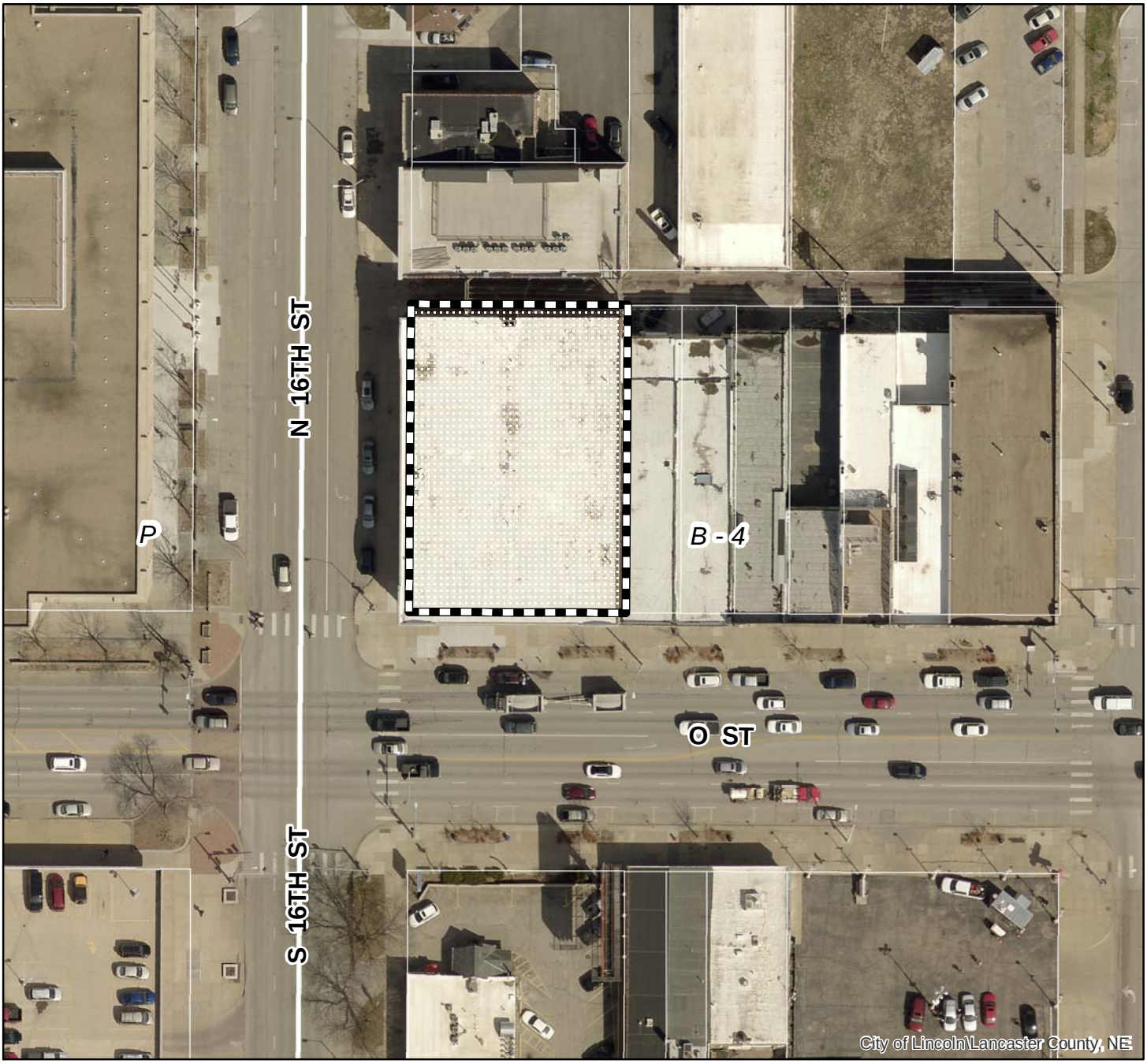


2018 aerial

Change of Zone #: CZ18033
Strode Building
N 16th St & O St

Zoning:

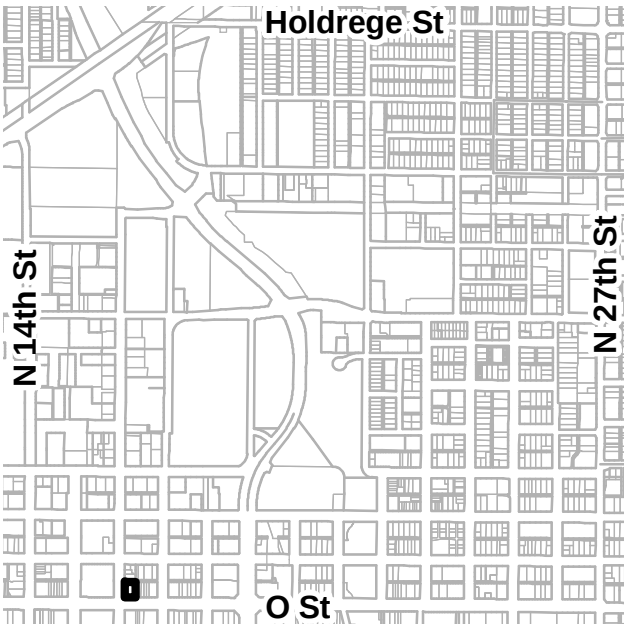
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

One Square Mile:
Sec.24 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ18033)

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

1. NAME

Historic:	**Strode Building**
(and/or) Common:	**Lincoln Oldsmobile Company Building, Lincoln Overland/King Motors Building**
NeHBS Site:	**LC13:D9-498**

2. LOCATION

Address:	**1600 O Street, Lincoln, NE 68508**

3. CLASSIFICATION

Proposed Designation	Category	Present Use		
☐ Landmark District	☐ District	☐ Agriculture	☐ Industrial	☐ Religious
☒ Landmark	☒ Building(s)	☒ Commercial	☐ Military	☐ Scientific
	☐ Structure	☐ Educational	☐ Museum	☒ Transportation
	☐ Site	☐ Entertainment	☐ Park	☐ Other (vacant)
	☐ Object	☐ Government	☐ Private Residence	

4. OWNER OF PROPERTY

Name:	**Kevin & Sarah Gilbert**
Address:	**1600 O Street, Lincoln, NE 68508**

5. GEOGRAPHICAL DATA

Legal Description:	**Lots 7-10, County Clerk's Subdivision of Lot 65, Little's Subdivision**
Property ID Number:	**10-24-324-010-000**
Number of Acres or Square Feet:	**0.33 acres** (more or less)

6. REPRESENTATION IN EXISTING SURVEYS

Title: **Historic & Architectural Site Survey of Lincoln, NE**
Date: **on-going** ☐ State ☐ County ☒ Local
Depository for Survey Records: **Lincoln/Lancaster County Planning Dept.**
City: **Lincoln**
State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?
☐ Yes, Date Listed:
☒ No

7. DESCRIPTION AND HISTORY

Condition

☐ Excellent	☐ Deteriorated	☐ Unaltered	☒ Original Site
☒ Good	☐ Ruins	☒ Altered	☐ Moved, Date:
☐ Fair	☐ Unexposed		

7. DESCRIPTION AND HISTORY, CONT.

DESCRIPTION:

The Strode Building is a two-story, brick, concrete and frame structure with 100 feet of street frontage on O Street and 142 feet on North Sixteenth Street. The cladding of the street facades is a rough-textured, reddish brown brick. The O Street façade is organized into six storefront bays separated by brickwork pilasters on the first story. On the second story, the end bays project slightly to form pavilions. On 16th Street, the first floor has similar pilasters dividing the longer side into 7 bays, of which only the southernmost one currently contains a storefront, while the southernmost bay provides a vehicular entrance. Historic images and patterns in the current in-fill brickwork indicate that there originally were three bays of storefront to the south, while the remaining bays had two smaller windows in each. Currently there is a small doorway recessed in the central 16th Street bay. The original second story windows are mostly infilled, except for two openings on the south façade and three on the west, but again the original drawings, historic photos, and pattern of the infill brickwork all outline the original openings, consisting of three double-hung windows in each bay of the south façade and two in each bay on the west side. Each end pavilion had a tripartite window in a wide opening on the second floor. The pavilion windows are topped with a soldier course, above which is a brick lunette of herringbone "fancy-work," laid diagonally in three-brick units. Running the lengths of the south and west facades is a corbelled rowlock cornice, which arches gracefully above the pavilion lunettes. Completing the south and west walls are parapets capped with limestone coping which step up at the end pavilions forming a triangular peak over the curved arches.

The north alley wall and exposed second story of the east wall are formed of common brick laid in 6:1 common bond. The north side has closely space windows on both stories topped with rowlock arches on the ground floor. The eastern-most bay of the north side is recessed as a vehicular entrance.

The interior was originally developed with two show room spaces facing O Street, the larger on the corner, and the east space shortened by a drive-in entrance off O Street at the east edge of the plan. The north two-thirds of the separate storefronts was devoted to storage while the upper floor was identified on the plans as the service area for each shop, with two lifts providing vehicular access to the upper story. The dividing wall separating the storefronts has been removed on both floors.

HISTORY:

While Lincoln has numerous historic resources related to the automobile, the Standard Oil Garage & Barn at 1345 New Hampshire Street is one of the few currently designated. Broader resources on the topic in Nebraska include two National Register nominations: "Historic and Architectural Resources of the Detroit-Lincoln-Denver Highway in Nebraska" and "Petroleum Marketing by the Standard Oil Company (Nebraska): 1911-1939." All of these help establish the context of the Strode Building and inform our understanding of its significance by looking first at the broad story of the automobile in Nebraska, then at this specific building in Lincoln.

Early Automotive Impact on Lincoln

Automobiles began to appear on Nebraska roads and streets as early as 1900, and in 1905 the first vehicle registrations with the Nebraska Secretary of State were required. In that first year, 571 motor vehicles were registered and by 1911 there were more than 18,000. In 1912, one vehicle was registered for every 45 people in the state, ranking Nebraska first in the nation in automobile ownership per capita with newspapers reporting, "If all the automobiles registered at the secretary of state's office were formed into one continuous line, they would make a parade seventy-five miles long..."

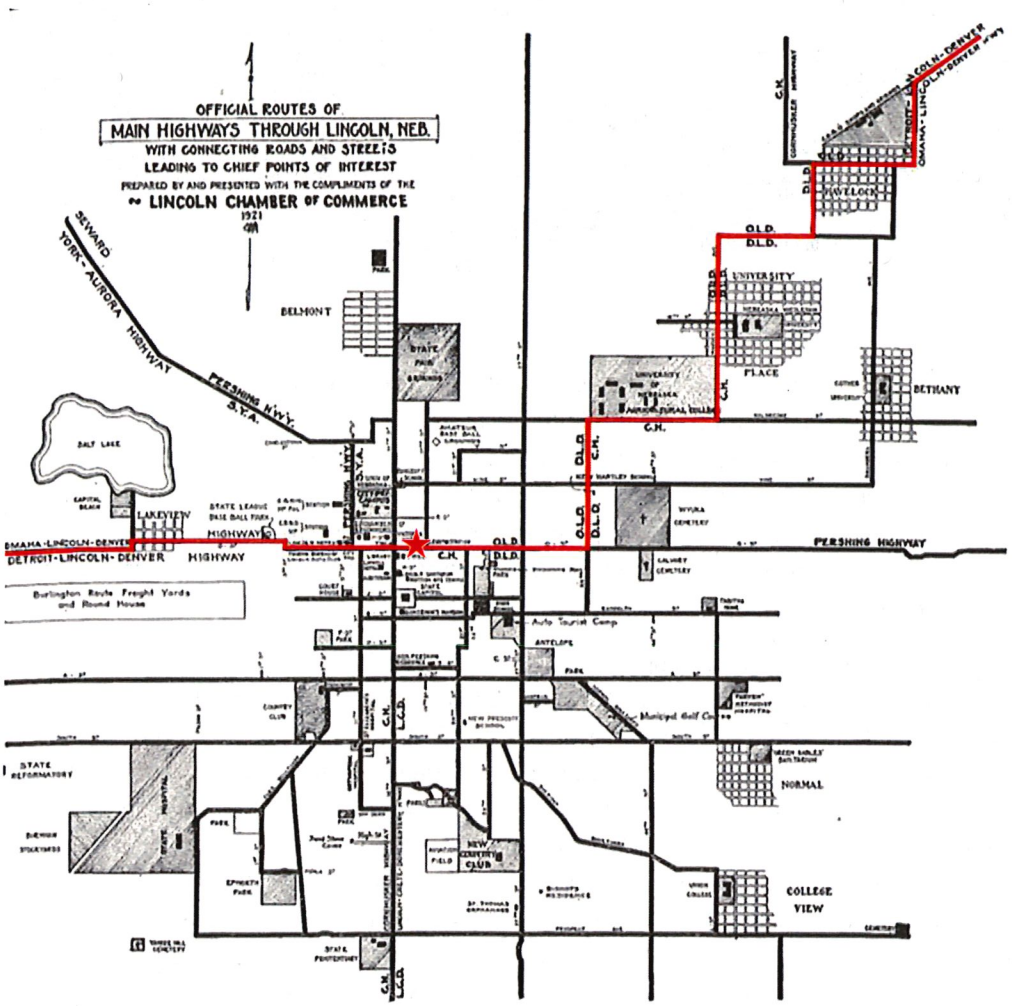
By 1917, the year Strode Building is completed, the number of registered automobiles dramatically increased to nearly 150,000. And in the following year, 1918, Nebraska's per capita ownership reached one automobile for every 6.7 persons and the ratio of automobile ownership continued to rank among the highest in the nation.

NEBRASKA AUTOMOBILE REGISTRATIONS (1911-1918)	
1911	18,405
1912	23,939
1913	25,617
1914	40,929
1915	59,140
1916	100,534
1917	148,101
1918	175,409

Source: Clinton Ware,"The Acceptance of the Automobile in Nebraska," Nebraska History. 37(September 1956).

The increase in automobiles spurred the creation of organizations that promoted cross-country routes, including the Omaha-Denver Transcontinental Route, the Meridian Road Association, and the Platte Valley Transcontinental Route. About 38 "automobile trails" were being promoted by 1917.

"The Omaha-Lincoln-Denver (O-L-D) Highway, later the Detroit-Lincoln-Denver (D-L-D) Highway, formed a portion of one of American's first transcontinental highways. Although the D-L-D only ran from Detroit to Denver, it was a component of a national highway system that stretched from Boston to Los Angeles. The highway was established by the Omaha-Denver Trans-Continental Route Association in 1911, two years before the establishment of the Lincoln Highway Association."[1]



Automobile Highways Radiating Out of Lincoln

Lincoln: Nebraska's Capital City, 1867-1923. Chamber of Commerce, 1923.
(red line added to identify D-L-D, star for Strode Building)

[1] National Register of Historic Places, *Historic and Architectural Resources of the Detroit-Lincoln-Denver Highway in Nebraska*, P. E15.

At the Omaha-Denver Trans-Continental Route Association's first meeting in 1911, the highway's route was laid out on existing roads and over $400,000 was spent on its physical improvement within the first two years. "Communities along the route donated money and services to the organization, eager for the completed highway to bring economic benefits along with automobile traffic."[2]

Auto-related businesses began locating along the D-L-D Highway, impacting the physical development of communities along the route. As the number of automobile agencies, garages, and dealerships increased, so did the acceptance of the automobile in Nebraska. These conveniences to highway travelers allowed for repair service, products, and purchase of automobiles themselves. Districts were automotive and transportation-related businesses were concentrated formed. These "automobile rows" were established solely in response to the automobile with the first automobile rows appearing near established commercial districts in the late 1910s and 1920s.

In Lincoln, the D-L-D Highway entered Lincoln along West O Street, shifted briefly to West P Street until it crossed Salt Creek, then continued along O Street through downtown to 33rd Street. The route continued north and east through the city. Lincoln's early automobile industry was concentrated along D-L-D/O Street between the downtown commercial district and Antelope Creek, about 16th to 23rd Streets. This development east of Downtown formed Lincoln's "automobile row." Other extant examples of automobile-related buildings in this area include the Lord Building at 1622-40 O Street and the Duteau Building at 1800 O Street. Strode Building's position at 1600 O Street and construction date of 1916-17 make it the first and the closest to central Downtown of Lincoln's large early automotive buildings.

Prior Development at 1600 O Street

Lincoln Attorney, Edmund C. Strode purchased the property occupied by Lincoln Lumber Co.[3] on the northeast corner of 16th and O Streets in July of 1907, shortly after his time as City Attorney.[4] His site was located on the fringe of Downtown Lincoln, an area characterized by transitional development. Many sites in the adjacent blocks to the west of 16th were occupied by movie theaters. Complementary to these area businesses, a 30-foot by 60-foot iron stage was constructed on the 1600 O site in 1911 for the Airdome Theater,[5] an open-air theater for "vaudeville, moving pictures, illustrated songs, a 4 piece orchestra, and light refreshments."[6] Beginning in the winter of 1912, the Airdome Theater was also being used for roller skating, advertised with maple floors and an orchestra. In 1913, a roof was installed over the skating rink.[7]

The Strode Building

As automotive commerce gained momentum, sites east of 16th Street began transitioning to automotive uses. The Airdome Theater was replaced with a two-story automotive building in 1916-17 built for Edmund C. Strode. In scale and prominence of location, it far exceeded prior auto sales structures in Lincoln. It was one of the most prominent downtown commercial buildings designed by

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[2] National Register of Historic Places, *Historic and Architectural Resources of the Detroit-Lincoln-Denver Highway in Nebraska*, P. E16.
[3] 1903 Sanborn.
[4] Lancaster County Deeds: Book 150, P. 129.
[5] Building Permit Application #4142.
[6] The Lincoln Herald, 9 Jun 1911, P. 1.
[7] Building Permit #4914.

the prolific Lincoln architects Fiske & Meginnis and was built by the leading construction firm of Olson Construction Company.[8]

Edmund C. Strode

Edmund C. Strode was a prominent Lincoln attorney, honored among 400 "founders" at Lincoln's Centennial.[9] Strode, born in Illinois in 1870, received a law degree from the University of Nebraska in 1893 alongside General John J. Pershing. Upon graduation, he worked as an apprentice under his uncle Judge Jesse Burr Strode at Stearns & Strode where he soon made partner. Judge Strode (1845-1924) was a prominent Lincoln attorney as well. He fought in the Civil War, was elected District Attorney and later District Judge of Lancaster County, served two terms in Congress, and was department commander of the Nebraska Grand Army of the Republic.

E C STRODE

MISS JOSEPHINE STRODE.

Ed Strode was elected City Attorney in 1900, serving until 1907. While working for the City, he was involved in a long period of litigation with Lincoln Traction Company. Strode's obituary recognized him as "one of the ablest and most successful lawyers in Nebraska." He represented the Lincoln Gas & Electric Light Company in their fight to prevent the City from enforcing the dollar gas ordinance and received a $25,000 fee for litigation in Oregon between insurance companies and burned down lumber mills. Stode also successfully handled one of the biggest cases in Lancaster County at the time, a controversial case over the will of Mrs. Lulu A. Horne and the site where the Lincoln Commercial Club now stands.[10] In his private practice, Strode formed partnerships with Judge Jesse B. Strode, Jesse L. Root, and Max G. Beghtol.[11]

Ed Strode and his wife Adalia Rohlff were married in Davenport, Iowa in 1897. Their only daughter, Josephine, was born in 1900. In October 1916, the family purchased a notable residence at 1845 D Street, the Phillips Castle (listed on the NRHP).

Josephine Strode was believed to be the youngest person to enter the University of Nebraska when she enrolled in 1915 at age 14.[12] Josephine studied at the arts and sciences college[13] and was prominent in the theater community.[14]

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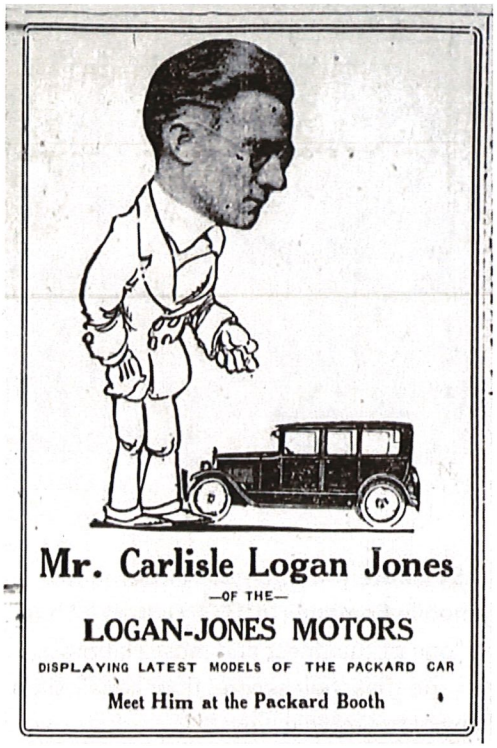
[8] Building Permit Application #6888.
[9] The Lincoln Star, "Lincoln Honors 400 Deceased Founders," 8 May 1959, P. 3.
[10] The Lincoln Star, "E. C. Strode, Well Know Lincoln Attorney, Dead," 16 Apr 1920, P. 1.
[11] Evening State Journal & Lincoln Daily News, "Life Comes to End for Ed. C. Strode," 16 Apr 1920.
[12] The Nebraska State Journal, "People You Know," 13 Aug 1915, P. 7.
[13] The Lincoln Star, "University Players Give 'Under Cover,'" 14 Apr 1920, P. 2.
[14] The Nebraska State Journal, "Society and Clubs," 31 Oct 1920, P. 15.

When Strode died in 1920 at the age of 50, one year after his wife passed, their daughter Josephine inherited real and personal property valued at $175,000. Shortly after her father died Josephine married Carlisle Logan-Jones who was a fellow dramatist, graduate of the University's law college, and reporter at the Lincoln Daily Star.[15] Josephine and her new husband lived and were married in the house at 1845 D Street.



In 1924, Carlisle Logan-Jones briefly entered the automobile industry himself by buying out the Kimball Motor Company to become a Packard distributor in the east bay of the Strode Building at 1608 O Street.[16] The Logan-Jones Car Company[17] earned Carlisle a listing in the 1928 *Who's Who in Lincoln* as an auto dealer.[18]

The Logan-Jones family relocated to Hollywood, California in 1928[19] where Carlisle was employed as a publicist at Warner Bros. studios.[20] After leaving Lincoln, they leased the large house at 1845 D Street to the Alpha Sigma Phi fraternity prompting the City to file suit against them. The use violated the City's new zoning ordinance which was adopted in 1924 but not enforced until the U. S. Supreme Court validated comprehensive zoning in Euclid v. Ambler in 1926. The Lancaster County District Court ruled in favor of the City, and the Logan-Jones' appealed. The Nebraska Supreme Court found that the City may not "arbitrarily divert property from its appropriate and most economic use" and said that the ordinance was an "arbitrary attempt by wealthy property owners to designate just what kinds of persons and institutions they wish to have near their homes."[21] Although the Logan-Jones' won their case in 1930, the house at 1845 D Street was foreclosed in 1933.[22]

The 1600 O Street property, in trust for Josephine's benefit, was mortgaged to Prudential Insurance Co. The trust defaulted on the mortgage in 1934 and Prudential sold the property to Nathan Grossman in 1941.

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[15] Lincoln City Directories, 1920.
[16] The Lincoln Star, "Packard Agency Changes Hands," 24 Oct 1924, P. 1.
[17] The Nebraska State Journal, 30 Aug 1925, P. C8.
[18] Baldwin, *Who's Who in Lincoln*, 1928.
[19] The Los Angeles Times, "Obituary Notices: Jacqueline McMahan", 22 Jan 2017, P. B9.
[20] The Lincoln Star, "Society News Covers Wide Locale—West And South," 04 Feb 1935, P. 10.
[21] The Lincoln Star, "Right to Lease to Fraternity Upheld in Brief," 27 Nov 1930, P. 10.
[22] Lancaster County Sheriff Deed: Book 296, P. 249.

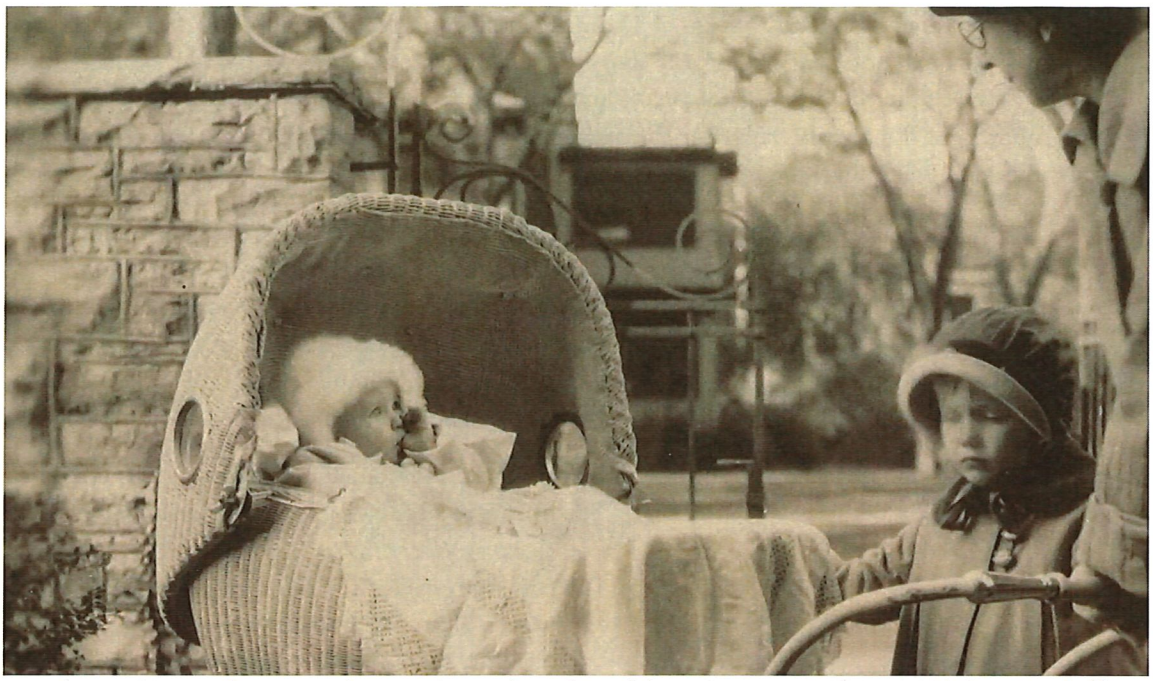

Photo of Jacqueline, Gretchen, and Josephine (Strode) Logan-Jones in front of Phillips Castle.[23]

Strode Building's Tenants

The first tenants of the building when it opened in July 1917 were the Nebraska Oldsmobile Company at 1600 O Street and the Shore & Beach Automobile Company at 1608 O Street. Shore & Beach advertised that their new location would provide "one of the finest and most elaborately equipped automobile sales rooms and offices in the city" and that their second floor repair shop "will be one of the most spacious and best assigned of any in the middle west."[24]

Shore & Beach, later Hedges & Beach and Liberty Sales Company, were distributors of the Liberty Six and Kissel Kar. They occupied the Strode Building until 1921. A tactic employed by Shore & Beach was to teach people to drive without obligation to purchase a vehicle; at the time, many dealers would only give driving lessons after a car was purchased.[25] Partners Charles Shore and Will Beach, who previously worked as "head mechanic in one of the largest automobile distributing houses of Lincoln," were also responsible for organizing the Nebraska Oldsmobile Company with Charles Tucker. Nebraska Oldsmobile distributed the Oldsmobile Eight, parts and repairs for current and earlier Oldsmobile models, and automobile accessories for Nebraska and southwest Iowa.[26] These two companies, both interests of Shore and Beach, were the first tenants of the Strode Building.

