

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Dennis Scheer: Chair
Tracy Corr: Vice-Chair
Thomas Beckius
Dick Campbell
Tracy Edgerton
Deane Finnegan
Maja V. Harris
Cristy Joy
Sandra Washington

PLANNING STAFF

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

March 20, 2019

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 20, 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, March 20, 2019, immediately following the regular Planning Commission hearing, in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to discuss the TIP Overview.

****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, MARCH 20, 2019

Approval of minutes of the regular meeting held March 6, 2019.

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

COMPREHENSIVE PLAN CONFORMANCE:

1.1 Comprehensive Plan Conformance 19003, to review as to conformance with the
Page Lincoln Lancaster County Comprehensive Plan, a request to declare City owned
01 property as surplus, on property generally located at 1440 Adams Street.

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

1.2 Comprehensive Plan Conformance 19004, to review as to conformance with the
Page 2040 Lincoln Lancaster County Comprehensive Plan, a proposed conservation
07 easement to offset proposed fill at a nearby property that is above the allowable
fill requirements in city code, on property generally located at 810 Hanneman
Drive. ****FINAL ACTION****

Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

MISCELLANEOUS:

1.3 Miscellaneous 19001, to amend various sections of the Lincoln-Lancaster County
Page Planning Commission Rules and Regulations adopted by Resolution PC-01036
19 on January 31, 2007, to reflect current administrative practices. ****FINAL
ACTION****
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.4 Street & Alley Vacation 19002, to vacate a portion of South 1st Street, on
Page property generally located at South 1st Street and West Denton Road.
29 **Staff recommendation: Conformance with the Comprehensive Plan**
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE AND RELATED USE PERMIT:

4.1a Change of Zone 19006, from O-3 (Office Park District) to B-2 (Planned
Page Neighborhood Business District), on property generally located at Hwy 2 and
39 Pine Lake Road.
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

4.1b Use Permit 132C, to amend Use Permit 132B to add 6 commercial lots with an
Page increase of approximately 47,200 square feet of commercial floor area, on
47 property generally located at Hwy 2 and Pine Lake Road. ****FINAL ACTION****.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

SPECIAL PERMIT:

4.2 Special Permit 07005A, to expand the Yankee Hill Townhome Community Unit
Page Plan (CUP) by approximately 4.96 acres to allow up to an additional 11 dwelling
59 units, on property generally located at 8140 South 84th Street. ****FINAL
ACTION****.
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

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

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

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Comprehensive Plan Conformance #19003
- 1440 Adams Street Surplus Declaration

FINAL ACTION?
No

OWNER
City of Lincoln

PLANNING COMMISSION HEARING DATE
March 20, 2019

RELATED APPLICATIONS
None

PROPERTY ADDRESS
1440 Adams Street

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The City is requesting the declaration of surplus property for the property at 1440 Adams Street, which is the site of Lincoln Fire Station #10. The fire station will be relocated to another site so the lot is no longer needed and will be sold. This request seeks to find conformance with the Comprehensive Plan to declare this property of 0.44 acres as surplus.



JUSTIFICATION FOR RECOMMENDATION

The City is the owner of the property proposed for surplus declaration in conjunction with an existing fire station. The City has no plans to use this property in the future and therefore it is appropriate to surplus. There has been no opposition to the sale of the property by any departments or public agencies.

APPLICATION CONTACT

Michelle Backemeyer, (402) 441-8617 or mbackemeyer@lincoln.ne.gov

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This declaration of surplus property conforms to the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 8.2 - As the community grows, fire and rescue services must be able to respond to changing needs in order to provide public safety services.

P. 8.10 - The location of public buildings should support the policies of the Comprehensive Plan and adopted subarea plans.

ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 0.44 acres at 1440 Adams Street, described as the east 150 feet of Lot 4, Block 26, Washington Heights.
2. The property to be declared surplus is a buildable lot currently being used for Lincoln Fire Station #10. The Fire Department will be relocating to their new site at 4421 N. 24th Street in 2019 and no longer has need of the property. The Lower Platte South Natural Resources District (NRD) owns the adjacent property and wishes to purchase the property for expansion of their facilities.
3. Lincoln Transportation and Utilities will require removal of the two existing driveways on Adams Street at the point that the site is redeveloped. No utility providers have identified easements which need to be retained as part of the property surplus designation.
4. This request is to declare a City-owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed.

EXISTING LAND USE & ZONING: Lincoln Fire Station #10; H-3 Highway Commercial

APPROXIMATE LAND AREA: 0.44 acres

LEGAL DESCRIPTION: The east 150 feet of Lot 4, Block 36, Washington Heights, located in the SW quarter of Section 12-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: March 12, 2019

Applicant/Owner: City of Lincoln
c/o David Landis, Urban Development Department
555 South 10th Street, Suite 205
Lincoln, NE 68508

Contact: Michelle Backemeyer
555 South 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or mbackemeyer@lincoln.ne.gov

F:\DevReview\CPC\19000\CPC19003 1440 Adams Street.rkj.docx

CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE #19003

BEFORE THE DEED TRANSFER THE FOLLOWING MUST BE COMPLETED:

- 1.1 Relinquish access to Adams Street and remove both driveways on Adams Street upon redevelopment of the site.



2018 aerial

Comp Plan Conformance #: CPC19003
Surplus Property
Portia St & Adams St

Zoning:

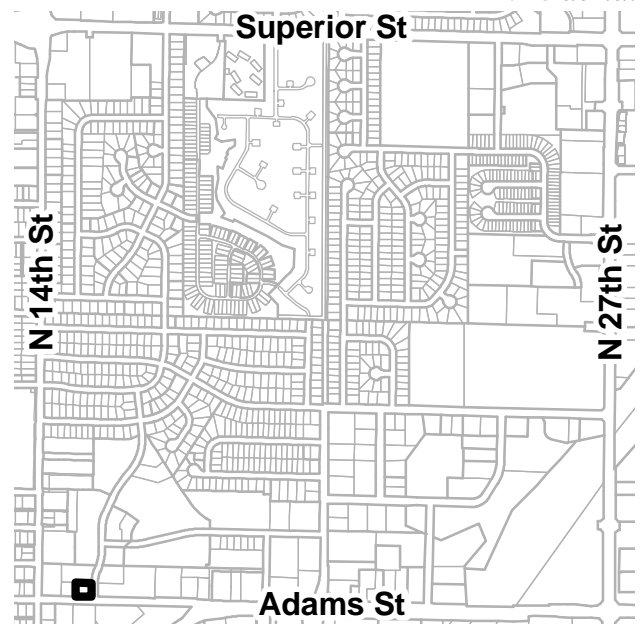
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.12 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





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

February 19, 2019

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

Dear David:

Enclosed is an application to declare surplus the property located at 1440 Adams Street, also known as Firestation # 10. The Fire Department will be relocating to their new site on North 24th Street and moving out of this property some time this spring, and no longer has needs for the property. The Lower Platte South NRD owns the adjacent property and wishes to purchase the property for expansion of their current facilities. There has been no opposition to the surplus of the property by any other departments or public agencies. Public Works would consider removing access from Adams if an alternative use of the building increases traffic.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the March 20, 2019, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michelle R. Backemeyer".

Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

attachments

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Comprehensive Plan Conformance #19004	FINAL ACTION? Yes	OWNER Park Ridge Apartments LLC
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 810 Hanneman Drive

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The purpose of this application is to find that the acquisition of a permanent conservation easement conforms with the 2040 Comprehensive Plan. The owner is requesting a conservation easement at 810 Hanneman Drive to offset proposed fill for a construction project at 501 W B Street. Both parcels are within the same Salt Creek Storage Area.



JUSTIFICATION FOR RECOMMENDATION

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

APPLICATION CONTACT

Ben Higgins, Watershed Management
(402) 441-7589

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

The 2040 Future Land Use Plan shows this area as Residential. (p. 1.9)

GUIDING PRINCIPLES FOR COMMUNITY FORM THE URBAN ENVIRONMENT: OVERALL FORM

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

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

GREENWAYS AND OPEN SPACES

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

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

OPEN SPACE AND GREENWAY LINKAGES DESCRIPTION

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

Strategies for Open Space and Greenway Linkages

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

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

Strategies for Watershed Management

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

ANALYSIS

1. This proposed conservation easement is at 810 Hanneman Drive, and it is tied to a construction project at 501 W B Street. Both properties are within the same Salt Creek Storage Area. This easement will offset proposed fill at 501 W B Street that is above the allowable fill requirements in city code. This request if approved would find the potential conservation easement to be in Conformance with the Comprehensive Plan.

2. The conservation easement area is within the Muff 3rd Addition Community Unit Plan (CUP). The CUP site plan shows the easement area as open space.
3. The City is accepting this conservation easement at no cost.
4. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112). The conservation easement agreement (attached) will be forwarded to the City Council for their review and action.
5. The proposed conservation easement will protect floodplain conveyance and storage. The Comprehensive Plan recommends conservation easements as an effective tool to maintain function of the floodplain.
6. The property owner has signed the proposed agreement. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.
7. The Easement Agreement includes provisions prohibiting specific uses and practices. Prohibited activities within the easement area include construction, placement of fill, or any other practice that would adversely impact the flood storage capacity. The owner is required to maintain the flood storage capacity of the easement area. See Section IV.1.A of the Conservation Easement Agreement for a complete list of non-compatible uses.

EXISTING LAND USE & ZONING: Open Space, R-3 Residential

SURROUNDING LAND USE & ZONING

North: Open Space	I-1 Industrial
South: Residential	R-3 Residential
East: Residential	R-4 Residential
West: Open Space	R-3 Residential

APPROXIMATE LAND AREA: 0.81 acres

LEGAL DESCRIPTION: See attached

Prepared by

Andrew Thierolf, Planner

March 7, 2019

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

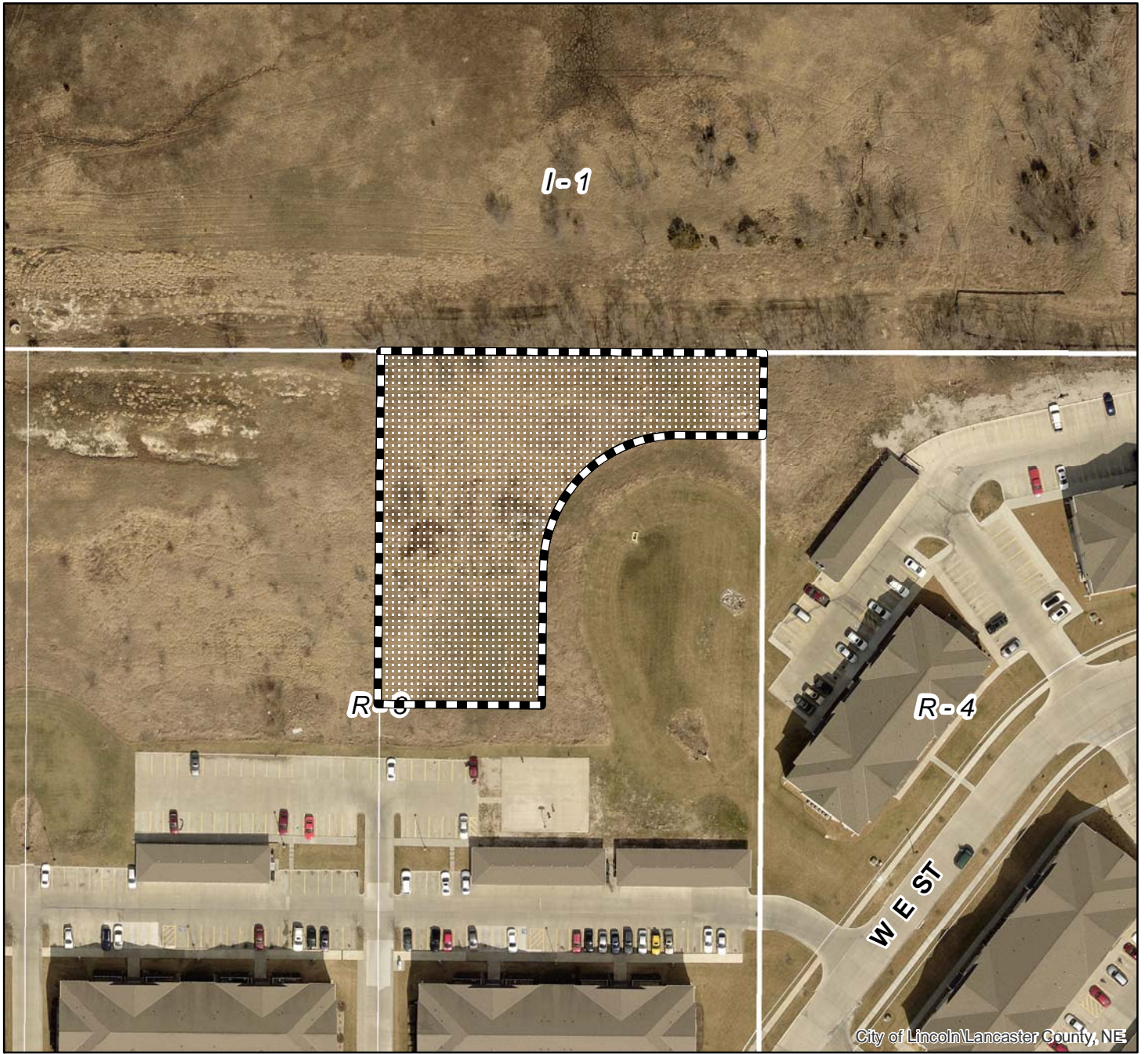
Owner: Park Ridge Apartments, LLC
Central Park Drive, Unit 204
Lincoln, NE 68504

\\FILSRV01\Planning\DevReview\CPC\19000\CPC19004 Conservation Easement - Muff 7th Addition, Lot 3.adt.docx

Legal Description

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 3, MUFF 7TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, MUFF 7TH ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ON AN ASSUMED BEARING OF S89°37'42"E, ON THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 254.49' TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S00°36'35"W, ON THE EAST LINE OF SAID LOT 3, A DISTANCE OF 55.00' TO A POINT; THENCE N89°37'42"W, A DISTANCE OF 55.53', TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 89°45'43", A RADIUS OF 90.00', AN ARC LENGTH OF 141.00', A CHORD LENGTH OF 127.01', A TANGENT LENGTH OF 89.63', AND A CHORD BEARING OF S45°29'27"W, TO A POINT; THENCE S00°36'35"W, A DISTANCE OF 90.37' TO A POINT; THENCE N89°37'42"W, A DISTANCE OF 108.94' TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N00°30'53"E, ON THE WEST LINE OF SAID LOT 3, A DISTANCE OF 235.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 35,352.43 SQUARE FEET OR 0.81 ACRES, MORE OR LESS.



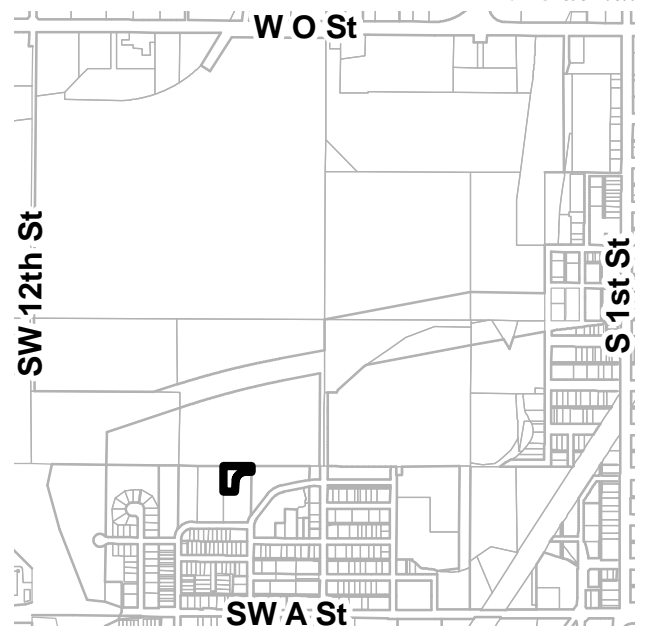
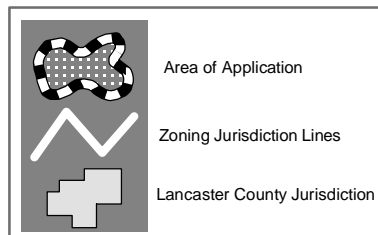
2018 aerial

Comp Plan Conformance #: CPC19004

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.27 T10N R06E



Memorandum

To: Dave Cary, Planning Department
From: Ben Higgins, LTU (402-441-7589)
Subject: Comprehensive Plan Conformity request for conservation easement for Muff 7th Addition, Lot 3
Date: 2/21/19
cc: Andrew Thierolf, Planning Department

This is a Comprehensive Plan Conformity request for conservation easement for Muff 7th Addition, Lot 3. The owner of the property is requesting this conservation easement to offset proposed fill at 501 W. B that is above the allowable fill requirements in city code. Both Muff 7th Addition, Lot 3 and 501 W. B are in the same Salt Creek Storage Area (Storage Area 6) that has a 35% allowable fill allotment per the Salt Creek Storage Area requirements in Lincoln Municipal Code 27.52.035.

