

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
Sändra Washington

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

May 29, 2019

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 29, 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, May 29, 2019, from 12:15 p.m. to 1:00 p.m. in Studio Room 113 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, to for a briefing on Community Indicators by Planning staff.

****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, MAY 29, 2019

Approval of minutes of the regular meeting held May 15, 2019.

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

ANNEXATION WITH RELATED ITEMS:

- Page 01 1.1a Annexation 19006, to annex approximately 9.30 acres, more or less, on property generally located at South 33rd Street and Rokeby Road.
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
- Page 01 1.1b Change of Zone 19015, from AG (Agricultural District) to R-3 (Residential District), on property generally located at South 33rd Street and Rokeby Road.
Staff recommendation: Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
- Page 15 1.1c Special Permit 19024, to allow for the development of a CUP (Community Unit Plan), consisting of 16 single-family lots, 1 lot for a future club house and 6 outlots, on property generally located at South 33rd Street and Rokeby Road.
***** FINAL ACTION *****
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

CHANGE OF ZONE:

- Page 35
- 1.2 Change of Zone 19013, from P (Public Use District) to R-4 (Residential District), on property, generally located at 3600 R Street.
Staff recommendation: Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

SPECIAL PERMIT:

- Page 41
- 1.3 Special Permit/Use Permit 19C, to allow for the enclosure of an existing walkway for storage, and the addition of an emergency generator and trash compactor along with a revision to plan notes allowing minor increases up to 3,000 square feet by Administrative Amendment, on property generally located at 1710 South 70th Street. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
- Page 51
- 1.4 Special Permit 19026, to allow outdoor seasonal sales, on property generally located at 5555 Roose Street. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

SPECIAL PERMIT WITH RELATED ITEMS:

- Page 61
- 1.5a Special Permit 1960B, to reflect the proposed vacation of the western portion of Hilltop Road and construction of a new public cul-de-sac near North 14th Street, with waivers to the subdivision improvement requirements and Chapter 2.15 of the Lincoln Design Standards for Urban Public Streets, generally located at North 14th and Superior Streets. *** FINAL ACTION ***
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- Page 77
- 1.5b Street and Alley Vacation 19005, to vacate a portion of Hilltop Road west of North 14th Street, located in the SE 1/4 of Section 2-10-6, Lincoln, Lancaster County, Nebraska, generally located at North 14th and Superior Streets.
Staff recommendation: Conforms to the Comprehensive Plan
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

PLATS:

Page 85 2.1 Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street. *** **FINAL ACTION** ***
Staff recommendation: 2 week deferral
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE WITH RELATED ITEMS:

Page 87 4.1a Change of Zone 19016, from R-2 (Residential District) to a R-2 (Residential District) with landmark overlay (Historic Preservation District), on property generally located at 3422 Grimsby Lane.
Staff recommendation: Approval
Staff Planner: Ed Zimmer, 402-441-6370, ezimmer@lincoln.ne.gov

Page 111 4.1b Special Permit 19027, to allow for the construction of a detached garage, with waivers regarding height, lot and area, and other zoning restrictions, on a newly designated historic landmark, being property generally located at 3422 Grimsby Lane.
Staff recommendation: Conditional Approval
Staff Planner: Ed Zimmer, 402-441-6370, ezimmer@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:

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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.

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 15, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Maja V. Harris, Dennis Scheer and Sändra Washington; (Deanne Finnegan absent). David Cary, Steve Henrichsen, Brian Will, Tom Cajka, Rachel Jones, George Wesselhoft, Dessie Redmond, Geri Rorabaugh and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Scheer called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Scheer requested a motion approving the minutes for the regular meeting held May 1, 2019. Motion for approval made by Campbell, seconded by Washington and carried 6-0: Campbell, Corr, Joy, Harris, Scheer and Washington voting 'yes'; Beckius abstaining; Edgerton absent at time of vote; Finnegan absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 15, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington; Finnegan absent; Scheer declared a conflict of interest.

The Consent Agenda consisted of the following items: **ANNEXATION 19003, CHANGE OF ZONE 19011, WAIVER 19001, CHANGE OF ZONE 19009, USE PERMIT 33E, CHANGE OF ZONE 19010, SPECIAL PERMIT 19018, SPECIAL PERMIT 16020A AND SPECIAL PERMIT 19019.**

Washington indicated she would like to ask some questions regarding Item 1.1A – Annexation 19003. As such, all associated agenda items (1.1A - Annexation 19003, 1.1B - Change of Zone 19011, and 1.1C - Waiver 19001) were removed from the Consent Agenda and scheduled for separate public hearing.

Campbell moved approval of the remaining Consent Agenda, seconded by Beckius and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Scheer declared a conflict of interest on Annexation 19003, Change of Zone 19011, and Waiver 19001 and recused himself from voting on the Consent Agenda; Finnegan absent.

Note: This is FINAL ACTION on **USE PERMIT 33E, SPECIAL PERMIT 19018, SPECIAL PERMIT 16020A AND SPECIAL PERMIT 19019** unless appealed by filing a letter in the Office of the City Clerk or County Clerk within 14 days. This is a recommendation to City Council or the Lancaster County Board on all other Consent Agenda items.

Vice-Chair Corr called for Requests for Deferral.

PRELIMINARY PLAT 18002

TO ADD 430 RESIDENTIAL LOTS ON APPROXIMATELY 152.1 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF WEST OLD CHENEY ROAD AND SOUTH FOLSOM STREET:

May 15, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington; Scheer and Finnegan absent.

Staff recommendation: Two-week deferral

The Clerk noted that the applicant has requested to defer this item for two weeks to the regular Planning Commission hearing on May 29, 2019.

Harris moved for a two-week deferral until May 29, 2019, seconded by Campbell and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Scheer and Finnegan absent.

There were no ex parte communications disclosed on this item. There was no testimony in support or opposition.

ANNEXATION 19003
TO ANNEX APPROXIMATELY 4.5 ACRES, MORE OR LESS
AND
CHANGE OF ZONE 19011
FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
AND
WAIVER 19001
TO WAIVE THE SUBDIVISION IMPROVEMENT REQUIREMENTS ON PROPERTY GENERAL
LOCATED AT 6301 NORTH 7TH STREET
PUBLIC HEARING: **May 15, 2019**

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington; Finnegan absent; Scheer declared a Conflict of Interest.

Staff recommendation: Conditional Approval of Annexation 19003 and Waiver 19001
Approval of Change of Zone 19011

There were no ex parte communications disclosed on these items.