Shore entered the automobile business in 1904. At that time, according to Shore, there were only 223 registered automobiles in the state of Nebraska and dealerships in the state only offered one-cylinder cars. Shore helped introduce two-cylinder and later four-cylinder and six-cylinder cars in Nebraska. He retired from the automobile industry in 1921,[27] only to return in 1924 to join the Lord

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[23] Online, https://vimeo.com/217035909, "Celebration of the Life of Jacqueline McMahan."
[24] The Lincoln Star, "Shore & Beach Will Move Into New Home May 1," 08 Apr 1917, P. 14.
[25] The Nebraska State Journal, 11 Mar 1917, P. 7.
[26] The Lincoln Star, "New Auto Firm for Oldsmobiles," 30 Jul 1916, P. 2.
[27] The Nebraska State Journal, 23 Feb 1941, P. 17.

Auto Company as wholesale manager of southeast Nebraska.[28] In the 1930s, Shore was known as one of the oldest automobile dealers in Nebraska.[29]

The Kimball Motor Car Company, distributors of Packard, moved into the space at 1608 O Street in 1921. They were followed by their successor, Logan-Jones Motors.

The Lincoln Oldsmobile Co. (renamed from Nebraska Oldsmobile Co.) occupied 1600 O Street until 1922 when the Kimball Motor Car Company moved to 1608 O Street, vacating their space at 1630 O. Lincoln Oldsmobile Company then moved from 1600 Street to the former Kimball location at 1630 O. At the same time the Lincoln Overland Company, distributors of Overland and Willys-Knight models, moved to 1600 O Street from 1644-1648 O.

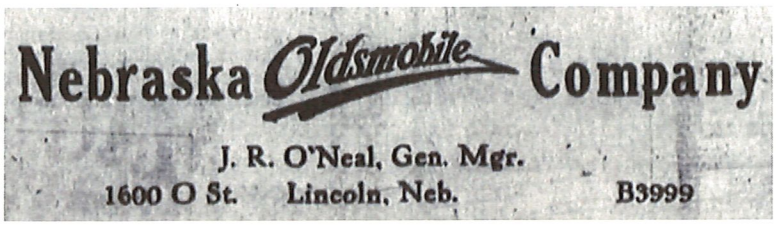
In about 1926, the Lincoln Overland Company moved from 1600 to 1608 O Street. Bruce Motor Car Company and Murphy Motors were then brief tenants at 1600 O Street until 1931. In 1931 the Circus miniature golf, designed by Lincoln contractor A. E. Pierson,[30] occupied the space. The Circus advertised:

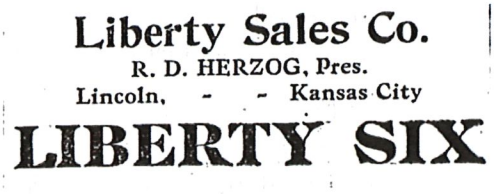
> *"Keep your golf down to par all winter on the new Circus Golf Course, corner of 16th and 'O' streets. Hazards that are new and different. You will enjoy playing because of the 2 complete floors with plenty of room to accommodate a large number of people at one time. A complete soda fountain in connection serving delicious sandwiches, ice cream, hot and cold drinks and appetizing foods. By all means visit the Circus often."*[31]

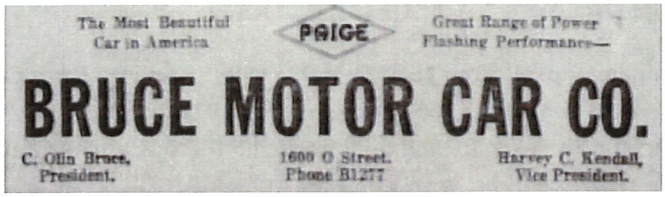
The Circus was short-lived, and by 1932 King Motors Inc. (formerly Lincoln Overland Co.)[32] moved from 1608 to 1600 O Street. King Motors remained at 1600 O Street until Prudential Insurance Co. sold the building to Nathan Grossman. Grossman, of Western Auto Stores, remained at 1600 O Street for four decades until he sold the building to Merchandise Mart for use as a furniture store.[33]

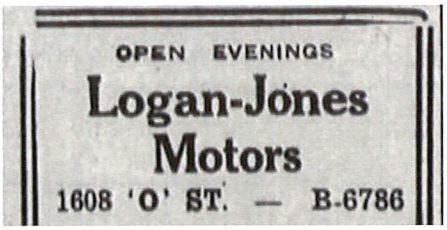
[28] The Nebraska State Journal, 10 Feb 1924, P. 6; The Lincoln Star, 10 Feb 1924, P. 16.
[29] The Nebraska State Journal, 09 Feb 1934, P. 8.
[30] Building Permit #19657.
[31] Lincoln Journal Star, 28 Aug 1930, P. 8.
[32] Nebraska State Journal, 27 Jan 1929.
[33] Lancaster County Deeds: Book 84, P. 13733.

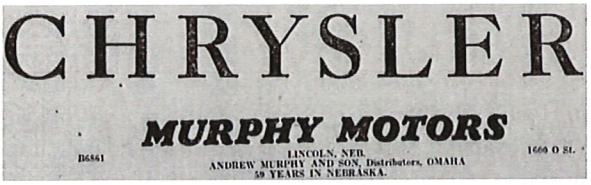
Various automotive occupants of Strode Building as advertised in Lincoln newspapers.











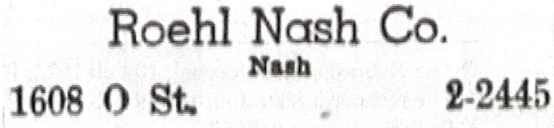
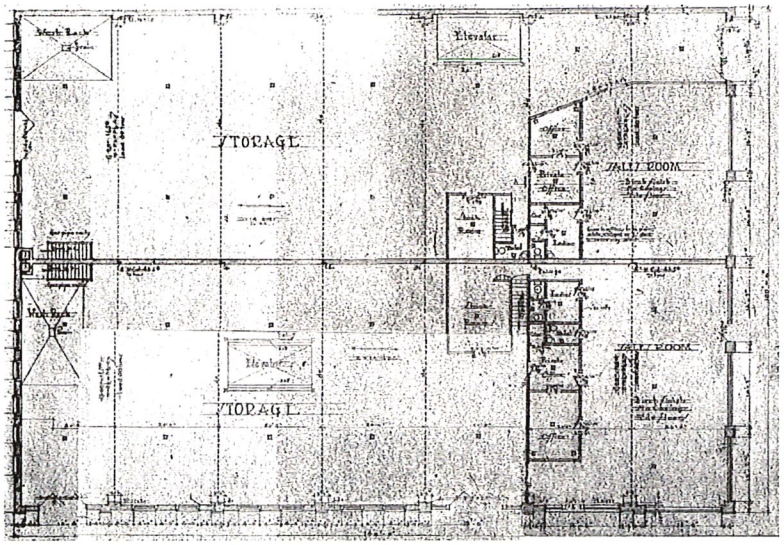


Photo of Dawley Motor Company, 1608 O Street. MacDonald Collection, M134-19441009, No. 1.

Photo of Dawley Motor Company, 1608 O Street. MacDonald Collection, M134-19441009, No. 2.

Original Building Elevations, Building Permit 6888.



Original Building Plan, First Floor, Building Permit 6888.

8. SIGNIFICANCE

Period	Areas of Significance (check and justify)	
☐ Prehistoric	☐ Archeology (Prehistoric)	☐ Landscape Architecture
☐ 1400-1499	☐ Archeology (Historic)	☐ Law
☐ 1500-1599	☐ Agriculture	☐ Literature
☐ 1600-1699	☒ Architecture	☐ Military
☐ 1700-1799	☐ Art	☐ Music
☐ 1800-1899	☒ Commerce	☐ Philosophy
☒ 1900-	☐ Communications	☐ Politics/Government
	☐ Community Planning	☐ Religion
	☐ Conservation	☐ Science
	☐ Economics	☐ Sculpture
	☐ Education	☐ Social/Humanitarian
	☐ Engineering	☐ Theater
	☐ Exploration/Settlement	☒ Transportation
	☐ Industry	☐ Other (specify)
	☐ Invention	

Specific dates: **1916-17**
Builder/Architect: **Olson Construction Co./Fiske & Meginnis**
Statement of Significance:

The Strode Building is significant as a large, early automotive building, very prominently located downtown, designed by Fiske & Meginnis, one of Lincoln's leading architectural partnerships of the first quarter of the 20th century.

9. STANDARDS FOR DESIGNATION (check one(s) that apply)

☒ Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;

☒ Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or

☐ Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

See footnotes.

11. FORM PREPARED BY:

Name/Title: **Stacey Hageman/Urban Design Planner**
Organization: **Lincoln/Lancaster County Planning Dept.** Date Submitted: **12/14/2018**
Street & Number: **555 S. 10th Street** Telephone: **402-441-6361**
City or Town: **Lincoln** State: **Nebraska**

Signature:

Stacy Hagaman

Property Owner:

FOR HISTORIC PRESERVATION COMMISSION USE ONLY
DATE LANDMARK/LANDMARK DISTRICT DESIGNATED:
LANDMARK/LANDMARK DISTRICT NUMBER:

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Approved:

*City Council*_____
(date)

PRESERVATION GUIDELINES FOR
Strode Building
1600 O Street, Lincoln, NE

1. Architectural Review of Landmark:

a. Photographs: On file in Planning Department.
b. Important architectural features:
Exterior: two-story height, parapets concealing roof, brick walls, brick and limestone ornament
c. Important landscape features: none
d. Architectural style and date: Commercial style, by Fiske & Meginnis, 1916-17
e. Additions and modifications: Infill of windows

2. Notice of Work Needing Certificate:

A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:

1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
3. Work involving:

a. Widening of N. 16th or O Streets;
b. Replacement of exterior material and trim on south or west facades;
c. Cleaning and maintenance of exterior masonry;
d. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from west or south;
e. Addition of awnings;
f. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
g. The addition or replacement of signs;
h. Moving structures on or off the site;
i. Installation of electrical, utility, and communications services on principal (west or south) facades;
j. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the west or south facades.

B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:

1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
2. Changes involving color and landscaping, except as previously noted;
3. Interior changes involving no exterior alteration.

C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed $100.00. Each and every day that such violation continues after notification may

constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

3. Standards for Owner and Preservation Commission:

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

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

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

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

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be physical, based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

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

THE ENVIRONMENT

Recommended	Not Recommended
Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.	Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.
Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs that have traditionally linked buildings to their environment.	Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.
Using new plant materials, fencing, walkways, street lights, signs and benches that are compatible with the character of the neighborhood in size, scale, material and color.	Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials that are out of scale or inappropriate to the neighborhood.

BUILDING SITE

Recommended	Not Recommended
Identifying plants, trees, fencing, walkways, outbuildings, and other elements that might be an important part of the property's history and development.	
Retaining plants, trees, fencing, walkways, street lights, signs, and benches that reflect the property's history and development.	Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Recommended	Not Recommended
Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.	Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.
Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.	

BUILDING: STRUCTURAL SYSTEMS

Recommended	Not Recommended
Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.	Disturbing existing foundations with new excavations that undermine the structural stability of the building.
Undertaking stabilization and repair of weakened structural members and systems.	Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.
Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.	

BUILDING: EXTERIOR FEATURES

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

Recommended*	Not Recommended
Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.	Applying waterproof or water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.
Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.	Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Recommended*	Not Recommended
Duplicating old mortar in composition, color and texture.	Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
Duplicating old mortar in joint size, method of application, and joint profile.	Repointing with mortar joints of a differing size or joint profile, texture or color.
Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.	
Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.	Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.
Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.	Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.
Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.	Removing architectural features such as cornices, brackets, railings, shutters, window architraves and doorway pediments.
Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.	Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

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

Wood: Clapboard, weatherboard, shingles and other wooden siding

Recommended	Not Recommended
Retaining and preserving significant architectural features, whenever possible.	Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Recommended	Not Recommended
Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape and texture the old as closely as possible.	Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

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

Recommended	Not Recommended
Retaining original material, whenever possible.	Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.
Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.	Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

Recommended	Not Recommended
Preserving the original roof shape.	Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.
Retaining the original roofing material, whenever possible.	Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.
Providing adequate roof drainage and insuring that the roofing materials provide a weather-tight covering for the structure.	
Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.	Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.
Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.	Stripping the roof of architectural features important to its character.

Windows and Doors

Recommended	Not Recommended
Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware	Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.
Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.	Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.
Installing visually unobtrusive storm windows and doors, where needed, that do not damage existing frames and that can be removed in the future.	Installing inappropriate new window or door features such as aluminum storm and screen window insulating glass combinations that require the removal of original windows and doors.
Using original doors and door hardware when they can be repaired and reused in place.	Installing plastic, canvas, or metal strip awnings or fake shutters that detract from the character and appearance of the building.
	Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, and Steps

Recommended	Not Recommended
Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.	Removing or altering porches and steps that are appropriate to the building's development and style.
Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.	Stripping porches and steps of original material and architectural features, such as handrails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile and brick.
	Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

Recommended	Not Recommended
Discovering the historic paint colors and finishes of the structure and repainting with those colors to illustrate the distinctive character of the property.	Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes. Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

NEW CONSTRUCTION

Recommended	Not Recommended
Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.	
Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.	Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.
Using contemporary designs compatible with the character and mood of the building or the neighborhood.	Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.
Protecting architectural details and features that contribute to the character of the building.	Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades. Adding new floors or removing existing floors that destroy important architectural details, features and spaces of the building.

MECHANICAL SYSTEMS: Heating and Air Conditioning, Electrical, Plumbing, Fire Protection

Recommended	Not Recommended
Installing necessary mechanical systems in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.	Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical system.
Utilizing early mechanical systems, including plumbing and early lighting fixtures, where possible.	Attaching exterior electrical and telephone cables to the principal elevations of the building.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing the vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.
Insuring adequate ventilation of attics, crawlspaces, and cellars to prevent moisture problems.	Concealing or "making invisible" mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.
Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.	Installing "dropped" acoustical ceilings to hide mechanical equipment. This destroys the proportions and character of the rooms.
	Installing foam, glass fiber, or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.
Placing television antennas and mechanical equipment, such as air conditioners, in an inconspicuous location.	Placing television antennas and mechanical equipment, such as air conditioners where they can be seen from the street.

EXCERPT FROM
MEETING RECORD

NAME OF GROUP:	HISTORIC PRESERVATION COMMISSION
DATE, TIME AND PLACE OF MEETING:	Thursday, December 20, 2018, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE	Liz Bavitz, Melissa Dirr Gengler, Jim Hewitt, Jim Johnson, Jim McKee and Greg McCown; Greg Newport absent.
OTHERS IN ATTENDANCE:	Ed Zimmer, Stacey Hageman, Amy Huffman and Chelsey Pounds of the Planning Department; Hallie Salem of the Urban Development Department, Nate Buss of Olsson Associations, Jeff and Sharon Koepke, Nolan Graham and Ryan Haffey of Nebraska Sign Co.; the media and other interested citizens.
STATED PURPOSE OF MEETING:	Historic Preservation Commission Meeting

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

McKee requested a motion approving the minutes for the meeting of November 15, 2018. Motion for approval made by Johnson, seconded by Hewitt and carried 6-0: Bavitz, Gengler, Hewitt, Johnson, McCown and McKee voting 'yes'; Newport absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission. No one appeared.

RECOMMENDATION ON DESIGNATION OF THE STRODE BUILDING, 1600 O STREET, AS A LANDMARK (UDR18033)
PUBLIC HEARING: **December 20, 2018**

Members present: Bavitz, Gengler, Hewitt, Johnson, McCown and McKee; and Newport absent

Hageman noted that a thorough write up was provided in the packet, but she will review some refinements that have been made since it was sent out. More current photographs have been added, as well as a short description of the interior. This is a significant location along the old highway and now on a prominent downtown corner at 16th and O Streets.

Zimmer said the building has served as auto dealerships for most of its history. This was one of the earliest buildings that made the clear statement that cars had arrived and were a big deal. The building is nicely designed.

Jeff Koepke came forward as the developer of this project. The structure will be renovated compliant with historic standards. The vision includes 13, 1- and 2-bedroom studio apartments on the 2nd floor. The main floor will include around 5,000 square feet for commercial retail space. There is also 8,000 square feet of indoor parking, which will be appealing in that part of downtown. Their goal is to create something beautiful back to Lincoln, and to have this location serve as a "feather in the cap" to historical renovation in the area.

McCown asked how many stalls fit into 8,000 square feet. Koepke said 15 stalls. McKee asked if these will be for use by the apartments. Koepke said that is the intention. Those details are still being worked out, but they will try to get as many stalls as possible. They hope for one stall per dwelling and possibly a couple more for retail management.

McCown asked if any specific retail tenant is in place. Koepke said not yet.

Hewitt asked if the car elevators are still in place. Koepke said they have been kept operational and still work, but they will not be able to use them since they are not up to code and cannot be inspected. Zimmer said there are two lifts.

Gengler declared a conflict of interest since she is working on this project and recused herself from the vote. She said the developers plan to pursue the State and Federal tax credits, so this will be considered a certified historic rehabilitation project. It is a unique location and hopefully this will induce some kinetic energy in the area. McKee said this is a major building. Zimmer agreed. There are many windows that can be opened up the south and west. Gengler added that they are considering using all of the history for the branding of the project.

ACTION:

Johnson moved for a recommendation of approval for the landmark designation; seconded by McCown and carried, 5-0: Bavitz, Hewitt, Johnson, McCown and McKee voting 'yes'; Gengler abstaining; Newport absent.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	OWNER
Change of Zone #18034	No	Denise Tewes
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY LOCATION**
January 9, 2019	Special Permit #872J	3700 South 84th Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This request is for a zoning action involving Lot 3, Firethorn 28th Addition. A small portion of the lot was rezoned to R-1 as part of a previous Firethorn zoning action that occurred several years ago, but the majority of it was left AGR. This request seeks to rezone that remainder of the lot to R-1 to allow for urban-density development consistent with adjacent portions of the Firethorn Community Unit Plan (CUP).

The associated application for SP#872J for the Firethorn CUP proposes a street and lot layout for the parcel. The streets shown continue the internal road network, and provide access to the nine single-family lots being proposed, one of which will allow the existing dwelling to remain.

JUSTIFICATION FOR RECOMMENDATION

The Future Land Use Map of the Comprehensive Plan designates the future land use for this property as Urban Density Residential. That designation includes the full range of residential uses, including single-family, townhouse, and multiple-family. The proposed R-1 zoning allows uses consistent with that designation.

Additionally, a portion of the subject lot is within the Pipeline Planning Area (PPA), a protective buffer delineated along the extent of the natural gas pipeline in South 84th Street. The PPA is approximately 350' in width and extends approximately 135' onto the subject lot. Occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities are discouraged within the PPA. The associated CUP site plan shows a street and open space/yards in the PPA but no structures, which is consistent with the guidance from the City/County Health Department and the goals of the Comprehensive Plan.

APPLICATION CONTACT
Brian Lang, 402-458-5961
blang@olsson.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use for the subject area is identified as Urban Density Residential, and the proposed zoning will allow uses compatible with that designation. The property is also impacted by a Pipeline Planning Area associated with the pipeline in South 84th Street. However, the site plan submitted with the associated amendment to the Firethorn CUP shows no structures within it.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is designated for future urban density residential development in the 2040 Future Land Use Plan.

P. 7.1 – Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

-Provide flexibility to the marketplace in siting future residential development locations.
-Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing
-Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

P. 7.4-7.8 - Strategies for Developing Neighborhoods
-Encourage new development to achieve densities greater than five dwelling units per gross acre.
-Implement procedures to provide notice to potential buyers about the location of pipelines and hazardous chemical use and storage, and to encourage adequate spacing be provided from pipelines and areas where hazardous chemicals could be used and stored.

P. 10.19 - Pipeline Freight: There are 17 major pipelines in Lincoln and Lancaster County. The majority transport petroleum or natural gas products. One of the lines transports anhydrous ammonia, which is a product used in agricultural production. All of the pipelines are managed by four firms in Lancaster County.

P. 11.23 - Strategy for Natural Gas Service: Land uses with vulnerable populations such as occupied residential structures, childcares, retirement facilities, schools, or hospitals are not recommended to be located within pipeline planning areas. For large high pressure natural gas pipelines, pipeline planning areas are established based upon a formula that takes into consideration the pressure and diameter of the natural gas pipeline. Other uses such as residential garages, commercial and industrial uses, parking lots, open spaces or roads are acceptable uses within pipeline planning areas.

ANALYSIS

1. This is a request to rezone the remainder of Lot 3, Firethorn 28th Addition from AGR to R-1. The lot currently has split zoning across it, where the eastern, 0.66-acre triangular portion of the lot is already R-1, but the remaining 9.6 acres is zoned AGR. This slightly unusual zoning pattern is the result of a prior re-zoning within the Firethorn CUP to facilitate the adjacent residential development. The proposed zoning action is needed so the site can be developed as shown on the site plan submitted with the associated request, SP#872J Firethorn CUP. That plan shows the subject property divided into nine residential lots.

2. The Future Land Use Map designates Urban Density Residential Land uses for this property. The proposed R-1 zoning is consistent with that designation, and allows a range of uses that are compatible.

3. There is a natural gas pipeline in South 84th Street, and the associated Pipeline Planning Area (PPA) extends approximately 135' onto the subject lot. The Health Department recommends that no occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities be located within it. The site plan submitted with the associated amendment to the Firethorn CUP is consistent with that guidance. Only roads, yards and open space are located within the PPA.

4. The area is already annexed and inside the city limit. All utilities, including public water and sewer, exist adjacent or near the area of this request. The development can be served by the full range of city services.

5. The land is designated for urban density residential land uses on the Future Land Use Map, which is consistent with the associated application for the CUP. This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan and will allow for an appropriate use of the land.

EXISTING LAND USE & ZONING: AGR Single-family Residential

ASSOCIATED APPLICATIONS: A request to amend SP#872J Firethorn Community Unit Plan to show the proposed nine-lot layout.

APPROXIMATE LAND AREA: 9.6 acres, more or less (that portion of Lot 3 not already zoned R-1)

SURROUNDING LAND USE & ZONING

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	R-1
West:	S. 84th St, Residential	R-1

LEGAL DESCRIPTION: See attached legal description.