The City is acceptable to this easement for preserving flood storage capacity for this storage area.

The Conservation Easement is to the City of Lincoln. The property owner has signed the attached conservation easement for which Comprehensive Plan Conformity is requested. Please include as an agenda item for the next available Planning commission (March 20, 2019 if possible).

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

THIS CONSERVATION EASEMENT AGREEMENT is entered into as of the 24th day of January 2019 by and between **Park Ridge Apartments LLC** ("Owner"), the City of Lincoln, Nebraska ("City").

RECITALS

I.

Owner is the owner in fee simple of Muff 7th Addition, Lot 3, Lincoln, Lancaster County, Nebraska ("Property"). Owner desires to convey and City desires to accept a permanent Conservation Easement to preserve the flood storage capacity on that portion of the Property as shown and described on certain land ("Real Property") legally described as:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 3, MUFF 7TH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3, MUFF 7TH ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ON AN ASSUMED BEARING OF S89°37'42"E, ON THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 254.49' TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S00°36'35"W, ON THE EAST LINE OF SAID LOT 3, A DISTANCE OF 55.00' TO A POINT; THENCE N89°37'42"W, A DISTANCE OF 55.53', TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 89°45'43", A RADIUS OF 90.00', AN ARC LENGTH OF 141.00', A CHORD LENGTH OF 127.01', A TANGENT LENGTH OF 89.63', AND A CHORD BEARING OF S45°29'27"W, TO A POINT; THENCE S00°36'35"W, A DISTANCE OF 90.37' TO A POINT; THENCE N89°37'42"W, A DISTANCE OF 108.94' TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N00°30'53"E, ON THE WEST LINE OF SAID LOT 3, A DISTANCE OF 235.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 35,352.43 SQUARE FEET OR 0.81 ACRES, MORE OR LESS.

II.

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

III.

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

IV.

The City Council of the City of Lincoln, Nebraska, has approved and accepted this Conservation Easement after duly considering the recommendations of the Lincoln City-

Lancaster County Planning Commission and has authorized the Mayor to execute this Agreement on behalf of the City.

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

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

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

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

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

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

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

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

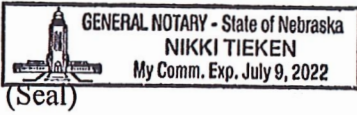
3. Protection and Maintenance of the Easement Area.

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

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

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

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



Nikki Tieken

Notary Public

Attest:

CITY OF LINCOLN, NEBRASKA

City Clerk

By: _____
Mayor

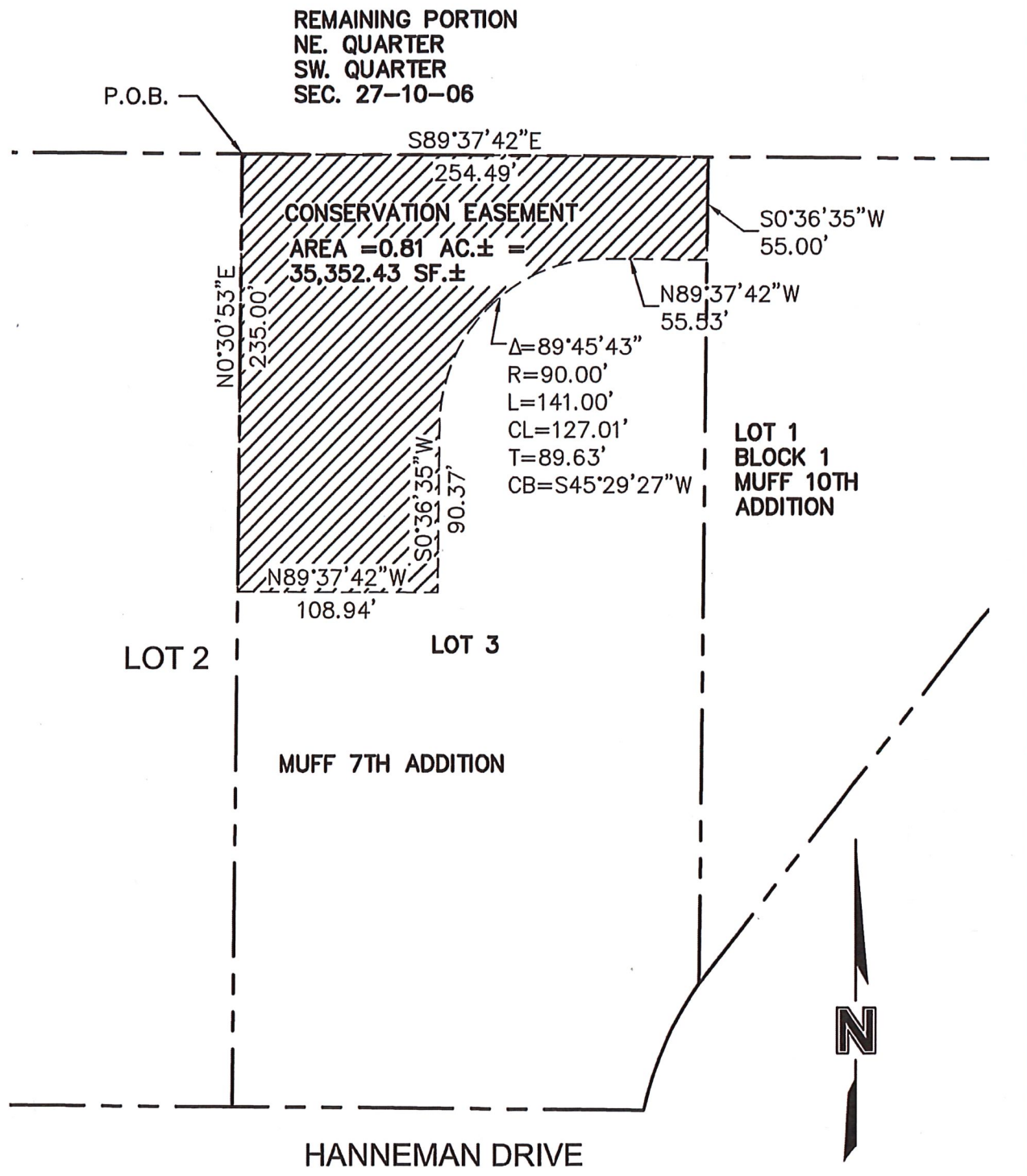
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by Chris Beutler, Mayor of the **City of Lincoln, Nebraska**, a municipal corporation, on behalf
of the municipal corporation.

(Seal)

Notary Public

DWG: F:\2018\3001-3500\018-3386\40-Design\Survey\SRV\Xref\183386_CON_EASE.dwg
 DATE: Jan 18, 2019 9:07am
 USER: dbroeker
 XREFS:



PROJECT NO:	018-3386
DRAWN BY:	ALB
DATE:	1/18-/2019

MUFF 7TH ADDITION, LOT3
 CONSERVATION EAEMENT



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL 402.474.6311
 FAX 402.474.5160

EXHIBIT	1
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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 Miscellaneous 19001	FINAL ACTION? Yes	DEVELOPER/OWNER N/A
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N/A

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is an application to update the Rules and Procedures of the Lincoln City-Lancaster County Planning Commission. The items to be updated include:

- Changing the filing of application deadline time to 12:00 p.m. instead of 4:00 p.m. on Planning Commission deadline days
- Changing the distribution of the Planning Commission agenda to email from mail
- Including email and social media under Ex Parte Communications
- Other minor text changes

JUSTIFICATION FOR RECOMMENDATION

These amendments are to various sections of the Planning Commission Rules and Regulations to reflect current administrative practices.

STAFF CONTACT

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

ANALYSIS

1. This application is to amend the Rules and Procedures of the Lincoln City-Lancaster County Planning Commission.
2. The Rules and Procedures were last updated on January 31, 2007 through Resolution No. PC-01036.
3. Changes proposed are listed below with explanation:

Rule 2. Filing of Applications: Changing the filing time on deadline days for Planning Commission applications from 4:00 p.m. to 12:00 p.m. This reflects current practice and allows more adequate time on the day of submittal for entering the applications, including scheduling the public hearing and routing out for review.

Rule 5. Agenda: Changing the method of agenda distribution from mailed to emailed to reflect current practice and efficiency.

Rule 9. Withdrawal or Deferral: Changing the wording from "take up" to "consider" with regard to written requests for deferrals.

Rule 10. Action: Changing the wording from “such” to “subsequent” in reference to instances where a vote on the main motion fails to receive five or more votes and is continued.

Rule 17. “Ex Parte” Communications: Deleting the words “now been given” from first paragraph and adding email and social media as methods of communication.

4. The proposed changes are to update the Rules and Procedures of the Lincoln City-Lancaster County Planning Commission to reflect current practices and technologies. Overall, the proposed changes are minor in nature.

CONDITIONS OF APPROVAL: None.

PROPOSED AMENDMENTS: See Attached

Prepared by

George Wesselhoft, Planner

Date: March 7, 2019

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Contact: George Wesselhoft, Planning Department
(402) 441-6366
gwesselhoft@lincoln.ne.gov

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LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION

Rules and Procedures

Rule 1. Meetings

The Commission will meet regularly on alternating Wednesdays and shall begin its meetings at 1:00 p.m. in the City Council Chambers of the County-City Building. As required by the Charter, five (5) members shall constitute a quorum for the transaction of business.

Rule 2. Filing of Applications

All applications to be heard by the Commission shall be filed with the Director of Planning no later than ~~4:00~~ 12:00 p.m. four weeks preceding the date the applicant requests the matter to be placed on the Commission's agenda for public hearing.

Rule 3. Notice

- 3.1 Legal notice of all matters to come before the Commission requiring such legal notice shall be given as required by law.
- 3.2 In addition, the Commission will endeavor to give written notice to owners of property affected by any proposed zoning changes instituted by the County Board, City Council, Planning Department or Commission. The notice shall be sent by regular U.S. mail at least ten (10) days before the date of the public hearing on such changes. In circumstances where too large an area is involved or too many people affected, effort will be made to inform the public through the news media.

Rule 4. Procedures

Public hearing will be held on all matters on the Wednesday the matter is scheduled on the agenda. Action will be taken at that meeting if the Commission feels there are no outstanding facts requiring a continuance. Action will be taken at the conclusion of the Public Hearing on each item, except as provided for in Rule 5, below.

Rule 5. Agenda

An agenda of the matters to come before the Commission will be prepared by the Planning Director and ~~mailed~~ emailed to all Commission members and known interested parties on the Thursday prior to the next scheduled meeting. Items not on

the agenda will not be heard by the Commission unless a 2/3 majority of the Commission determines that an emergency exists and that the public interest dictates that the matter be heard.

There will be an addendum listing of items that are pending as a result of a deferral from previous meetings.

The matters shall be heard in the order that the items appear on the agenda, however, a majority vote of the quorum present may rearrange the order of the agenda. In the event that an item which is set for public hearing is adjusted to an earlier time on the agenda, the public hearing will remain open at least until its previously scheduled time in order to assure an opportunity for all interested persons to present testimony.

Rule 6. Consent Agenda

The Planning Director shall prepare a Consent Agenda comprised of those matters upon which there is consent as to request and recommendation and which shall be listed as the first item on the agenda. The Consent Agenda may be voted upon in total at the same meeting. Any item on the Consent Agenda shall be removed by the Chairperson if there is a request to speak on the matter or at the request of a Commission member. Items removed from the Consent Agenda will be placed as the second item on the agenda and will be voted on at the same meeting, provided it is not continued to another date.

Rule 7. Nature of Testimony

The role and function of the Commission is to advise the legislative and administrative branches of government concerning planning matters and to take final action upon those applications where the Planning Commission has final action authority. Testimony before the Commission should be relative to the planning aspects of the matter being heard. A written statement supporting or opposing an agenda item may be submitted to the Commission as a part of the public hearing in order to be included as a part of the public hearing minutes.

A copy of Rules 4, 5, 6, 7 and 8 should be distributed to each applicant to appear before the Commission at the time of mailing the agenda to the applicants.

The Commission may ask questions of persons testifying. There shall, however, be no cross-examination or direct questioning in front of the Commission between proponents and opponents. All questions and testimony shall be directed to the Commission.

Material and testimony submitted should be as factual as possible.

Rule 8. Presentation of Testimony

1. The planner handling the application will briefly summarize the nature of the request, any relevant history, surrounding land uses and zoning, existing/planned infrastructure, staff recommendations and plans or policies supporting those recommendations.
2. The applicant will be requested to present his/her testimony next. The applicant, or his/her representative shall first state his/her name and address and if the party appearing is not the applicant, the nature of his/her representative capacity. The applicant or representative should state as succinctly as possible:
 - A. Why the applicant desires the action requested.
 - B. Why the application is in accordance with sound planning practices.
3. Following the applicant's testimony, other persons wishing to speak on that particular agenda item will be called upon to present testimony in the following order:
 - A. Proponents of the application;
 - B. Opponents of (or those seeking information about) the application;
 - C. The planner handling the application or other staff assisting the Commission may make brief comments on the testimony and respond to questions; and
 - D. Rebuttal by the applicant.

Each person should first state their name and address. Such individual should then present his or her reasons why the application is or is not in accordance with sound planning practices.

The Commission shall attempt to provide a proportionally equal time for presenting testimony to an application for both proponents and opponents.

Five (5) minutes for testimony is preferred as a maximum; however, no more than 30 minutes should be taken by either proponents or opponents. The Chairperson may grant additional time in advance of the meeting for items of major significance. Speakers may request more time and the Commission may grant or deny such requests.

It is requested that large groups in attendance concerned with an application choose one or two spokespersons to present the group's testimony. The spokesperson may have the group stand to give the Commission an idea of the number of persons sharing similar viewpoints. It should be recognized, however, that the Commission is interested in factual information.

Individual speakers for themselves and also groups' spokespersons should not present testimony previously given. The Chairperson of the Commission shall reserve the right to discontinue at any time repetitious or irrelevant testimony.

A sign-in sheet may be circulated in order that persons in attendance may indicate their desire to testify or merely indicate their position on an application.

Rule 9. Withdrawal or Deferral

Any matter which has been advertised for public hearing and final action may be withdrawn prior to preparation of the agenda on the Thursday before the Commission meeting. Any other matter which has been advertised for public hearing may be withdrawn at any time.

Immediately following the Consent Agenda, the Planning Commission will ~~take up~~ **consider** any written requests for deferrals which have been made prior to the scheduled and advertised public hearing. In the event that an item which is set for public hearing is deferred at this time, the public hearing will remain open at least until its previously scheduled time on the agenda in order to assure an opportunity for all interested persons to present testimony.

If applicants request deferrals after written notice of the public hearing has been mailed, then such deferral shall be for a period to be determined by a majority vote of the quorum present. The vote on the request for deferral may be taken prior to requesting testimony on the application.

Rule 10. Action

As required by the Charter, five affirmative votes are required for action on the main motion on any matter. "Action" is defined as any vote on a main motion which results in a favorable or unfavorable disposition of any agenda matter. All subsidiary votes and procedural votes, such as amendments, additions, and/or deletions, may be determined by the majority vote of the quorum present at any meeting.

If, due to the absence of one or more members of the Commission, a vote on the main motion fails to receive five or more votes either for or against, said matter shall be deemed to have received neither approval nor disapproval and shall, without further order of the Commission, be continued from regular meeting to regular meeting and voted upon once at each ~~such~~ **subsequent** meeting until such time as it shall receive five votes either for or against.