Staff Presentation: Rachel Jones, Planning Department, stated that these applications are comprised on one lot. There is no water or sewer in the vicinity at this time. The annexation agreement acknowledges that those services are not available. The change of zone request is to R-1. This is the lowest density. The property will continue to be served by well and septic systems. The existing house on the south side of the property will be on one lot and a new residential lot is proposed on the north side. The waiver to the subdivision ordinance would waive the typical subdivision requirements associated with a final plat such as street paving, sidewalks and street trees, amongst other items. These are gravel streets; North 7th Street is gravel all the way to Fletcher Avenue. It doesn't make sense to require paving or all the other typical things for one lot.

Washington requested this be removed from the Consent Agenda for the annexation. She is aware that there is a process to review areas we believe we should be annexed. This is a request by the homeowner. How does a single annexation lot affect the neighbors? She wondered if there is more pressure on the neighbors for annexation in the sense that they will be surrounded on all three sides. Jones replied that it doesn't affect the neighbor's property at all. Their zoning isn't changing and none of the existing conditions are changing. Washington wondered if it is more likely that the City would want to annex the neighbors. Jones noted that this property is in Tier One, Priority B Growth Area of the Comprehensive Plan. That means it is generally sewer-able based on the topography and major water and sewer trunk lines are in place. It is potentially suitable for annexation in the near term. In 2017, we annexed other lots in the area along the north side of Fletcher Avenue. These other lots, including this one, were considered for inclusion in the study at the time. They were not

included because they didn't have all the properties that the pieces on the north side of Fletcher Avenue did. We would definitely be looking at this area in the future. It is surrounded on all three sides and considered urban in character. This differs in that it was the owner of this property that requested annexation.

Harris believes the surrounding properties are in Tier 1, Priority B as well. Jones replied she was correct.

Beckius stated that it sounds like those qualities identified pertain to most everything we see on the map identified today. He wondered if it is fair to state that this property bears little influence on annexation of the neighboring properties because all of the surrounding properties have qualities today that would make them acceptable with annexation. Jones replied yes, that would be a fair statement.

Washington questioned when it is forecasted that water and sewer be extended to this area. Jones does not know. This property could be sewer with an extension from the Hartland Homes development. It is her understanding the lines that would be extended someday would be private smaller lines, not trunk lines.

APPLICANT:

1. Peter Katt stated that he is a long time resident of Lincoln. He bought this property with his son. He has been living on the south side of town and his son has been living on this property. Over the last several years, Katt and his wife have discussed possibly relocating from the south side of town to the north. He commutes to Omaha and this would save him considerable drive time. He plans to build on one of the lots. He is very familiar with this area. He was the attorney for the Hartland Homes development. He thinks this area is ripe for redevelopment. In his opinion, this won't speed along the annexation of the other properties in the area, and he doesn't believe this will create any added pressure. The real question is what is the next adjoining property that can connect to water and sewer. He would like an opportunity to build a new house. He likes being part of the City.

No one appeared in support or opposition.

ANNEXATION 19003

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Harris and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Finnegan absent; Scheer declared a conflict of interest.

CHANGE OF ZONE 19011

ACTION BY PLANNING COMMISSION:

May 15, 2019

Campbell moved approval, seconded by Edgerton and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Finnegan absent; Scheer declared a conflict of interest.

WAIVER 19001

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Campbell and carried 7-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris and Washington voting 'yes'; Finnegan absent; Scheer declared a conflict of interest.

Note: This is FINAL ACTION unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 19004

TO ANNEX APPROXIMATELY 50 ACRES, MORE OR LESS AND ADJACENT RIGHTS-OF-WAY, FOR A RESIDENTIAL DEVELOPMENT

AND

CHANGE OF ZONE 19012

FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT FOR APPROXIMATELY 50 ACRES

AND

SPECIAL PERMIT 19021

TO ALLOW FOR A COMMUNITY UNIT PLAN OVER APPROXIMATELY 50 ACRES, FOR SINGLE-FAMILY DWELLING UNITS AND MULTIPLE-FAMILY DWELLING UNITS, WITH WAIVERS TO INCREASE THE HEIGHT REQUIREMENT FOR MULTIPLE-FAMILY DWELLINGS AND TO EXCEED THE MAXIMUM BLOCK LENGTH OF 1,320 FEET, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 84TH STREET AND ROKEBY ROAD.

PUBLIC HEARING:

May 15, 2019

Members present: Beckius, Campbell, Corr, Edgerton, Joy, Harris, Scheer and Washington; Finnegan absent.

Staff recommendation:

Conditional Approval of Annexation 19004 and Special Permit 19021
Approval of Change of Zone 19012

There were no ex parte communications disclosed on these items.

Staff Presentation: Brian Will, Planning Department, stated that this area is 50 acres in size. Two of these applications talk about the same area, the annexation and special permit. The change of zone is a little different. The north portion is requested for 39 acres to R-3 and 11 acres to the south is requested to change to R-5. The proposed layout is for approximately 400 dwelling units. The apartments will be on the southeast portion. Originally, this application was submitted pretty straightforward. There is a height waiver that is involved with the apartments, from 35 feet to 55 feet. For the purpose of annexation, this property is contiguous to the City limit and all utilities are available. It meets the annexation policy. There will be an associated annexation agreement. The site plan will be revised to show rights-of-way for a roundabout on Rokeby Rd. The layout is consistent with urban residential. The change of zone is consistent with the Comprehensive Plan. The special permit meets the requirements as well. There is a block that has the potential to be very long. He has spoken to the engineering company for the owner to the north and let them know we will be asking to show a street connection. They did not seem to have any issues with that. There are two long streets. This developer will solve one street issue and the owner to the north will take care of the other one.

Harris understands that the applicant is no longer asking for a block length waiver. When the property to the north comes in for development, the block lengths could turn out to be very long.

Washington noted that this raises a question for her. The owner of the adjoining property has control over acres that are not yet designated but have indicated a desire for commercial. She questioned if staff will ask for any kind of access across the drainage way. Will stated there is a pedestrian easement shown on the plans. Depending on how the outlot is platted, it will allow access but indicated that Brad Marshall may be better able to address this.

Beckius assumes the City of Lincoln anticipates the property to the north developing as residential. Will noted he assumes correctly. That is the information they have.

Will submitted a proposed revision to condition 2.1.10 of Special Permit 19021:

2.1.10 Make revisions and correction for Public Works and Utilities/Watershed Management as noted in the review and redline comments in ProjectDox as of May 7, 2019.