Prepared by

_____
Brian Will, Planner
December 19, 2018

Applicant: Boyd Batterman
BIC Development, LLC
245 South 84th Street, Ste 316
Lincoln, NE 68510
402-540-8847
bbatterman@bicconstruction.com

Contact: Brian Lang
Olsson Associates
601 P Street
Lincoln, NE 68508
402-458-5691
blang@olsson.com

Owner: Denise Tewes
3700 South 84th Street
Lincoln, NE 68520
402-525-8437

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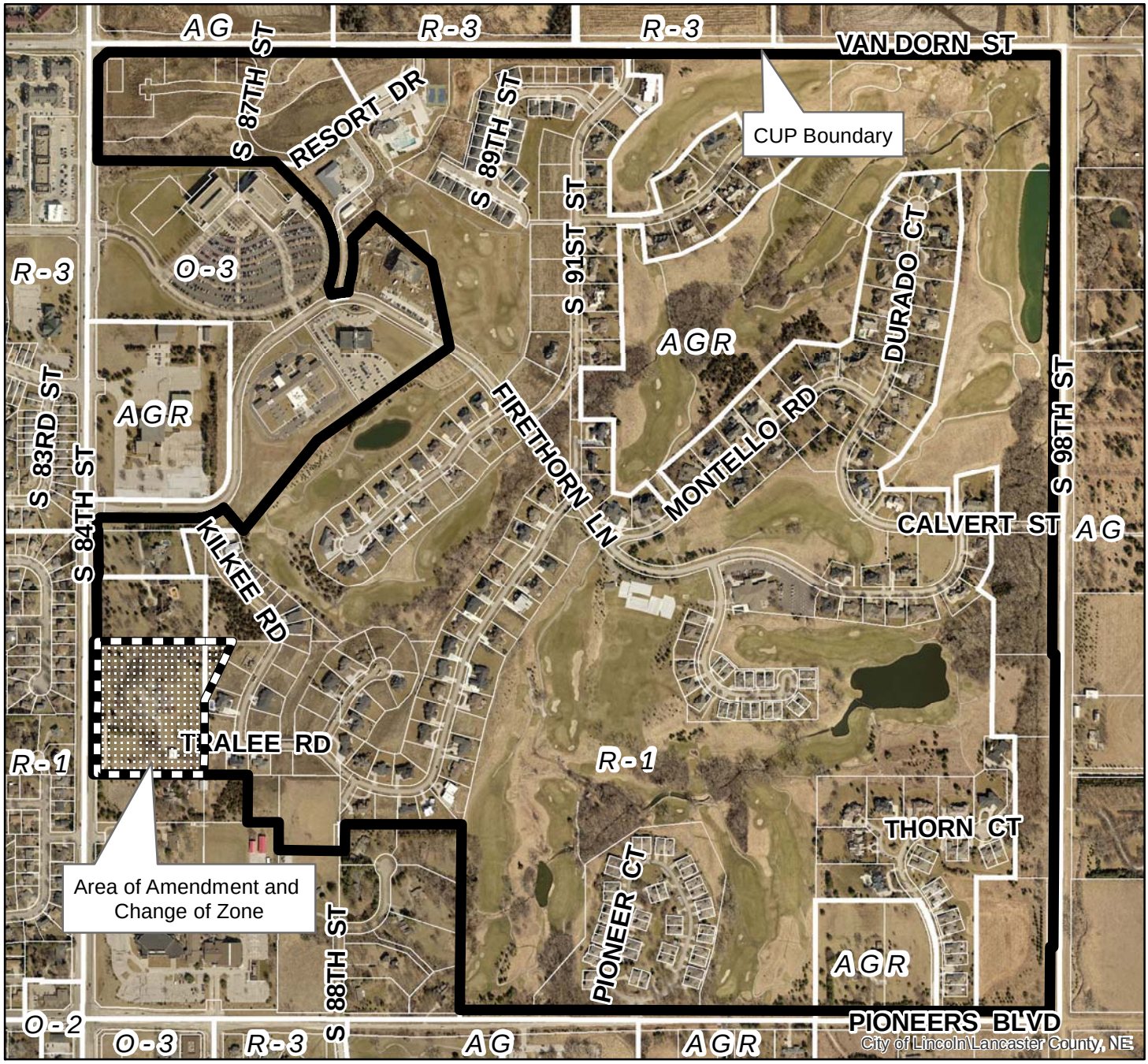


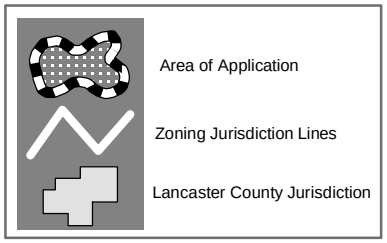
2018 aerial

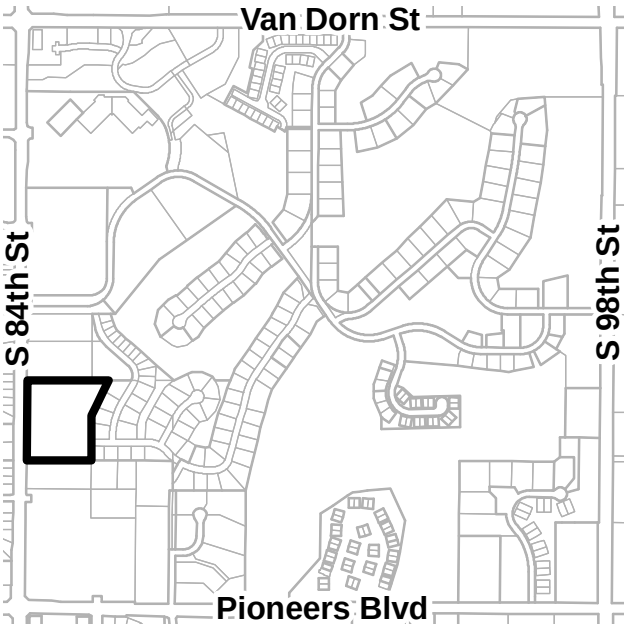
Change of Zone #: CZ18034 (AGR to R-1) and Special Permit #: SP872J
Firethorn CUP
S 84th St & Firethorn La

Zoning:

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

One Square Mile:
Sec.02 T09N R07E





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File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (CZ18034)

olsson

December 12, 2018

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

Re: Firethorn Addition Special Permit SP872l
Olsson Project No. 018-3238

Dear Mr. Cary,

On behalf of the owner BiC Development LLC ("BiC"), we are submitting an application to Amendment to the Special Permit 872l to add Lot 3, Firethorn 28th Addition to the legal boundary.

BiC is also requesting a change of zone for Lot 3 Firethorn 28th Addition that totals an areas of 10.16 acres. This property is seeking a change of zone from AGR to R-1, which is consistent with the Special Permit.

The Special Permit plans show the proposed site, grading, drainage and profiles. The site plan porposes to subdivide and developed the property to keep the existing residence dwelling and add 8 large single family lots that would be consistent with the housing types in the Firethorn area. The 9 total lots being developed is being proposed to become part of the Reserve at Firethorn HOA and adopt their covenants and buildings standards.

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

1. City of Lincoln Application for a change of zone from AG to R-1;
2. City of Lincoln Application for Amendment to Special Permit
3. Application fees in the amount of $1976 (COZ $988 and Amend SP $988)
4. Site Plan

BiC has discussed the project with City Planning Staff and will continue to work on questions and issues as they arise. The Client has communicated the project to individual property owners whose parcesl are adjacent to the property and may be impacted by the layout. In addition, the HOA of Firethorn has been contacted and provided exhibits of the layout. No concerns have been communicated upon submitting the application documents.

The development approach for the project is to extend the Firethorn neighborhood into this property. The waivers approved in the Firethorn Special Permit are being requested to be extended to this property. For example, Firethorn has longer block lengths, rural (asphalt) section roads, drainage ditches, no street lights, no street trees and no sidewaks. The property

601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508

TEL 402.474.6311
FAX 402.474.5160

www.olsson.com

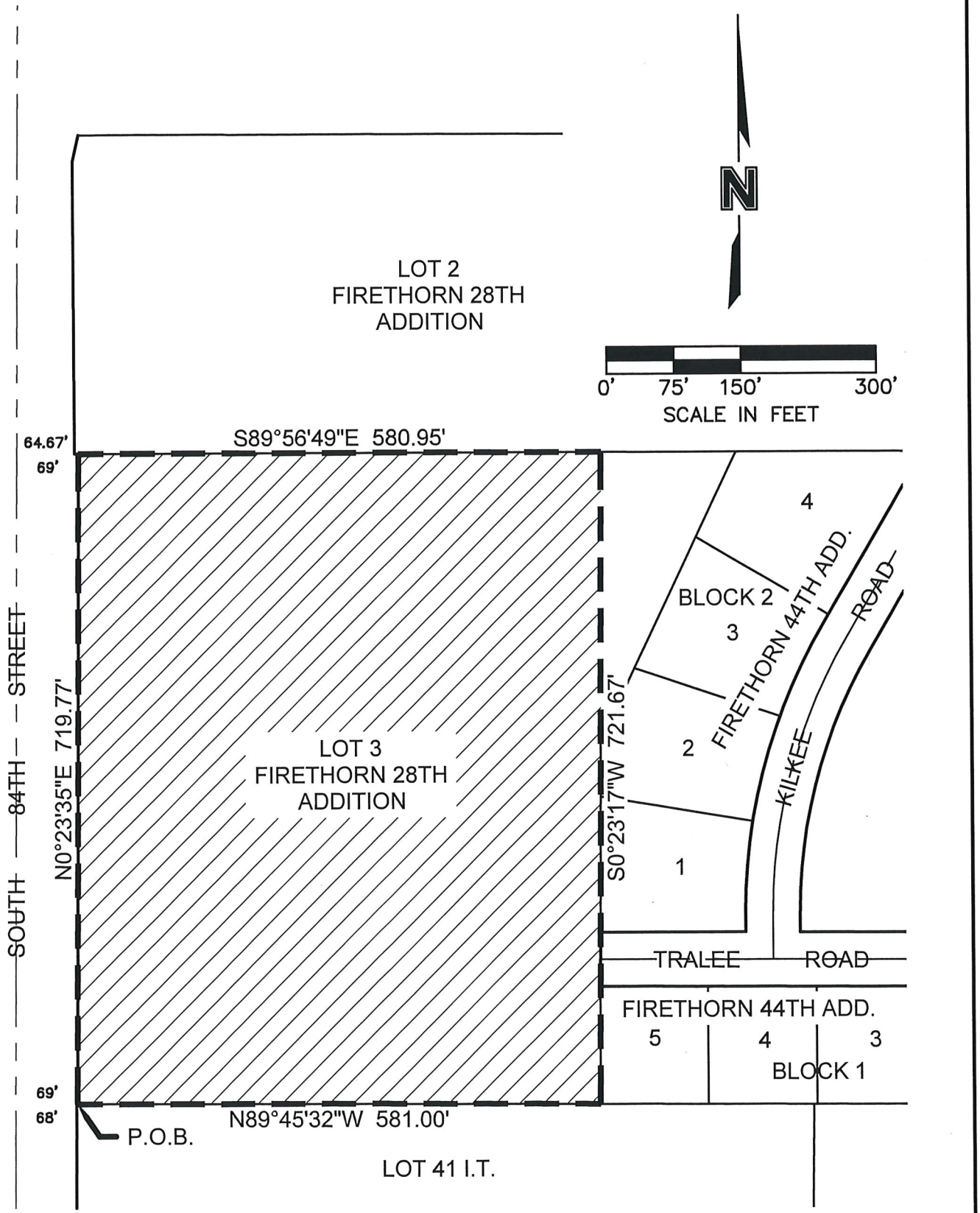
layout includes connectivity to the north (undeveloped), south (undeveloped) and east. Access to S. 84th Street is being relinquished at the request of the City.

Drainage detention and water quality has been designed to control runoff from the property in its developed condition. The existing Firethorn plans included portions of this property in the original calculations. The entire property is now included in the plans and drainage report.

We look forwad to continuing to work with the City and the neighbors on the above applications. Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

Brad J Marshall, P.E.
cc: File
BiC Development LLC – Boyd Batterman



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DATE: Dec 19, 2018 3:25pm XREFS: MICHAEL_JOHNSON_LS_NE

PROJECT NO: 018-3238 DRAWN BY: MRJ DATE: DEC. 19TH, 2018	CHANGE OF ZONE EXHIBIT	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT B

LEGAL DESCRIPTION
CHANGE OF ZONE

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 3, FIRETHORN 28TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, FIRETHORN 28TH ADDITION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT ALSO BEING 69.00' EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 3, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 69.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, ON AN ASSUMED BEARING OF N00°23'35"E, A DISTANCE OF 719.77' TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE S89°56'49"E, ON THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 580.95' TO A POINT OF INTERSECTION WITH A NORTHERLY EXTENSION OF A EAST LINE OF SAID LOT 3; THENCE S00°23'17"W, ON A NORTHERLY EXTENSION OF A EAST LINE OF SAID LOT 3, AND ON A EAST LINE OF SAID LOT 3, A DISTANCE OF 721.67' TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°45'32"W, ON THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 581.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 418,715.72 SQUARE FEET OR 9.61 ACRES, MORE OR LESS.

Wednesday, December 19, 2018
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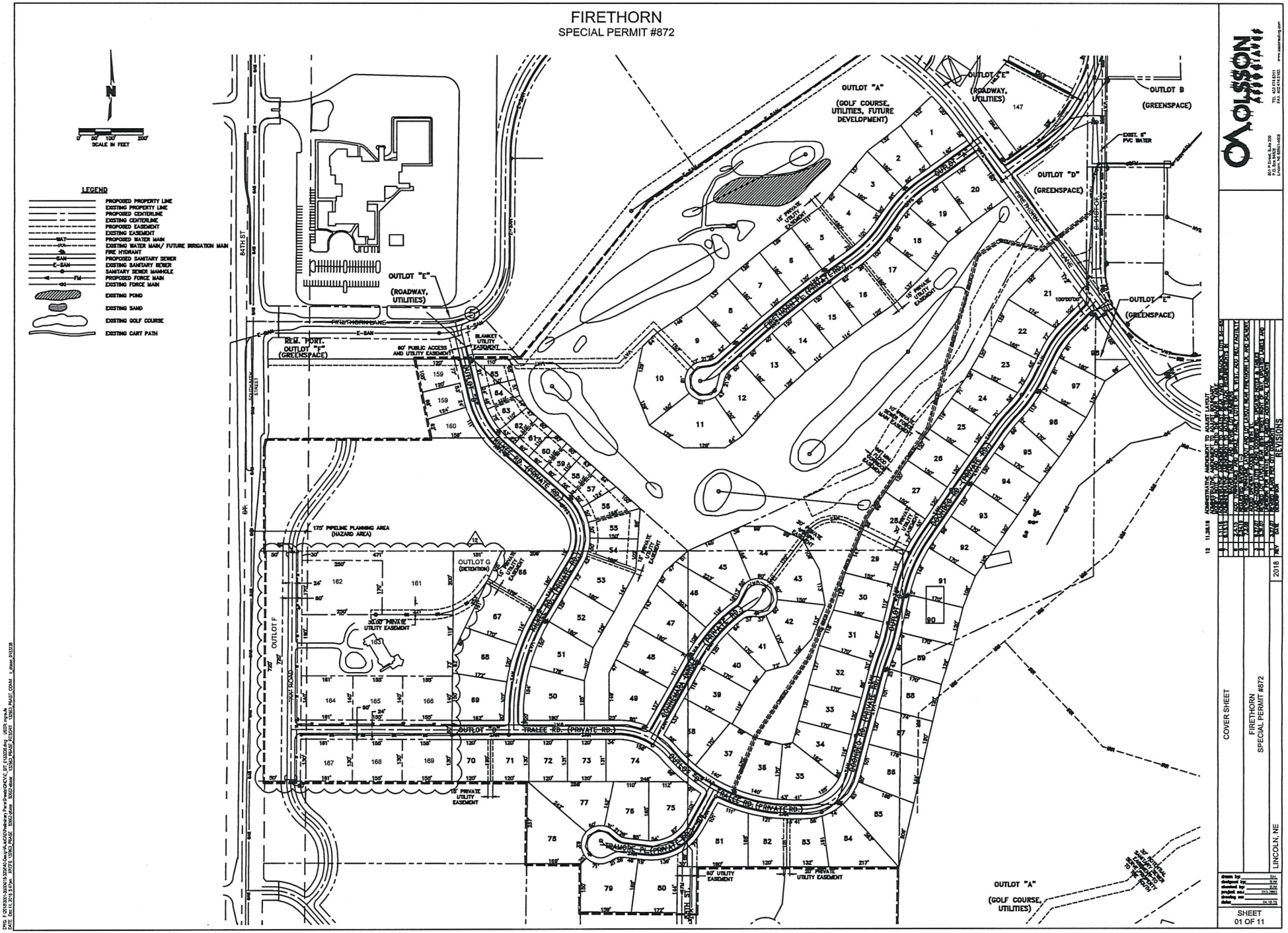
DATE: Dec 19, 2018 3:58pm XREFS: MICHAEL_JOHNSON_LS_NE

PROJECT NO: 018-3238 DRAWN BY: MRJ DATE: DEC. 19TH, 2018	CHANGE OF ZONE LEGAL DESCRIPTION	olsson	601 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.6311 FAX 402.474.5160	EXHIBIT B


FIRETHORN
SPECIAL PERMIT #872
N
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SCALE IN FEET
LEGEND
PROPOSED PROPERTY LINE
EXISTING PROPERTY LINE
PROPOSED CENTERLINE
EXISTING CENTERLINE
PROPOSED EASEMENT
EXISTING EASEMENT
PROPOSED WATER MAIN
EXISTING WATER MAIN/ FUTURE IRRIGATION MAIN
FIRE HYDRANT
PROPOSED SANITARY SEWER
EXISTING SANITARY SEWER
SANITARY SEWER MANHOLE
PROPOSED FORCE MAIN
EXISTING FORCE MAIN
EXISTING POND
EXISTING SAND
EXISTING GOLF COURSE
EXISTING CART PATH
OUTLOT "A" (GOLF COURSE, UTILITIES, FUTURE DEVELOPMENT)
OUTLOT "E" (ROADWAY, UTILITIES)
OUTLOT B (GREENSPACE)
OUTLOT "D" (GREENSPACE)
OUTLOT "E" (GREENSPACE)
REM. PORT. OUTLOT "E" (GREENSPACE)
84TH ST
FIRETHORN LANE
SOUTHERN STREET
80' PUBLIC ACCESS AND UTILITY EASEMENT
BLANKET UTILITY EASEMENT
175' PIPELINE PLANNING AREA (HAZARD AREA)
OUTLOT G (DETENTION)
OUTLOT F
SOUTH ROAD
OUTLOT "B" TRALEE RD. (PRIVATE RD.)
FIRETHORN PL. (PRIVATE RD.)
CONNEMARA RD. (PRIVATE RD.)
MAYNOOTH RD. (PRIVATE RD.)
15' PRIVATE UTILITY EASEMENT
30' PRIVATE UTILITY EASEMENT
60' UTILITY EASEMENT
20' PRIVATE UTILITY EASEMENT
EXIST. 6" PVC WATER
OUTLOT "A" (GOLF COURSE, UTILITIES)
OLSSON
COVER SHEET
FIRETHORN
SPECIAL PERMIT #872
LINCOLN, NE
SHEET
01 OF 11

CITY OF LINCOLN NEBRASKA

LANCASTER COUNTY NEBRASKA

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Special Permit #872J - Firethorn Community Unit Plan	Yes	Denise Tewes
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
January 9, 2019	Change of Zone #18034	South 84th Street and Firethorn Lane

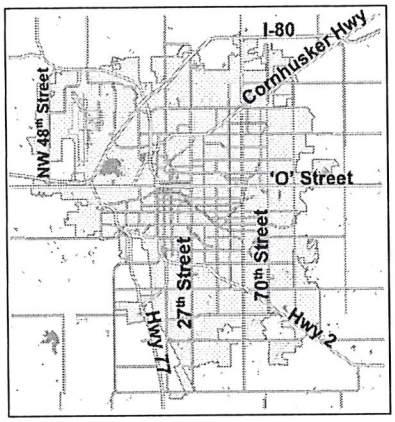
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the Firethorn Community Unit Plan (CUP) to redevelop Lot 3, Firethorn 28th Addition. Already located within the boundary of the Firethorn CUP, the lot is 10.16 acres in area with a single-family dwelling located on it. This proposal seeks to divide the parcel into nine, single-family residential lots, one of which is for the existing dwelling.

The internal street network of private roadways is continued with the proposed plan, with connections being made to the east, north and south. No direct access to South 84th Street will be allowed with this development.

The associated change of zone to R-1 allows the single-family dwellings being proposed, and the layout meets the requirements of Lincoln Municipal Code (LMC) and no waivers are requested.



JUSTIFICATION FOR RECOMMENDATION

The proposed layout shows lots of a similar size and shape as compared to others in the Firethorn CUP. It provides the necessary street connections to allow other properties to develop, to enhance traffic flow interior to the neighborhood, and to maintain access management along South 84th Street. Additionally, the plan respects the Pipeline Planning Area (PPA) associated with the natural gas pipeline in South 84th Street. The City/County Health Department recommends that occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities be discouraged within the PPA, and the proposed plan adheres to this guidance. The proposal is consistent with the requirements of the Zoning Ordinance and the goals of the Comprehensive Plan.

APPLICATION CONTACT

Brian Lang, 402-458-5961
blang@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed development plan is considered urban density residential, which is consistent with the future Urban Density Residential designation on the Future Land Use Map. Considered infill, such redevelopment is both anticipated and encouraged by the Comprehensive Plan. As the property is already annexed into the city and the full range of city services are available, it allows for a more efficient use of public infrastructure, also a goal of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - this site is shown as future low density residential in the 2040 Lincoln Area Future Land Use Plan .

P. 7.1 - Housing - In existing neighborhoods, preservation, maintenance, and rehabilitation of existing housing should continue to be the focus. Infill and redevelopment needs to respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. Diversity of land uses, including commercial and special needs housing, is important provided the use fits within the character of the block and neighborhood.

P. 7.2 - Neighborhoods and Housing Guiding Principles:

- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.4 - Strategies for Neighborhoods and Housing

- Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.
- Encourage preservation or restoration of natural resources within or adjacent to development.

P. 7.8 - Redeveloping in existing neighborhoods - Good design and appropriate placement are key to successful redevelopment. Widely varying techniques are utilized to achieve redevelopment in existing neighborhoods such as the following examples:

- De-conversion of multi-family back to single-family homes (resulting in a net decrease in density);
- Replacement of a single-family home with a new single-family home (resulting in no net change in density);
- Tearing down more than one structure and building a new multi-family building or a group of other housing types (resulting in a net increase in density); or
- Existing multi-family complexes identifying open areas to develop additional buildings on the existing property (resulting in a net increase in density).

P. 10.19 - Pipeline Freight: There are 17 major pipelines in Lincoln and Lancaster County. The majority transport petroleum or natural gas products. One of the lines transports anhydrous ammonia, which is a product used in agricultural production. All of the pipelines are managed by four firms in Lancaster County.

P. 11.23 - Strategy for Natural Gas Service: Land uses with vulnerable populations such as occupied residential structures, childcares, retirement facilities, schools, or hospitals are not recommended to be located within pipeline planning areas. For large high pressure natural gas pipelines, pipeline planning areas are established based upon a formula that takes into consideration the pressure and diameter of the natural gas pipeline. Other uses such as residential garages, commercial and industrial uses, parking lots, open spaces or roads are acceptable uses within pipeline planning areas.

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

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

ANALYSIS

1. This is a request to amend the Firethorn CUP to show a street and lot layout for a 10.16 acre lot already within the boundary of the CUP. It is one of three acreage lots along South 84th Street, that even though there was no development plan for them at the time they were brought into the CUP, were included in anticipation of eventual redevelopment. The northernmost of the three lots has been rezoned, and redevelopment is authorized under UP#18005.

   This request divides the parcel into nine lots. One lot is for the existing dwelling, and the other eight lots will be for new single-family dwellings.

2. The associated change of zone request form AGR to R-1 will allow the single-family dwellings being proposed. That is a separate request that must be approved by the City Council. If approved, the CUP will be at 458 units as shown, which is still below the maximum 545 dwelling units allowed.
3. A portion of the subject property is within the Pipeline Planning Area (PPA), a protective buffer delineated along the extent of the natural gas pipeline in South 84th Street. The PPA is approximately 350' in width and extends approximately 135' onto the subject lot. Occupied residential dwellings, hotels, motels, childcare facilities, schools, overnight healthcare facilities, or retirement facilities are discouraged within the PPA. The associated CUP site plan shows a street and open space/yards in the PPA but no structures, which is consistent with the guidance from the City/County Health Department.
4. The property is already inside the city limit, and all city services can be provided. The internal streets shown are private roadways, and provide connectivity to the east, north and south. There will be no direct access to South 84th Street. The proposed north-south roadway is to use the same name as that which was used by UP#18005, and it needs to be added to the plan.
5. The lots shown are of similar size and shape when compared to the other single-family residential lots within the Firethorn development. The lots meet the requirements for the R-1 zoning district, and no additional waivers are requested.
6. Minor corrections and changes are required on the site plan, and these items are listed in the recommended conditions of approval. With those changes to the CUP this request complies with the Zoning Ordinance, is consistent with the Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Clubhouse, restaurant, pro shop, parking lot, golf course greens and fairways zoned R-1 Residential and AGR Agricultural Residential

SURROUNDING LAND USE & ZONING

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	R-1
West:	S. 84th St, Residential	R-1

HISTORY:

DEC 1979 - City Council approved Special Permit #872 for the Sunterra CUP and preliminary plat.

MAY 1984 - City Council approved Special Permit #872A, amending the Community Unit Plan and preliminary plat, changing the name of the subdivision from Sunterra to Firethorn, vacating the original final plat, and approving a new final plat.

JAN 1985 - City Council approved Special Permit #872B for Firethorn 1st Addition CUP.

JUL 1989 - The City Council approved Special Permit #872C for Firethorn 5th Addition CUP .

JAN 1998 - City Council approved Firethorn 1st Addition Preliminary Plat and Firethorn Community Unit Plan Special Permit #872D.

APR 1998 - City Council approved Special Permit #872E to amend the Firethorn Community Unit Plan to exclude the area at the northwest corner now zoned O-3 and approved for office uses.

NOV 2006 - AN#06020, CZ#06077 and SP#872F were approved to annex and change the zoning from AGR to R-3 for the residentially-developed portions of development, and to increase the number of allowed units within the CUP to 545 units after up-sizing a portion of, and connecting to the City's sanitary sewer system.

APR 2010 - SP#872G was approved allowing the West 9 Clubhouse and associated facilities to be included in the Firethorn CUP.

MAR 2015 - SP#872H was approved allowing 42 dwelling units and a recreation facility which revised the layout of over 44 acres of the Firethorn CUP.

MAR 2017 - SP#872i was approved to adjust the sign regulations to provide increased visibility for the Clubhouse and Resort facilities.

APPROXIMATE LAND AREA: 10.16, more or less.

LEGAL DESCRIPTION: Lot 3, Firethorn 28th Addition, located in the SW 1/4 of Section 2-9-7, Lincoln, Lancaster County, Nebraska.

Prepared by

Brian Will,
December 20, 2018

Applicant:
Boyd Batterman
BIC Development, LLC
245 South 84th Street, Ste 316
Lincoln, NE 68510
402-540-8847
bbatterman@bicconstruction.com

Contact:
Brian Lang
Olsson Associates
601 P Street
Lincoln, NE 68508
(402) 458-5691
blang@olsson.com

Owner:
Denise Tewes
3700 South 84th Street
Lincoln, NE 68520
402-525-8437
tewes_denise@hotmail.com

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CONDITIONS OF APPROVAL - SPECIAL PERMIT #872J

Per Section 27.63.320 this approval permits an amendment to the Firethorn Community Unit Plan to add 8 dwelling units for a total of 458 units shown out of 545 units allowed.

Site Specific Conditions:

1. The City Council approves associated requests:

   1.1 Change of Zone #18034

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

   2.1 Make the following revisions to the CUP plan set:

   2.1.1 Show an access easement to Outlot G.
   2.1.2 Label Outlot F as 'Open Space'.
   2.1.3 Add the street name for the north-south street from UP#18005.
   2.1.4 Renumber the detail sheet 01 of 11 to 01A of 11, and add the title "SP872J".
   2.1.5 Add the pad sites, parking areas and roadway to the area of UP#18005.
   2.1.6 Add the dimensions for the roadway with curve data and distance from South 84th Street.
   2.1.7 Provide a minimum opening elevation for Lot 161.
   2.1.8 Add a note which acknowledges that the existing dwelling will be required to change its address with the new private roadway.
   2.1.9 There are two lots numbered 159, one should be 158.