The Commission may vote at the same meeting to reconsider or rescind that action if a motion to do so is made by a Commissioner who voted on the prevailing side of the action and approved by five affirmative votes of the Commission. If an action is rescinded or reconsidered, the Commission may proceed immediately to consider new motions on the application.

Rule 11. Special Meetings

Special meetings of the commission may be called by the Chairperson, Vice Chairperson or three members of the Commission.

Rule 12. Suspension of Rules

Any and all rules may be suspended by five affirmative votes of the Commission.

Rule 13. Amendment of Rules

These rules may be amended by five affirmative votes of the Commission.

Rule 14. Election of Chairperson and Vice Chairperson

A majority of the Commission (5 votes) shall elect a Chairperson and Vice Chairperson for two-year terms each August of odd-numbered years. In the event of a vacancy by either the Chairperson or Vice Chairperson, a majority of the Commission (5 votes) shall elect a replacement to fill the unexpired term at the next regular meeting. Should the Vice Chairperson be elected to fill the unexpired term of the Chairperson, a majority of the Commission (5 votes) shall thereupon, immediately elect a replacement for the Vice Chairperson.

In the event of a vacancy by the Chairperson, the Vice Chairperson shall act as the Chairperson until a replacement is elected.

In the event of a temporary absence by the Chairperson, the Vice Chairperson will act as the Chairperson during such absence.

In the event that both the Chairperson and the Vice Chairperson are temporarily absent, the Chairperson may appoint a temporary Chairperson. In the event that the Chairperson has not appointed a temporary Chairperson, the Planning Director shall call the meeting to order for the purpose of electing a temporary Chairperson. A majority of the members present shall elect the temporary Chairperson.

Either the Chairperson or the Vice Chairperson may be removed from office by a 2/3 majority vote of the entire Commission prior to the expiration of the regular term.

Rule 15. Vote of Member Mandatory; Exceptions.

Every member of the Commission present shall vote.

Exception 1. Conflict of Interest. If such member has a conflict of interest on the pending question, he or she shall refrain from voting thereon, unless their vote is needed to obtain the required five affirmative votes, and shall file an official conflict of interest form with the City Clerk and with the Nebraska Accountability and Disclosure Commission.

Exception 2. Right of Abstention. If such member believes he or she has an appearance of partiality on the pending question, such member may abstain from voting thereon unless such vote is necessary to obtain the required five affirmative votes for action.

Exception 3. Right to Abstain on Approval of the Minutes. If such member did not attend a meeting, such member may abstain from voting on the question of whether the minutes of said meeting should be approved unless their vote is needed to obtain the required five affirmative votes.

Rule 16.

Except as otherwise specifically set out herein, all business before the Commission shall be conducted in accordance with Roberts Rules of Order.

Rule 17. "Ex Parte" Communications

The Planning Commission has ~~now been given~~ more authority in certain situations and the advisory role has been converted to an administrative, legislative or quasi-judicial role, i.e. use permits, special permits, final plats.

With quasi-judicial actions, the requirements of procedural due process necessitate a fair hearing before a reasonably impartial body. Any decision must be based upon what is in the official public record. Ex parte communications could create legal problems if the courts feel that the ex parte contacts have biased the commission holding the hearing.

Ex parte communications are defined as talking, either in person, by email, social media, or by phone, to a commission member when the other side is not present or presenting information to the member which the other side does not receive.

Many hearings before the Planning Commission are legislative and strictly advisory in nature. Though not quasi-judicial, these hearings should also be conducted in a fair manner. Everyone should be operating on the same base of information in making a decision.

The Planning Commission recognizes that the prevention of ex parte communications may be impossible. In order to do our best to insure a fair and open hearing and decision making process, the Planning Commission will use the following protocol when involved in contacts with the public outside of the public hearing:

1. Keep such contacts to a minimum in those areas of concern, especially when the issue involves final action by the Planning Commission.

2. If there are ex parte contacts with the applicant or opponent that result in new information, such contacts and the information should be disclosed on the record to give the other side the opportunity to refute. After a public hearing is closed, such contacts should be kept to a minimum.
3. On items that are likely to generate a request to defer the vote for additional information or continued discussion, the Commission should continue the public hearing.
4. The Commissioners will request that comments or additional information be put in writing and sent to the Planning Department for distribution to all Commissioners and the applicant and his/her representative.
5. Commissioners may contact staff to ask questions about upcoming applications. Staff shall endeavor to send written responses to all Commission members and applicants/representatives before the hearing, in addition to presenting the information at the hearing.

~~02/7/191/31/07~~

q:\pc\misc\PCBYLAWS proposed 022019

Resolution

No.

PC-01036

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Street and Alley Vacation 19002	FINAL ACTION? No	DEVELOPER/OWNER NE Horsemen’s Benevolent & Protective Association
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S. 1 st Street & W. Denton Road

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The Nebraska Horseman’s Benevolent and Protection Association, Inc. (the Association) is requesting the vacation of a portion of Schmidt Court (old S. 1st Street) that is abutting their property generally located at S. 1st Street and W. Denton Road.



JUSTIFICATION FOR RECOMMENDATION

The Association owns the abutting properties on the west and east sides of this portion of Schmidt Court. This public right-of-way is not being used for the general public as it is not built. Therefore, there is no benefit to the general public to retain this as part of the transportation system.

APPLICATION CONTACT

DaNay Kalkowski, Seacrest & 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

Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - Local streets and alleys are not shown on the Functional Street and Road Classification plan.

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

ANALYSIS

1. This is a request to vacate a portion of Schmidt Court/old S. 1st Street right-of-way north of S. 1st Street. The area to be vacated includes approximately .91 acres.
2. This vacation is required to be completed prior to Building Permit for any construction in the AG Area, Phase 2 for the Southwest Village PUD. On January 9, 2019 CZ05061C Southwest Village PUD was recommended for approval by the Planning Commission and passed by City Council on February 11, 2019.
3. The Association owns the abutting properties on the west and east sides of this portion of Schmidt Court.
4. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
5. Old S. 1st Street is designated as a major collector in the 2040 Comprehensive Plan but is not built nor is it a right-of-way that functions as a through street. It is not generally traveled by the public.
6. There are existing Lincoln Electrical System (LES) overhead and underground distribution utilities. Therefore, new transmission easements will be required.
7. Besides LES facilities, there appears to be no other existing public or private utilities in the vacation area.
8. Vacation of the right-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: Schmidt Court/old S. 1st Street right-of-way; B-2

SURROUNDING LAND USE & ZONING

North: Vacant and Single-family residence; AG
 South: Vacant; B-2
 East: Vacant; B-2
 West: Vacant; B-2

APPLICATION HISTORY: none

APPROXIMATE LAND AREA: .91 acres

LEGAL DESCRIPTION: A tract of land composed of a portion of South 1st Street right-of-way, adjacent to Lot 59 I.T. and Lot 25 I.T., located in the NE 1/4 of Section 22-9-6, and a portion of South 1st Street right-of-way, located in the NW 1/4 of Section 23-9-6, Lincoln, Lancaster County, Nebraska, generally located at South 1st Street and West Denton Road. As described in Exhibit A.

Dessie E. Redmond, Planner
(402) 441-6373

Date: March 12, 2019

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

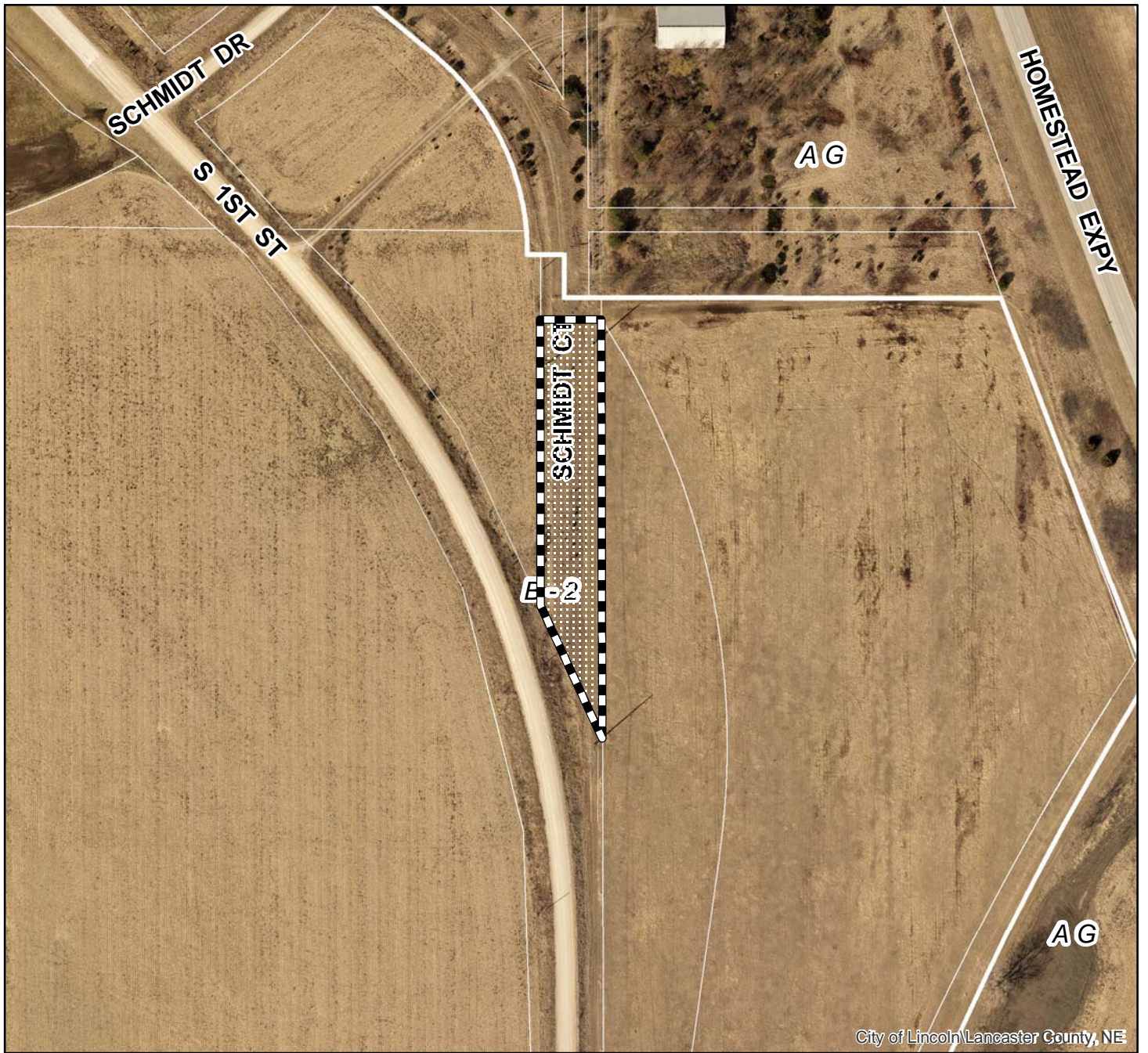
Contact: DaNay Kalkowski
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508

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CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION 19003

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 New transmission easement with LES is required to the satisfaction of LES Land Management Department.
- 1.3 Include retention of utility easements, if any utilities are located in the vacation area, by City with deed transfer.
- 1.4 Include retention of conservation easement by City with deed transfer.



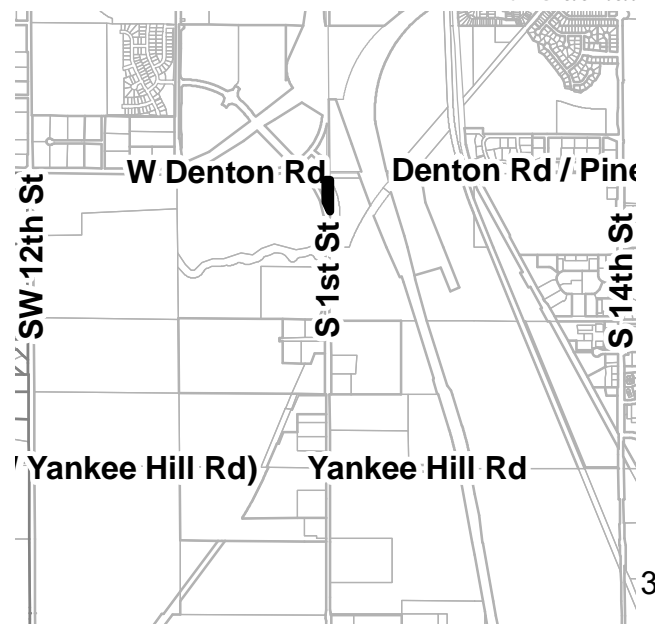
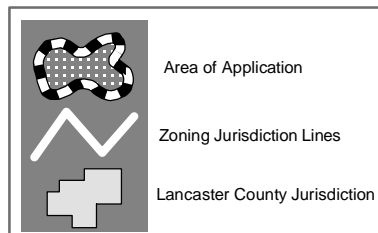
2018 aerial

Street and Alley Vacation #: SAV19002
S 1st St & W Denton Rd

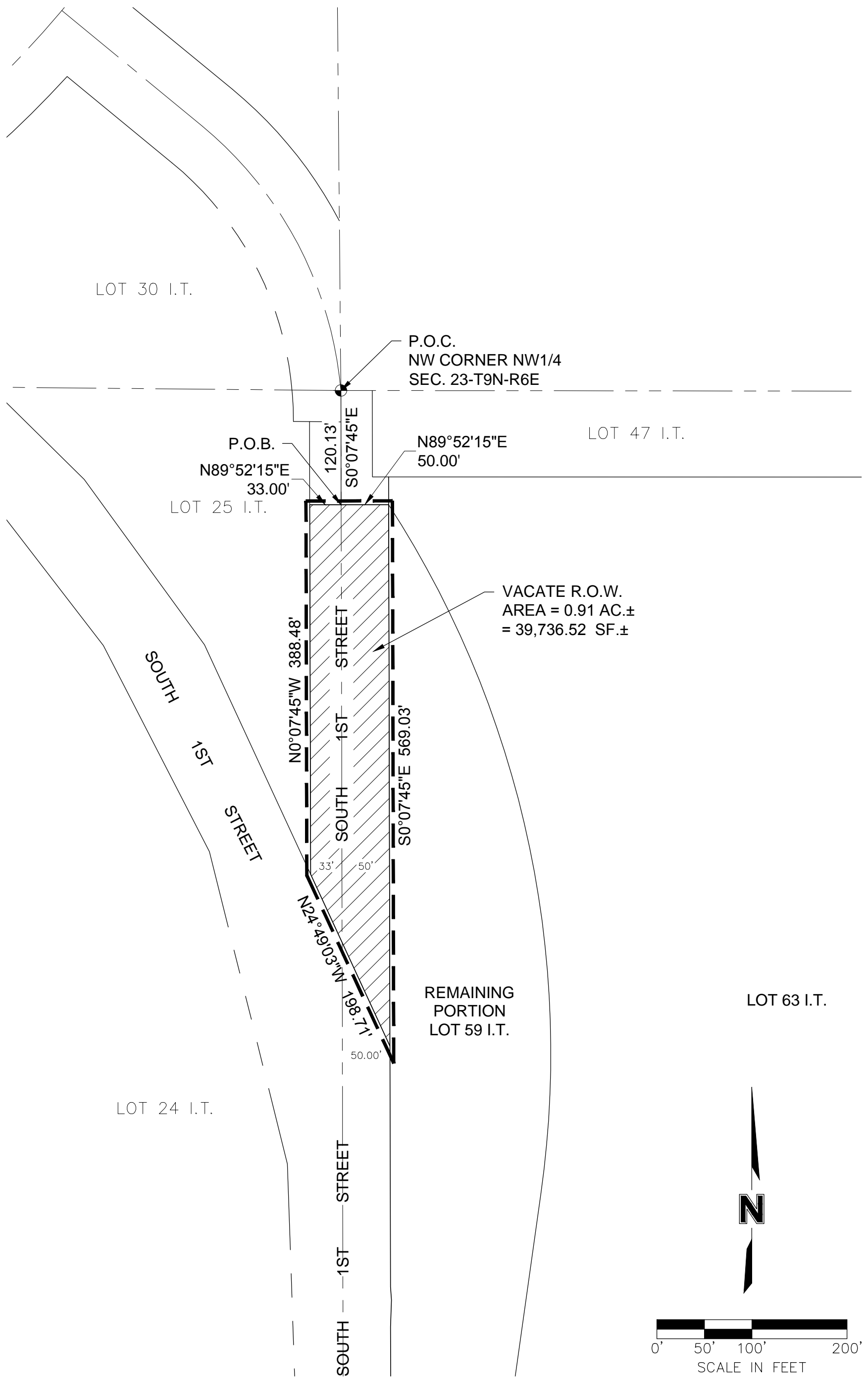
Zoning:

- 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

Two Square Miles:
 Sec.22 T09N R06E
 Sec.23 T09N R06E



DWC: F:\2017\2501-3000\017-2961\40-Design\Survey\SRV\Final_Plats\Drawings\ROW_Vacation.dwg USER: mjohnson
 DATE: Feb 18, 2019 2:58pm XREFS: 061574_Boundary 012-0344_ROW-Legal 120344_PBASE



PROJECT NO: 017-2961
DRAWN BY: MRJ
DATE: FEB. 18TH, 2019

SOUTH 1ST STREET R.O.W. VACATION

olsson

601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL 402.474.6311

EXHIBIT
B



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

February 19, 2019

HAND DELIVERY

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

RE: Schmidt Court/South 1st Street Vacation

Dear David:

Our office represents the Nebraska Horsemen's Benevolent and Protective Association, Inc. (the "Association"), the owner of Lot 25, Irregular Tract located in Section 22, and 3.45 acres located in the west part of Lot 59, Irregular Tract located in Section 23, all located in Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska (collectively the "Property"). The Association is requesting the vacation of that portion of Schmidt Court (old South 1st Street) that is adjacent to the Property which is a condition to receiving a building permit for any Phase 2 construction in the AG Area under the Southwest Village Planned Unit Development.