APPLICANT:

1. Brad Marshall with Olsson Associates stated that the annexation is in accordance with the Rokeby Road Coalition. S. 84th Street is an unimproved road. As for the height waiver, we believe that is an agreeable solution. The buildings on the east will be three stories. The community unit plan application is pretty straightforward. We have been working with the

land owner to the north. That is in a transition period. We have been in contact with Krueger Development. We have coordinated the abutments of roadways. The City offered a couple of solutions to the long block lengths. We are in support of adding the condition proposed by staff. This is a drain corridor of the Upper Wagon Trail drainage. We will protect that. We will implement this in the overall drainage analysis. There was quite a bit of discussion on the roundabout. The coalition on the west side has provided those roundabouts in the right-of-way. Thus, we are agreeing to provide the right-of-way. We want to address the public notification. The 84th Street connection is currently shown as a roundabout. There are two owners on the south side who are part of the coalition. Krueger Development approached them about the connection. It may make sense to move this 30 feet to the south to the quarter section line. We have talked with our client. He believes they are agreeable to this. A new site plan layout was presented to Planning staff just this morning. There is a cul-de-sac on the northwest corner and mirrored on the other side of the road. We have looked at shifting that down a little. The revised proposed layout would include a through street with townhome units. They have also added a street connection between the two streets with potential future block length issues. There are two owners. The other owner has been in contact with Krueger Development and seemed to be okay with the potential changes. He believes their name is SSAR, LLC.

Harris inquired if Marshall wants a vote today or not. Marshall talked to Will this morning. He is more than willing to work with Planning staff. He doesn't want anyone to feel rushed if they are uncomfortable voting today. It was his understanding that Will believed this was something that could be worked through.

Beckius assumes the change is to give Krueger a little more wiggle room on the north side. Marshall contacted the engineers for the other property. The shift for the north side will give the other owner an option. He believes they have heard that they are okay with this proposal. On the west side, there are commercial designations which would open more property for Krueger Development.

Beckius believes the roundabout on Rokeby Road looks like it has shifted a little to the west, which he believes is fine, but it looks like the neighbor to the east has plenty of right-of-way for a roundabout. He questioned the road between the two apartment pad sites. He wonders about the property to the east. This would be the quickest way to get out of the neighborhood. How do you see the interface between the two pad sites? Marshall responded that they initiated design and conceptual work on a grade study. We obtained a survey and found the islands were shifted a little. We dug a little deeper and contacted the coalition engineer and looked at the annexation agreement for specific locations for access. We discussed this with the client and all agreed on the locations to be shifted. Two little changes would be one shifts to the east for the roundabout. In order to meet block length, the first concept was for a 10-acre apartment complex. This is a standard section City street. One condition of approval is to provide additional setbacks off the roadway. We are working

closely with the engineer. He hasn't heard any specific concerns. Krueger is possibly developing their part. He doesn't see any potential issue with connectivity. Beckius thinks the connectivity is great. The street in the middle of the two apartment sites could limit access and he is concerned with potential parking on both sides of the street and the impact on accessibility. Marshall has talked about this with Public Works in the past. It is an open roadway, parking is allowed but consideration could be given to prohibit parking on the street.

Harris noted that the special permit is final action by Planning Commission. She wants to make sure that a public process avenue isn't given away if a full agreement isn't reached with Planning. Marshall appreciates the option. He thinks that if staff is comfortable, then he is as well. He believes these are minor changes. They would require a waiver to street radius. He is okay with delaying two weeks if that is what the Commission desires.

Scheer believes it will be important on how any possible amendment is worded. He questioned if the northwest corner of the development and townhomes in that corner could have any possible impact, negative or positive, on how the land to the north is being thought about now. Sometimes townhomes next to single-family could be a potential worry for some. Marshall noted that these are single-family lots backing to the north. He can almost guarantee that this is not the final layout. It will be tweaked a little.

Campbell questioned where in the documents there is agreement noted that apartments on the east can be three story. Marshall responded it is a condition in the staff report.

Campbell noticed that another roundabout to the commercial area to the south was shown. Marshall stated that the future commercial area is a right-in, right-out access. They have yet to show the roundabout on 88th Street but it will be on the submittal documents.

Washington wondered about the potential impact on drainage. Townhomes density would increase. Marshall stated that the grades will not relatively change dramatically from what was submitted; this drains to the south. The Coalition has master planned the drainage and detention. The detention cell for the first phases are on the property to the north. Developing this property, we still need to meet water quality standards. The east side of 88th Street will be saved for water quality. He believes even with density being looked at, we will meet the drainage study conditions.

Washington noted there appears the potential for five backyards to back up to one backyard. She encouraged him to resolve this, as it can be very difficult to deal with five abutting property owners is there is an issue, such as a fence.

No one appeared in support or opposition.

STAFF QUESTIONS:

Harris asked if this looks like something that can be resolved within the existing conditions. Will answered that staff has talked to the applicant this morning. Planning staff doesn't feel these changes are significant. If approved today, the applicant has to resubmit plans that show all the conditions of approval. A condition could be added to revise the plan generally consistent with what the applicant showed today related to the roundabout.

Harris noted since this is final action, they could appeal if there is disagreement. Will doesn't believe there is any disagreement. One cul-de-sac is being eliminated, another housing type is being injected. He doesn't see any issues.

Washington wondered about the height of the apartment building. Is this just regarding the one that is aligned east-west on the north end of the development? Is it envisioned at 35 feet? Will responded they are just talking about the two. This affects the length of those buildings and the scale of potential increased height. The height would be for the two that are farthest east.

Will continued that at the time of resubmittal of the revised plans, this would need to generally conform to the concept plan presented at today's public hearing. He believes Krueger would also like some assurance on the roundabout. This gives everyone some assurance. Also, a question was raised on the design standard, if those can be approved administratively. All City staff will be looking at the revised plans. That can be approved through the process.

APPLICANT REBUTTAL:

Marshall was clarifying with Will a comment on the pedestrian access. His interpretation is that today, they don't show a connection. He wanted to make sure that staff is comfortable. Right now, the outlot is overflow of drainage.

Beckius would like an estimated length of the lot. He inquired if the drainage is on the west outlot. Marshall replied that is storm piping. It is designed as a pedestrian access for maintenance, etc. Scheer asked if there are any plans to improve that green space. Marshall answered no.

Harris asked if the applicant is comfortable with the conditions. Marshall replied yes. He believes this will benefit everyone. He is also comfortable with the possible amendments.

ANNEXATION 19004

ACTION BY PLANNING COMMISSION:

May 15, 2019

Washington moved Conditional Approval, seconded by Campbell and carried 8-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Finnegan absent.

CHANGE OF ZONE 19012

ACTION BY PLANNING COMMISSION:

May 15, 2019

Corr moved approval, seconded by Beckius and carried 8-0: Beckius, Campbell, Corr, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Finnegan absent.

SPECIAL PERMIT 19021

ACTION BY PLANNING COMMISSION:

May 15, 2019

Harris moved Conditional Approval with the amendment to Condition 2.1.10 as submitted by Planning staff and subject to a revised site plan generally consistent with the conceptual plan shown by the applicant today, seconded by Joy.