   2.2 Revise the grading and drainage plan per the review comments noted by Public Works and Utilities/Watershed Management.

3. Before a final plat is approved provide the following documents to the Planning Department:

   3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

4. The following conditions are applicable to all requests:

   4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

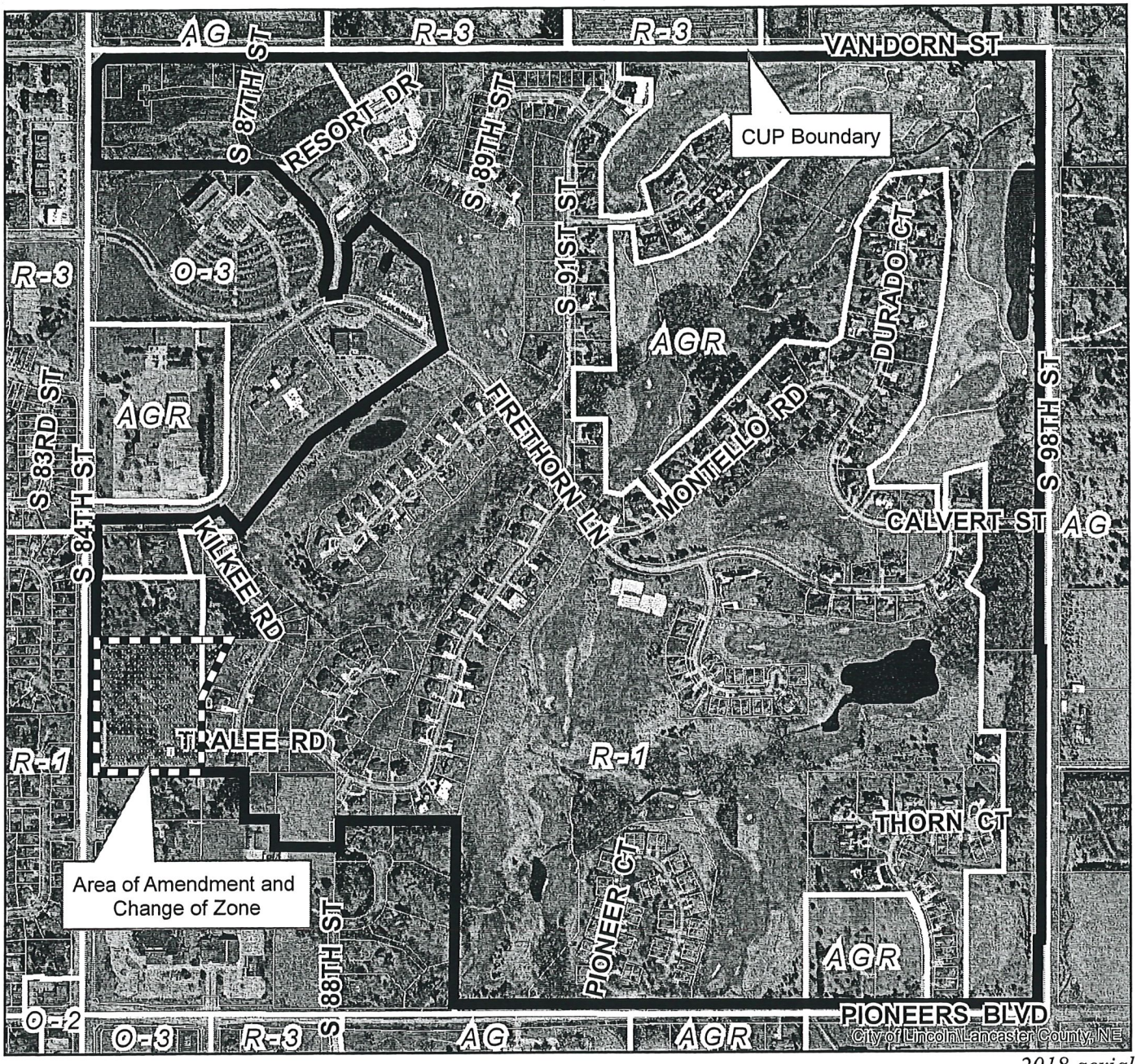
   4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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

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

   4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds,

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



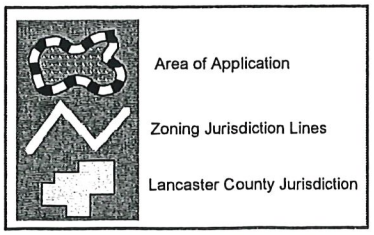
2018 aerial

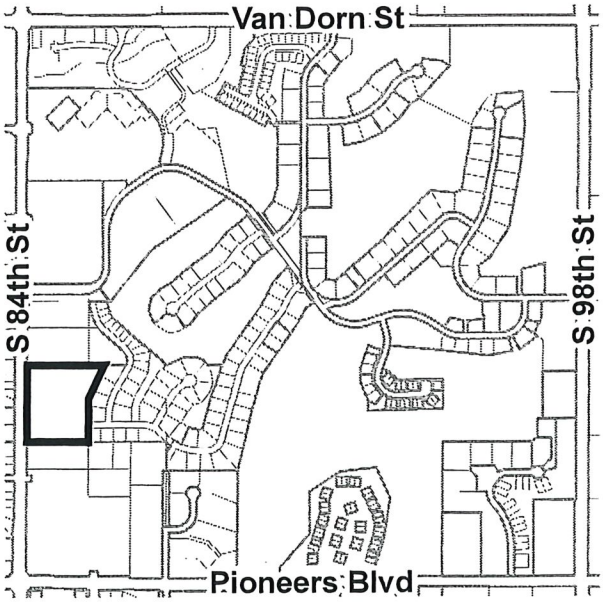
Change of Zone #: CZ18034 (AGR to R-1) and Special Permit #: SP872J Firethorn CUP S 84th St & Firethorn La

Zoning:

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

One Square Mile:
Sec.02 T09N R07E





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FIRETHORN
SPECIAL PERMIT #872

ENGINEER & PREPARER
OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE 68508
PHONE: (402)474-6311

OWNERS & DEVELOPERS
FIRETHORN GOLF COMPANY, L.L.C.
A NEBRASKA GENERAL PARTNERSHIP
MARK SHIELDS, MANAGING PARTNER
9301 FIRETHORN LANE
LINCOLN, NE 68520
PHONE: (402)489-4834

JOHN RALLIS
9301 BLACK FOREST DR.
LINCOLN, NE 68515
(402)423-0798

LEGAL DESCRIPTION (CUP)

LEGAL DESCRIPTION
AMENDMENT TO SPECIAL PERMIT

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 38 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., A PORTION OF VACATED SOUTH 84TH STREET RIGHT-OF-WAY, LOTS 1 THROUGH 4, BLOCK 1, FIRETHORN ADDITION, LOTS 1 THROUGH 3, BLOCK 2, FIRETHORN ADDITION, LOTS 8 THROUGH 10, BLOCK 2, FIRETHORN ADDITION, LOTS 13 THROUGH 36, BLOCK 2, FIRETHORN ADDITION, LOTS 41 THROUGH 51, BLOCK 2, FIRETHORN ADDITION, AND THE REMAINING PORTION OF OUTLOT 'B', FIRETHORN ADDITION, LOTS 4 THROUGH 34, BLOCK 3, FIRETHORN 2ND ADDITION, AND CLUBHOUSE AREA, FIRETHORN 2ND ADDITION, LOTS 2 THROUGH 7, FIRETHORN 6TH ADDITION, LOTS 8 THROUGH 23, FIRETHORN 6TH ADDITION, AND LOTS 27 THROUGH 40, FIRETHORN 6TH ADDITION, LOTS 1 AND 2, BLOCK 1, FIRETHORN 7TH ADDITION, LOTS 2 AND 3, BLOCK 2, FIRETHORN 7TH ADDITION, AND LOT 1, BLOCK 3, FIRETHORN 7TH ADDITION, LOT 1, FIRETHORN 8TH ADDITION, AND OUTLOT 'A', FIRETHORN 8TH ADDITION, LOT 1, FIRETHORN 10TH ADDITION, AND OUTLOT 'A', FIRETHORN 10TH ADDITION, LOT 1, FIRETHORN 13TH ADDITION, LOT 1, FIRETHORN 14TH ADDITION, LOTS 3 THROUGH 8, BLOCK 1, FIRETHORN 15TH ADDITION, AND OUTLOTS 'B', 'D', AND 'E', FIRETHORN 15TH ADDITION, OUTLOT 'D', FIRETHORN 17TH ADDITION, AND A PORTION OF OUTLOT 'E', FIRETHORN 17TH ADDITION, LOTS 1 THROUGH 14, BLOCK 1, FIRETHORN 20TH ADDITION, AND THE REMAINING PORTION OF OUTLOT 'A' FIRETHORN 20TH ADDITION, LOT 1, BLOCK 1, FIRETHORN 22ND ADDITION, AND OUTLOT 'A', FIRETHORN 22ND ADDITION, LOTS 1 AND 2, FIRETHORN 23RD ADDITION, LOTS 1 THROUGH 10, BLOCK 1, FIRETHORN 27TH ADDITION, LOTS 12 THROUGH 30, BLOCK 1, FIRETHORN 27TH ADDITION, LOT 2, BLOCK 2, FIRETHORN 27TH ADDITION, AND OUTLOTS 'B', 'E', 'H', 'I', AND 'F', FIRETHORN 27TH ADDITION, LOTS 1 AND 3, FIRETHORN 28TH ADDITION, OUTLOTS 'B', 'C', AND 'F', FIRETHORN 28TH ADDITION, LOT 1, FIRETHORN 31ST ADDITION, AND OUTLOT 'A', FIRETHORN 31ST ADDITION, LOTS 1 THROUGH 18, BLOCK 1, FIRETHORN 32ND ADDITION, LOTS 1 THROUGH 3, BLOCK 2, FIRETHORN 32ND ADDITION, LOTS 8 THROUGH 15, BLOCK 2, FIRETHORN 32ND ADDITION, AND OUTLOTS 'A', 'C', AND 'D', FIRETHORN 32ND ADDITION, LOTS 2 THROUGH 4, FIRETHORN 33RD ADDITION, LOTS 1 AND 2, FIRETHORN 34TH ADDITION, AND OUTLOT 'A', FIRETHORN 34TH ADDITION, LOT 1, FIRETHORN 36TH ADDITION, AND OUTLOT 'A', FIRETHORN 36TH ADDITION, LOT 1, FIRETHORN 37TH ADDITION, AND OUTLOTS 'A', 'B', 'C', 'D' AND 'E', FIRETHORN 37TH ADDITION, LOT 1, FIRETHORN 39TH ADDITION, LOTS 1 AND 2, FIRETHORN 39TH ADDITION, AND LOT 1, FIRETHORN 40TH ADDITION, LOTS 1 AND 4, FIRETHORN 41ST ADDITION, OUTLOTS A, B, AND C, FIRETHORN 41ST ADDITION, LOTS 1 AND 2, FIRETHORN 42ND ADDITION, LOTS 1-25, BLOCK 1, FIRETHORN 43RD ADDITION, LOTS 1-18, BLOCK 2, FIRETHORN 43RD ADDITION, OUTLOTS B AND C, FIRETHORN 43RD ADDITION, LOTS 1-5, BLOCK 1, FIRETHORN 44TH ADDITION, LOTS 1-4, BLOCK 2, FIRETHORN 44TH ADDITION, LOTS 1-25, BLOCK 3, FIRETHORN 44TH ADDITION, OUTLOTS A, B, C, AND D, FIRETHORN 44TH ADDITION, ALL LOCATED IN SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF S00°22'56"W, A DISTANCE OF 70.38' TO A POINT; THENCE N89°37'04"W, A DISTANCE OF 77.54' TO THE NORTHEAST CORNER OF OUTLOT 'B', FIRETHORN 37TH ADDITION, SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET, AND ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 96TH STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S01°12'56"E, ON A EAST LINE OF SAID OUTLOT 'B', SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 808.83' TO A POINT; THENCE S89°27'07"E, ON A NORTH LINE OF SAID OUTLOT 'B', SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 12.98' TO A POINT; THENCE S00°22'56"E, ON A EAST LINE OF SAID OUTLOT 'B', AND AN EAST LINE OF OUTLOT 'C', SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,284.74' TO A POINT; THENCE S89°37'04"E, ON A NORTH LINE OF SAID OUTLOT 'C', SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A POINT; THENCE S00°22'56"E, ON A EAST LINE OF SAID OUTLOT 'C', AND A EAST LINE OF OUTLOT 'G', FIRETHORN 37TH ADDITION, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,073.38' TO THE NORTHEAST CORNER OF LOT 1, FIRETHORN 40TH ADDITION; THENCE S00°22'56"E, ON A EAST LINE OF SAID OUTLOT 'B', FIRETHORN 15TH ADDITION, AND AN EAST LINE OF OUTLOT 'A', SAID FIRETHORN 15TH ADDITION, SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00 WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 1,072.26' TO THE SOUTHEAST CORNER OF SAID OUTLOT 'A'; THENCE N89°37'10"E, ON A SOUTH LINE OF SAID OUTLOT 'A', SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO THE NORTHEAST CORNER OF OUTLOT 'C', FIRETHORN 16TH ADDITION; THENCE S00°22'56"E, ON THE EAST LINE OF SAID OUTLOT 'C', SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 70.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 752.82' TO THE SOUTHEAST CORNER OF SAID OUTLOT 'C', SAID POINT BEING 50.00 NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF PIONEERS BOULEVARD; THENCE N89°56'50"W, ON THE SOUTH LINE OF SAID OUTLOT 'C', THE SOUTH LINE OF OUTLOT 'A', BLOCK 1, FIRETHORN 20TH ADDITION, THE SOUTH LINE OF OUTLOT 'A', FIRETHORN 22ND ADDITION, THE SOUTH LINE OF OUTLOT 'D', FIRETHORN 15TH ADDITION, THE SOUTH LINE OF LOT 1, FIRETHORN 14TH ADDITION, A SOUTH LINE OF SAID VACATED OUTLOT 'B', FIRETHORN 29TH ADDITION, AND A SOUTH LINE OF OUTLOT 'A', FIRETHORN 34TH ADDITION, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,575.71' TO A POINT; THENCE N89°53'33"W, ON A SOUTH LINE OF SAID OUTLOT 'A', AND A SOUTH LINE OF SAID OUTLOT 'B', SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 900.36' TO THE SOUTHWEST CORNER OF SAID OUTLOT 'B'; THENCE N00°06'07"E, ON A WEST LINE OF SAID OUTLOT 'B', A DISTANCE OF 1,003.59' TO THE SOUTHEAST CORNER OF LOT 10, BLOCK 2, FIRETHORN 32ND ADDITION; THENCE N89°53'52"W, ON THE SOUTH LINE OF SAID LOT 10, THE SOUTH LINE OF LOTS 15, 17 AND 18, BLOCK 2, FIRETHORN 32ND ADDITION, A DISTANCE OF 630.79' TO THE NORTHWEST CORNER OF VACATED SOUTH 89TH STREET RIGHT-OF-WAY; THENCE S00°23'37"W, ON A EAST LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 144.19' TO A POINT; THENCE N89°36'56"W, A DISTANCE OF 306.86' TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 38 I.T.; THENCE N00°33'44"E, ON THE WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 100.42' TO THE NORTHEAST CORNER OF OUTLOT 'A', FIRETHORN 40TH ADDITION; THENCE N89°23'28"W, ON A SOUTH LINE OF SAID LOT 38 I.T., SAID LINE BEING A NORTH LINE OF SAID LOT 42 I.T., A DISTANCE OF 199.84' TO THE SOUTHEAST CORNER OF SAID LOT 40 I.T.; THENCE N00°33'44"E, ON A EAST LINE OF SAID LOT 40 I.T., A DISTANCE OF 255.83' TO THE NORTHWEST CORNER OF SAID LOT 38 I.T., SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING ON A SOUTH LINE OF OUTLOT 'B', FIRETHORN 28TH ADDITION; THENCE N89°49'05"E, ON A SOUTH LINE OF SAID OUTLOT 'B', AND THE SOUTH LINE OF LOT 3, FIRETHORN 28TH ADDITION, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 40 I.T., A DISTANCE OF 1,324.32' TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET, SAID POINT BEING 66.00 EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE N00°22'26"E, ON THE WEST LINE OF SAID LOT 3, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 66.00 EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 751.31' TO THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT BEING ON THE SOUTH LINE OF LOT 2, FIRETHORN 28TH ADDITION; THENCE N89°26'39"E, ON THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 4.32' TO THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT BEING 64.87' EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°13'13"E, ON A WEST LINE OF SAID LOT 2, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 332.94' TO A POINT; THENCE N12°36'09"E, ON A WEST LINE OF SAID LOT 2, SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.10' TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, FIRETHORN 28TH ADDITION, SAID POINT BEING 67.79 EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE S89°53'44"E, ON THE SOUTH LINE OF SAID LOT 1, SAID LINE BEING THE SOUTH LINE OF OUTLOT 'C', FIRETHORN 28TH ADDITION, AND THE SOUTH LINE OF OUTLOT 'A', FIRETHORN 28TH ADDITION, A DISTANCE OF 597.07' TO A POINT; THENCE N13°26'48"E, A DISTANCE OF 254.46' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 1, SAID POINT BEING ON THE SOUTH LINE OF OUTLOT 'C', FIRETHORN 28TH ADDITION; THENCE S89°53'52"E, ON THE NORTH LINE OF SAID LOT 1, ON THE NORTH LINE OF OUTLOT 'A', FIRETHORN 44TH ADDITION, AND ON THE NORTH LINE OF LOT 1, FIRETHORN 44TH ADDITION, AND ON A NORTH LINE OF OUTLOT 'A', FIRETHORN 39TH ADDITION, SAID LINE BEING THE SOUTH LINE OF OUTLOT 'A', FIRETHORN 28TH ADDITION, A DISTANCE OF 330.06' TO THE SOUTHEAST CORNER OF SAID OUTLOT 'C', SAID POINT ALSO BEING A WEST CORNER OF SAID OUTLOT 'A'; THENCE N00°10'17"E, ON A SOUTHEAST LINE OF SAID OUTLOT 'A', SAID LINE BEING A NORTHWEST LINE OF A SOUTHEAST LINE OF OUTLOT 'A', FIRETHORN 28TH ADDITION, A DISTANCE OF 832.31' TO A POINT; THENCE N04°49'48"E, ON A NORTHWEST LINE OF SAID LOT 2, ON A SOUTHEAST LINE OF LOT 1, FIRETHORN 28TH ADDITION, AND A SOUTHEAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 228.30' TO A POINT; THENCE N21°16'02"E, ON A NORTHEASTERLY EXTENSION SAID LINE, SAID LINE BEING A NORTHWEST LINE OF SAID OUTLOT 'A', AND ON A NORTHEASTERLY EXTENSION SAID LINE, A DISTANCE OF 878.76' TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF THE EAST LINE OF LOT 1, BLOCK 1, FIRETHORN 17TH ADDITION; THENCE N11°46'26"E, ON THE SOUTHEASTERLY EXTENSION OF THE EAST LINE OF SAID LOT 1, AND ON THE EAST LINE OF SAID LOT 1, SAID LINE BEING A SOUTHEASTERLY EXTENSION OF A WEST LINE OF OUTLOT 'A', FIRETHORN 17TH ADDITION, AND ON A WEST LINE OF SAID OUTLOT 'A', A DISTANCE OF 468.04' TO A POINT; THENCE N00°05'39"E, A DISTANCE OF 368.98' TO A POINT; THENCE S44°44'23"E, A DISTANCE OF 183.17' TO THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 24°47'12", A RADIUS OF 848.00', AN ARC LENGTH OF 367.00', AND A CHORD BEARING OF S32°20'47"E, A CHORD LENGTH OF 364.17' TO A POINT OF TANGENCY; THENCE S20°03'47"E, ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID OUTLOT 'A', A CHORD LENGTH OF 230.85', A TANGENT LENGTH OF 1353.84', AND A CHORD BEARING OF S20°03'47"E, TO A POINT; THENCE S01°27'00"E, ON A WEST LINE OF SAID LOT 4, SAID LINE BEING A EAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 80.17' TO THE SOUTHWEST CORNER OF SAID LOT 4, SAID POINT BEING A SOUTH CORNER OF SAID OUTLOT 'A', SAID POINT BEING ON A NORTH LINE OF OUTLOT 'C', FIRETHORN 17TH ADDITION, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 15°53'06", A RADIUS OF 340.00', AN ARC LENGTH OF 94.28' ON A SOUTH LINE OF SAID OUTLOT 'A', SAID LINE BEING A NORTH LINE OF SAID OUTLOT 'C', A CHORD LENGTH OF 94.00', A TANGENT LENGTH OF 47.46', AND A CHORD BEARING OF S81°37'15"W TO A SOUTHWEST CORNER OF SAID OUTLOT 'A', SAID POINT BEING A SOUTHEAST CORNER OF OUTLOT 'A', FIRETHORN 34TH ADDITION; THENCE N16°18'44"W, ON A WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A EAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 80.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 42°53'00", A RADIUS OF 468.00', AN ARC LENGTH OF 343.99' ON A WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A EAST LINE OF SAID OUTLOT 'A', A CHORD LENGTH OF 336.08', A TANGENT LENGTH OF 180.86', AND A CHORD BEARING OF N00°07'27"E TO A POINT; THENCE N21°16'02"E, ON A WEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A EAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 14.15' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 23°21'31", A RADIUS OF 328.00', AN ARC LENGTH OF 134.13' ON A SOUTHWEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT 'A', A CHORD LENGTH OF 133.23', A TANGENT LENGTH OF 68.01', AND A CHORD BEARING OF N32°26'46"E, TO A POINT; THENCE N48°10'34"E, ON A SOUTHWEST LINE OF SAID OUTLOT 'A', SAID LINE BEING A NORTHEAST LINE OF SAID OUTLOT 'A', A DISTANCE OF 302.44' TO THE NORTHEAST CORNER OF OUTLOT 'A', FIRETHORN 24TH ADDITION; THENCE S83°16'39"E, A DISTANCE OF 80.83' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 48°17'54", A RADIUS OF 177.00', AN ARC LENGTH OF 149.21', A CHORD LENGTH OF 144.82', A TANGENT LENGTH OF 79.36', AND A CHORD BEARING OF N79°12'16"E TO A POINT; THENCE N55°03'19"E, A DISTANCE OF 58.70' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°36'25", A RADIUS OF 1,973.00', AN ARC LENGTH OF 262.01', A CHORD LENGTH OF 261.82', A TANGENT LENGTH OF 131.26', AND A CHORD BEARING OF N58°51'32"E, TO A POINT; THENCE N00°00'00"E, A DISTANCE OF 386.70' TO A POINT; THENCE N00°10'31"E, A DISTANCE OF 21.82' TO A POINT OF INTERSECTION WITH A NORTH LINE OF SAID OUTLOT 'A', SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET; SAID POINT BEING 80.00 SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE S89°49'14"E, ON A NORTH LINE OF SAID OUTLOT 'A', AND ON A SOUTH RIGHT-OF-WAY LINE OF VAN DORN STREET, A DISTANCE OF 2,285.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 20,881,347.84 SQUARE FEET OR 479.37 ACRES, MORE OR LESS.