Enclosed please find the following:

- i. a City of Lincoln Application Form;
- ii. a check in the amount of \$206 made payable to the City of Lincoln for the application fee; and
- iii. Petition to Vacate Public Way and Information Sheet.

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

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached **Petition to Vacate Public Way** must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): **NEBRASKA HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION, INC.**

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common

2. Petitioner's Address: 7055 S. 1st Street, Lincoln, NE 68512
3. Petitioner's Telephone Number: (402) 826-5531
4. Name of street, alley, or other public way sought to be vacated: North 35th Street between Starr Street to Holdrege Street
5. Legal Description of Petitioner's property which abuts the public way sought to be vacated: That portion of Schmidt Court (old S. 1st Street right-of-way) legally described on Exhibit "A", which is attached hereto and incorporated herein by this reference
6. Why are you seeking to have this street, alley, or other public way vacated? To incorporate the proposed vacated public way into the Petitioner's adjacent property.
7. What use or uses do you propose to make of the public way should it be vacated? Convey to Petitioner who will use the proposed vacated public way in conjunction with its adjacent property.
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the **Petition to Vacate Public Way** and/or other portions of the vacated public way?
 YES NO
9. Name and address of person to whom tax statement should be sent:

NEBRASKA HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION, INC.
7055 S. 1st Street
Lincoln, NE 68512

The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**



**LEGAL DESCRIPTION
(SOUTH 1ST STREET RIGHT-OF-WAY VACATION)**

A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND A PORTION OF SOUTH 1ST STREET RIGHT-OF-WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., ALL IN LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA; THENCE SOUTHERLY ON THE WEST LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S00°07'45"E, A DISTANCE OF 120.13' TO **THE TRUE POINT OF BEGINNING**; THENCE N89°52'15"E, A DISTANCE OF 50.00' TO THE MOST NORTHERN CORNER OF THE REMAINING PORTION OF LOT 59 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., ALL IN LANCASTER COUNTY, NEBRASKA, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 1ST STREET; THENCE S00°07'45"E, ON THE WEST LINE OF SAID REMAINING PORTION OF LOT 59 I.T., SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 569.03' TO A POINT; THENCE N24°49'03"W, A DISTANCE OF 198.71' TO THE MOST SOUTHERN CORNER OF LOT 25 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH 1ST STREET, SAID POINT ALSO BEING 33.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE N00°07'45"W, ON THE EAST LINE OF SAID LOT 25 I.T., SAID POINT BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 33.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 388.48' TO A POINT; THENCE N89°52'15"E, A DISTANCE OF 33.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 39,736.52 SQUARE FEET OR 0.91 ACRES, MORE OR LESS.

Monday, February 18, 2019

F:\2017\2501-3000\017-2961\40-Design\Survey\SRVY\Final Plats\Documents\ROW VACTION LEGAL.docx

DWG: F:\2017\2501-3000\017-2961\40-Design\Survey\SRVY\Final Plats\Drawings\ROW Vacation.dwg USER: m.johnson
 DATE: Feb 18, 2019 3:36pm XREFS: 061574_Boundary 012-0344_ROW-Legal 120344_PBASE

PROJECT NO:	017-2961
DRAWN BY:	MRJ
DATE:	FEB. 18TH, 2019

**SOUTH 1ST STREET
RIGHT-OF-WAY VACATION
LEGAL DESCRIPTION**



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 TEL 402.474.6311

EXHIBIT
A 38

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #19006	FINAL ACTION? No	OWNER Bill Langdon
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS Use Permit #132C	PROPERTY LOCATION Southwest of the intersection of Highway 2 and Pine Lake Road

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This request is to re-zone a portion of the Willowbrook use permit from O-3 Office to B-2 Planned Neighborhood Business District. When the use permit was originally approved in 2000, the west portion (where the Home Depot is located) was zoned B-2, and the east portion (the subject property) was zoned O-3. Additionally, a site plan and land use table were approved for the west portion, but not the east portion.

The uses proposed on the site plan for the associated use permit amendment shows commercial uses over the O-3 area, uses that are allowed in the B-2 zoning district but not in the O-3.



JUSTIFICATION FOR RECOMMENDATION

The Future Land Use Map of the Comprehensive Plan designates the future land use for this property as Commercial. That designation includes office, as well as a wide range of commercial uses. The B-2 zoning allows uses consistent with that designation, but limits the intensity to those that are suitable in proximity to neighborhoods and residential areas.

The area has continued to urbanize since the original approval back in 2000. Additionally, improvements in the City's infrastructure have been made, or are in the process of being made, that alleviate many of the concerns initially raised over traffic and that contributed to a portion of the center being zoned O-3.

APPLICATION CONTACT

Tim Gergen
tim.gergen@clarkenersen.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 Commercial, and the proposed zoning will allow uses compatible with that designation. The associated use permit includes a plan that complies with the B-2 zoning district, and will help serve residents in this part of Lincoln. This request is consistent with the Future Land Use Plan and the principles for commercial development in the City of Lincoln.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future commercial land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

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

-LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

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

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

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

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.

P. 5.14-5.16 - Strategies for Commercial Infill

-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.

-Develop infill commercial areas to be compatible with the character of the area.

-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

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

ANALYSIS

1. The Willowbrook use permit has split zoning over the center dating back to when it was approved in 2000. The owner originally applied for change of zone to B-2 over the entire site (Home Depot and the subject property) but the request was denied by City Council. Instead, the site of the Home Depot was zoned B-2 and the eastern portion O-3. This is a request to rezone the portion zoned O-3 to B-2.
2. The Future Land Use Map designates commercial land uses for this property. The proposed B-2 zoning is consistent with that designation, and allows a range of uses that are compatible with it.

3. Rezoning a portion of the center to the less intense O-3 Office Park was in part a response to the conditions present at that time. Primarily, there was concern over the traffic impact upon the surrounding streets, including South 70th Street, Pine Lake Road, and Highway 2. Since 2000 the timeline for the South Beltway has been set and concern over increased traffic onto Highway 2 has been eased as a result. Also, South 70th Street has been improved south to Pine Lake Road, and the improvements in Pine Lake Road from South 63rd Street to Highway 2 are now underway.

Additionally, the surrounding area has continued to urbanize, including apartments and more single-family dwellings to the north, and a single-family development to the southeast near Highway 2 and South 84th Street. Redevelopment of acreage lots south of Pine Lake Road has started to occur in the intervening years as well, and is anticipated to continue. B-2 zoning provides a range of goods and services that can help serve this urbanizing part of the city.

4. A traffic study was submitted to evaluate the impact of the development upon the adjacent road network. Improvements in Pine Lake Road are recommended due to increased land use intensity, including turn lanes and a traffic signal. The requirement to install those improvements is included in the conditions of approval for the associated use permit.
5. 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.
6. This site is designated for commercial land uses on the Future Land Use Map. This request and the associated application to amend the use permit are consistent with that designation. 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: Vacant O-3 Office Park

ASSOCIATED APPLICATIONS: UP#132C, a request to amend the Willowbrook use permit to include site and development plans for the subject property.

APPROXIMATE LAND AREA: 11.4 acres more or less

SURROUNDING LAND USE & ZONING

North: Open Space	AGR
South: Acreage Residential	AGR
East: Vacant, Apartments	AGR, R-4
West: Vacant, Commercial	AGR, B-2

LEGAL DESCRIPTION: That portion of the remaining portion of Outlot A, Willowbrook Addition currently zoned O-3 Office Park, and the remaining portion of Outlot B, Willowbrook Addition, Lancaster County, Nebraska.

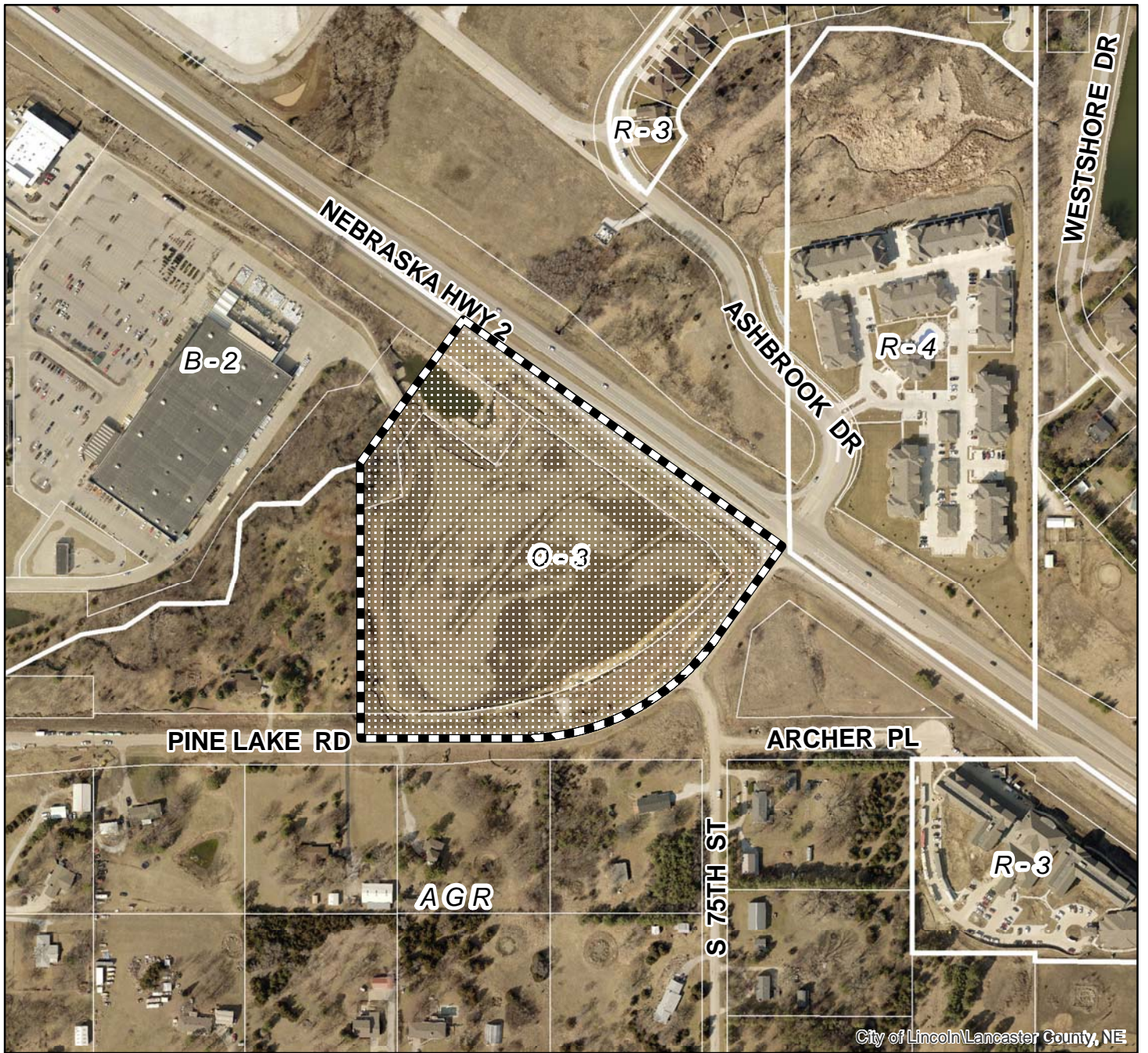
Prepared by

 Brian Will, Planner
 March 6, 2019

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

Owner: Bill Langdon
6333 Apples Way, Ste 115
Lincoln, NE 68516

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City of Lincoln/Lancaster County, NE

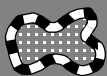


2018 aerial

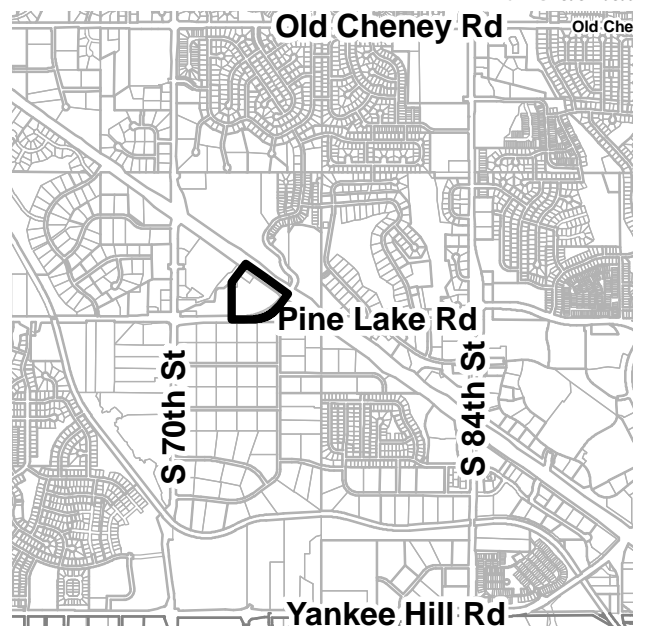
Change of Zone #: CZ19006 (O-3 to B-2)
Willowbrook
Hwy 2 & Pine Lake Rd