Beckius believes the subdivision is a nice consideration of the market place. Townhomes offer a varied concept for housing in this area.

Scheer thinks it is great when we have a coalition type arrangement. It works well together.

Edgerton believes it shows great collaboration.

Harris echoes Beckius' comments. This gives a lot of housing choices that people are looking for.

Corr left at 2:25 p.m.

Motion for Conditional Approval as amended carried 7-0: Beckius, Campbell, Edgerton, Joy, Harris, Scheer and Washington voting 'yes'; Corr and Finnegan absent.

Note: This is FINAL ACTION unless appealed by filing a letter in the Office of the City Clerk within 14 days.

There being no further business to come before the Commission, the meeting was adjourned at 2:30 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, May 29, 2019.

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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
Annexation 19006
Change of Zone 19015

FINAL ACTION?
No

DEVELOPER/OWNER
Debra Hoy, Hoy Prairie South, LLC

PLANNING COMMISSION HEARING DATE
May 29, 2019

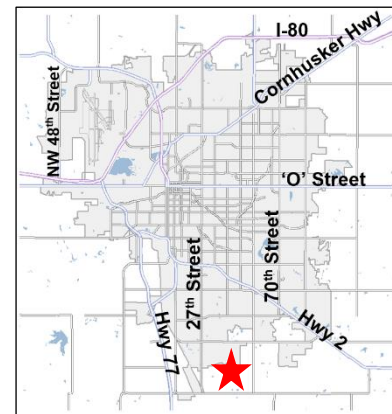
RELATED APPLICATIONS
Special Permit 19024

PROPERTY ADDRESS/LOCATION
Rokeby Road & S. 33rd Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined staff report for two related applications associated with the Reunion Ridge subdivision, located approximately at S. 33rd Street and a quarter mile south of Rokeby Road. The annexation and change of zone from AG (Agriculture) to R-3 (Residential) request includes approximately 9.30 acres.



JUSTIFICATION FOR RECOMMENDATION

The subject property is abutting the city limits to the west, and a full range of municipal services can be provided if annexed. It is within the City's Future Service Limits, and designated for future urban residential land uses. A change of zone from AG to R-3 is consistent with the Future Land Use Map designation, and compatible with surrounding development. Both requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

APPLICATION CONTACT

Marcia Kinning, REGA Engineering
(402) 484-7342
marcia@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is within the Future Service Limit, and is designated for future urban density residential land uses on the Future Land Use Map.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.10 - The 2040 Growth Tiers Map designates this area as Tier 1, Priority B, and within boundary of the Future Service Limit.

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. 12.3 - this site is designated for future urban density residential land uses on the 2040 Lincoln Area Future Land Use Plan.

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

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

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

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

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

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

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

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

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

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

as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

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

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

UTILITIES & SERVICES

- A. Sanitary Sewer: There is an existing 8” sanitary sewer line to the west of the subject property located in Morrirt Street. Reunion Ridge will hook into this sanitary sewer line and utilize city sewer for all lots.
- B. Water: There is an existing 6” water pipe to the west of the subject property located in Morrirt Street. Reunion Ridge will hook into that water pipe and utilize city water for all lots.
- C. Roads: Reunion Road and S. 33rd Street will be built to urban standards at the cost of the developer as these are both designated as local streets to serve this development. The applicant is requesting a private driveway (Outlot A) along the east and south sides of the phase 1. This private drive is proposed at 22’ wide with no curb and gutter and with a public access easement.
- D. Parks and Trails: There are no proposed city trails or parks with this development. The applicant is proposing private green space and walking trails.
- E. Fire Protection: After annexation, fire protection will be provided by Lincoln Fire Rescue (LFR). LFR stated, “Recommend approval of this application as long as all parties understand this location is outside of our four minute response time goal.”

ANALYSIS

- 1. These are two associated requests for an annexation and a change of zone located approximately at S. 33rd Street and a quarter mile south of Rokeby Road. This annexation and change of zone from AG (Agriculture) to R-3 (Residential) request includes approximately 9.30 acres.
- 2. The development can be served by the full range of city services.
- 3. The applicant states that they have been working with the adjacent property to the west, the approved Iron Ridge PUD. An expansion of the Iron Ridge PUD is expected to the north of this annexation and change of zone.
- 4. Any portion within the boundaries of the Southeast Rural Fire Protection District, can be petitioned under State law for compensation from the annexing municipality for lost revenue based upon the amount of service area annexed. For voluntary annexations such as this one, any costs due to the district are to be borne by the developer
- 5. Annexation and re-zoning of the area of these requests will facilitate new residential development at urban densities contiguous to the existing City limits of Lincoln with all public utilities. The site is designated for future urban density residential land uses on the Future Land Use Map, and these requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
- 6. A Special Permit for a Community Unit Plan (CUP) was also submitted with the annexation and change of zone requests. The CUP consists of 16 single-family lots and one lot designated for a future club house. This is the first phase of a larger 40 acre development. Future phases will require additional annexation and change of zones.
- 7. Once the Iron Ridge PUD expansion to the north is annexed, the city will propose to annex adjacent existing residence to avoid confusion for emergency services.

CONDITIONS OF APPROVAL for AN19006: See attached

CONDITIONS OF APPROVAL for CZ19015: none

EXISTING LAND USE & ZONING: Agricultural land; AG

SURROUNDING LAND USE & ZONING

North: Agricultural land; AG

South: Agricultural land; AG

East: Agricultural land; AG

West: Currently being developed for residential; R-3

APPLICATION HISTORY: none

APPROXIMATE LAND AREA: 9.30 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

LEGAL DESCRIPTION: see attached

Prepared by:

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

Date: May 21, 2019

Applicant: Marcia Kinning
REGA Engineering Group, Inc.
610 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Debra Hoy
Hoy Prairie South, LLC
3501 Rokeby Road
Lincoln, NE 68430

F:\DevReview\AN\19000\AN19006, CZ19015 Reunion Ridge.docx

CONDITIONS OF APPROVAL - ANNEXATION 19006

1. Before these requests are scheduled for City Council consideration, the annexation agreement between the City and the owner(s) will be complete.
2. The developer will be required to pay any compensation due to the Southeast Rural Fire District as a result of annexation as a condition of the annexation agreement.