Friday, June 29, 2018
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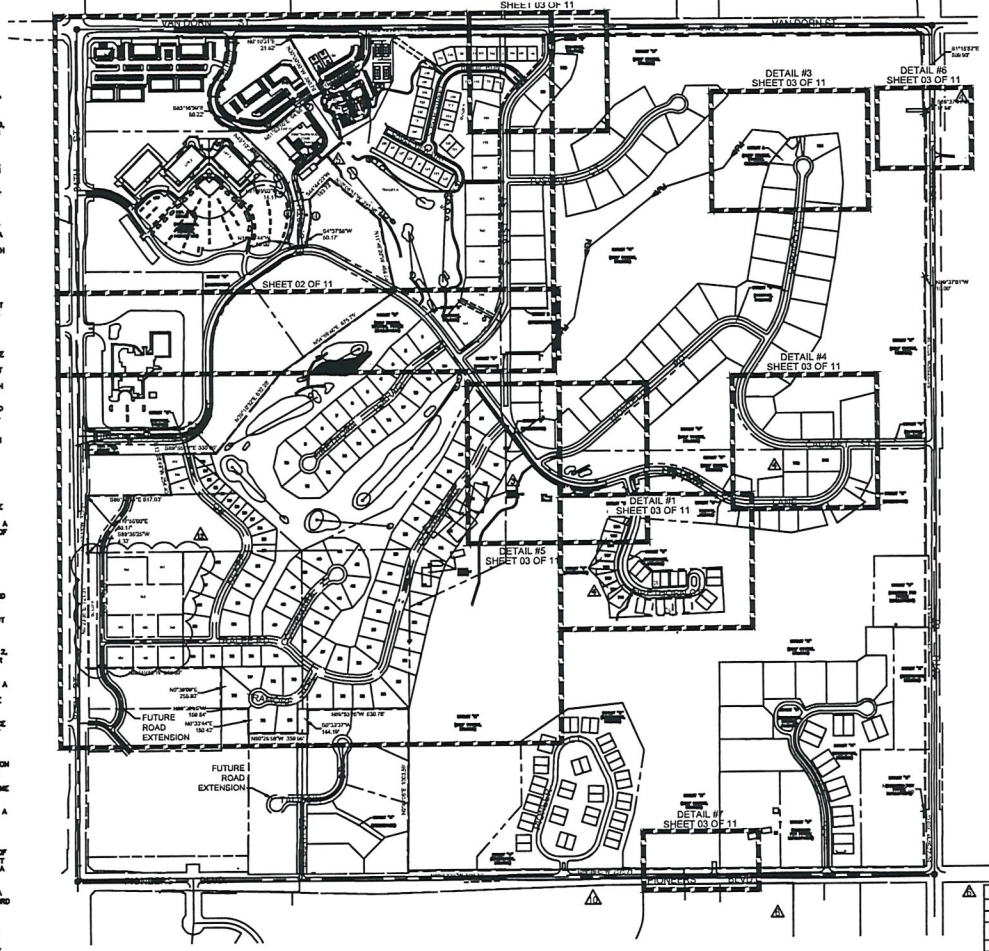
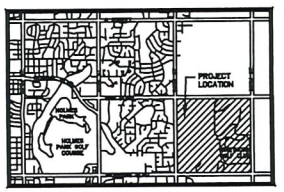
SHEET 08 OF 11





VICINITY MAP
NOT TO SCALE

GENERAL NOTES

1. GOLF COURSE MAINTENANCE BUILDINGS, STORAGE FACILITIES, AND ACCESSORY BUILDINGS SHALL BE PERMITTED ANYWHERE WITHIN THE GOLF COURSE OUTLOTS PROVIDED THE REQUIRED SETBACKS ARE MAINTAINED.
2. THIS CUP ALLOWS 540 DWELLING UNITS, ONE CLUBHOUSE FACILITY FOR THE OPERATION OF THE ORIGINAL 18 HOLES AND RECREATIONAL FACILITIES, 150 DWELLING UNITS OR AN EQUIVALENT 225,000 SF OF COMMERCIAL USE FLOOR AREA TO FIRETHORN CORPORATE CENTER (LP, #15008). THE TRANSFER REDUCES THE ALLOWABLE DWELLING UNITS OF THIS CUP TO 390 DWELLING UNITS
3. THE SANITARY SEWER SYSTEM SHALL BE A PRIVATE SYSTEM OWNED AND MAINTAINED BY FIRETHORN UTILITY COMPANY.
4. PROPOSED EASEMENTS ARE SHOWN FOR FUTURE PUBLIC SEWER MAINS TO SERVICE NEIGHBORING PROPERTIES.
5. SANITARY SEWER AND WATER LINES TO BE 8" PVC AND 6" PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND ARE TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
6. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
8. DIRECT VEHICULAR ACCESS TO 98TH ST., VAN DORN ST. AND PIONEERS BLVD. SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THE PLAT. ACCESS TO 98TH STREET SHALL BE GRANTED ONLY FOR A MODIFIED USE DRIVEWAY TO ACCESS THE WELL HOUSE AS SHOWN ON SHEET 3 OF 11. ACCESS TO PIONEERS BOULEVARD SHALL BE GRANTED AT APPROXIMATELY 98TH STREET FOR A MINIMUM USE DRIVEWAY TO ACCESS THE GOLF COURSE AS SHOWN ON SHEET 3 OF 11.
9. ALL PROPOSED PRIVATE ROADWAYS SHALL BE 27' WIDE UNLESS OTHERWISE NOTED. ALL EXISTING PRIVATE ROADWAYS ARE 24' WIDE UNLESS OTHERWISE NOTED.
10. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
11. SIGNS NEED NOT BE SHOWN ON THE SITE PLAN AND THE LOCATION AND SIZE WILL BE APPROVED AT THE TIME OF SIGN PERMITS IN COMPLIANCE WITH THE ZONING ORDINANCE, EXCEPT FOR THE SIGNS ASSOCIATED WITH THE OUTDOOR RECREATION FACILITIES AND ALSO INCLUDED IN THE WAIVER TABLE. ADMINISTRATIVE AMENDMENTS CAN APPROVE MINOR MODIFICATIONS TO THE LOCATION OF THE SIGN ENVELOPES FOR THE OUTDOOR RECREATION FACILITIES AT THE TIME OF SIGN PERMIT, NO AMENDMENT TO THE SPECIAL PERMIT IS REQUIRED.
12. ALL ELEVATIONS ARE TO NAVD 1988.
13. ALL STREET DIMENSIONS ARE TO EDGE OF ASPHALT.
14. ALL STREET INTERSECTIONS ARE AT 90° UNLESS OTHERWISE NOTED.
15. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
16. ALL SETBACKS WILL BE IN ACCORDANCE WITH THE R-3 ZONING STANDARDS.
17. THE YARD SETBACKS REGULATE STRUCTURAL WALLS ONLY AND DO NOT RESTRICT OVERHANGS, PATIOS, DOOR STRIPS, WINDOW STRIPS, ETC. FROM ENCROACHING INTO THE SETBACKS, PROVIDED THEY DO NOT EXTEND PAST THE LOT LINES.
18. THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED PER LMC 27.63.685.
19. FENCES, DECORATIVE STRUCTURES, & ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN IF THEY ARE 25' BY 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SITE TRIANGLES, OR EASEMENTS, AND ARE BUILT ACCORDING TO THE ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
20. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDABLE AREA OF EACH LOT.
21. THE BUILDING ENVELOPES SHOWN ARE FOR ILLUSTRATING THE PERMITTED USES AND THEIR APPROXIMATE LOCATIONS. FINAL SITE LAYOUTS TO BE DETERMINED AT THE TIME OF BUILDING PERMITS.
22. ATTACHED SINGLE-FAMILY DWELLINGS ON LOTS 1-40, FIRETHORN 6TH ADDITION OUTLOT "A", FIRETHORN 12TH ADDITION, LOTS 9-34, FIRETHORN 2ND ADDITION, LOTS 1-14, OUTLOT "A", FIRETHORN 20TH ADDITION, AND LOTS 104-146 OF THE PROPOSED NEW DEVELOPMENT ARE TO HAVE 0' SETBACK FOR FRONT, BACK, AND SIDE YARDS.
23. THE DEVELOPMENT REQUESTED TO PLANT TREES ON PRIVATE PROPERTY IN LIEU OF STREET TREES AND THEREFORE THE CITY WILL NOT BE PLANTING OR MAINTAINING STREET TREES IN THE FUTURE.
24. PARKING SHOWN FOR THE OUTDOOR RECREATION FACILITY IS CONCEPTUAL ACTUAL PARKING TO BE DETERMINED AT THE TIME OF BUILDING PERMIT BASED UPON THE SPECIFIC ELEMENTS, AND AREA DEDICATED TO THOSE ELEMENTS.
25. ALL REQUIRED SCREENING AND LANDSCAPING TO BE PROVIDED AT THE TIME OF BUILDING PERMIT OR FINAL PLAT IN ACCORDANCE WITH LMC.
26. ACCESSORY BUILDINGS ON OUTLOTS MAY NOT BE LOCATED CLOSER THAN 6' TO LOT LINES.
27. NO BUILDING OR STRUCTURE WILL BE CONSTRUCTED WITHIN OUTLOT H (VICINITY PIONEERS COURT) WITHIN 30X (6') FEET OF ANY PROPERTY LINE OF ANY LOT ADJACENT TO THE OUTLOT.

LEGEND

- PAGE BOUNDARY
- BOUNDARY LINE
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED WATER MAIN
- EXISTING WATER MAIN/ FUTURE IRRIGATION MAIN
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED FORCE MAIN
- EXISTING FORCE MAIN
- EXISTING POND
- EXISTING SAND
- EXISTING GOLF COURSE
- EXISTING CART PATH

CENTERLINE CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD
A	400.00	134.80	19°18'20"	68.09	134.26
B	400.00	142.77	20°26'59"	72.15	142.01
C	3000.00	375.80	07°10'36"	188.14	375.55
D	300.00	182.51	34°51'24"	94.18	179.71
E	150.00	208.57	78°54'07"	123.44	190.83
F	600.00	330.43	30°26'04"	169.13	316.83
G	220.00	186.47	48°34'09"	100.45	182.75
H	500.00	285.83	32°45'15"	146.94	281.96
I	150.00	178.78	68°17'36"	101.74	168.40
J	500.00	428.33	49°04'59"	228.30	415.35
K	150.00	196.89	75°12'18"	115.53	183.05
L	700.00	71.71	05°52'11"	35.89	71.68
M	500.00	82.66	07°10'46"	41.37	82.57
N	500.00	183.11	20°59'00"	92.59	182.09
O	500.00	75.40	08°38'25"	37.77	75.33
P	500.00	141.90	16°15'37"	71.43	141.42
Q	300.00	90.33	17°15'06"	45.51	89.99
R	400.00	500.22	71°39'05"	288.76	468.28

BOUNDARY LINE DATA

1 A=23°51'31" R=328.00' L=136.55' CH=135.57' T=69.01' CB=N23°29'40"W	2 A=42°53'00" R=468.00' L=343.99' CH=336.08' T=180.86' CB=N00°07'27"E	3 A=12°53'06" R=340.00' L=44.20' CH=44.09' T=47.46' CB=S81°37'15"W	4 A=34°47'12" R=848.00' L=257.00' CH=253.06' T=132.04' CB=S32°40'04"W
5 A=26°07'10" R=340.21' L=155.43' CH=154.06' T=79.22' CB=N47°43'01"E	6 A=68°17'00" R=177.00' L=210.97' CH=198.80' T=119.04' CB=N16°18'44"W	7 A=7°36'31" R=1973.00' L=262.01' CH=261.82' T=131.26' CB=N58°51'32"E	

PROPOSED/EXISTING LOTS TABLE

EXISTING FIRETHORN LOTS	143
PROPOSED NEW DEVELOPMENT LOTS (SP #872)	185
FIRETHORN CORPORATE CENTER (LP#15008)	150*
UNALLOCATED DWELLING UNITS (SP #872)	27
TOTAL ALLOWABLE DWELLING UNITS (SP#872 AND LP#15008)	345

* TOTAL UNITS MAY NOT BE INCREASED BY ADMINISTRATIVE AMENDMENT. 150 DWELLING UNITS ARE EQUAL TO 225,000 SF COMMERCIAL USES

RECREATIONAL FACILITY AND AFFILIATED USES PARKING TABLE

FACILITY/USES	PARKING SPACE REQUIREMENT
GOLF COURSE	2 SPACES PER HOLE
POOL	1 SPACE PER 100 SF
TENNIS COURTS	4 SPACES PER COURT
DINING ROOM/LOUNGE	1 SPACE PER 100 SF

WAIVER TABLE FOR - SP#872

26.23.130	LINCOLN MUNICIPAL CODE	TO ALLOW BLOCKS IN EXCESS OF 1,320 FEET
26.27.020	LINCOLN MUNICIPAL CODE	FOR SIDEWALK
26.27.090	LINCOLN MUNICIPAL CODE	TO ALLOW STREET TREES TO BE PLANTED ON PRIVATE PROPERTY
26.27.070	LINCOLN MUNICIPAL CODE	FOR ORNAMENTAL LIGHTING
CHAPTER 2.25 SECTION 3.6.2	LINCOLN DESIGN STANDARDS	TO ALLOW CONCRETE CURBS ON BOTH SIDES OF THE ROADWAY
27.72.020	LINCOLN MUNICIPAL CODE	TO REDUCE FRONT, SIDE, AND REAR SETBACKS FOR LOTS 104-146 AND LOTS 1-40 EXCEPT RESTRICTED SETBACK BUILDINGS THE SETBACK SHALL BE 5', WHERE RESIDENTIAL BUILDINGS HAVE A ZERO FOOT SIDE OR REAR SETBACK, THE SIDE OR REAR SHALL BE 10' TO LOT LINE. ACCESSORY BUILDINGS ON THE OUTLOT ARE PROHIBITED WITHIN 6 FEET OF THE COMMON LOT LINE.
27.72.020	LINCOLN MUNICIPAL CODE	TO REDUCE FRONT SETBACK TO 6

FIRETHORN
SPECIAL PERMIT #872

N
0 50' 100' 200'
SCALE IN FEET
LEGEND
PROPOSED PROPERTY LINE
EXISTING PROPERTY LINE
PROPOSED CENTERLINE
EXISTING CENTERLINE
PROPOSED EASEMENT
EXISTING EASEMENT
WAT PROPOSED WATER MAIN
EXISTING WATER MAIN/ FUTURE IRRIGATION MAIN
FIRE HYDRANT
SAN PROPOSED SANITARY SEWER
E-SAN EXISTING SANITARY SEWER
SANITARY SEWER MANHOLE
FM PROPOSED FORCE MAIN
EXISTING FORCE MAIN
EXISTING POND
EXISTING SAND
EXISTING GOLF COURSE
EXISTING CART PATH
84TH ST
SOUTH 84TH STREET
FIRETHORN LANE
OUTLOT "E" (ROADWAY, UTILITIES)
REM. PORT. OUTLOT "F" (GREENSPACE)
80' PUBLIC ACCESS AND UTILITY EASEMENT
BLANKET UTILITY EASEMENT
OUTLOT "A" (GOLF COURSE, UTILITIES, FUTURE DEVELOPMENT)
OUTLOT "E" (ROADWAY, UTILITIES)
147
OUTLOT B (GREENSPACE)
EXIST. 8" PVC WATER
OUTLOT "D" (GREENSPACE)
OUTLOT "E" (GREENSPACE)
FIRETHORN LANE
FIRETHORN PL. (PRIVATE RD.)
15' PRIVATE UTILITY EASEMENT
10' PRIVATE SEWER FORCE MAIN EASEMENT
DOONBEG RD. (PRIVATE RD.)
BONNIEMARA CIRCLE (PRIVATE RD.)
KILLEEN RD. (PRIVATE RD.)
TRALEE RD. (PRIVATE RD.)
TRAMORE PL. (PRIVATE RD.)
OUTLOT "C"
OUTLOT "G"
OUTLOT G (DETENTION)
175' PIPELINE PLANNING AREA (HAZARD AREA)
30.00' PRIVATE UTILITY EASEMENT
OUTLOT F
"XX" ROAD
15' PRIVATE UTILITY EASEMENT
60' UTILITY EASEMENT
20' PRIVATE UTILITY EASEMENT
SOUTH ST.
OUTLOT "A" (GOLF COURSE, UTILITIES)
30' POTENTIAL SANITARY SEWER CONNECTION TO THE SOUTH

REV	DATE	DESCRIPTION
12	11.28.18	ADMINISTRATIVE AMENDMENT TO ADJUST LAYOUT
11	[illegible]	ADMINISTRATIVE AMENDMENT TO ADJUST BOUNDARY
10	[illegible]	[illegible]
9	[illegible]	[illegible]
8	[illegible]	[illegible]
7	[illegible]	[illegible]
6	[illegible]	ADD TOWNHOMES AND SINGLE FAMILY LOTS ON S. 91ST, ADD REC FACILITY
5	[illegible]	[illegible]
4	[illegible]	REVISED TOWNHOME LAYOUT AND LOT LAYOUT NEAR FIRETHORN LN. AND CALVERT
3	[illegible]	[illegible]
2	[illegible]	[illegible]
1	[illegible]	[illegible]

REVISIONS

2018

COVER SHEET

FIRETHORN
SPECIAL PERMIT #872

LINCOLN, NE

SHEET
01 OF 11

OLSSON ASSOCIATES
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olsson

December 12, 2018

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

Re: Firethorn Addition Special Permit SP872I
Olsson Project No. 018-3238

Dear Mr. Cary,

On behalf of the owner BiC Development LLC ("BiC"), we are submitting an application to Amendment to the Special Permit 872I to add Lot 3, Firethorn 28th Addition to the legal boundary.

BiC is also requesting a change of zone for Lot 3 Firethorn 28th Addition that totals an areas of 10.16 acres. This property is seeking a change of zone from AGR to R-1, which is consistent with the Special Permit.

The Special Permit plans show the proposed site, grading, drainage and profiles. The site plan porposes to subdivide and developed the property to keep the existing residence dwelling and add 8 large single family lots that would be consistent with the housing types in the Firethorn area. The 9 total lots being developed is being proposed to become part of the Reserve at Firethorn HOA and adopt their covenants and buildings standards.

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

1. City of Lincoln Application for a change of zone from AG to R-1;
2. City of Lincoln Application for Amendment to Special Permit
3. Application fees in the amount of $1976 (COZ $988 and Amend SP $988)
4. Site Plan

BiC has discussed the project with City Planning Staff and will continue to work on questions and issues as they arise. The Client has communicated the project to individual property owners whose parcesl are adjacent to the property and may be impacted by the layout. In addition, the HOA of Firethorn has been contacted and provided exhibits of the layout. No concerns have been communicated upon submitting the application documents.

The development approach for the project is to extend the Firethorn neighborhood into this property. The waivers approved in the Firethorn Special Permit are being requested to be extended to this property. For example, Firethorn has longer block lengths, rural (asphalt) section roads, drainage ditches, no street lights, no street trees and no sidewaks. The property

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layout includes connectivity to the north (undeveloped), south (undeveloped) and east. Access to S. 84th Street is being relinquished at the request of the City.

Drainage detention and water quality has been designed to control runoff from the property in its developed condition. The existing Firethorn plans included portions of this property in the original calculations. The entire property is now included in the plans and drainage report.

We look forwad to continuing to work with the City and the neighbors on the above applications. Plans and other supporting documents will be submitted to ProjectDox upon notification from the planning staff. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olsson.com or (402) 458-5672.

Sincerely,

Brad J. Marshall

Brad J Marshall, P.E.
cc: File
BiC Development LLC – Boyd Batterman

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 18003A	Yes	Sam Manzitto Jr./Hampton, LLC
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS**
January 9, 2019	No	150 SW 14th Place

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a proposed amendment to the Special Permit for a Planned Service Commercial development to reflect what was approved by City Council but inadvertently left out of the resolution. The resolution failed to include the 21,000 square feet of commercial/retail space that will provide additional services to support the sports facility.

SP18003 is an approved Special Permit to facilitate the development of a 78,500 square foot building for the Lincoln Sports Facility to provide indoor recreation and competitive sport opportunities for Lincoln youth.

JUSTIFICATION FOR RECOMMENDATION

The proposed amendment is consistent with the Zoning Ordinance and the already approved Site Plan for this development.

APPLICATION CONTACT
Sam Manzitto, Jr.
(402) 483-2302
samjr@manzitto.com

STAFF CONTACT
Dessie E. Redmond, Planner
(402) 441-6373
dredmond@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment in conformance with the Comprehensive Plan and designated future land use.

WAIVERS PREVIOUSLY APPROVED

Waivers to the parking requirements, interior setbacks and private roadway ending in a cul-de-sac have already been approved by the Planning Commission and City Council.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.5 - In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.

P. 5.6 – So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

5.16 - Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.

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

P. 12.4 – Industrial designations are for areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 – Commercial designations are for areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

ANALYSIS

1. This is a proposed amendment to the Special Permit for a Planned Service Commercial development to reflect what was approved by City Council but inadvertently left out of the resolution. The resolution failed to include the 21,000 square feet of commercial/retail building space that will provide additional service oriented retail stores to support the sports facility.

2. SP18003 is an approved Special Permit to facilitate the development of the Lincoln Sports Facility to provide indoor recreation and competitive sport opportunities for Lincoln youth. Phase One of the project will consist of approximately 78,500 square feet of indoor sports complex, including eight basketball courses, 12 volleyball courses, and a 5,000 square foot training center along with a surface parking lot and associated improvements. Phase Two will consist of approximately 21,000 square feet of commercial/retail building space that will provide additional service oriented retail stores to support the sport facility, an additional surface parking lot and associated improvements. This is a total of approximately 99,500 square feet of commercial space.

3. The site can be easily service by roads and utilities. Lots fronting W. O Street will continue to take access off W. O Street and the new facility will take access off SW. 14th Place as a private drive.

4. Waivers to parking requirements, internal setbacks and a private roadway ending in a cul-de-sac were already approved by City Council. The parking waiver was appropriate because the site plan shows sufficient parking spaces for this type of use. The internal setback waiver was appropriate because the subject property is seen as one premise, and the private roadway ending in a cul-de-sac was appropriate because the end of the roadway terminates at the proposed main building.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Vacant and Commercial & H-4 General Commercial district

SURROUNDING LAND USE	**SURROUNDING ZONING**
North: W. O Street	H-3 Highway Commercial
South: Burlington Northern Railroad	I-1 Industrial
East: Auto sales	H-3 Highway Commercial
West: Vacant	H-3 Highway Commercial & AG Agriculture

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA FOR THE SPECIAL PERMIT: 9.85 acres

LEGAL DESCRIPTION FOR THE SPECIAL PERMIT: Lots 1-7, Block 1, Earl Carter Addition, located in Section 28-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by:

_____

Dessie E. Redmond, Planner
(402) 441-6373 Date: December 28, 2018

Contact: Lincoln Sports Facility, LLC
Sam Manzitto, Jr.
3341 Pioneers Boulevard, Suite 1
Lincoln, NE 68506

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APPLICATION HISTORY – Special Permit 18003A

March 2018 SP18003 Lincoln Sports Facility was approved by City Council for a Planned Service Commercial Development for an indoor sports facility of approximately 78,500 square feet, a surface parking lot; and associated improvements with associated waivers to parking requirements, reduced internal setbacks, and private roadway requirements.

March 2018 CPC18005 Lincoln Sports Facility was approved by City Council to modify the adopted West O Street Redevelopment Plan by establishing the "Lincoln Sports Facility Redevelopment Project."

March 2018 CZ18001 was approved by City Council to amend the Lincoln Zoning District Map from H-3 Highway Commercial district to the H-4 General Commercial district and from the I-1 Industrial district to the H-4 district and from the H-3 district to the AG Agriculture district and from the I-1 district to the AG district.

CONDITIONS OF APPROVAL – SPECIAL PERMIT #18003A

Per Section 27.63.470 this approval permits an amendment to the resolution for a Special Permit for Planned Service Commercial on approximately 9.85 acres to allow for a total of 99,500 square feet of commercial space. Approval of this amendment supersedes Special Permit 18003.

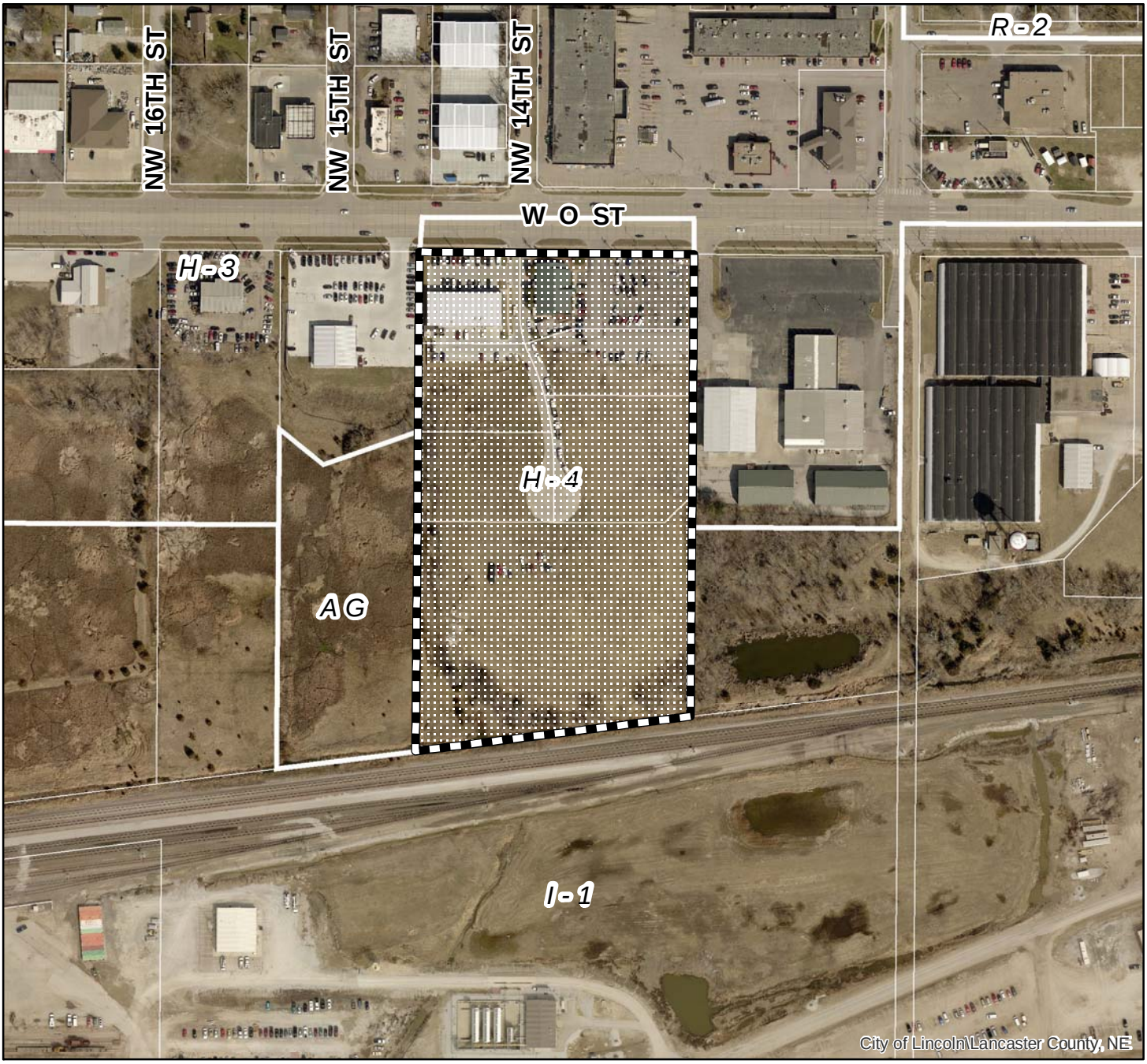
Standard Conditions:

1. The following conditions are applicable to all requests:
    1.1. Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.

    1.2. 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 unless otherwise granted by a waiver with this Special Permit.

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

    1.4. 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.