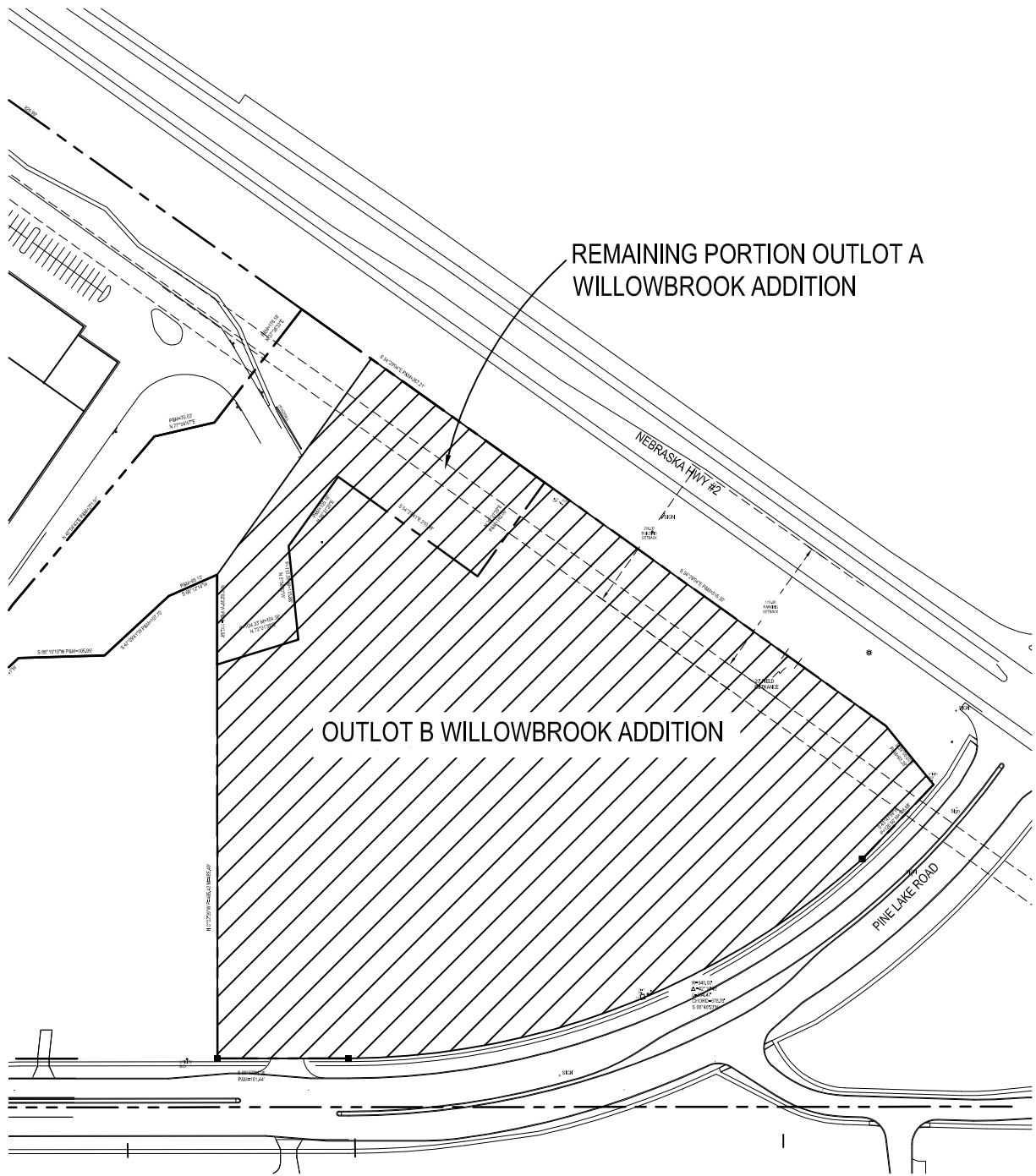
Zoning:

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

Two Square Miles:
 Sec.15 T09N R07E
 Sec.22 T09N R07E

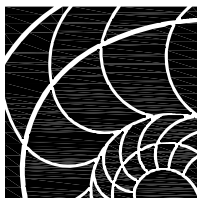
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**CHANGE OF ZONE O-3 TO B-2
LEGAL DESCRIPTION**

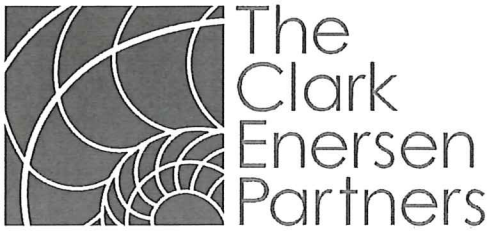
REMAINING PORTION OF OUTLOT A WILLOWBROOK ADDITION AND OUTLOT B WILLOWBROOK ADDITION



The
Clark
Enersen
Partners

Architecture + Landscape Architecture + Engineering + Interiors
1010 Lincoln Mall, Suite 200 Lincoln, NE 68508-2883
402 477.9291 Fax 402 477.6542
Kansas City, MO Fairway, KS www.clarkenersen.com

Willowbrook Shopping Center
Lincoln, NE
TCEP Project No.: 863-006-19



February 20, 2019

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

RE: Willowbrook Shopping Center Use Permit #132B
Change of Zone and Amendment

Dear Mr. Cary:

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

1. City Application
2. Application fee \$1,976 (\$988 COZ + \$988 Amendment)
3. Site Plan
4. Grading/Drainage Plans
5. Street Profiles

On behalf of the Owner, Bill Langdon, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting an Amendment to the Use Permit #132B located at the southwest corner of the intersection of Hwy #2 and Pine Lake Road as well as a change of zone from O-3 to B-2 for the properties Outlot A & Outlot B, Willowbrook Addition.

This application is to add 6 commercial lots to the currently zoned O-3 zoned area of the Willowbrook Shopping Center and to rezone the O-3 area to a B-2 zoning. Private streets are being shown to create vehicular circulation for the new commercial lots. The associated detention for this development has already been accounted for.

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

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

www.clarkenersen.com
Lincoln, NE | Kansas City, MO | Fairway, KS

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Use Permit #132C	FINAL ACTION? Yes	DEVELOPER/OWNER Bill Langdon
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS CZ#19006	PROPERTY ADDRESS/LOCATION Southwest of the intersection of Pine Lake Road and Highway 2

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to approve a site layout for a portion of the Willowbrook use permit. It was included inside the boundary of the original use permit when it was approved in 2000. However, while the western portion was zoned B-2 to allow The Home Depot and other commercial uses, the subject property was zoned O-3 for office uses. The use permit included a site plan and specific limitations on the allowed uses for the B-2 portion, but there was no site plan nor use limitations for the O-3. This request only affects the O-3 portion.

Associated with this request is a change of zone from O-3 to B-2. There are no use limitations included, as the land use table notes proposed uses as 'Commercial'. Two access points onto Pine Lake Road are shown, where the easternmost requires the applicant to submit a deviation request from the Access Management Policy. That request must be approved by the Director of Lincoln Transportation and Utilities (LTU) for the access point to be allowed as shown.



JUSTIFICATION FOR RECOMMENDATION

The subject property is bounded by an arterial street and a State highway. The Comprehensive Plan generally supports a neighborhood center in every square mile. Uniquely, this square mile is bisected by Highway 2 so interconnectivity with the neighborhoods is not practical. However, the allowed uses in the B-2 Planned Neighborhood Business zoning district can help provide goods and services to the surrounding area.

APPLICATION CONTACT
Tim Gergen, 402-477-9291 or
tim.gergen@clarkensersen.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The B-2 zoning district is designed for sites bounded by major roadways, but also those that are adjacent to neighborhoods. It allows uses that are both suitable for siting next to Highway 2, and that are also not too intense considering the apartments on the north side of Highway 2 and the acreages on the south side of Pine Lake Road. The Comprehensive Plan encourages development in a manner that is consistent and compatible with surrounding land uses that can meet the requirements of the Zoning and Subdivision Ordinances.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - This site is designated for future commercial land uses in the 2040 Lincoln Area Future Land Use Plan.

P. 1.2 - Quality of Life Assets:

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

-LPlan 2040 is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's new and established neighborhoods.

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

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

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

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.

P. 5.14-5.16 - Strategies for Commercial Infill

-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/ or transit oriented development of existing commercial strips.

-Develop infill commercial areas to be compatible with the character of the area.

-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

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

ANALYSIS

1. The subject property is Outlot B, Willowbrook Addition. The outlot is within the boundary of the Willowbrook use permit which was approved in 2000. It is connected to the remainder of the use permit by a small bridge over the Pine Lake drainage way with a private roadway.
2. With the original use permit, the western portion was zoned B-2, and the eastern portion was zoned O-3. Specific uses and a site layout were approved for the western portion only. There is an associated change of zone request which seeks to rezone Outlot B from O-3 to B-2.
3. The less intense O-3 was in part a response to the conditions present at that time. However, since 2000 the timeline for the South Beltway is set, improvements in South 70th Street and Pine Lake have either been made or in process, and concern over increased traffic onto Highway 2 has been eased as a result. Additionally, the

surrounding area has continued to urbanize, including apartments and more single-family dwellings to the north, and a single-family development to the southeast near Highway 2 and South 84th Street. Redevelopment of acreage lots south of Pine Lake Road has started to occur in the intervening years as well, and is anticipated to continue. B-2 zoning provides a range of goods and services that can help serve this urbanizing part of the city.

4. Two access points onto Pine Lake Road are shown. The westernmost of the two is a full-access median opening. The easternmost is a right-in/right-out only. Neither meet City standards for spacing and both will require an approved deviation request by the Director of LTU to be allowed as shown.

The traffic study identifies improvements in Pine Lake Road needed to support the proposed development, including turn lanes at both access points, and a traffic signal at the median opening. The turn lane at the 1/8th mile will be required immediately and is not reimbursable through impact fees. The turn lanes required at the median opening are also required immediately, but are reimbursable by impact fees.

The traffic signal that is required at the median opening is not required immediately, but rather as traffic demand warrants it. Because the signal is at the quarter mile break, its cost is borne by the developer and is not reimbursable by impact fees given Pine Lake Road's status as minor arterial street. The drive entrance into the center at the median opening will require three lanes (right-in, center, and right-out) but are not reimbursable by impact fees.

A surety should be provided to the City at the time of final plat to guarantee these improvements to ensure they will be installed when needed.

5. It is anticipated that the property adjacent to the west will also request B-2 zoning at some point. Occupied by a single-family dwelling today, its driveway would be eliminated and access would be via the median opening with re-zoning. To accommodate this an access easement needs to be shown from South 73rd Street to the property to the west to accommodate shared access.
6. Other corrections and revisions to the plans are required, and they are listed a recommended conditions of approval. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

EXISTING LAND USE & ZONING: O-3 Office Vacant

SURROUNDING LAND USE & ZONING

North: Open Space	AGR
South: Acreage Residential	AGR
East: Vacant, Apartments	AGR, R-4
West: Vacant, Commercial	AGR, B-2

APPROXIMATE LAND AREA: 14.79 acres more or less

LEGAL DESCRIPTION: Remaining portion of Outlot B, Willowbrook Addition, Lancaster County, Nebraska

Prepared by

Brian Will, Planner
March 6, 2019

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

Owner:

Bill Langdon
6333 Apples Way, Ste 115
Lincoln, NE 68516

CONDITIONS OF APPROVAL:

Per Section 27.63.320 this approval allows an additional 47,140 square feet of commercial floor area for a total of 233,568 square feet.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #19006
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 2 copies with all required revisions and documents as listed below:
 - 2.1 Make the following revisions to Sheet 1.0:
 - 2.1.1 Revise the land use table and add back the 5,700 square feet of floor allowed for Lot 5, Block 1. Then revise the totals as appropriate.
 - 2.1.2 Modify Note 1 to state: Permitted uses for Lots 1-6, Block 1.
 - 2.1.3 Modify Note 1(F) to reference Lincoln Municipal Code Chapter 27.69.
 - 2.1.4 Re-letter Notes B - M as the next to last note is incorrectly lettered.
 - 2.1.5 Delete the strikeout from Note K, and revise it reference Lots 1-6, Block 1.
 - 2.1.6 Delete the strikeout from the note between Notes L and M, and revise it reference Lots 1-6, Block 1.
 - 2.1.7 Add a Note 2 which states: The uses allowed on Lots 7-9, Block 1 and Lots 1-3, Block 2 are as per the B-2 zoning district.
 - 2.1.8 Show the floodplain within the use permit and on Lot 92.
 - 2.1.9 Provide a public access easement and construct a driveway to Lot 92 adjacent to the satisfaction of the Planning Department, along with a conceptual layout for the adjacent lot to verify the appropriateness of the proposed driveway.
 - 2.1.10 Clearly identify the setbacks along Highway 2, the text is partially obscured, and add a dimension showing the setback from the property line.
 - 2.2 Make the following revisions to Sheet 1.2:
 - 2.2.1 Revise Note #3 to state: Sidewalks shall be constructed on both sides of Willowbrook Lane and South 73rd Street.
 - 2.2.2 Revise Note #13 to state: Internal pedestrian sidewalks to be provided in compliance with the City of Lincoln Design Standards at the time of final plat.
 - 2.2.3 Revise Note #16 to state: Setbacks are as per the Zoning Ordinance except as shown.

- 2.2.4 Add a note that states: Detention is handled by the regional detention approved with the Willowbrook Use Permit #132 in 2000.
- 2.2.5 Consider phrasing Note 12 to state that parking and access are permitted across all parking lots and driveways.
- 2.3 Make the following revisions to Sheet 1.8:
 - 2.3.1 Provide enough space for required parking lot screening/landscaping adjacent to bioswales.
- 2.4 Provide copies of the deviation request approved by LTU for the east access point onto Pine Lake Road.
- 2.5 Revise the grading/site plans per the redlines and review comments from 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.
 - 3.2 Provide an escrow agreement to guarantee the installation of a traffic signal at the median opening.

Standard Conditions:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping 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.



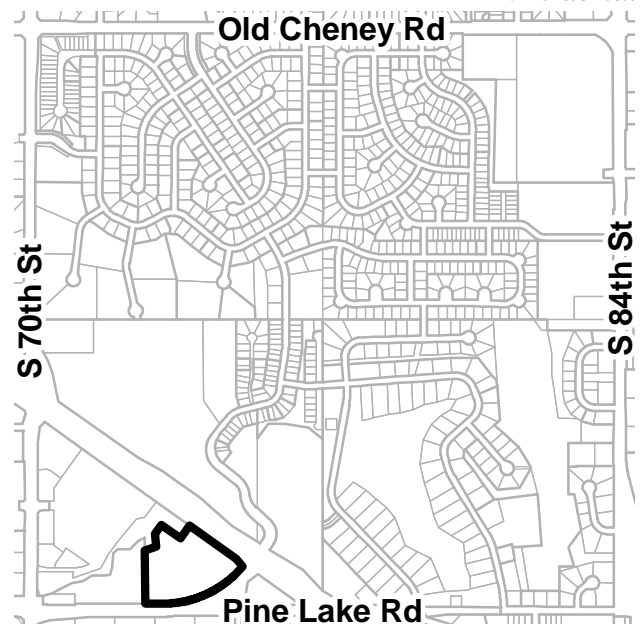
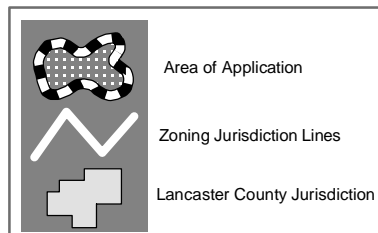
2018 aerial

Use Permit #: UP132C
Willowbrook
Highway 2 & Pine Lake Rd

Zoning:

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

One Square Mile:
 Sec.15 T09N R07E



WILLOWBROOK SHOPPING CENTER
AMENDMENT TO USE PERMIT 1328

OWNERS & DEVELOPERS

WILLOWBROOK
433 APPLEWAY ETC 110
LINCOLN, NE 68504

ENGINEER & PREPARER

THE CLARK ENRSEN PARTNERS
101 LINCOLN HALL, SUITE 200
LINCOLN, NE 68504
CONTACT: TRACER
PHONE: 402-471-0101

SITE STATISTICS

BLOCK	LOT #	PROPOSED USE/TYPE (SEE LEGAL DESCRIPTION)	LOT AREA (SQ. FT.)	PROPOSED AREA (SQ. FT.)
1	1	2-FAMILY RESIDENTIAL	10,400	10,400
1	2	RETAIL/RETAILER/FABRIK	20,000	20,000
1	3	PROPOSED (BLDG)	24,000	1,200
1	4	RETAIL/RETAILER/FABRIK	10,000	10,000
1	5	2-FAMILY RESIDENTIAL	10,000	10,000
1	6	2-FAMILY RESIDENTIAL	10,000	10,000
1	7	2-FAMILY RESIDENTIAL	10,000	10,000
1	8	2-FAMILY RESIDENTIAL	10,000	10,000
		SUBTOTAL	100,000	100,000
1	7	COMMERCIAL	10,000	1,200
1	8	COMMERCIAL	10,000	1,200
1	9	COMMERCIAL	10,000	1,200
		SUBTOTAL	30,000	3,600
2	1	COMMERCIAL	40,000	1,000
2	2	COMMERCIAL	40,000	1,000
2	3	COMMERCIAL	40,000	1,000
		SUBTOTAL	120,000	3,000
		TOTAL	1,000,000	100,000

* INCLUDES THE GARDEN CENTER AREA

NOTE: A SCHEDULE OF TRAFFIC TYPE TO BE ALLOWED FOR EACH LOT, DEPENDING ON DATE, USE AS DESCRIBED WOULD INVOLVE EACH INDIVIDUAL LOT, UNLESS INDICATED TO THE CONTRARY. THIS AREA WOULD PERMIT THE FOLLOWING:

1. USES PERMITTED BY THE ZONING ORDINANCE:

- RESIDENTIAL
- OFFICE
- PROFESSIONAL OFFICE
- RETAIL
- RESTAURANT (RESTAURANT MUST BE LOCATED NORTH OF THE MAIN ENTRANCE ALONG 10TH STREET)
- OFFICE
- ALCOHOLIC BEVERAGE SALES FOR ON PREMISES CONSUMPTION PURSUANT TO SECTION 21-12-0101 OF THE LINCOLN CITY CODE. ALCOHOLIC BEVERAGE SALES FOR OFF-PREMISES CONSUMPTION SHALL BE ALLOWED WITHIN ONE BLOCK AS SET PRIMARY SOURCE OF BUSINESS.
- THE FOLLOWING USES WILL NOT BE PERMITTED ALONG SOUTH 10TH STREET FOR THIS PROJECT:
 - RESTAURANT
 - OFFICE

NOTE: ON OTHER TEMPORARY STRUCTURES FOR TEMPORARY OR SEASONAL SALE OF GOODS OR RETAIL, FIREWORKS, CHRISTMAS TREES, ETC.