City of Lincoln Lancaster County, NE

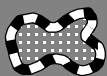


2018 aerial

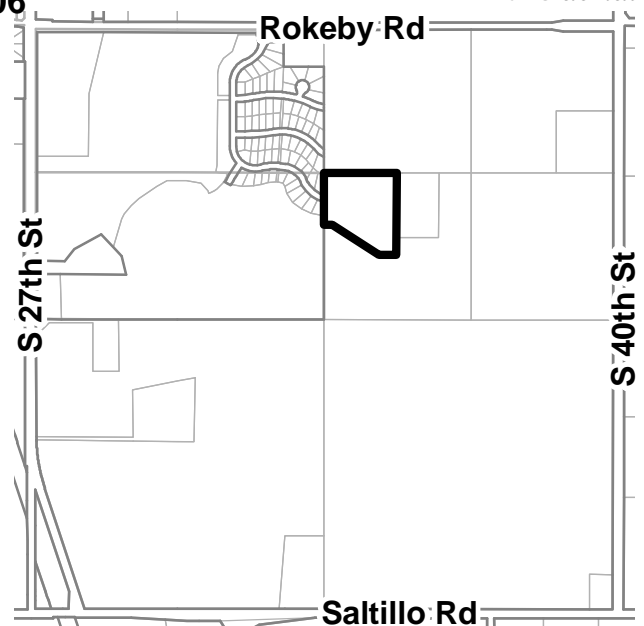
**Special Permit #: SP19024, Annexation #: AN19006
 & Change of Zone #: CZ19015 (AG - R-3)
 Reunion Ridge CUP
 S 40th St & Rokeby Rd**

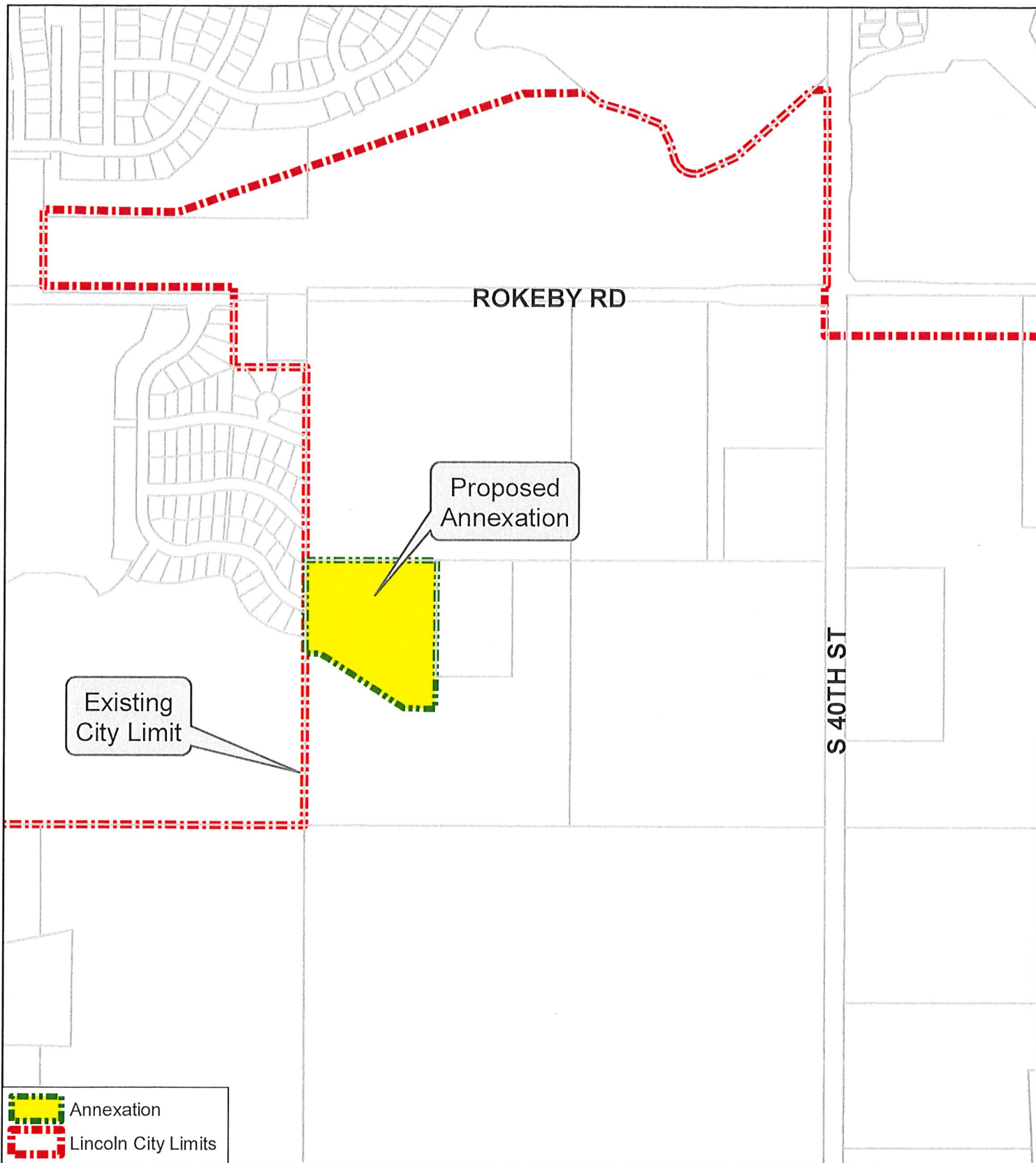
Zoning:

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

**One Square Mile:
 Sec.31 T09N R07E**

-  Area of Application
-  Zoning Jurisdiction Lines
-  Lancaster County Jurisdiction