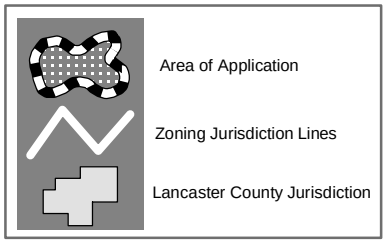
2018 aerial

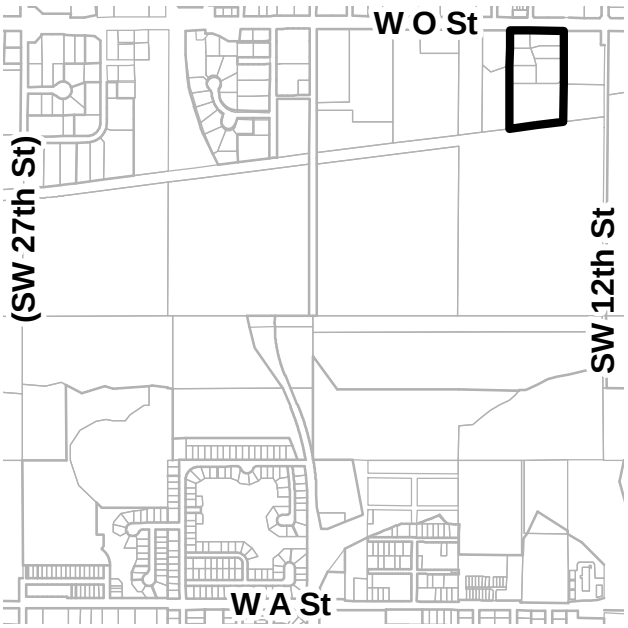
Special Permit #: SP18003A
Lincoln Sports Facility
SW 14th Pl & W O St

Zoning:

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

One Square Mile:
Sec.28 T10N R06E





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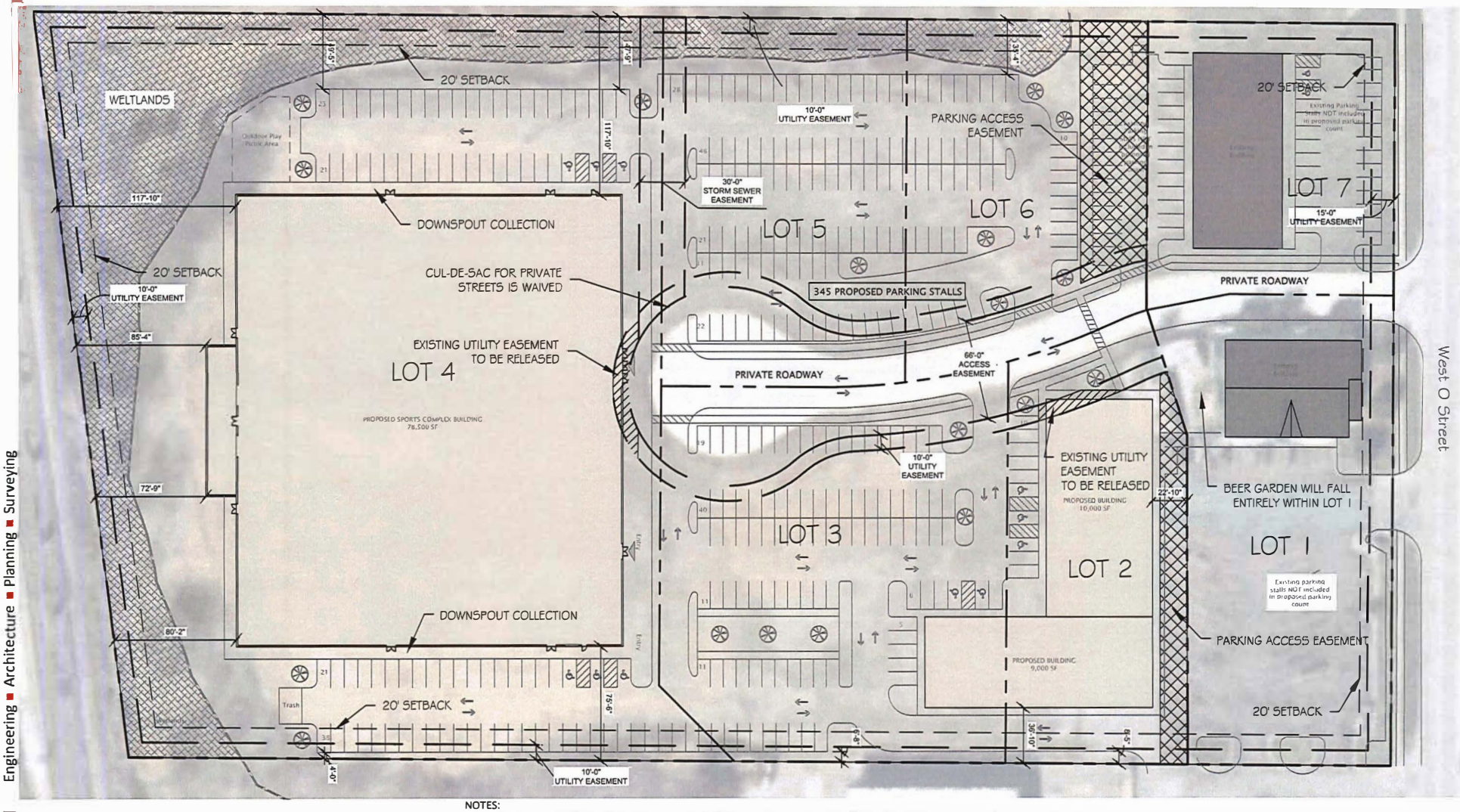

Engineering ■ Architecture ■ Planning ■ Surveying

800.723.8567

Preliminary Site Concept Drawing

Scale: 1"= 60'-0"

NOTES:

1. ALL PARKING WITHIN LOTS 2-6 SHALL BE SHARED BY ALL BUILDINGS AND USES WITHIN LOTS 2-6.
2. INTERNAL BUILDING SETBACKS SHALL NOT APPLY.
3. REQUIRED PARKING STALLS SHALL BE BASED ON 1 STALL PER 300 SF OF BUILDING; REGARDLESS OF USE.
4. TOTAL PARKING STALLS = 345
5. PROPOSED BUILDINGS OTHER THAN THE SPORTS COMPLEX SHALL BE WITHIN LOTS 2 AND 3.
6. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, AND NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.

Lincoln Sports Complex

Date: 12-20-18

© JEO Architecture Inc.

Project No. P170359.00

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 05061C	No	Dial Companies, Inc.
PLANNING COMMISSION HEARING DATE	**RELATED APPLICATIONS**	**PROPERTY ADDRESS/LOCATION**
January 9, 2019	None	Generally at S. 1st Street & W. Denton Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to the Southwest Village Planned Unit Development (PUD). The applicant proposes to amend the site plan and Phase 2 which includes construction of a horse racing track. The proposal includes adding excavation as a permitted conditional use in the Agricultural (AG) area.

JUSTIFICATION FOR RECOMMENDATION

The proposed amendments are consistent with the Zoning Ordinance and the design standards associated with this development. There should not be any significant adverse impact on property within the PUD or adjacent to the PUD.

APPLICATION CONTACT
DaNay Kalkowski
(402) 435-6000
DaNay@sk-law.com

STAFF CONTACT
Dessie E. Redmond, Planner
(402) 441-6373
dredmond@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is in conformance with the Comprehensive Plan and designated future land use.

WAIVERS

None

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 – Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

P. 6.6-6.7 - Strategies for Mixed Use Redevelopment Nodes and Corridors

- Mixed Use Redevelopment Nodes and Corridors should strive to locate:
  - In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas as opposed to existing neighborhoods.
  - On at least one arterial street to help provide for traffic and utility capacity and access to transit.
  - This criterion encourages redevelopment while protecting sensitive environmental areas.

P. 6.2-6.3 - Guiding Principles for Mixed Use Redevelopment

- Mixed Use Redevelopment Should:
  - Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
  - Occur on sites supported by adequate road and utility capacity.
  - Be located and designed in a manner compatible with existing or planned land uses.
  - Enhance entryways when developing adjacent to these corridors.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.
- Provide flexibility to the marketplace in siting future commercial and industrial locations.
- Strive for predictability for neighborhoods and developers.
- Encourage and provide incentives for mixed uses in future developments.
- Encourage preservation or restoration of natural resources within or adjacent to commercial or industrial development.

ANALYSIS

1. The Southwest Village PUD was approved by City Council in 2006 as a mixed use with office, retail, commercial and industrial development.

2. The entire Southwest Village PUD has three different development areas, I-3, B-2 and AG. These individual areas generally follow zoning regulations associated with the I-3, B-2 and AG zoning districts. Specific deviations from these regulations are described in the development plan.

3. This amendment is proposing changes to only the AG development area.

4. This amendment proposes to amend Phase 2 of the site plan by decreasing the size of the horse track.

   The current site plan (for CZ05061B) shows a larger horse track that required the property owner to relocate S. 1st Street. With this proposal (for CZ05061C) the horse track decreases in size; therefore, the relocation of S. 1st Street will not be necessary and will remain in its current location.

   The associated Annexation and Zoning Agreement is also being amended to remove language regarding the relocation. By decreasing the size of the horse track, grading and drainage is also being revised with this amendment.

5. This amendment also proposes to add excavation as a permitted conditional use in the Agricultural (AG) area.

   It is stated in the application submittals the property owner plans for the dirt work for Phase 2 to be done as part of the site grading. However, the property owner would potentially do additional excavation or mining on the site as part of a future phase. No details were provided so the excavation will require a future administrative

amendment to review the proposal once there is more information

6. The amended Phase 2 plan will also address work that should have been done in Phase 1. For Phase 2, prior to building permit for any construction in the AG Area, the following will need to be completed: street vacation of former 1st Street (Schmidt Court) adjacent to NE Horsemen property, dedication of public access easement for future ROW in location of current driveway on Lot 25 and 30 I.T. and a legal subdivision of Lot 59 and 63 I.T. that provides access to Lot 63.

7. There is a floodplain easement located east of S. 1st Street. Any uses, other than farming or open space, will require a future amendment on this 18.49 acre floodplain area. Due to lack of street improvements adjacent to S. 1st Street, this area is not approved for parking or recreational uses and it will remain non-buildable until a future administrative amendment is approved.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Lincoln Race Course and vacant; B-2

SURROUNDING LAND USE & ZONING

North: Vacant; B-2
South: Single-Family Detached and Vacant; AG
East: Vacant; B-2
West: Single-Family Detached and Vacant; AGR and AG

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA: 109.02 acres

LEGAL DESCRIPTION: Lots 20, 29, 30, and 36, I.T., located in Section 15, Lots 24, 25, and 27, I.T., located in Section 22, and 3.45 acres, more or less, located in the west part of Lot 59, I.T., located in Section 23, all located in the NE 1/4 of Section 22-9-6, Lincoln, Lancaster County, Nebraska

Prepared by:

_____
Dessie E. Redmond, Planner
(402) 441-6373 Date: December 28, 20218

Applicant/Owner: Nebraska Horsemen's Benevolent and Protective Association
7055 S. 1st Street
Lincoln, NE 68512

Contact: DaNay Kalkowski
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508

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APPLICATION HISTORY – CHANGE OF ZONE 05061C

June 2006	CZ05061 was approved by City Council for a PUD overlay and for a change of zone from AG and AGR to B-2 Planned Neighborhood Business to allow approximately 160 dwelling units and approximately 1,300,000 square feet of office, retail, commercial and industrial floor area. AN05014 Annexation of 463.8 areas was approved by City Council.
September 2012	CZ05061A was approved by City Council to amend the PUD to show a horse race course, simulcast facility, barns, and accessory buildings and to allow all B-2 zoning district conditional and special permitted uses as permitted uses; to show a new AG area be eliminating the R-5 area and moving the I-3 area, and to waive the requirement for all of 1st Street to be paved.
March 2015	CZ05061B was approved by City Council to amend the Development Plan, which adjusted regulations regarding the location and height of signs.

CONDITIONS OF APPROVAL – CHANGE OF ZONE 05061C

This approval permits an amendment to the site plan and Phase 2 which includes construction of a horse racing track, and adding excavation as a permitted conditional use in the Agricultural (AG) area after obtaining approval of an administrative amendment.

Site Specific Conditions:

1. The City Council approves associated request:

   1.1 Amendment to the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement

2. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.

   2.1 On Sheet 1 (and any other sheets), remove the notation where parking or other uses east of 1st Street related to the horse track is referenced.

   2.2 On Sheet 1 (and any other sheets where excavation/mining is referenced), revise the second asterisk note, "In the AG Area, excavation is a permitted conditional use with the approval of an administrative amendment, which must be obtained prior to building permit. LMC 27.63.160 Excavation conditions still apply. Stone milling is not permitted."

   2.3 On Sheet 1, bubble the sheet numbers.

   2.4 On Sheet 1, add to the General Notes, "All construction, grade changes, and obstructions in LES transmission corridors require LES approval."

   2.5 On Sheet 2, for Lots 5 and 6, Block 2 add a label "Office use only" as per Note 10 on Sheet 1.

   2.6 On Sheet 2, make the revisions as shown in the markup and to the satisfaction of LES.

   2.7 On Sheet 5, add a Note that says, Prior to Building Permit for any construction in the AG Area, Phase 2 the following needs to be completed:

      2.7.1 Street vacation of former 1st Street (Schmidt Court) adjacent to Nebraska Horsemen property.

      2.7.2 Dedication of public access easement for future ROW in location of current driveway on Lot 25 and 30 I.T.

      2.7.3 Complete a legal subdivision of Lot 59 and 63 I.T. that provides access to Lot 63.

   2.8 On Sheet 6, revise Note: "An administrative amendment to the site plan will be required to address street improvements, floodplain, grading and drainage, storm water detention mitigation and other site plan issues."

   2.9 On Sheet 7, add a Note, "Revise the sidewalk in the future simulcast parking lot to the satisfaction of the Planning Director."

   2.10 On Sheet 14, correct the misspelling in the asterisk note under Prairie Grass Mix.

   2.11 On Sheet 14, revise General Note #3, "Any uses, other than farming or open space, will require a future amendment on the 18.49 acre floodplain easement located east of 1st Street."

   2.12 On all site plan sheets, add a label to Lot 25 and 30 I.T., "Non-buildable until future administrative amendment that addresses dedication and improvement of streets to serve these lots and future development to the east."

2.13 Provide the floodplain boundary to the satisfaction of the Lower Platte South NRD.

2.14 One Sheet 1, add as a General Note, "An easement or ROW will be provided for the existing sanitary sewer between Gailyn Road and roundabout of SW 4th and Amaranth Lane to the satisfaction of the Public Works & Utilities – Wastewater Department."

2.15 One Sheet 1, add as a General Note, "There shall be a corridor with easements for a future sanitary sewer trunk line as shown, to the satisfaction of the Public Works & Utilities - Wastewater Department."

2.16 Revise the lowest floor elevations to the satisfaction of the Public Works & Utilities - Watershed Management Department.

Standard Conditions:

3. The following conditions are applicable to all requests:

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

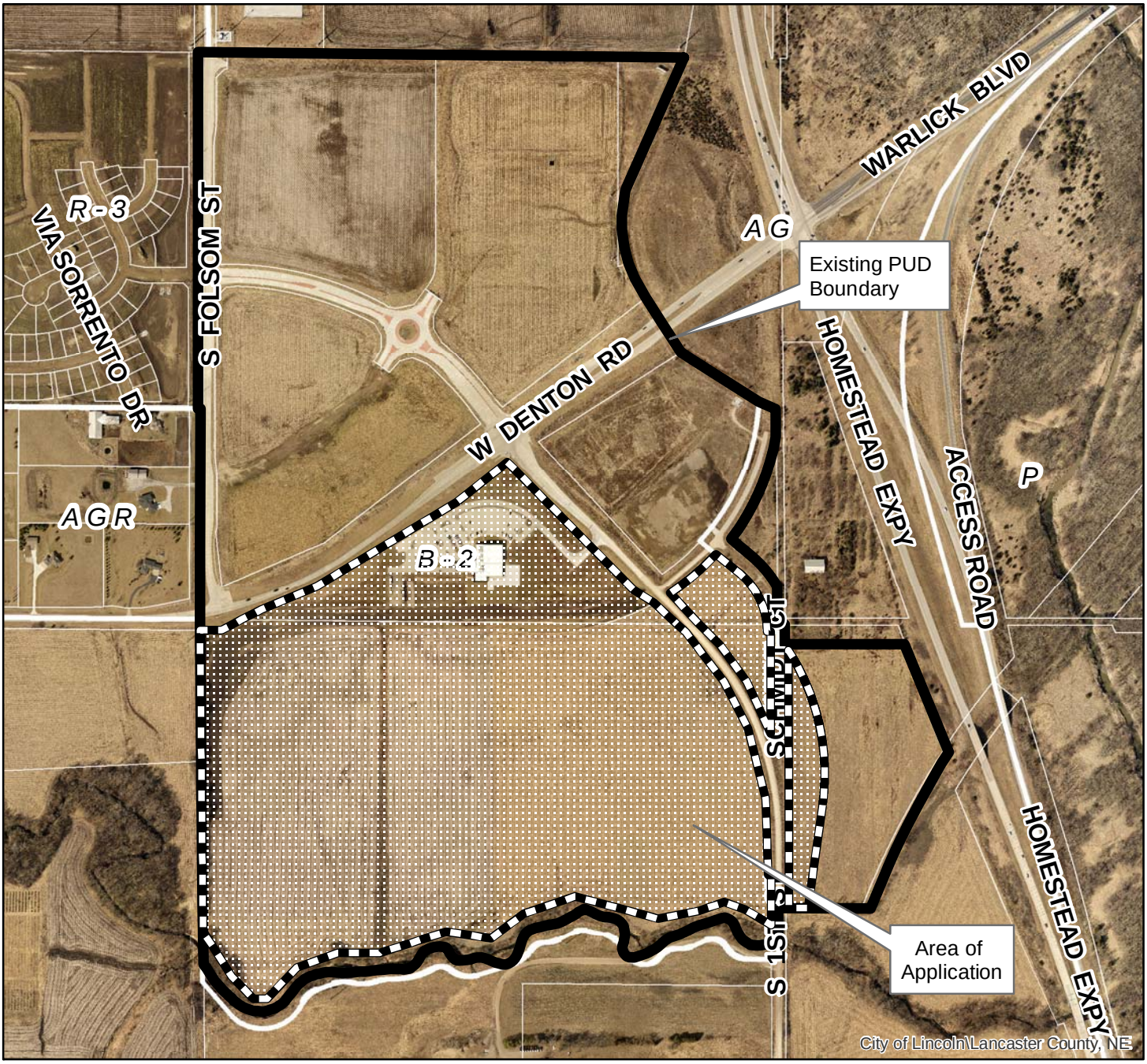
3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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.



2018 aerial

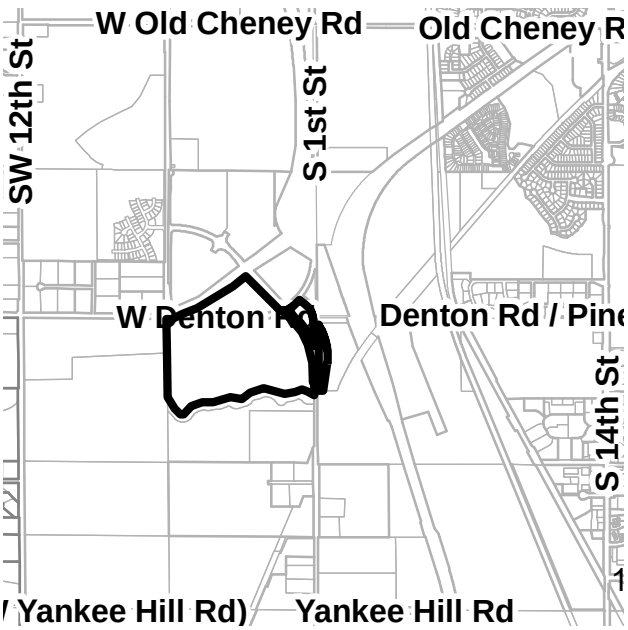
Change of Zone #: CZ05061C
Southwest Village PUD
S 1st St & W Denton Rd

Zoning:

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

Three Square Miles:
Sec.15 T09N R06E
Sec.22 T09N R06E
Sec.23 T09N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction



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SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
COVER SHEET

VICINITY MAP
NO SCALE

OWNERS

SOUTHVIEW, INC.
WESTERN HEMISPHERE HOLDING COMPANY
8544 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68512
PHONE: (402)438-3444

LEGRANDE EXCAVATING, INC.
7801 S 1ST
LINCOLN, NE 68512
PHONE: (402)423-4078

ENGINEER & PREPARER

OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE 68501
PHONE: 474-6311

DEVELOPER

DAL COMPANIES, INC.
11508 NICHOLAS ST. #200
OMAHA, NE 68154
PHONE: (402)493-2800

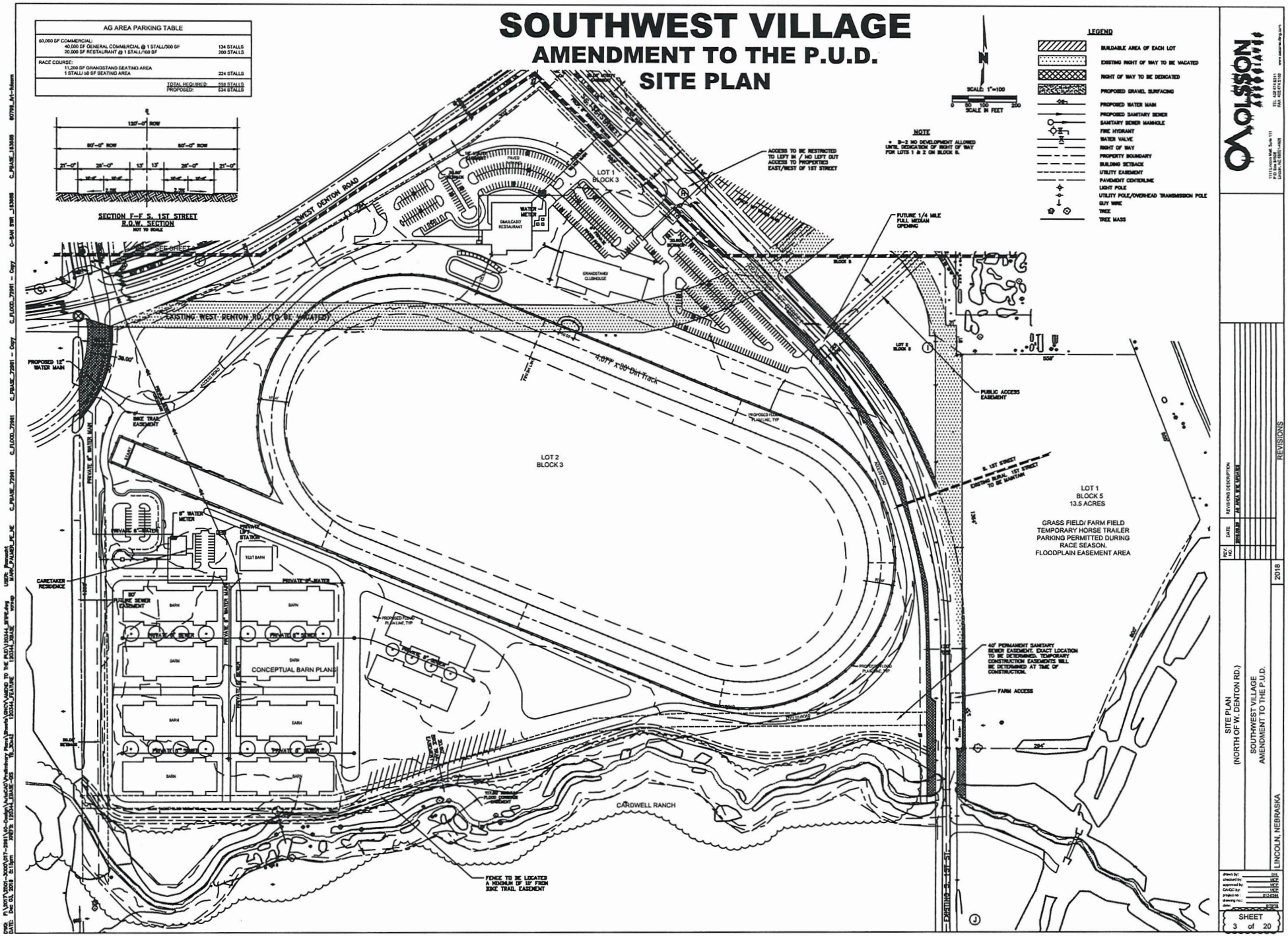
B-2 PUD (NORTH) LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 18 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