NOTE: NO TEMPORARY STRUCTURES FOR TEMPORARY OR SEASONAL SALE OF GOODS OR RETAIL, FIREWORKS, CHRISTMAS TREES, ETC.

NOTE: THE HOURS OF OPERATION OF THE SHOPPING CENTER SHALL ONLY BE ALLOWED BETWEEN 10:00 AM TO 10:00 PM.

NOTE: CHANGING FROM ONE USE TO ANOTHER USE WITHIN A BLOCK SHALL BE PERMITTED ONLY IF THE CHANGING IS PERMITTED BY THE ZONING ORDINANCE.

NOTE: THE FOLLOWING USES WILL NOT BE PERMITTED ALONG SOUTH 10TH STREET FOR THIS PROJECT:

NOTE: A BLANKET PERMIT SHALL BE OBTAINED FOR ALL UTILITIES INCLUDING BUT NOT LIMITED TO: GAS, WATER, SEWER, TELEPHONE, CABLE, AND TELEVISION.

NOTE: AN ADMINISTRATIVE AGREEMENT SHALL BE SIGNED BY THE PLANNING DIRECTOR FOR ALL OTHER THROUGH FACILITIES BEFORE SIGNATURE OF A BUILDING PERMIT.

NOTE: THE PLANNING DIRECTOR SHALL HAVE THE AUTHORITY TO APPROVE ANY TEMPORARY STRUCTURES FOR THE SHOPPING CENTER WITHIN THE ZONING DISTRICT.

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LEGAL DESCRIPTION

WILLOWBROOK ADDITIONAL LOTS 1-8, 10-11, 13-14, 16-17, 19-20, 22-23, 25-26, 28-29, 31-32, 34-35, 37-38, 40-41, 43-44, 46-47, 49-50, 52-53, 55-56, 58-59, 61-62, 64-65, 67-68, 70-71, 73-74, 76-77, 79-80, 82-83, 85-86, 88-89, 91-92, 94-95, 97-98, 100-101, 103-104, 106-107, 109-110, 112-113, 115-116, 118-119, 121-122, 124-125, 127-128, 130-131, 133-134, 136-137, 139-140, 142-143, 145-146, 148-149, 151-152, 154-155, 157-158, 160-161, 162-163, 165-166, 168-169, 171-172, 174-175, 177-178, 180-181, 183-184, 186-187, 189-190, 192-193, 195-196, 198-199, 201-202, 204-205, 207-208, 210-211, 213-214, 216-217, 219-220, 222-223, 225-226, 228-229, 231-232, 234-235, 237-238, 240-241, 243-244, 246-247, 249-250, 252-253, 255-256, 258-259, 261-262, 264-265, 267-268, 270-271, 273-274, 276-277, 279-280, 282-283, 285-286, 288-289, 291-292, 294-295, 297-298, 300-301, 302-303, 305-306, 308-309, 311-312, 314-315, 317-318, 320-321, 323-324, 326-327, 329-330, 332-333, 335-336, 338-339, 341-342, 344-345, 347-348, 350-351, 353-354, 356-357, 359-360, 362-363, 365-366, 368-369, 371-372, 374-375, 377-378, 380-381, 383-384, 386-387, 389-390, 392-393, 395-396, 398-399, 401-402, 404-405, 407-408, 410-411, 413-414, 416-417, 419-420, 422-423, 425-426, 428-429, 431-432, 434-435, 437-438, 440-441, 443-444, 446-447, 449-450, 452-453, 455-456, 458-459, 461-462, 464-465, 467-468, 470-471, 473-474, 476-477, 479-480, 482-483, 485-486, 488-489, 491-492, 494-495, 497-498, 500-501, 502-503, 505-506, 508-509, 511-512, 514-515, 517-518, 520-521, 523-524, 526-527, 529-530, 532-533, 535-536, 538-539, 541-542, 544-545, 547-548, 550-551, 553-554, 556-557, 559-560, 562-563, 565-566, 568-569, 571-572, 574-575, 577-578, 580-581, 583-584, 586-587, 589-590, 592-593, 595-596, 598-599, 601-602, 604-605, 607-608, 610-611, 613-614, 616-617, 619-620, 622-623, 625-626, 628-629, 631-632, 634-635, 637-638, 640-641, 643-644, 646-647, 649-650, 652-653, 655-656, 658-659, 661-662, 664-665, 667-668, 670-671, 673-674, 676-677, 679-680, 682-683, 685-686, 688-689, 691-692, 694-695, 697-698, 700-701, 702-703, 705-706, 708-709, 711-712, 714-715, 717-718, 720-721, 723-724, 726-727, 729-730, 732-733, 735-736, 738-739, 741-742, 744-745, 747-748, 750-751, 753-754, 756-757, 759-760, 762-763, 765-766, 768-769, 771-772, 774-775, 777-778, 780-781, 783-784, 786-787, 789-790, 792-793, 795-796, 798-799, 801-802, 804-805, 807-808, 810-811, 813-814, 816-817, 819-820, 822-823, 825-826, 828-829, 831-832, 834-835, 837-838, 840-841, 843-844, 846-847, 849-850, 852-853, 855-856, 858-859, 861-862, 864-865, 867-868, 870-871, 873-874, 876-877, 879-880, 882-883, 885-886, 888-889, 891-892, 894-895, 897-898, 900-901, 902-903, 905-906, 908-909, 911-912, 914-915, 917-918, 920-921, 923-924, 926-927, 929-930, 932-933, 935-936, 938-939, 941-942, 944-945, 947-948, 950-951, 953-954, 956-957, 959-960, 962-963, 965-966, 968-969, 971-972, 974-975, 977-978, 980-981, 983-984, 986-987, 989-990, 992-993, 995-996, 998-999, 1000-1001, 1002-1003, 1005-1006, 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SITE STATISTICS

BLOCK #	LOT #	PROPOSED TENANT TYPES (SEE SCHEDULE BELOW)	LOT AREA (+/-)	PROPOSED BUILDING AREA (SEE IN SQ. FT.)
1	1	A THROUGH I (INCLUSIVE)	55,458	19,145
1	2	BRANCH FINANCIAL FACILITY	22,879	5,732
1	3	A THROUGH H (INCLUSIVE)	24,572	9,200
1	4	RETAIL, HOME IMPROVEMENT CENTER	614,618	144,615
1	5	A THROUGH H (INCLUSIVE)	22,352	N/A
1	6	DRIVE THROUGH CAR WASH	10,025	2,036
		SUBTOTAL	749,904	180,728
1	7	COMMERCIAL	33,828	4,000
1	8	COMMERCIAL	43,284	4,000
1	9	COMMERCIAL	58,596	6,500
		SUBTOTAL	135,708	14,500
2	1	COMMERCIAL	46,927	9,600
2	2	COMMERCIAL	44,283	6,040
2	3	COMMERCIAL	69,151	17,000
		SUBTOTAL	162,361	32,640
		TOTAL	1,047,973	227,868

* INCLUDES THE GARDEN CENTER AREA

NOTE A: SCHEDULE OF TENANT TYPE PER B-2 ZONING FOR EACH LOT. DEPENDING ON SIZE, ONE USE AS DESCRIBED WOULD ENVELOPE EACH INDIVIDUAL LOT, UNLESS ADEQUATE BUILDING AREA WOULD PERMIT MULTIPLE USERS:

1. PERMIT USE OF B-2 BUSINESS DISTRICT

- A. RETAIL SALES OF GOODS
- B. BUSINESS OFFICE
- C. PROFESSIONAL OFFICE
- D. BANKS OF FINANCIAL COMPANIES
- E. RESTAURANTS (MAXIMUM OF ONE FAST FOOD RESTAURANT WHICH MUST BE LOCATED NORTH OF THE MAIN ENTRANCE ALONG 70TH STREET)
- F. DRY CLEANERS
- G. ALCOHOLIC BEVERAGE SALES FOR ON PREMISES CONSUMPTION PURSUANT TO SEC. 27.63.680 THE FACILITY OR BUSINESS SHALL BE ALLOWED WITH ON-SALE ALCOHOL AS ITS PRIMARY SOURCE OF BUSINESS SERVICE.
- H. THE FOLLOWING USES WILL NOT BE PERMITTED ALONG SOUTH 70TH STREET FOR THIS PROJECT:
 - AUTOMOBILE WASH FACILITIES
 - TENTS OR OTHER TEMPORARY STRUCTURES FOR TEMPORARY OR SEASONAL SALE OF GOODS OR RETAIL FIREWORKS, CHRISTMAS TREES, ETC.

*1 NON-PROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTION.

NOTE B: OFF STREET PARKING SHALL BE IN CONFORMANCE WITH LINCOLN MUNICIPAL CODE CHAPTER 27.67.

NOTE C: THE HOURS OF OPERATION OF THE SHOPPING CENTER SHALL ONLY BE ALLOWING BETWEEN 5:00 A.M. TO 12:00 MIDNIGHT.

NOTE D: MAXIMUM BUILDING HEIGHT SHALL BE IN CONFORMANCE WITH LINCOLN MUNICIPAL CODE SECTION 27.31.090(A) AND 27.03.130.

NOTE F: LOT SIGNS PERMITTED BY LINCOLN MUNICIPAL CODE SECTION 27.69.040 WILL BE SHOWN ON INDIVIDUAL BUILDING PERMIT SITE PLANS.

NOTE G: TWO THIRDS OF THE PARKING LOT LIGHTING, EXCEPT FOR SECURITY LIGHTING, SHALL BE SHUT OFF AFTER BUSINESS HOURS.

NOTE H: A BLANKET PERMANENT EASEMENT FOR GAS, POWER, CABLE, AND TELEPHONE WILL BE PROVIDED EXCLUDING BUSINESS ENVIRONS. ANY RELOCATION OF EXISTING UTILITIES SHALL BE DONE AT THE OWNER'S EXPENSE.

NOTE I: AN ADMINISTRATIVE AMENDMENT SHALL BE ISSUED BY THE PLANNING DIRECTOR FOR ALL DRIVE THROUGH FACILITIES BEFORE ISSUANCE OF A BUILDING PERMIT.

NOTE J: THE SEASONAL SWING AREA NORTH OF THE HOME IMPROVEMENT GARDEN CENTER MAY BE USED FOR THE DISPLAY OF LANDSCAPE MATERIAL ONLY.

~~NOTE K: NO SERVICE STATION OR CONVENIENCE STORE SHALL BE ALLOWED. NOT USED~~

NOTE L: THE PLANNING DIRECTOR HAS THE AUTHORITY TO APPROVE ADMINISTRATIVE FINAL PLATS BASED UPON USE PERMIT NO. 132.

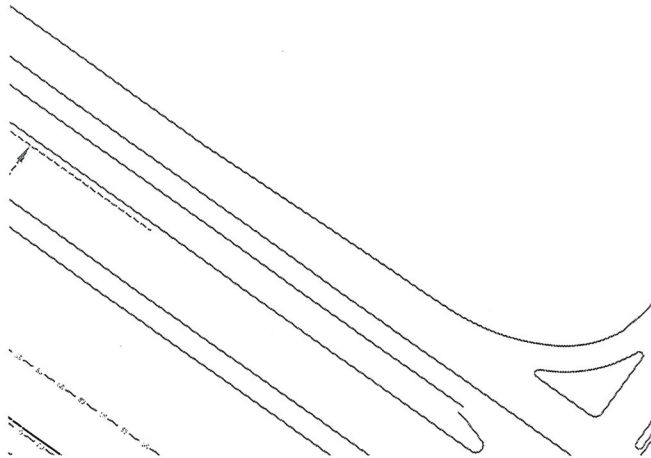
~~NOTE E: ALL BUILDINGS SHALL CONFORM TO THE ARCHITECTURAL DESIGN CRITERIA AS SHOWN ON THE ATTACHED SHEETS 1.5A-1.5E IN THE APPENDIX. NOT USED~~

NOTE M: FENCED DOG RUNS MAY ENCR OACH UP TO 50 FEET INTO THE 100' HIGHWAY 2 SETBACK ON THE EASTERN 250 FEET OF LOT 1.

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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 PAVEMENT RETURN RADII TO BE 30' (MIN.) UNLESS OTHERWISE NOTED.
3. SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF WILLOWBROOK LANE TO S. 73RD STREET AND ON ONE SIDE OF STREET FOR ALL OTHER STREETS.
4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
5. DIRECT VEHICULAR ACCESS TO HIGHWAY 2 AND PINE LAKE ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN.
6. ALL ELEVATIONS ARE TO NAVD 1988.
7. ALL OUTLOTS, MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS USE PERMIT TO BE MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS.
8. THE PROPOSED LOT LINES ARE CONCEPTUAL AND MAY VARY IN THE FINAL PLAT.
9. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
10. THE SALE OF ALCOHOL SHALL CONFORM WITH THE ZONING ORDINANCE.
11. ATMS, FENCES, DECORATIVE STRUCTURES, AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES.
12. A COMMON ACCESS EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND PARKING STALLS.
13. INTERNAL PEDESTRIAN SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF BUILDING PERMITS.
14. FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS FOR BUILDINGS TO BE SUBMITTED AT TIME OF BUILDING PERMIT. CHANGES TO FINAL LAYOUT MAY BE APPROVED BY ADMINISTRATIVE AMENDMENT.
15. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
16. SETBACKS SHOWN PER PLAN. INTERNAL SETBACKS SHALL BE 0'.

**CHANGE OF ZONE O-3 TO B-2
LEGAL DESCRIPTION**

REMAINING PORTION OF OUTLOT A WILLOWBROOK ADDITION AND OUTLOT B WILLOWBROOK ADDITION

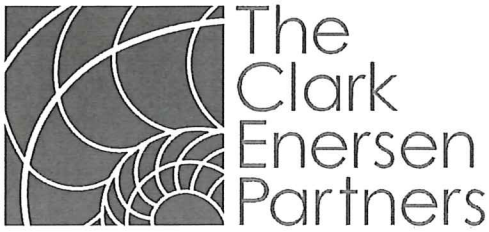


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1010 Lincoln Mall, Suite 290
Lincoln, NE 68508-2883
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Kansas City, Missouri
Fairway, Kansas



February 20, 2019

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

RE: Willowbrook Shopping Center Use Permit #132B
Change of Zone and Amendment

Dear Mr. Cary:

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

1. City Application
2. Application fee \$1,976 (\$988 COZ + \$988 Amendment)
3. Site Plan
4. Grading/Drainage Plans
5. Street Profiles

On behalf of the Owner, Bill Langdon, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting an Amendment to the Use Permit #132B located at the southwest corner of the intersection of Hwy #2 and Pine Lake Road as well as a change of zone from O-3 to B-2 for the properties Outlot A & Outlot B, Willowbrook Addition.

This application is to add 6 commercial lots to the currently zoned O-3 zoned area of the Willowbrook Shopping Center and to rezone the O-3 area to a B-2 zoning. Private streets are being shown to create vehicular circulation for the new commercial lots. The associated detention for this development has already been accounted for.