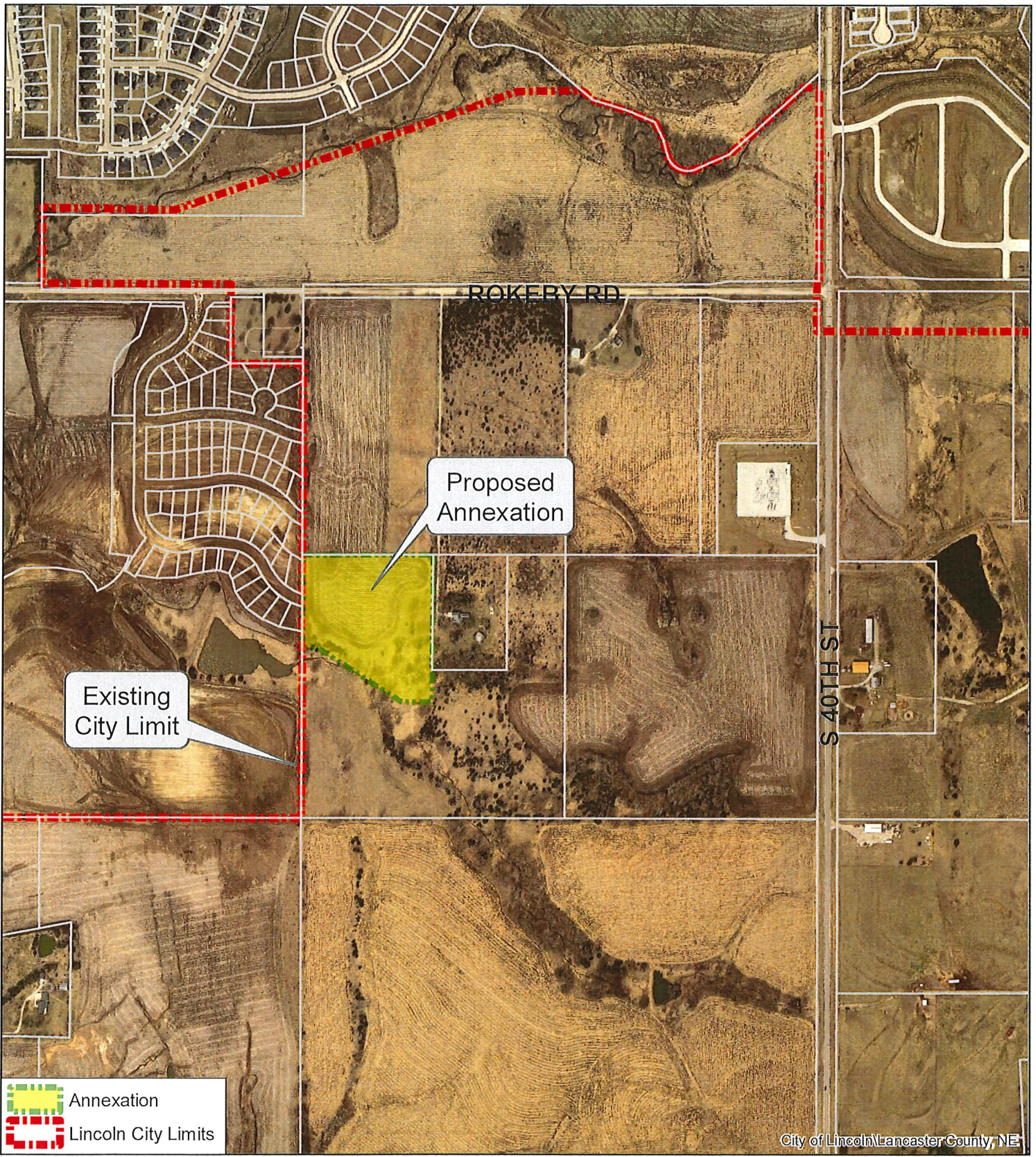
Lincoln Transportation & Utilities

Reunion Ridge Annexation

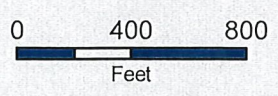
AN19006

May 10, 2019





City of Lincoln\Lincoln County, NE



Lincoln Transportation & Utilities

Reunion Ridge Annexation

AN19006

May 10, 2019



LEGAL DESCRIPTION:

A part of Lot 36 of Irregular Tracts located in the Northeast Quarter of Section 31, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 31; Thence on an assumed bearing of $S00^{\circ}01'22''W$ on the west line of the Northeast Quarter of said Section 31, a distance of 1318.43 feet to the northwest corner of said Lot 36, also the POINT OF BEGINNING;

Thence on the north line of said Lot 36, $N89^{\circ}59'29''E$, a distance of 658.24 feet to the common corner of said Lot 36 and Lot 35 of Irregular Tracts in the Northeast Quarter of said Section 31;

Thence on the common line of said Lot 35 and 36, $S00^{\circ}28'02''W$, a distance of 737.49 feet;

Thence $N89^{\circ}31'58''W$, a distance of 156.82 feet;

Thence $N57^{\circ}11'16''W$, a distance of 500.93 feet;

Thence $N89^{\circ}58'53''W$, a distance of 74.60 feet to a point on the west line of the Northeast Quarter of said Section 31, also a point on the west line of said Lot 36;

Thence on the west line of the Northeast Quarter of said Section 31, also the west line of said Lot 36, $N00^{\circ}01'22''E$, a distance of 464.61 feet to the POINT OF BEGINNING, containing a calculated area of 405,147.66 square feet or 9.30 acres.



REGA No. 181216
April 30, 2019

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

RE: REUNION RIDGE
COMMUNITY UNIT PLAN/SPECIAL PERMIT
CHANGE OF ZONE & ANNEXATION & COMPREHENSIVE PLAN AMENDMENT
Approximately Rokeby Road and South 33rd Street

Dear David,

On behalf of Hoy Prairie South, LLC, we submit the above-mentioned community unit plan application for your review. Concurrently, other zoning applications are being submitted which include a change of zone from 'AG' to 'R-3', annexation, and Comprehensive Plan amendment.

Reunion Ridge contains 9.30 acres. The site currently is 'AG' zoning with a request for 'R-3' zoning. The community unit plan consists of 16 single family lots with 1 lot designated for a future club house. There are also 6 outlots, one for the private driveway, 4 for open space, and one for open space and detention.

Clark Enersen is coming forward with a separate application on developing the property to the north of this development which will provide public street access. The development of Iron Ridge is directly adjacent to the west of this application. On-going coordination with Clark Enersen has taken place to provide connectivity between the subdivisions. A possible conceptual street and lot layout south and east of this development has also been shown.

This development provides a unique opportunity for people who are in, entering, or about to enter the third quarter of their lives. This may be represented by such varied life circumstances as people who find themselves recent empty nesters who want to downsize, to those entering or in retirement who want to be involved in a unique community. The development will focus on maintaining the existing farm atmosphere by requiring house designs to reflect a 'contemporary farm' or 'contemporary country' external design. Unique and interesting vegetative plantings will be encouraged, with no minimum requirements for traditional grass yards facing the common area. The rural farm atmosphere will be pervasive and all residents will have access to approximately 25 acres of natural woodland and former pasture areas outside of but abutting the development area.

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The design concept supports an environment where neighbors will be responsible for providing each other the ability to 'age in place'. All construction will be required to incorporate concepts to allow residents to live independently without reliance on family, and to minimize interventions from the medical support community. All amenities internal to the development and the entrance pathways will support the enhancement of 'community', with residents being responsible for maintaining the communal spaces, organizing activities, encouraging the sharing of meals, and health and fitness.

Within Block 1 of this special permit, the lots are designed to support this community neighborhood concept utilizing the open space of Outlot A as a gathering and activity area. Walking paths will be designed to encourage maximum interaction with fellow residents. The open space will support a serenity/meditation area, an activity area, and an area for cooking and sharing meals, possibly including an outdoor wood stove or fire pit and a small covered area. There will be an easily accessible connection to a club house, the 'Barn', which will be designed for allowing use while aging in place, and available to all residents for indoor community activities.