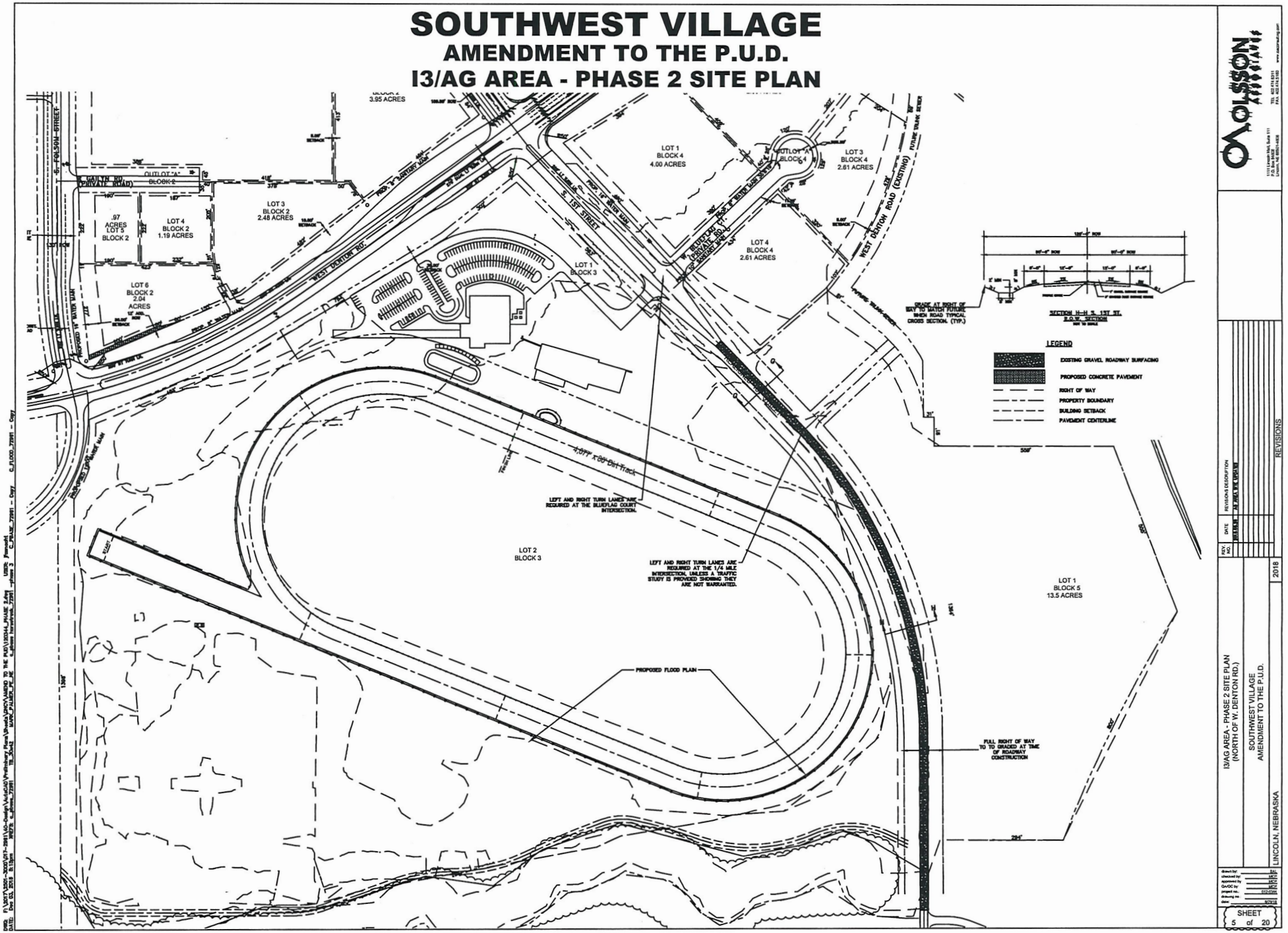
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 27 MINUTES 34 SECONDS EAST, A DISTANCE OF 1186.68 FEET TO A POINT; THENCE NORTH 00 DEGREES 32 MINUTES 26 SECONDS EAST, A DISTANCE OF 466.46 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST DENTON ROAD; THENCE SOUTH 89 DEGREES 27 MINUTES 34 SECONDS EAST, A DISTANCE OF 294.36 FEET TO A POINT LOCATED 40.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 11 SECONDS EAST ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1317.77 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 29 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 18 I.T., THENCE SOUTH 89 DEGREES 29 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 18 I.T., SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,187.26 FEET TO A POINT; THENCE SOUTH 23 DEGREES 40 MINUTES 12 SECONDS WEST, A DISTANCE OF 574.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 46 DEGREES 26 MINUTES 11 SECONDS, A RADIUS OF 2615.00 FEET, A ARC LENGTH OF 2118.71 FEET, A CHORD BEARING OF SOUTH 34 DEGREES 30 MINUTES 08 SECONDS EAST, AND A CHORD DISTANCE OF 2060.97 FEET TO A POINT; THENCE SOUTH 57 DEGREES 43 MINUTES 14 SECONDS WEST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE SOUTH 32 DEGREES 46 MINUTES 57 SECONDS EAST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE SOUTH 57 DEGREES 43 MINUTES 14 SECONDS WEST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE NORTH 32 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE SOUTH 57 DEGREES 43 MINUTES 14 SECONDS WEST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE SOUTH 32 DEGREES 46 MINUTES 57 SECONDS EAST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE SOUTH 57 DEGREES 43 MINUTES 14 SECONDS WEST, A DISTANCE OF 1,000.00 FEET TO A POINT; THENCE NORTH 32 DEGREES 46 MINUTES 57 SECONDS WE

GENERAL SITE NOTES

1. REFER TO SOUTHWEST VILLAGE DEVELOPMENT PLAN FOR ZONING AND DESIGN STANDARDS.
2. A BUSINESS ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACE AREAS INCLUDING THE PRIVATE ROADWAYS AND MEDIANS WITHIN THE PUBLIC STREETS WITHIN THE LIMITS OF THE P.U.D.
3. LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.
4. LOT DIMENSIONS ARE CONCEPTUAL AND WILL BE FINALIZED AT TIME OF FINAL PLATTING.
5. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
6. A COMMON ACCESS EASEMENT WILL BE PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING STALLS MAY EXIST IN THE COMMERCIAL AREAS.
7. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. ALL SIGNS SHALL BE IN CONFORMANCE WITH THE SOUTHWEST VILLAGE PUD DEVELOPMENT PLAN.
8. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR COMMERCIAL BUILDINGS IN THE B-2 AREA LESS THAN 100,000 S.F. SHALL BE APPROVED THROUGH THE BUILDING PERMIT PROCESS. SITE LAYOUT PLANS FOR BUILDINGS LARGER THAN 100,000 S.F. SHALL BE APPROVED ADMINISTRATIVELY BY THE PLANNING DIRECTOR.
9. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE PLANS IF THEY ARE 1000 SQUARE FEET OR SMALLER AND ARE OUTSIDE OF THE SIGHT TRIANGLES AND SETBACKS AND ARE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES AND CODES OF THE SOUTHWEST VILLAGE P.U.D.
10. LOTS 5 AND 6, BLOCK 2 SHALL BE RESTRICTED TO OFFICE AND BANK USES BY THE PUD. THERE SHALL BE AN ADDITIONAL 2 ACRES OF OFFICE USE WITHIN THE B-2 AREA.
11. ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE P.U.D. SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING'S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD'S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD'S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
12. OUTDOOR STORAGE / GARDEN CENTERS SHALL NOT BE PERMITTED ON THE EAST SIDE OF ANY BUILDING IN LOT 2, BLOCK 1 WITHIN 600' OF HIGHWAY 77 RIGHT OF WAY.
13. STORM WATER ENERGY DISSIPATION IN THE FORM OF ROCK RIP RAP OR OTHER SUITABLE MATERIAL SHALL BE INSTALLED AT ALL STORM SEWER OUTLETS.
14. ADDITIONAL RIGHT OF WAY SHALL BE DEDICATED TO THE NDOR TO ALLOW FOR RIGHT TURN LANES AS REQUIRED BY THE TRAFFIC STUDY.
15. ADDITIONAL RIGHT OF WAY FOR S. 1ST STREET SHALL BE DEDICATED AT THE TIME OF FINAL PLAT.
16. THE FUTURE BIKE TRAIL CROSSING AT THE INTERSECTION OF WEST DENTON ROAD AND SOUTH 1ST STREET SHALL BE AN AT GRADE CROSSING.
17. ADDITIONAL SIDEWALK CONNECTIONS CONSISTENT WITH THE INCENTIVE CRITERIA OF THE CHAPTER 3.105 SECTION 3 OF THE CITY OF LINCOLN DESIGN STANDARDS TO BE APPROVED BY ADMINISTRATIVE AMENDMENT PRIOR TO APPROVAL OF THE FINAL PLAT.
18. A LETTER OF MAP REVISION BASED ON FILL (LOMR-F) WILL BE COMPLETED AFTER GRADING IS COMPLETED AND PRIOR TO RECEIVING BUILDING PERMITS IN ORDER TO AMEND THE FEMA FLOOD PLAIN MAPS TO ACCURATELY REFLECT THE GRADING AS PER LINCOLN MUNICIPAL CODE 28.25.020 (E).
19. THE DEVELOPER SHALL BE PERMITTED TO COMPLETE THE GRADING IN PHASES; PROVIDED THAT ANY PHASED GRADING SHALL TEMPORARILY PROVIDE A RATIO OF THREE ACRE FEET OF MITIGATED FLOOD STORAGE VOLUME FOR EVERY ONE ACRE FOOT OF FLOOD STORAGE VOLUME IMPACTED. AT THE TIME ANY PORTION OF THE PROPERTY SOUTH OF WEST DENTON ROAD IS FINAL PLATTED, THE DEVELOPER SHALL SUBMIT A GRADING PLAN SHOWING THE COMPLETION OF A PERCENTAGE OF THE FLOOD STORAGE THAT IS PROPORTIONATE TO THE NUMBER OF DEVELOPABLE ACRES BEING FINAL PLATTED.
20. THE ROUTING OF THE FORCE MAIN ADJACENT TO WILDERNESS PARK SHALL BE APPROVED BY THE PARKS & REC DEPARTMENT.
21. THE HORSE TRACK AREA IN THE AG PUD AREA WILL INCLUDE THE RACE TRACK, GRANDSTAND, SIMULCAST / RESTAURANT FACILITY, CLUBHOUSE, PADDOCK, PARKING, BARNS, CARE TAKERS RESIDENCE, TESTING BUILDING, AND OTHER NECESSARY STRUCTURES ASSOCIATED WITH A HORSE RACE TRACK.
22. THE SITE PLAN FOR THE HORSE TRACK AND ACCESSORY BUILDINGS IS CONCEPTUAL AND MAY VARY AT TIME OF BUILDING PERMIT.
23. THE HORSE PARK SHALL GAIN THE PERMITS NECESSARY FROM THE NDEQ, FOR APPROPRIATE STORAGE, DISCHARGE, AIR QUALITY, ETC FOR THE EQUESTRIAN WASTE.
24. AN ADDITIONAL 20' OF CONSTRUCTION EASEMENT FOR THE FUTURE TRUNK SEWER WILL BE PROVIDED ALONG THE WEST TRUNK SEWER ALIGNMENT IF THE PROPERTY TO THE WEST HAS NOT BEEN FINAL PLATTED AND THE CITY REQUIRES THE EASEMENT FOR CONSTRUCTION OF THE TRUNK SEWER MAIN.
25. SIDEWALKS ARE TO BE CONSTRUCTED ON WEST DENTON ROAD AND SOUTH 1ST STREET. THESE SIDEWALKS SHALL BE GRADED AND CONSTRUCTED TO MATCH FUTURE ROADWAY RIGHT OF WAY GRADES. DRAINAGE FACILITIES MAY BE REQUIRED TO MAINTAIN THE RURAL DITCH SECTION DRAINAGE.
26. SIDEWALKS SHALL BE CONSTRUCTED AS SHOWN FOR THE HORSEPARK ON THE PHASE ONE DEVELOPMENT PLAN. THE PHASE TWO DEVELOPMENT SHALL CONSTRUCT THE SIDEWALK ON WEST DENTON ROAD TO FOLSOM STREET AND EXTEND THE SIDEWALK IN SOUTH 1ST STREET TO SCHMIDT DRIVE. THE ACTUAL LOCATION OF THE SIDEWALKS SHALL BE COORDINATED WITH THE CITY.


SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
SITE PLAN
AG AREA PARKING TABLE
60,000 SF COMMERCIAL:
40,000 SF GENERAL COMMERCIAL @ 1 STALL/300 SF 134 STALLS
20,000 SF RESTAURANT @ 1 STALL/100 SF 200 STALLS
RACE COURSE:
11,200 SF GRANDSTAND SEATING AREA
1 STALL/ 50 SF SEATING AREA 224 STALLS
TOTAL REQUIRED: 558 STALLS
PROPOSED: 634 STALLS
SECTION F--F S. 1ST STREET R.O.W. SECTION
NOT TO SCALE
LEGEND
BUILDABLE AREA OF EACH LOT
EXISTING RIGHT OF WAY TO BE VACATED
RIGHT OF WAY TO BE DEDICATED
PROPOSED GRAVEL SURFACING
PROPOSED WATER MAIN
PROPOSED SANITARY SEWER
SANITARY SEWER MANHOLE
FIRE HYDRANT
WATER VALVE
RIGHT OF WAY
PROPERTY BOUNDARY
BUILDING SETBACK
UTILITY EASEMENT
PAVEMENT CENTERLINE
LIGHT POLE
UTILITY POLE/OVERHEAD TRANSMISSION POLE
GUY WIRE
TREE
TREE MASS
NOTE
• B-2 NO DEVELOPMENT ALLOWED UNTIL DEDICATION OF RIGHT OF WAY FOR LOTS 1 & 2 IN BLOCK 5.
SCALE 1"=100
SCALE IN FEET
ACCESS TO BE RESTRICTED TO LEFT IN / NO LEFT OUT ACCESS TO PROPERTIES EAST/WEST OF 1ST STREET
FUTURE 1/4 MILE FULL MEDIAN OPENING
PUBLIC ACCESS EASEMENT
EXISTING WEST DENTON RD. (TO BE VACATED)
SWEST DENTON ROAD
LOT 1 BLOCK 3
LOT 2 BLOCK 3
LOT 1 BLOCK 5 13.5 ACRES
GRASS FIELD/ FARM FIELD
TEMPORARY HORSE TRAILER PARKING PERMITTED DURING RACE SEASON.
FLOODPLAIN EASEMENT AREA
4,077' x 100' Dirt Track
CONCEPTUAL BARN PLANS
CARDWELL RANCH
CARETAKER RESIDENCE
TEST BARN
BIKE TRAIL EASEMENT
PROPOSED 12" WATER MAIN
50' PRIVATE SEWER EASEMENT
40' PERMANENT SANITARY SEWER EASEMENT. EXACT LOCATION TO BE DETERMINED. TEMPORARY CONSTRUCTION EASEMENTS WILL BE DETERMINED AT TIME OF CONSTRUCTION.
FARM ACCESS
FENCE TO BE LOCATED A MINIMUM OF 10' FROM BIKE TRAIL EASEMENT
EXISTING S. 1ST ST.
EXISTING RURAL 1ST STREET TO BE SANITARY
REVISIONS
SITE PLAN
(NORTH OF W. DENTON RD.)
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
LINCOLN, NEBRASKA
2018
SHEET
3 of 20

SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
I3/AG AREA - PHASE 2 SITE PLAN



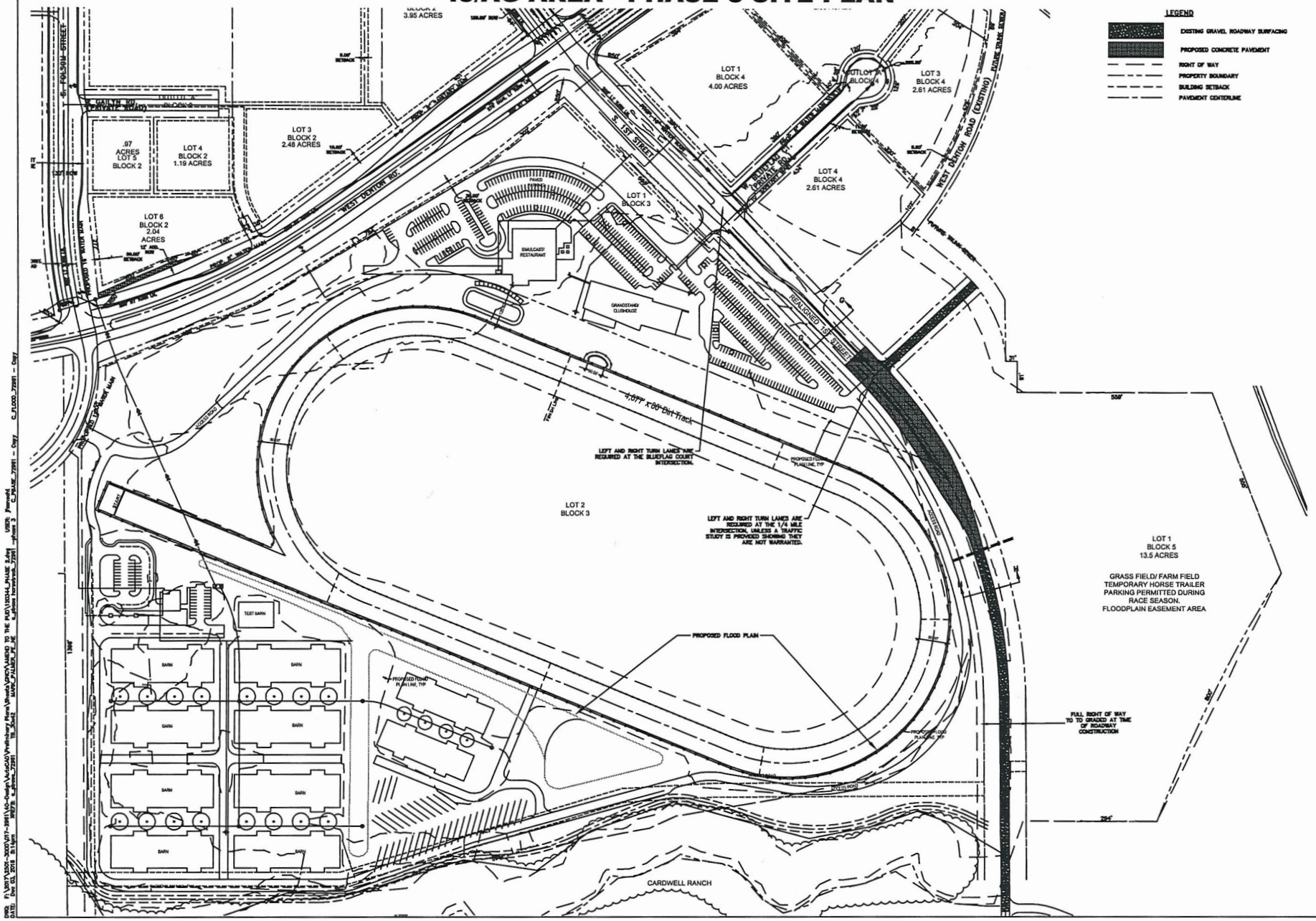
REVISIONS

REV NO.	DATE	REVISIONS DESCRIPTION

I3/AG AREA - PHASE 2 SITE PLAN
(NORTH OF W. DENTON RD.)
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
LINCOLN, NEBRASKA
2018

SHEET 5 of 20

SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
I3/AG AREA - PHASE 3 SITE PLAN



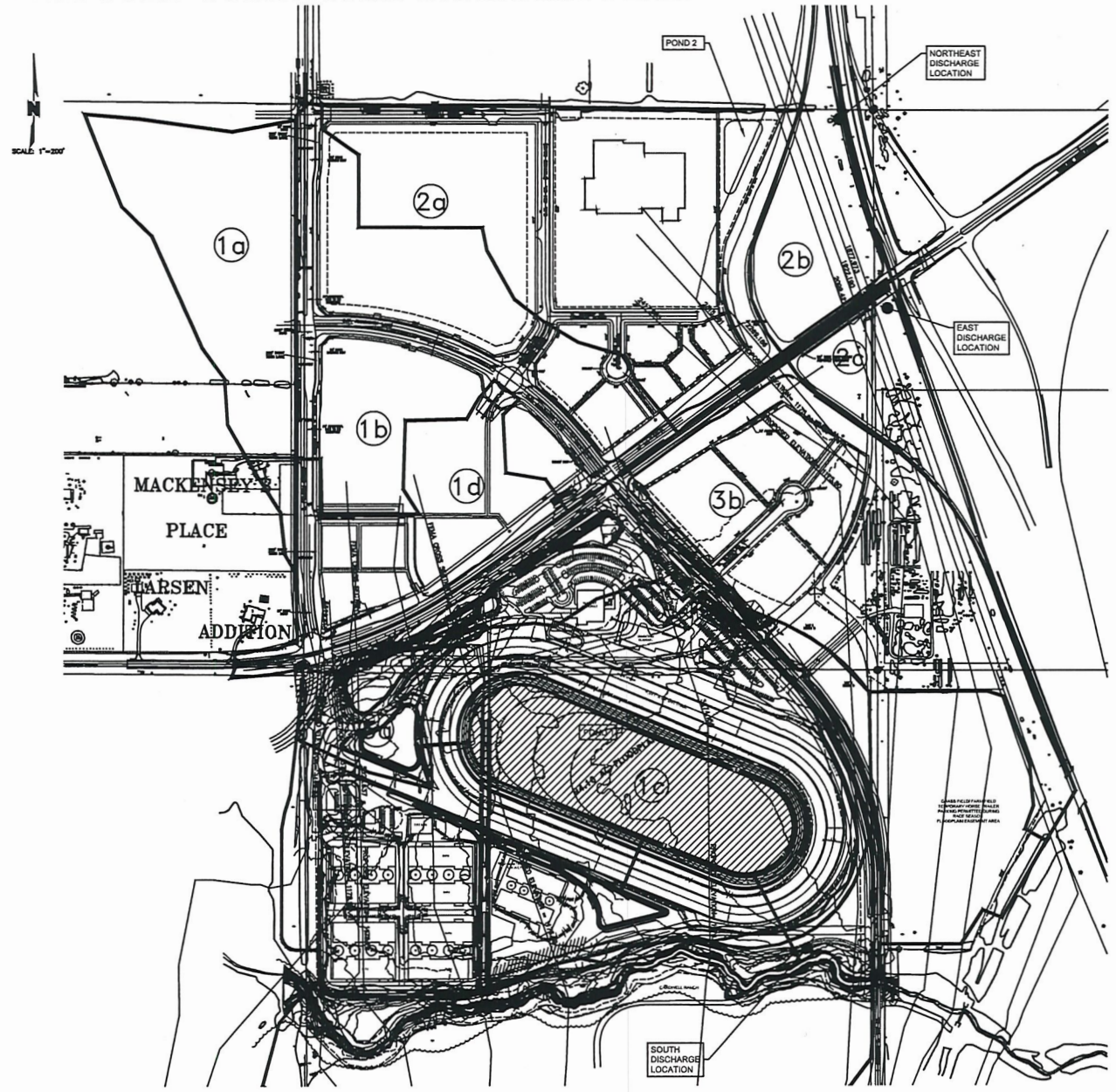
OLSSON

REVISIONS

I3/AG AREA - PHASE 3 SITE PLAN (NORTH OF W. DENTON RD.)
SOUTHWEST VILLAGE AMENDMENT TO THE P.U.D.
LINCOLN, NEBRASKA
2018

SHEET 5A of 20

SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
PROPOSED CONDITIONS DRAINAGE PLAN



LEGEND

1200 — PROPOSED MAJOR CONTOUR
1198 — PROPOSED MINOR CONTOUR
PROPOSED FLOODPLAIN BOUNDARY
EXISTING DRAINAGE BASIN
PROPOSED DRAINAGE BASIN
DEPTH OF FLOODPLAIN
PROPOSED WATER QUALITY AREA

PROPOSED AREAS

FLOODPLAIN AREA = 84.16 AC.
PROPOSED FLOOD STORAGE = 263 AC.-FT.
INCREASE IN FLOOD STORAGE = 19 AC.-FT.

ON-SITE DETENTION PONDS

Table 3. On-Site Detention Ponds

Pond	Description	Outfall Type	Bottom Elevation (ft)	Top of Berm Elevation (ft)
1	Horse Track infield wet pond, detains a portion of the runoff from Subwatersheds 1A, 1B, and 3A, 1C, 1E, and 1F	24" Perforated Riser Pipe, with 2-48" Culverts	1169.0	1177.0
1F	Dry pond at east end of stables, detains runoff from Subwatersheds 1E and 1F	2-36" Culverts	1170.5	1175.2
2	Northeast dry pond, detains runoff from Subwatershed 2A	2-30" Culverts	1168.0	1174.0
3A	Dry pond at northwest end of race track, detains runoff from Subwatersheds 1A, 1B, 3A	3-36" Culverts	1171.0	1177.1

EAST DISCHARGE LOCATION

Table 5. Discharge Comparison at East Discharge Location under US-77 to Salt Creek (Junction 3)

2-Year Peak Runoff (cfs)	
Existing Condition	153
Proposed Conditions	115
Change in Peak Runoff	-2
10-Year Peak Runoff (cfs)	
Existing Condition	236
Proposed Conditions	212
Change in Peak Runoff	-24
100-Year Peak Runoff (cfs)	
Existing Condition	365
Proposed Conditions	311
Change in Peak Runoff	-54

NORTHEAST DISCHARGE LOCATION

2-Year Peak Runoff (cfs)	
Existing Condition	186
Proposed Conditions	70
Change in Peak Runoff	-116
10-Year Peak Runoff (cfs)	
Existing Condition	390
Proposed Conditions	150
Change in Peak Runoff	-240
100-Year Peak Runoff (cfs)	
Existing Condition	642
Proposed Conditions	221
Change in Peak Runoff	-421

SOUTH DISCHARGE LOCATION

Table 4. Discharge Comparison at South Discharge Location into Cardwell Branch

	HEC-HMS Location		
2-Year Peak Runoff (cfs)			
	C-1*	JR70	Mouth
Existing Condition	897	1026	1012
Proposed Conditions	890	1019	1004
Change in Peak Runoff	-7	-7	-8
10-Year Peak Runoff (cfs)			
	C-1*	JR70	Mouth
Existing Condition	1165	1584	1586
Proposed Conditions	1164	1574	1578
Change in Peak Runoff	-1	-10	-30
100-Year Peak Runoff (cfs)			
	C-1a	JR70	Mouth
Existing Condition	2374	2405	2406
Proposed Conditions	2371	2403	2401
Change in Peak Runoff	-3	-2	-5

PROPOSED POND DATA

		WSE (ft)	Discharge Q_p/Q_o	Volume (ac-ft)
Pond 1 24" Perforated Riser	2 year	1168.3	3/238	38.0
	10 year	1169.8	5/420	50.8
	100 year	1171.4	6/817	78.0
Pond 2 3-30" Pipes	2 year	1170.5	40/139	4.0
	10 year	1171.7	70/213	6.2
	100 year	1173.0	88/309	8.9

NOLTE VOLVO

REVISIONS
REV. | DATE | REVISION DESCRIPTION

PROPOSED CONDITIONS DRAINAGE PLAN
SOUTHWEST VILLAGE
AMENDMENT TO THE P.U.D.
LINCOLN, NEBRASKA
2018

drawn by: BSH
checked by: MCH
approved by: MCH
DA/QC by: MCH
project no. 012.0041
drawing no.:
date: 8/29/18

SHEET 9 of 20

DWG: P:\Civil\2018 - 2000\018-2000\018-2000 Working Files\Arch\Working Plans\Sheets\PROPOSED CONDITIONS DRAINAGE PLAN.dwg LAYOUT: 24x36 Landscape PLOTTED: Dec 04, 2018 - 8:29pm XREFS: BLOCK1.dwg C_BASE_72991.dwg C_BASE_72991 - Copy.dwg C_FLOOD_72991.dwg C_FLOOD_72991 - Copy.dwg C_PONT_72991.dwg C_PONT_72991 - Copy.dwg 1004A_BASE.dwg 1004A_Sant

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

August 29, 2018

HAND DELIVERY

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

RE: Amendment to Southwest Village Planned Unit Development

Dear David:

Our office represents the Nebraska Horsemen's Benevolent and Protective Association, Inc. (the "Association"), the owner of Lots 20, 29, 30 and 36, Irregular Tracts located in Section 15, Lots 24, 25 and 27, Irregular Tracts located in Section 22, and 3.45 acres located in the west part of Lot 59, Irregular Tract located in Section 23, all located Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (collectively the "Property"). The Property is located south of West Denton Road and primarily west of S. 1st Street. It is included within the AG Area under the Southwest Village Planned Unit Development ("PUD").