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

Sincerely,



Tim Gergen

Architecture + Landscape Architecture + Engineering + Interiors

1010 Lincoln Mall, Suite 200
Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #07005A - Yankee Hill Townhomes Community Unit Plan	FINAL ACTION? Yes	DEVELOPER/OWNER Lancaster Development, LLC
PLANNING COMMISSION HEARING DATE March 20, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South 84 th Street and Yankee Hill Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to expand the Yankee Hill Townhomes Community Unit Plan (CUP) located at approximately South 84th Street and Yankee Hill Road. The site plan shows Lot 110, the acreage lot adjacent to the north boundary of the CUP, being added to the CUP and increasing it by 4.96 acres. The goal is to allow Lot 110 to be subdivided so a portion at the southeast corner can be combined with an outlot in the original CUP to create six new townhome lots.

The owner does not anticipate developing the remainder of Lot 110 at this time, but rather plans to sell it as an acreage where some future owner would have the option of further redevelopment if desired.



JUSTIFICATION FOR RECOMMENDATION

At the time the original CUP was approved, it was anticipated that in the future the two lots adjacent to the north would be subdivided. Provisions for internal road connections were made with the original CUP to allow both of the lots to be made part of the CUP and no longer require access onto South 84th Street. Assimilation into the CUP similar to what is being proposed was anticipated at the time of the original CUP.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This site is designated for urban density residential development. This project results in a more efficient use of land and infrastructure, and helps this property achieve its highest and best use. The proposed land use and density are in conformance with Zoning Ordinance and the goals of the 2040 Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.8 - This site is designated for future urban density residential land uses in the 2040 Lincoln Area Future Land Use Plan .

P. 5.17 - There are considerations for industrial uses in regard to the potential impact on adjacent property. In 2005, a Joint Committee of the Board of Health and Planning Commission began to meet regularly to discuss issues of common interest; including industrial land uses that use and store hazardous materials. The Joint Committee developed reports called Use and Storage of Hazardous Materials and Pipelines Carrying Hazardous Materials.

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

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

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

P. 7.4 - Strategies for Neighborhoods and Housing

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

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

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

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

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

ANALYSIS

1. This is a request for an expansion of the Yankee Hill Townhomes Community Unit Plan (CUP) located at approximately South 84th Street and Yankee Hill Road. The original CUP was approved in 2007, but made provisions for the future inclusion of the two adjacent acreage lots to the north, Lots 110 and 111.

Feb 2006 - Change of Zone #04079 was approved changed the zoning from AG to R-3 and R-4.

Feb 2006 - Preliminary Plat #04030 for the Jensen Park preliminary plat was approved creating 151 lots.

April 2007 - Special Permit #07005 was approved for 184 dwelling units and replaced the Jensen Park preliminary plat.

APPROXIMATE LAND AREA: 4.96 acres, more or less (added with this request)
42.98 acres more or less (entire CUP)

LEGAL DESCRIPTION: Lot 110, I.T., located in the SW 1/4 of Section 23-9-7, Lincoln, Lancaster County, Nebraska,

Prepared by

Brian Will, bwill@lincoln.ne.gov
March 5, 2019

Contact: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
(402) 434-8494 or meckert@civildg.com

Owner/Applicant: Blake Collingsworth
Tuscany Homes
8410 Executive Woods Drive
Lincoln, NE 68512
402-904-7800 or blake@tuscaney-townhomes.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #07005A

1. Per Section 27.63.320 this approval permits an amendment to the Yankee Hill Townhomes Community Unit Plan to allow a total of 196 dwelling units as shown on the site plan.

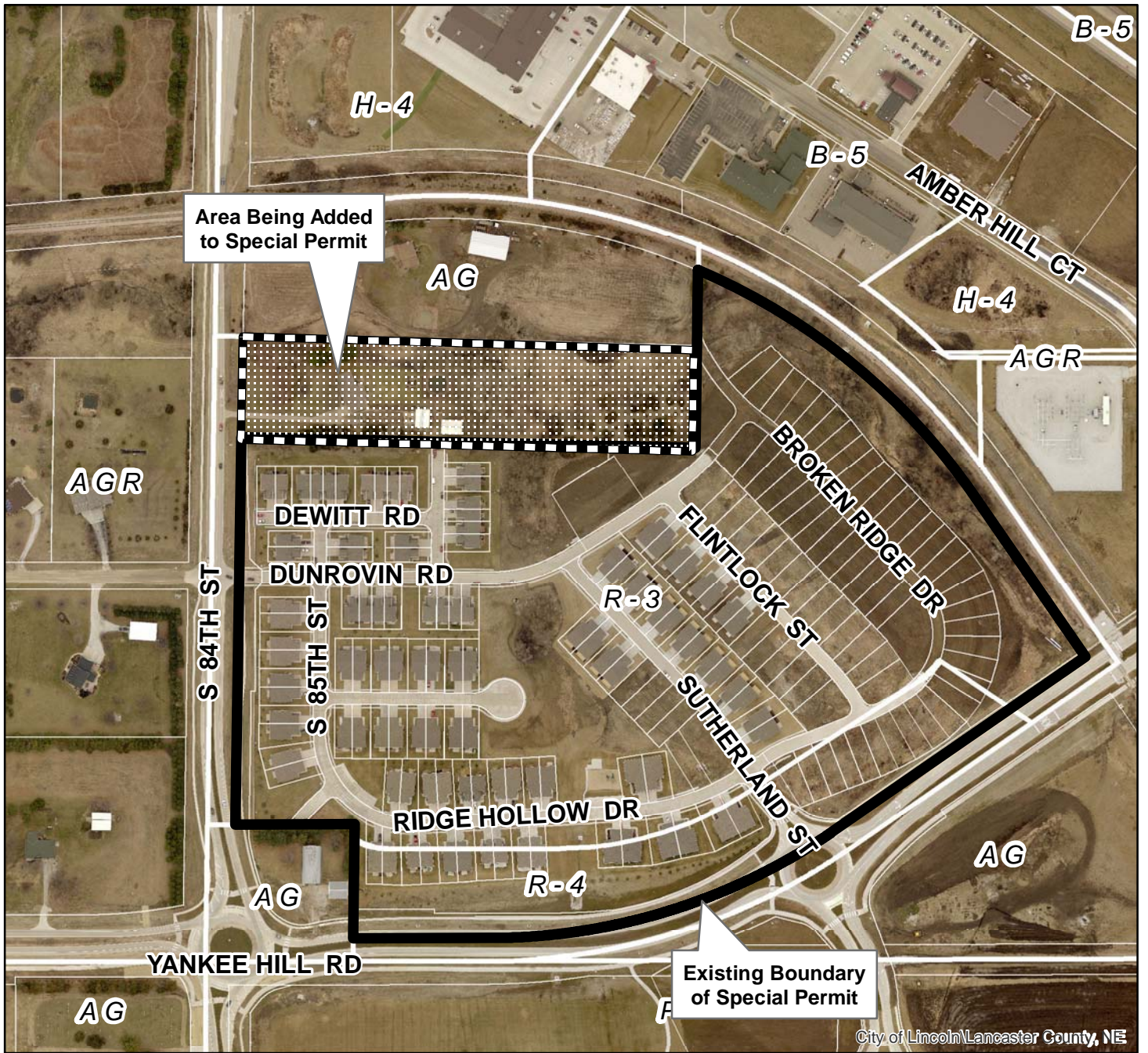
Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Make the following revisions to the CUP plan set:
 - 1.1.1 Delineate the Pipeline Planning Area in South 84th Street, and add a note that states no residential structures, schools, daycares, retirement facilities, or hospitals shall be located inside of it.
 - 1.1.2 Add the note back from the original site plan regarding the required escrow account to ensure the completion of the extension of Broken Ridge Drive to Lot 111. Expand the note to include the statement that the road extension to the boundary of the CUP must be completed prior to approval of any additional plats in the area.
 - 1.1.3 Update the density calculations on Sheet 2 and the dwelling unit count in General Note #1 to reflect this amendment and the addition of 11 dwelling units and 4.96 acres of land.
 - 1.1.4 Label the clubhouse/common area.
 - 1.1.5 Either delete the driveway from Lot 110 to South 84th Street, and show South 86th Street extended onto Lot 110 adequate for driveway access, or document that a deviation request has been approved by the Director of Public Works and Utilities.
 - 1.1.6 Show the public access/utility easement extended across Lot 110 as required to fully extend Broken Ridge Drive.
 - 1.1.7 Update the minimum opening table as required.
 - 1.1.8 Extend the parking lot for the clubhouse to the extent of the grading.
 - 1.1.9 Relocate text and labels that are obscured by the 100-Year Water Surface area.
 - 1.1.10 Add a legend and identify the 100-Year Water Surface area on all sheets.
 - 1.1.11 Add a note stating that no development is allowed within the 100-Year Water Surface area except streets and utilities.
 - 1.1.12 Revise Lot 34, Block 7 building area to exclude the 100-Year Water Surface area.
 - 1.1.13 Combine Notes 21 and 22 as follows: Lots F1 – F4, Block 3 are shown conceptually, platting and development by administrative amendment. If determined to meet the requirements of Lincoln Municipal Code by the Health Department, the existing dwelling on Lot 14, Block 3 will connect to the City's sanitary sewer system.
 - 1.1.14 Make revisions and corrections for Public Works and Utilities/Watershed Management as noted in the review comments and changemarks included in ProjectDox.

2. Before a final plat is approved provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 A surety to guarantee the extension of Broken Ridge Drive to the east lot line of Lot 111.
 - 2.3 Construct Broken Ridge Drive to the boundary of the CUP.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 3.2 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.
 - 3.3 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.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

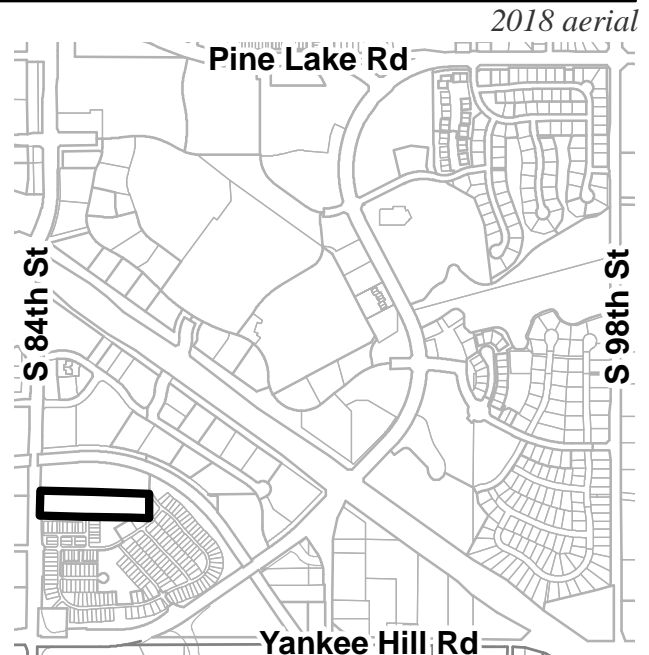
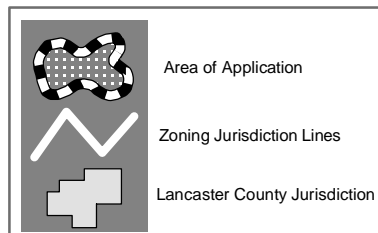


Special Permit #: SP07005A
Yankee Hill Townhomes
S 84th St & Yankee Hill Rd

Zoning:

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

One Square Mile:
 Sec.23 T09N R07E





Civil Design Group, Inc.

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

February 18, 2019

CDG Project No. 2017-0258

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

Re: Yankee Hill Townhomes First Amendment to Special Permit 07005 generally located at S. 84th Street and Yankee Hill Rd.

Dear Mr. Cary:

On behalf of Yankee Hill Townhomes, LLC and Lancaster Development, LLC, we submit this application for your review and approval. With this amendment we are requesting to add a five-acre lot that is addressed as 8140 S. 84th Street to the existing Yankee Hill Townhome CUP. In working with City staff we have come to agreement as to how .25 acres of the 5 acre tract will provide 6 new townhome lots that will take access to the existing Dunrovin Rd while the remaining 4.75 acres of the lot remains as a single family home site.

LTU staff has agree to two requested waivers to the design standards and a deviation request to the access management policy. The two waivers are for added detention or water quality features. Watershed Amendment has concluded that the .25 area begin developed does not warrant detention modifications or water quality inclusion as the lots drain through a grassed area to an immediately adjacent drainage way. The director of LTU has also agreed to grant a deviation request allowing the existing single family home at 8140 S, 84th to continue to take access to S. 84th St. This deviation is conditioned upon a note in CUP that states that any further subdivision of the SF home lot will result in relinquishment of access to S 84th Street.

In conjunction with this submittal we submit the following information:

- Applications for Special Permit Amendment
- Use Permit Amendment Fees for each ownership group of \$1,069.84 and ~~\$247.00~~
- Site Plans & Improvements Exhibits – Uploaded via Project Dox

I hope that this letter and the site plans provides you with enough information to review this application. If you have questions during the review process please call or email as needed.

Sincerely,

Mike Eckert

Encl

cc: Yankee Hill Townhomes, LLC
Lancaster Development, LLC

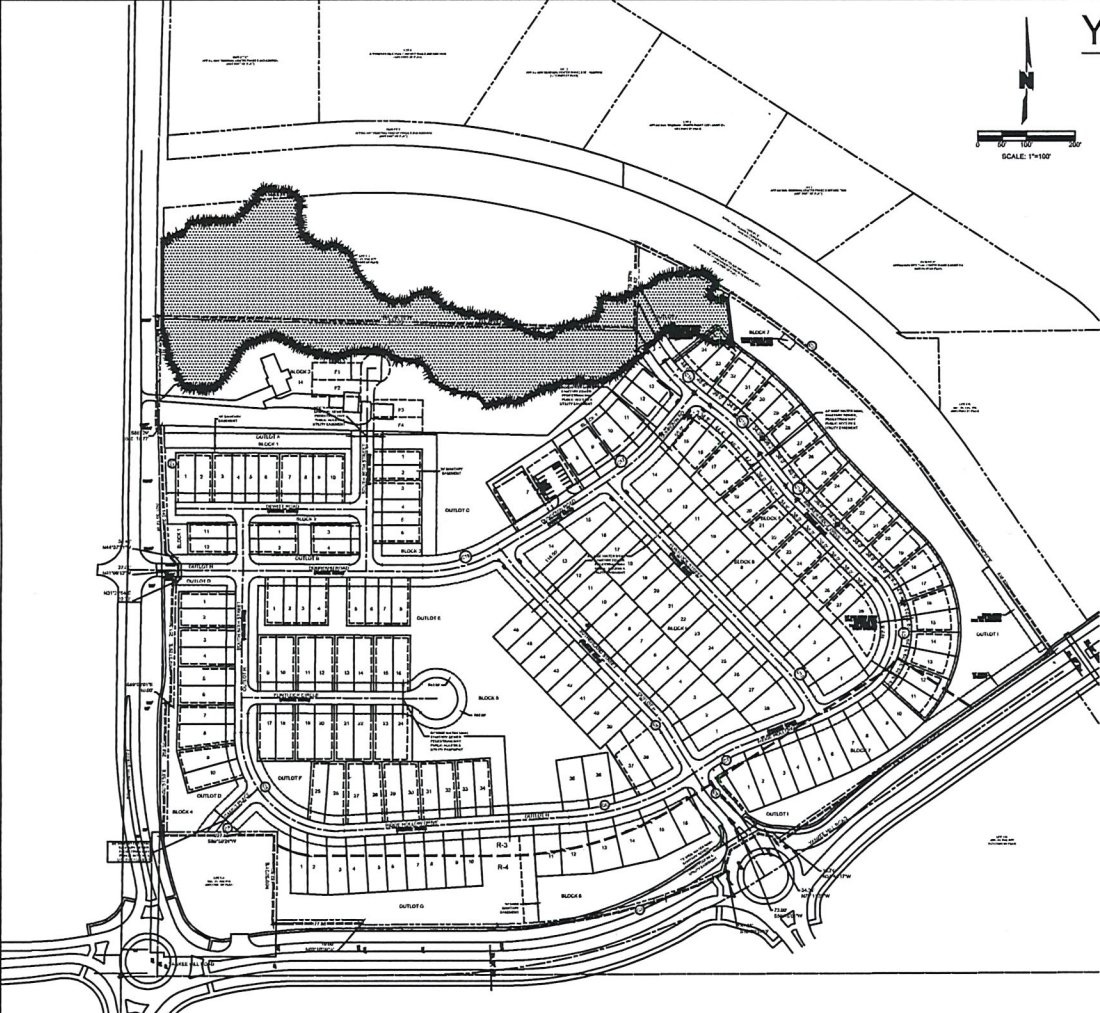
/Volumes/Public/F/Projects/2017/20170258/Landplanning/Doc/Use Permit submittal 02-18-19.docx