All homes in Reunion Ridge will be oriented with the front of the homes facing internally into the open space. The garage/driveway will be positioned at the rear of the home, which is adjacent to the public street and/or private drive. This orientation further supports the focus of the development, encouraging the creation of a strong sense of community where neighbor will help neighbor, and the needs of aging in place will be supported. Additional information including a conceptual floor plan and elevations is included with this submittal.

To keep the rural and openness of the development, the private drive is to be 22 feet wide and not have curb and gutter. The private drive is shown within Outlot 'D' which is 44' in width. Public water and sanitary sewer will be installed adjacent to the private drive within the outlot and with an easement granting access. Sidewalks and ornamental lighting will not be installed or placed along the private drive. Walking paths will be placed throughout the development and ornamental lighting will be placed within the open spaces which will be determined by the developer. The electrical, phone and cable utilities are being requested to be placed along the front of the lots, adjacent to the private drive and public streets for those lots within Block 1.

This development is currently within Priority B, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

A summary of the Flood Plain Management and Post construction Stormwater Management has been enclosed. Upon request, a hard copy of the HEC-RAS model can be submitted as well. An electronic file of the HEC-RAS model will be submitted to Watershed Management.

The proposed site is within the New Growth Area and a minimum flood corridor easement has been shown for the stream flowing south of the proposed development. Post-development and water quality calculations are shown for the proposed development only.

We are requesting the following waivers:

1. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*
To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
2. *Front yard setbacks from 20 feet to 10 feet on Lots 1 through 15, Block 1 (a 20' setback to garage face to remain). (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*
The orientation of these lots make the traditional front yard actually the rear yard. The back of the homes will face the proposed public street and/or private drive. The reduction in setback will allow the house to be positioned on the lot to best facilitate the center core of the open space.
3. *Rear yard setbacks from 20 feet to 10 feet on Lots 1 through 15, Block 2. (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*
The orientation of these lots make the traditional front yard actually the rear yard. The back of the homes will face the proposed public street and/or private drive.
4. *Lot access to public or private roadway on Lots 1 through 7, Block 1 and Lot 2, Block 2. (Title 26 of the Lincoln Municipal Code, 26.23.140(g))*
To achieve the rural and farm community of the development, a private drive is being utilized. A public access easement has been shown for the public sanitary sewer and water within the private drive outlot.
5. *Lot lines perpendicular or radial to adjacent street. (Title 26 of the Lincoln Municipal Code, 26.23.140(c))*
To provide an adequate building area within each lot of the development, the lot lines are not all radial and perpendicular.
6. *Sidewalk on west side of S. 33rd Street south of Morrit Street. (Title 26 of Lincoln Municipal Code, 26.27.020)*
To match the existing grade of the adjacent property to the west, the grading standards on the west side of proposed South 33rd Street cannot be met. Due to that, we are requesting the sidewalk not to be installed. The sidewalk on the east side of South 33rd Street will be installed to meet design standards.
7. *Average minimum lot depth on Lots 1 and 12, Block 1. (Title 26, of Lincoln Municipal Code, 26.23.140(a))*
This development is offering pedestrian circulation throughout the internal core of the housing group. To allow the same width between lots, these two lots fall short on the average lot depth. The majority of each lot does meet the lot depth of 90 feet.
8. *Parking lot within residential zoning on Lot 2, Block 2. (Title 27, of Lincoln Municipal Code, 27.67.100)*
To provide parking for the future This development is offering pedestrian circulation throughout the internal core of the future club house for the development, an approximate parking area of 5,000 s.f. is shown within Lot 2, Block 2.
9. *Gravel surfacing for parking area on Lot 2, Block 2. (Design Standards, Chapter 3.45, Section 3.5)*
The rural and open nature of the development reflects the ability to keep the parking area natural as well. The parking area will be utilized minimally for special occasions held at the club house.

REGA

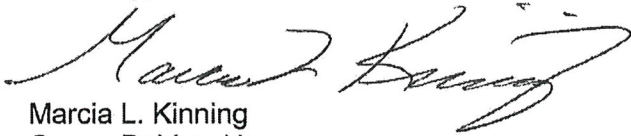
ENGINEERING
GROUP, INC.

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The developer has contacted the adjacent neighbors individually about this development. They did not express any concerns at this time.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any questions, comments or concerns.

Sincerely,



Marcia L. Kinning

Cc: Debra Hoy

Enclosures: Application Form
CUP/Special Permit Fee of \$2,522.50
COZ Fee of \$988.00
Comp Plan Amendment Fee of \$412.00

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

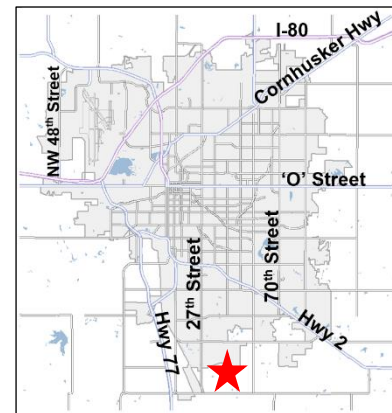
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 19024	FINAL ACTION? Yes	DEVELOPER/OWNER Debra Hoy, Hoy Prairie South, LLC
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS Annexation 19006 Change of Zone 19015	PROPERTY ADDRESS/LOCATION Rokeby Road & S. 33 rd Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit for a Community Unit Plan (CUP) to develop 16 single-family lots, plus one lot designated for a future club house and six outlots (one for drainage, four for open space and one for a private driveway). Waivers for sanitary sewer running opposite of street grades, reduced front and rear yard setbacks, lot access off a private drive, average minimum lot depth, a parking lot use in a residential zoning district, marking (striping) a parking lot surface are being requested.



JUSTIFICATION FOR RECOMMENDATION

This proposal will have similar zoning and residential uses as the existing development to the west in the Iron Ridge Planned Unit Development (PUD). These waivers to the Subdivision Ordinance and Zoning Ordinance are supportable based on the small size of the site and unique lot layout and overall design of the development.

APPLICATION CONTACT

Marcia Kinning, REGA Engineering
(402) 484-7342
marcia@regaeng.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

WAIVERS REQUESTED

1. Waiver #1. Sanitary sewer running opposite the street grades. Design Standards, Chapter 2, Section 3.5 (Recommend Approval).
2. Waiver #2. Front yard setback reduced from 20 to 10 feet on Lots 1 - 15, Block 1. LMC 27.72.020 (a). (Recommend Approval).
3. Waiver #3. Rear yard setback from 20 to 10 feet on Lots 1-15, Block 1. LMC 27.72.020(a). (Recommend Approval)
4. Waiver #4. Lot access to public street or private roadway on Lots 1-7, Block 1 and Lot 2, Block 2. LMC 26.231.140(g). (Recommend Approval).
5. Waiver #5. Lot lines perpendicular or radial to adjacent street LMC 26.23.140(c). (Waiver no longer needed).