The Association desires to amend the PUD to provide a new Phase 2 Plan for the AG Area. The new Phase 2 proposes construction of a smaller track on the Property which will allow S. 1st Street to remain in its current location. The Association anticipates a limited number of racing days on the new track (i.e. 2 or 3 weekends in 2019 with 2 to 3 days per weekend). The races will be run at the site without stands or a grandstand, barns or additional parking which would be added in later phases.

The Association is also requesting an amendment to the PUD Development Plan to insert a new site plan and add "excavating" as a permitted conditional use in the AG Area. The dirt work planned for Phase 2 will be done as part of the site grading. However, the Association would like to have the option to potentially do additional excavation or mining on the site as part of a future phase.

Finally, the Association is requesting an amendment to the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement ("Annexation Agreement"). The existing Annexation Agreement provides for the relocation of S. 1st Street based upon the

approved plans. With the proposed Phase 2 Plan, relocation of S. 1st Street is no longer necessary, so that language is being removed from the Annexation Agreement.

Enclosed please find the following:

i. a City of Lincoln Application Form;
ii. a check in the amount of $4,283 made payable to the City of Lincoln for the application fee;
iii. Revised Development Plan that adds excavation as a permitted conditional use in the AG Area; and
iv. Amendment No. 2 to the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement that includes new exhibits showing the Phase 2 construction and removes language requiring the relocation of S. 1st Street.

We appreciate the comments and feedback we have received from staff to date and look forward to working with them on this amendment. Nate Buss at Olsson Associates is the ProjectDox Contact for this project. If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Nate.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

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?
Text Amendment #18016	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
January 9, 2019	None

RECOMMENDATION: APPROVAL OF RECOMMENDED ALTERNATIVE

BRIEF SUMMARY OF REQUEST

This request is to amend Section 13.048 of the Lancaster County Zoning Regulations for Commercial Wind Energy Conversion Systems. The applicant's letter states that the intent of the proposed text amendment is to achieve three objectives, 1) to reduce or eliminate trespass zoning, 2) to ensure a thorough review process for any WECS special permit application, and 3) to ensure ongoing compliance with the terms of any special permit issued in accordance with Lancaster County Zoning Regulations.

JUSTIFICATION FOR RECOMMENDATION

The proposed changes to clarify certain conditions and to require post construction noise level measurements are acceptable and help to ensure the noise levels are being met. The proposed change to setbacks and measuring noise levels at a property line instead of a dwelling are excessive and go beyond protecting property owners. A recommended alternative text amendment is attached that incorporates portions of the applicant's proposal and makes a few additional clarifications.

APPLICATION CONTACT

Ann Post, BaylorEvnen, 402-475-1075
apost@baylorevnen.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The potential for Commercial wind turbines in Lancaster County are in conformance with the goals of the Comprehensive Plan for renewable energy sources, while protecting the public health.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

The importance of building sustainable communities — communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised – has long been recognized. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens. (P.1.4)

Efforts are made to attract new and expanding industries that serve the emerging markets for more sustainable products and services. (P. 1.5)

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. (p.7.12)

Promote renewable energy sources. (P. 11.2)

Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies. (P. 11.3)

Energy from renewable resources such as solar, geothermal, and wind technologies generally does not contribute to climate change or local air pollution and generally conserves nonrenewable resources. (P. 11.4)

Continue to encourage and expand wind and solar access to buildings and other land uses. (P. 11.7)

ANALYSIS

1. This request is to amend Section 13.048 parts d, f, g, h, I, j, k, m and n for Commercial Wind Energy Conversion Systems (turbine) and to add a new condition. As stated in the applicant's letter this application is made on behalf of "residents of Lancaster County who feel there is opportunity for Lancaster County Zoning Regulations to better protect the property rights of and quality of life for landowners who chose not to participate in potential wind farm projects in Lancaster County." Each section is discussed in more detail below.

2. **Applicants Proposed language Part D;**

   d. ~~Any proposed turbine which is within half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties.~~ Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker. ~~If a turbine violates this standard on a non-participating dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.~~

   In Part D, the applicant is requesting to delete the requirement for shadow flicker modeling and that a turbine would be non-conforming if it violates the shadow flicker on houses built after the turbine is constructed. The modeling only applies if turbines are within half mile of a dwelling. The reason for deleting this section is that the applicant is requesting a setback of one mile from a dwelling to a turbine. The change to a one mile setback is not supported and therefore **no changes to Part d is recommended.**

3. **Applicants Proposed Language Part F;**

   f. No turbine shall obstruct or impair an identified view corridor or scenic vista of public value, as mapped on the Capitol View Corridors map in the Lincoln/ Lancaster County Comprehensive Plan. The views from prominent environmental areas, such as Nine Mile Prairie and Spring Creek Prairie, shall also be protected from adverse visual or noise impacts. Any application which, upon initial review, poses a possible impact to these views will be required to be relocated or provide view shed mapping, and visual simulations from key observation points for review and approval by the Lincoln-Lancaster County Planning Department.

   In Part F, the applicant is proposing to add language that view shed mapping and visual simulations be approved by the Lincoln-Lancaster County Planning Department. This requirement is in place to protect any view corridor or scenic vista. Under the current wording the Planning Department would review any view shed mapping or visual simulation because it is part of the special permit conditions. It is implied that any mapping or visual simulation would need to be in a form acceptable to the Planning Department. Although this additional wording is not necessary, **there is no objection to add the proposed text for clarity in Part F.**

4. **Applicants Proposed Language Part G;**

g. Setbacks to the turbine base:

1. For the purposes of this section, "turbine height" shall be equal to hub height plus the rotor radius.

2. For a non-participating lot, the setback shall be 5,280 feet ~~2 times the turbine height~~ measured to the property line.~~, or 3 ½ times the turbine height, measured to the closest exterior wall of the dwelling unit, whichever is greater, but at a minimum 1,000 feet to the property line~~.

3. For participating dwelling units, the setback shall be 2 times the turbine height measured to the closest exterior wall of the dwelling.

4. The setback to any public right-of-way or private roadway shall be no less than the turbine height.

5. Setbacks to the external boundary of the special permit area shall be no less than as stated above, except that the owner of the adjacent property may sign an agreement allowing that setback to be reduced to the rotor radius plus the setback of the zoning district.

In Part G, the applicant is requesting that turbines be set back 5,280 feet from the lot line of a non-participating property. The current condition requires the turbine be set back 2 times the turbine height from a property line or 3 and one-half times the turbine height from a dwelling, whichever is greater, but at a minimum 1,000 feet from a property line.

Reviewing other counties in Nebraska found smaller setbacks then what is proposed. These include:

Gage County:	1,980 feet or 3 times the turbine height from a dwelling, whichever is greater.
	2 times the turbine height from a property line to the turbine.
Webster County:	2 times the turbine height, minimum 1,000 feet to a dwelling
	2 times the turbine blade length to the property line.
Jefferson County:	1,320 feet from a dwelling.
	600 feet from a property line to the turbine.
Seward County:	1,000 feet from a dwelling
	150 feet from a property line.
Saline County:	2 times the turbine height, minimum 1,000 feet to a dwelling.
	1.1 times turbine height from a property line to the turbine.

The current setbacks in conjunction with the limits on noise decibels gives protection to non-participating properties. It is important to understand that a turbine must not only meet the setbacks but also the noise levels. In some instances this would mean that the turbine would need to be setback far further than what is required due to the noise standard. A noise model submitted by NextEra as part of a previous text amendment showed that the setback could be as much as one mile from a non-participating property. The strict noise standards of 40 dBA daytime and 37dBA nighttime protect non-participating residents adequately. This proposed 5,280' setback is not necessary. The current setbacks were established in 2015 as part of an extensive public process that weighed the positive and negative aspects of wind turbines in a rural setting. This proposal is contrary to that process that resulted in a balance between protecting the public's health while providing an option for commercial wind energy. **Thus, for all these reasons the proposed changes to Part G should be rejected.**

5. **Applicants Proposed Language Part H;**

~~h. The turbine(s) shall not impact a non-participating lot, (vacant or occupied; of any size), to the extent that, because of the location of turbine(s), the lot owner is left with less than 3 acres of land outside of the CWECS setbacks and or the noise impact area in Section (i) below, unless they are part of an agreement with the CWECS owner/operator.~~

In Part H, the applicant is proposing to delete the entire section. If the turbines were required to be setback one mile from a property line, this section would not be needed. This condition was adopted to ensure that a vacant lot of a non-participating property would have at a minimum a 3 acre area that would be outside the turbine setback and noise impact area. **Since the setback change in Part G is recommended for denial, Part H should be retained.**

6. **Applicants Proposed Language Part I;**

i. Noise: No CWECS or combination of CWECS turbine(s) shall be located as to cause an exceedance of the following as measured at the closest exterior wall of any dwelling located on ~~the~~ a participating property or at the property line of any non-participating property. ~~If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.~~

For nonparticipating properties:

1. From the hours of 7 am to 10 pm:
   i. Forty (40) dBA maximum 10 minute Leq or;
   ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 15 hour period.
2. From the hours of 10 pm to 7 am:
   i. Thirty-seven (37) dBA maximum 10 minute Leq or;
   ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 9 hour period.

For participating properties:

1. Fifty (50) dBA maximum 10 minutes Leq for all hours of the day and night.

In Part I the applicant is requesting that noise level be measured from the property line instead of a dwelling on a non-participating property. The proposed text would require that the turbine could not exceed the 40 and 37 dBA **at the property line of non-participating properties**. Currently it is measured at the **closest exterior wall of a dwelling.** In reviewing zoning regulations pertaining to wind turbines in the counties of Gage, Webster, Jefferson and Seward none required noise to be measured at a property line. A recent text amendment to this section to allow noise levels to be different for participating and non-participating residents was approved by the Lancaster County Board of Commissioners on December 18, 2018. The change to measuring noise at the property line of non-participating residents is not supported and therefore **no changes to Part I is recommended.**

7. **Applicants Proposed Language Part J;**

j. Each application shall include a ~~A~~ professional pre-construction noise study ~~shall be conducted~~ which includes all property within one mile of a tower support base. The protocol and methodology for such studies shall be submitted to the Lincoln-Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

In Part J, the applicant is proposing to add language that emphasizes that a pre-construction noise study is required with the special permit application and that the Lincoln-Lancaster County Health Department (LLCHD) must approve the noise study. LLCHD proposes to add language after "tower support base" in the1st sentence to clarify that the noise study be in compliance with the noise standards. This additional language is in the Recommended Alternative. **It is implied that the study would be submitted with the application and approved**

by LLCHD, however the proposed changes to Part J add clarity and are acceptable.

8. **Applicants Proposed Language Part K;**

k. Each application shall include a ~~Prior to the commencement of construction of any turbine,~~ pre-construction noise monitoring ~~may be conducted~~ study to determine ambient sound levels in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

In Part K, the applicant is proposing that pre-construction noise monitoring shall be required and approved by LLCHD. Currently, pre-construction noise monitoring may be done to establish a base background noise level, but that testing is not required and may not be necessary. LLCHD does not support this modification because the purpose of conducting preconstruction noise monitoring is to establish higher noise limits above ambient noise levels, such as may be due to highway background noise. For example, a turbine is near a highway with noise levels already well over 40dBA. **Thus the proposed change is not acceptable and there should be no changes to Part K.**

9. **Applicants Proposed Language Part M;**

m. ~~At the discretion of the County Board,~~ Ppost-construction noise level measurements ~~may be required to~~ shall be performed in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department within one year of completion of construction and every two years thereafter to determine if the permittee is in compliance with this title and the terms of its special permit. Noise level measurements shall be taken by parties and in accordance with procedures as approved by the Lincoln-Lancaster County Health Department and shall be performed at the expense of the holder of the Special Permit. Any report, information or documentation produced in accordance with such study or measurements shall be provided to the Lincoln-Lancaster County Health Department and shall be a public document subject to Nebraska's public records laws.

In Part M, the applicant is proposing to make it mandatory that post construction noise level measurements be performed in accordance with procedures acceptable to LLCHD within one year of completion of the wind turbine and every two years thereafter. Currently this requirement is at the discretion of the County Board. Additional proposed language includes requirements that noise level measurements be taken in accordance with procedures approved by LLCHD and shall be performed at the expense of the Special Permit holder. The requirement for testing every two years is arbitrary and should not be included. If the turbine is operating properly without complaint, there is no need for testing. If a property owner believes the noise levels are being violated, that property owner could file a complaint with the County Board and the County Board could require noise levels measurements at that time. Requiring post construction noise level measurement will ensure that the wind turbine meets the required noise levels. LLCHD recommends replacing the word "parties" in the 2nd sentence with, "third party professional acoustician or engineering firms specializing in noise measurement." **Thus the proposed changes, with the exception of the "every two years monitoring", and additional text proposed by LLCHD is acceptable.**

10. **Applicants Proposed Language Part N;**

n. All noise complaints regarding the operation of any CWECS shall be referred to the County Board. The County Board shall determine if noise monitoring in addition to that required under the paragraph above shall be required to determine whether a violation has occurred. If the Lancaster County Board of Commissioners determines that such noise monitoring shall be required, it shall be done at the expense of the holder of the Special Permit in accordance with procedures and by parties approved by the Lincoln Lancaster County Health Department. The results of such monitoring shall be provided directly from the party or parties conducting the monitoring to the Lincoln Lancaster County Health Department for review and reporting to the Lancaster County

Board of Commissioners.

In Part N, the applicant is proposing to add language that if noise monitoring is required after construction of a wind turbine due to a complaint, it shall be done at the expense of the holder of the Special Permit. LLCHD recommends replacing the word "parties" in the 5th line with, "third party professional acoustician or engineering firms specializing in noise measurement". **Otherwise the changes are mostly to clarify the process and are acceptable.**

11. **Applicants Proposed Language Part O;**

    o. Agreements entered into between participating property owners and an applicant regarding any CWECS, before and after the issuance of a special permit shall be provided to the Lincoln-Lancaster County Planning Department and shall be public documents subject to Nebraska's public records laws.

    Part O is a new condition proposed by the applicant. These contracts are between two private parties. It is inappropriate to make contracts between private parties a matter of public record. This is not required for any special permit in the Lancaster County Zoning Regulations. This is not a condition that protects the health, safety and welfare of property owners. **The proposed change should be rejected in its entirety.**

12. The applicant's letter states that one of the reasons for the proposed text change is to reduce or eliminate "trespass zoning." According to The American Planning Association "trespass zoning" is not a legal term. A search of the use of term found that it is used by opponents of wind energy projects. The Lancaster County Attorney's office also researched "trespass zoning" and found no case law that used the term. There is no reference to "trespass zoning" in any Nebraska State Statute.

13. The complete version of the recommended alternative is shown in Exhibit B. It includes all the recommended changes.

Prepared by

_____
Tom Cajka, Planner

Date:

Applicant: Ann Post
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December 11, 2018

Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Application for Text Amendment

To the Lincoln/Lancaster County Planning Commission:

Enclosed please find a proposed text amendment to Lancaster County Zoning Regulations Chapter 13.048 Wind Energy Conversion Systems (WECS). I represent residents of Lancaster County who feel there is opportunity for Lancaster County Zoning Regulations to better protect the property rights of and quality of life for landowners who choose not to participate in potential wind farm projects in Lancaster County. Therefore, we developed this proposed text amendment to achieve three objectives, 1) to reduce or eliminate instances of "trespass zoning," 2) to ensure a thorough review process for any WECS special permit application, and 3) to ensure ongoing compliance with the terms of any special permit issued in accordance with Lancaster County Zoning Regulations.

We look forward to reviewing the details of this proposal with you at your earliest convenience.

Sincerely,

Ann K. Post

Ann K. Post
For the Firm
APost@baylorevnen.com

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EXHIBIT A

Proposed Amendments to County Zoning Regulations

Article 13 Special Permit

13.048. Commercial Wind Energy Conversion System

A Commercial Wind Energy Conversion System (CWECS) may be allowed in the AG District by special permit under the conditions listed below:

a. In cases where CWECS wind turbines are part of a unified plan, parcels which are separated from one another only by the presence of public right-of-way may be combined into one special permit application. When a special permit covers multiple premises, the lease or easement holder may sign the application rather than the lot owner.

b. Turbines shall meet all FAA requirements, including but not limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the turbine other than those required by the FAA or other governing body. Each turbine shall have onsite a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the wind facility.

c. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing the turbine(s) and all related supporting infrastructure and a bond or equivalent enforceable resource to guarantee removal and restoration upon discontinuance, decommissioning or abandonment. Each tower shall be removed within one year of decommissioning or revocation of the special permit. Upon removal of the tower, there shall be four feet of soil between the ground level and former tower's cement base.

d. ~~Any proposed turbine which is within half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties.~~ Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker. ~~If a turbine violates this standard on a non-participating dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.~~

e. Construction and operation shall not adversely impact identified State or Federal threatened or endangered species such as saline wetlands, or rare natural resources such as native prairie and grasslands.

f. No turbine shall obstruct or impair an identified view corridor or scenic vista of public value, as mapped on the Capitol View Corridors map in the Lincoln/ Lancaster County Comprehensive Plan. The views from prominent environmental areas, such as Nine Mile Prairie and Spring Creek Prairie, shall also be protected from adverse visual or noise impacts. Any application which, upon initial review, poses a possible impact to these views will be required to be

relocated or provide view shed mapping, and visual simulations from key observation points for review and approval by the Lincoln-Lancaster County Planning Department.

g. Setbacks to the turbine base:

1. For the purposes of this section, "turbine height" shall be equal to hub height plus the rotor radius.
2. For a non-participating lot, the setback shall be 5280 feet ~~2 times the turbine height~~ measured to the property line~~, or 3 ½ times the turbine height, measured to the closest exterior wall of the dwelling unit, whichever is greater, but at a minimum 1,000 feet to the property line~~.
3. For participating dwelling units, the setback shall be 2 times the turbine height measured to the closest exterior wall of the dwelling.
4. The setback to any public right-of-way or private roadway shall be no less than the turbine height.
5. Setbacks to the external boundary of the special permit area shall be no less than as stated above, except that the owner of the adjacent property may sign an agreement allowing that setback to be reduced to the rotor radius plus the setback of the zoning district.

~~h. The turbine(s) shall not impact a non-participating lot, (vacant or occupied; of any size), to the extent that, because of the location of turbine(s), the lot owner is left with less than 3 acres of land outside of the CWECS setbacks and or the noise impact area in Section (i) below, unless they are part of an agreement with the CWECS owner/operator.~~

hi. Noise: No CWECS or combination of CWECS turbine(s) shall be located as to cause an exceedance of the following as measured at the closest exterior wall of any dwelling located on ~~the~~ a participating property or at the property line of any non-participating property. ~~If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.~~ For ~~both participating and~~ nonparticipating properties:

1. From the hours of 7 am to 10 pm:
   i. Forty (40) dBA maximum 10 minute Leq or;
   ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 15 hour period.
2. From the hours of 10 pm to 7 am:
   i. Thirty-seven (37) dBA maximum 10 minute Leq or;
   ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 9 hour period.

For participating properties:

1.Fifty (50) dBA maximum 10 minute Leq for all hours of the day and night.

ij. Each application shall include a~~A~~ professional pre-construction noise study ~~shall be conducted~~ which includes all property within one mile of a tower support base. The protocol and methodology for such studies shall be submitted to the Lincoln-

Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

jk. Each application shall include ~~Prior to the commencement of construction of any turbine,~~a pre-construction noise monitoring ~~may be conducted~~study to determine ambient sound levels in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review and approval.

kl. Prior to the commencement of construction of any turbine, the applicant shall enter into an agreement with the County Engineer regarding use of County roads during construction.

lm. ~~At the discretion of the County Board,~~ Ppost-construction noise level measurements ~~may be required to~~shall be performed in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department within one year of completion of construction and every two years thereafter to determine if the permittee is in compliance with this title and the terms of its special permit. Noise level measurements shall be taken by parties and in accordance with procedures as approved by the Lincoln-Lancaster County Health Department and shall be performed at the expense of the holder of the special permit. Any report, information or documentation produced in accordance with such study or measurements shall be provided directly from or party or parties conducting the study or measurements to the Lincoln-Lancaster County Health Department and shall be a public document subject to Nebraska's public records laws.

mn. All noise complaints regarding the operation of any CWECS shall be referred to the County Board. The County Board shall determine if noise monitoring in addition to that required under the paragraph above shall be required to determine whether a violation has occurred. If the Lancaster County Board of Commissioners determines that such noise monitoring shall be required, it shall be done at the expense of the holder of the special permit in accordance with procedures and by parties approved by the Lincoln Lancaster County Health Department. The results of such monitoring shall be provided directly from the party or parties conducting the monitoring to the Lincoln Lancaster County Health Department for review and reporting to the Lancaster County Board of Commissioners.

n. Agreements entered into between participating property owners and an applicant regarding any CWECS, before and after the issuance of a special permit shall be provided to the Lincoln-Lancaster County Planning Department and shall be public documents subject to Nebraska's public records laws.

EXHIBIT B

RECOMMENDED ALTERNATIVE

13.048. Commercial Wind Energy Conversion System (CWECS)

A Commercial Wind Energy Conversion System (CWECS) may be allowed in the AG District by special permit under the conditions listed below:

a. In cases where CWECS wind turbines are part of a unified plan, parcels which are separated from one another only by the presence of public right-of-way may be combined into one special permit application. When a special permit covers multiple premises, the lease or easement holder may sign the application rather than the lot owner.

b. Turbines shall meet all FAA requirements, including but not limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the turbine other than those required by the FAA or other governing body. Each turbine shall have onsite a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the wind facility.

c. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing the turbine(s) and all related supporting infrastructure and a bond or equivalent enforceable resource to guarantee removal and restoration upon discontinuance, decommissioning or abandonment. Each tower shall be removed within one year of decommissioning or revocation of the special permit. Upon removal of the tower, there shall be four feet of soil between the ground level and former tower's cement base.

d. Any proposed turbine which is within half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker. If a turbine violates this standard on a non-participating dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.

e. Construction and operation shall not adversely impact identified State or Federal threatened or endangered species such as saline wetlands, or rare natural resources such as native prairie and grasslands.

f. No turbine shall obstruct or impair an identified view corridor or scenic vista of public value, as mapped on the Capitol View Corridors map in the Lincoln/ Lancaster County Comprehensive Plan. The views

from prominent environmental areas, such as Nine Mile Prairie and Spring Creek Prairie, shall also be protected from adverse visual or noise impacts. Any application which, upon initial review, poses a possible impact to these views will be required to be relocated or provide view shed mapping, and visual simulations from key observation points for review **and approval by the Lincoln-Lancaster County Planning Department.**

g. Setbacks to the turbine base:
   1. For the purposes of this section, "turbine height" shall be equal to hub height plus the rotor radius.
   2. For a non-participating lot, the setback shall be 2 times the turbine height measured to the property line, or 3 ½ times the turbine height, measured to the closest exterior wall of the dwelling unit, whichever is greater, but at a minimum 1,000 feet to the property line.
   3. For participating dwelling units, the setback shall be 2 times the turbine height measured to the closest exterior wall of the dwelling.
   4. The setback to any public right-of-way or private roadway shall be no less than the turbine height.
   5. Setbacks to the external boundary of the special permit area shall be no less than as stated above, except that the owner of the adjacent property may sign an agreement allowing that setback to be reduced to the rotor radius plus the setback of the zoning district.

h. The turbine(s) shall not impact a non-participating lot, (vacant or occupied; of any size), to the extent that, because of the location of turbine(s), the lot owner is left with less than three (3) acres of land outside of the CWECS setbacks and the noise impact area in Section (i) below, unless they are part of an agreement with the CWECS owner/operator.

i. Noise: No CWECS or combination of CWECS turbine(s) shall be located as to cause an exceedance of the following as measured at the closest exterior wall of any dwelling located on the property. If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use. For nonparticipating properties:
   1. From the hours of 7 am to 10 pm:
      i. Forty (40) dBA maximum 10 minute Leq or;
      ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 15 hour period.
   2. From the hours of 10 pm to 7 am:
      i. Thirty-seven (37) dBA maximum 10 minute Leq or;
      ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 9 hour period.

For Participating Properties:

1. Fifty (50) dBA maximum 10 minute Leq for all hours of the day and night.

j. **Each application shall include a** ~~A~~ professional pre-construction noise study ~~shall be conducted~~ which includes all property within **at least** one mile of a tower support base **and must be able to demonstrate compliance with the noise standards in paragraph (i).** The protocol and methodology for such studies shall be submitted to the Lincoln-Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review **and approval.**

k. Prior to the commencement of construction of any turbine, pre-construction noise monitoring may be conducted to determine ambient sound levels in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department.

l. Prior to the commencement of construction of any turbine, the applicant shall enter into an agreement with the County Engineer regarding use of County roads during construction.

m. ~~**At the discretion of the County Board, p**~~ Post-construction noise level measurements ~~**may be required to**~~ **shall** be performed in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department~~,~~ **within one year of completion of construction to determine if the permittee is in compliance with this title and the terms of its special permit. Noise level measurements shall be taken by third party professional acousticians or engineering firms specializing in noise measurements and in accordance with procedures as approved by the Lincoln-Lancaster County Health Department and shall be performed at the expense of the holder of the Special Permit. Any report, information or documentation produced in accordance with such study or measurements shall be provided to the Lincoln-Lancaster County Health Department and shall be a public document subject to Nebraska's public records laws.**

n. All noise complaints regarding the operation of any CWECS shall be referred to the County Board. The County Board shall determine if noise monitoring **in addition to that required under the paragraph above** shall be required to determine whether a violation has occurred. **If the Lancaster County Board of Commissioners determines that such noise monitoring shall be required, it shall be done at the expense of the holder of the Special Permit in accordance with procedures and by third party professional acousticians or engineering firms specializing in noise measurement approved by the Lincoln-Lancaster County Health Department. The results of such monitoring shall be provided directly from the party or parties conducting the monitoring to the Lincoln-Lancaster County Health Department for review and reporting to the Lancaster County Board of Commissioners.**