YANKEE HILL TOWNHOMES FIRST ADD. COMMUNITY UNIT PLAN #07005A

Civil Design Group, Inc.
8533 EXECUTIVE WOODS DRIVE
LINCOLN, NE 68515-4477
PH: 402-434-8484 FAX: 402-434-8477
www.civilgroup.com

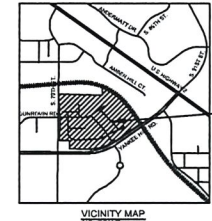


CONSULTING ENGINEERS PLANNING AND DESIGN
CIVIL DESIGN GROUP DEVELOPMENT PLANNING AND ZONING



SHEET INDEX

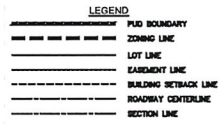
COVER SHEET	SHEET 1
SITE PLAN	SHEET 2
UTILITY PLAN	SHEET 3



PROJECT LOCATION

CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	7840.00'	0°50'25.11"	88.34'	116.67'	116.67'	S61°59'44"E
C2	1550.44'	20°22'00.00"	382.00'	788.00'	788.22'	N81°14'00"W
C3	1028.27'	28°53'48.00"	243.11'	477.47'	473.20'	N78°31'44"E



- APPROVED ADJUSTMENTS:**
1. WAIVER OF MINIMUM LOT WIDTH FOR ALL LOTS.
 2. WAIVER OF MINIMUM LOT AREA REQUIREMENTS FOR ALL LOTS.
 3. SETBACKS ADJUSTED AS PER GENERAL NOTE #20.
 4. ALLOW LOTS WITHOUT FRONTAGE TO A STREET OR PRIVATE ROADWAY.
 5. WAIVER OF SANITARY SEWER RUNNING AGAINST STREET GRADE IS:
 - a. DUNROVIN ROAD EAST OF S. 85TH STREET FOR 180'.
 - b. DUNROVIN ROAD BETWEEN S. 85TH STREET AND SUTHERLAND STR. FOR 420'.
 - c. DUNROVIN ROAD EAST OF FLINTLOCK STREET FOR 200'.
 - d. FLINTLOCK CIRCLE FOR 200'.
 - e. BROKEN RIDGE DRIVE NORTH OF DUNROVIN ROAD FOR 118'.
 - f. RIDGE HOLLOW DR. BETWEEN GAMUT DR. AND SUTHERLAND ST. FOR 420'.
 - g. S. 10TH STREET NORTH OF DUNROVIN ROAD FOR 100'.
 - h. RIDGE HOLLOW DR. EAST OF SUTHERLAND STREET FOR 200'.

LEGAL DESCRIPTION

LOT 110 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, T4N, R7E.

YANKEE HILL TOWNHOMES:
 LOTS 1-12, BLOCK 1
 LOTS 1-8, BLOCK 2
 LOTS 1-8, BLOCK 3
 LOTS 1-8, BLOCK 4
 LOTS 1-8, BLOCK 5
 LOTS 1-8, BLOCK 6
 OUTLOT 'A'
 OUTLOT 'B'
 OUTLOT 'C'
 OUTLOT 'D'
 OUTLOT 'E'
 REM. PORT. OUTLOT 'F'
 REM. PORT. OUTLOT 'G'

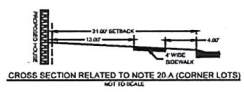
YANKEE HILL TOWNHOMES 1ST ADDITION
 LOTS 1-10, BLOCK 1
 LOTS 1-8, BLOCK 2
 LOTS 1-8, BLOCK 3
 LOTS 1-10, BLOCK 4
 LOT 1, BLOCK 4
 OUTLOT 'A'
 OUTLOT 'B'
 OUTLOT 'C'
 OUTLOT 'D'
 OUTLOT 'E'

YANKEE HILL TOWNHOMES 2ND ADDITION
 LOTS 1-24, BLOCK 1
 OUTLOT 'A'
 OUTLOT 'B'
 OUTLOT 'C'

GENERAL NOTES

1. THIS SPECIAL PERMIT CONTAINS 182 LOTS IN BLOCKS 1-14 ATTACHED SINGLE FAMILY UNITS 20 TOWNHOUSE UNITS, A CLUBHOUSE, LOT 1 DISTINGUISHED SINGLE FAMILY HOME LOT AND 9 OUTLOTS.
2. THE CURRENT ZONING IS R3 AND RH.
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 36 FEET.
4. PUBLIC PRIVATE WATER, SANITARY SEWER AND STORM SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERING AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.
5. PRIVATE ROADWAYS SHALL BE 27 FEET IN WIDTH BACK TO BACK OF CURBS UNLESS OTHERWISE SPECIFIED, AND SHALL BE SURFACED WITH 7" OF PORTLAND CEMENT CONCRETE OR 9" OF PORTLAND CEMENT CONCRETE BASE AND 2" N" OF ASPHALTIC CONCRETE SURFACE.
6. PUBLIC SIDEWALKS SHALL BE INSTALLED ALONG ALL PUBLIC STREETS AND PRIVATE ROADWAYS.
7. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
8. COMMON ACCESS EASEMENTS WILL BE GRANTED OVER ALL OUTLOTS FOR OPEN SPACE, AND PUBLIC ACCESS EASEMENTS WILL BE GRANTED OVER ALL PRIVATE ROADWAYS AND THOSE PORTIONS OF PRIVATE LOTS THAT PROVIDE ACCESS TO LOTS.
9. BRICKS AND PAINTS SHALL NOT BE ENCLOSED OR COVERED IF THEY ARE WITHIN THE FRONT OR SIDE YARD SETBACKS.
10. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICAN VERTICAL DATUM (NAVD83) 1988.
11. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL, AND SEDIMENTATION CONTROL AND AFFILIATED PREPARATION DRAWINGS TO SUBMIT A SCHEDULING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN, LANCASTER COUNTY AND TOULSON REGULATIONS AND STANDARDS ARTICLE 2, SECTION 22.
12. ANY RELOCATION OF EXISTING UTILITIES SHALL BE AT THE OWNER/DEVELOPER'S EXPENSE.
13. STREET TREES ON PRIVATE STREETS SHALL BE PLANTED AT LEAST 10 FEET FROM THE BACK OF SIDEWALK.
14. A BLANKET UTILITY EASEMENT IS GRANTED OVER ALL OUTLOTS. ADDITIONAL EASEMENT WILL BE GRANTED AT THE TIME OF THE FINAL PLAT PROCESS.
15. ALL OUTLOT AREAS ARE TO BE MAINTAINED BY THE DEVELOPER AND/OR FUTURE HOMEOWNERS ASSOCIATION.
16. EROSION CONTROL DURING CONSTRUCTION IS REQUIRED.
17. ALL PROPOSED INTERSECTIONS SHALL COMPLY WITH CHAPTER 2.23 SECTION 23.1.1.0 OF THE CITY OF LINCOLN DESIGN STANDARDS.

18. SIGNS SHALL COMPLY WITH SECTION 27.09 OF THE LINCOLN MUNICIPAL CODE.
19. REQUIRED LANDSCAPING, STREET TREES, AND SCREENING ARE NOT SHOWN, BUT WILL BE SUBMITTED AT THE TIME OF BUILDING PERMITS OR FINAL PLAT AS APPROPRIATE, AND IN COMPLIANCE WITH LAC AND DESIGN STANDARDS.
20. SETBACKS ARE FOR THE R-3 ZONING DISTRICT EXCEPT:
 - A. FRONT SETBACK IS A MINIMUM OF 32' FROM THE BACK OF CURB, EXCEPT CORNER LOTS WHICH SHALL HAVE A 27' SETBACK ON THE SIDE WITHOUT DRIVEWAY ACCESS.
 - B. SIDEWALK IS A MINIMUM OF 4' FROM THE BACK OF CURB.
 - C. GARAGE IS A MINIMUM OF 22' FROM THE BACK OF SIDEWALK.
 - D. REAR SETBACK FOR LOTS 11-18 BLOCK 6 IS 10'.
21. BLOCK 3, LOT 14, FUTURE LOTS ARE SHOWN FOR CONCEPTUAL DEVELOPMENT PURPOSES AND IS NOT PLANNED AT THIS TIME.
22. FUTURE SUBDIVISION OF BLOCK 3, LOT 14 WILL REQUIRE REINFORCEMENT OF ACCESS TO R. 4TH STREET.



OWNER & DEVELOPER:
 YANKEE HILL TOWNHOMES, LLC
 8540 EIDER DR.
 LINCOLN, NE 68515-6633
 (402) 924-7900
 CONTACT: BLAKE COLLINGSWORTH

ORIGINAL ENGINEER:
 CIVIL GROUP
 601 W STREET
 SUITE 200
 LINCOLN, NE 68508
 (402) 434-8477

AMENDING ENGINEER:
 CIVIL DESIGN GROUP, INC.
 8533 EXECUTIVE WOODS DRIVE
 SUITE 200
 LINCOLN, NE 68512
 (402) 434-7800
 CONTACT: BLAKE COLLINGSWORTH

BENCHMARK
 BRASS CAP EAST END OF HEADWALL
 @ SE COR. INTERSECTION OF 8TH STREET AND YANKEE HILL ROAD
 (E.L. = 1427.88 (NAVD 83) (ELEGON))

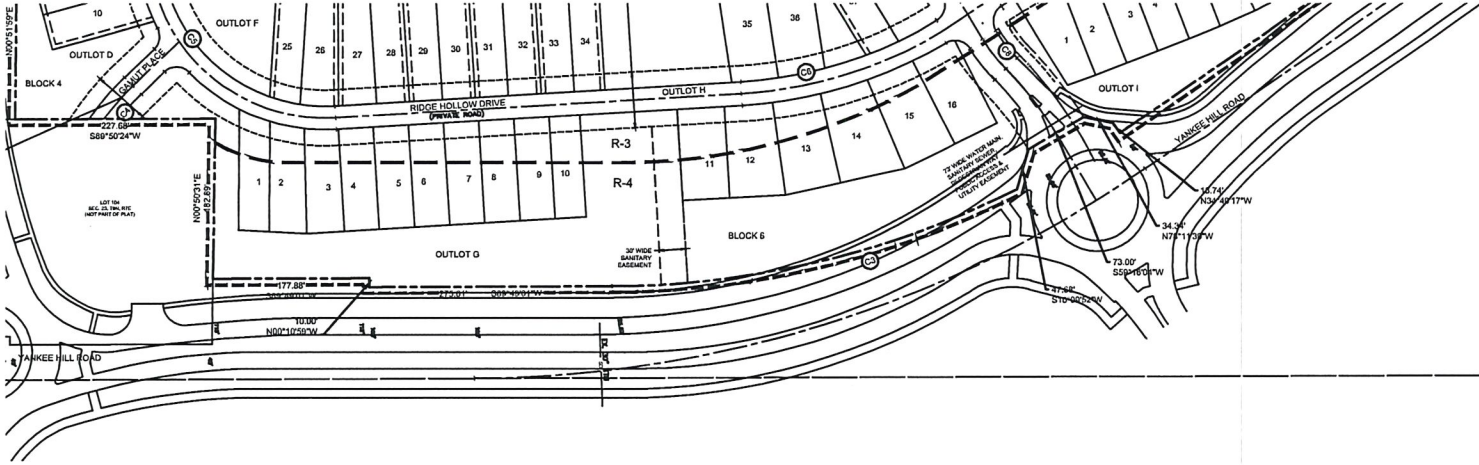
REVISIONS

NO.	DATE	DESCRIPTION

YANKEE HILL TOWNHOMES FIRST ADDITION
AMENDING COMMUNITY UNIT PLAN #07005A








COVER SHEET

SHEET 1 OF 3



LOT 114
SEC 23, T9N, R7E
NOT PART OF PLAT

LEGEND

-  PUD BOUNDAR
-  ZONING LINE
-  LOT LINE
-  EASEMENT LIN
-  BUILDING SETE
-  ROADWAY CEN
-  SECTION LINE

GENERAL NOTES

QUARTER OF SECTION 23, T9N, R7E.

1. THIS SPECIAL PERMIT CONTAINS 192 LOTS (9 BLOCKS), 170 ATTACHED SINGLE FAMILY UNITS 20 TOWNHOUSE UNITS, A CLUBHOUSE LOT, 1 EXISTING SINGLE FAMILY HOME LOT AND 9 OUTLOTS.
2. THE CURRENT ZONING IS R3 AND R4.
3. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 36 FEET.
4. PUBLIC PAVING, WATER, SANITARY SEWER AND STORM SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.
5. PRIVATE ROADWAYS SHALL BE 27 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED, AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT CONCRETE OR 5" OF PORTLAND CEMENT CONCRETE BASE AND 2 1/2" OF ASPHALTIC CONCRETE SURFACE.
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7. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
8. COMMON ACCESS EASEMENTS WILL BE GRANTED OVER ALL OUTLOTS FOR OPEN SPACE, AND PUBLIC ACCESS EASEMENTS WILL BE GRANTED OVER ALL PRIVATE ROADWAYS AND THOSE PORTIONS OF PRIVATE DRIVES THAT PROVIDE ACCESS TO LOTS.
9. DECKS AND PATIOS SHALL NOT BE ENCLOSED OR COVERED IF THEY ARE WITHIN THE FRONT OR SIDE YARD SETBACKS.
10. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICAN VERTICAL DATUM (NAVD) 1988.
11. THE DEVELOPER AGREE TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AN SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRAND IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN -LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
12. ANY RELOCATION OF EXISTING FACILITIES SHALL BE AT THE OWNER/DEVELOPERS'S EXPENSE.
13. STREET TREES ON PRIVATE STREETS SHALL BE PLANTED AT LEAST FIVE (5) FEET FROM THE BACK OF SIDEWALK.
14. A BLANKET UTILITY EASEMENT IS GRANTED OVER ALL OUTLOTS. ADDITIONAL EASEMENT WILL BE GRANTED AT THE TIME OF THE FINAL PLAT PROCESS.
15. ALL OUTLOT AREAS ARE TO BE MAINTAINED BY THE DEVELOPERS AND/OR FUTURE HOMEOWNERS ASSOCIATION.
16. EROSION CONTROL DURING CONSTRUCTION IS REQUIRED.
17. ALL PROPOSED INTERSECTIONS SHALL COMPLY WITH CHAPTER 2.25 SECTION 3.3.1.0 OF THE CITY OF LINCOLN DESIGN STANDARDS.
18. SIGNS SHALL COMPLY WITH SECTION 27.69 OF THE LINCOLN MUNICIPAL CODE.
19. REQUIRED LANDSCAPING, STREET TREES, AND SCREENING ARE NOT SHOWN, BUT WILL BE SUBMITTED AT THE TIME OF BUILDING PERMITS OR FINAL PLAT AS APPROPRIATE, AND IN COMPLIANCE WITH LMC AND DESIGN STANDARDS.
20. SETBACKS ARE PER THE R-3 ZONING DISTRICT EXCEPT:
 - A. FRONT SETBACK IS A MINIMUM OF 30' FROM THE BACK OF CURB, EXCEPT CORNER LOTS WHICH SHALL HAVE A 21' SETBACK ON THE SIDE WITHOUT DRIVEWAY ACCESS.
 - B. SIDEWALK IS A MINIMUM OF 4' FROM THE BACK OF CURB.
 - C. GARAGE IS A MINIMUM OF 22' FROM THE BACK OF SIDEWALK.
 - D. REAR SETBACK FOR LOTS 11-16 BLOCK 6 IS 10'.
21. BLOCK 3, LOT 14, FUTURE LOTS ARE SHOWN FOR CONCEPTUAL DEVELOPMENT PURPOSES AND IS NOT PERMITTED AT THIS TIME.
22. FUTURE SUBDIVISION OF BLOCK 3, LOT 14 WILL REQUIRE RELINQUISHMENT OF ACCESS TO S. 84TH STREET.