6. Waiver #6. Sidewalk on west side of S. 33rd Street south of Morrith Street (LMC 26.27.020). (Waiver no longer needed).
7. Waiver #7. Average minimum lot depth on Lots 1 and 12, Block 1. LMC 26.23.140(a). (Recommend Approval).
8. Waiver #8. Parking lot within a residential zoning on Lot 2, Block 2. LMC 27.67.100 (Recommend Approval).
9. Waiver #9. Gravel surfacing for parking lot on Lot 2, Block 2. Design Standards Chapter 3.45, Section 3.5. (Waiver no longer needed).

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - This site is designated for Urban Density Residential on the 2040 Lincoln Area Future Land Use Plan.

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

P. 7.2 - Neighborhoods and Housing Guiding Principles:

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

P. 7.4 - 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.

ANALYSIS

1. This is a request for a Special Permit Community Unit Plan (CUP) to develop 16 single-family lots plus one lot designated for a future club house and six outlots (one for drainage, three for open space and one for a private driveway).
2. An application for an annexation (AN19006) and change of zone (CZ19015) from Agriculture to Residential (R-3) was also submitted with this Special Permit for a CUP. These requests also comply with the requirements of the Zoning Ordinance and Comprehensive Plan.
3. The applicant states this development is being designed to provide a unique opportunity for people who are empty nesters who want to downsize or those entering or in retirement who want to be involved in a unique community. The development will focus on maintaining the existing farm atmosphere by requiring house designs to reflect a “contemporary farm or country” design (see house examples in applicant’s letter). All residents will have access to approximately 25 acres of natural woodland and former pasture areas outside of this development on property that is owner be the developer.
4. The applicant proposes to orient the homes on Lots 1-15, Block 1 to face internally into the open space. The garage/driveway will be positioned at the rear of the home, which is adjacent to the public street and/or private drive. The developer states this design encourages the creation of a strong sense of community.
5. Based on the site plan, the proposed CUP is compatible with development to the west and proposed development to the north and northeast as similar residential uses are being built and proposed in the area.
6. The future land use map shows the proposed residential area for future urban density residential land uses. The site plan shows 16 lots single-family lot, which is an appropriate urban density for this area.
7. There are two different scenarios for access to the development from Rokeby Road depending on the timing of the Iron Ridge (Planning Unit Development) PUD expansion project. This property is located to the north of the subject property and is currently going through the application process. (The already approved Iron Ridge PUD is located to the west of the subject property).

- 1) Utilization of an existing gravel road that runs south into another property that is owned by the

developer (3501 Rokeby Road) that would connect to the proposed Reunion Road.

- 2) The applicant states that they have been working with the developer of the Iron Ridge PUD expansion project. This site plan shows an access point off of Rokeby Road at S. 34th Street (local street), with a connection at Greta Drive (local street) and then to S. 33rd Street, which would provide access to this development.
8. Sanitary sewer and water is available to serve the area and will connect to an existing 8” sanitary sewer line to the west of the subject property located in Morrirt Street.
9. All private amenities will be built at the expense of the developer. The developer is proposing a Home Owners Association (HOA) to maintain these amenities including walking paths and ornamental lighting within the open spaces which will be determined by the developer.
10. On Lot 2, Block 2, the site plans shows a future club house building for 2,000 square feet and a parking area. This parking area may first be used for resident parking without meeting Design Standards. Once the club house is constructed, the parking lot will be required to meet Design Standards except for the requested Waiver as explained below in 9).
11. The applicant originally requested the following Waivers:
 - 1) Sanitary sewer running opposite the street grades. Design Standards, Chapter 2, Section 3.5
To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards. Lincoln Transportation & Utilities (LTU) - Wastewater does not object to this waiver.
 - 2) Front yard setback reduced from 20 to 10 feet on Lots 1 - 15, Block 1 except for garages that face the street shall be set back 20 feet from the property line. For Lots 1-7, Block 1 and Lots 1-2, Block 2, the front yard shall be measured from the property line adjacent to the private drive. LMC 27.72.020 (a).
 - 3) Rear yard setback from 20 to 10 feet on Lots 1-15, Block 1. LMC 27.72.020(a)
The orientation of these lots make the traditional front yard function as the rear yard. The back of the proposed residences will face the proposed public street and/or private drive. The reduction in the setback will allow the house to be positioned on the lot to best facilitate the proposed residences to face the central common area.
 - 4) Lot access to public street or private roadway on Lots 1-7, Block 2 and Lot 2, Block 2. LMC 26.231.140(g)
To achieve the rural and farm community feel of the development, a private drive is being proposed. A public access easement has been shown for the public sanitary sewer and water within the private drive, Outlot D.
 - 5) Lot Lines perpendicular or radial to adjacent street. LMC 26.23.140(c).
The applicant included the request of this waiver in their submittal but it is not necessary as it meets the exception of where a variation will provide a better street and lot layout. So this waiver is not needed.
 - 6) Sidewalk on west side of S. 33rd Street south of Morrirt Street. LMC 26.27.020.
The applicant included the request of this waiver in their submittal but the applicant has agreed to work with the developer to the west so they have now agreed they can build this sidewalk so this waiver is no longer needed.
 - 7) Average minimum lot depth for Block 1. LMC26.23.140(a)
This development is proposing private pedestrian circulation throughout the internal core of the residences. This waiver allows some flexibility for the lots to be similar in width, yet accommodate the pedestrian circulation.
 - 8) Parking lot use within a residential zoning district on Lot 2, Block 2. LMC 27.67.100
The developer proposes an approximate 5,000 square feet “Gravel Parking Area” as show on the site

plan in Lot 2, Block 2. This can be requested with a Special Permit such as this application. This parking lot can be used as Resident parking and will not be required to meet all design standards (as listed below). Once the Clubhouse is developed on Lot 2, Block 2 the parking lot will be required to meet Design Standards. So the Waiver was revised to: "Parking lot construction standards and use provisions for the resident parking lot within a residential zoning district on Lot 2, Block 2 until the clubhouse is constructed. LMC27.67.100."

9) Gravel surfacing for parking area on Lot 2, Block 2 (Design Standards, Chapter 3.45, Section 3.5)

The developer desires to create a rural feel to the development and therefore proposed a gravel parking area. However, the Health Department would not support a gravel parking area due to concerns about dust complaints. Therefore, the developer agrees to utilize a pervious paver/pavement instead of the gravel. With the use of the pervious paver, waiving the striping of the parking is requested. So the Waiver was revised to: "Marking (striping) of the resident parking lot surface with paint on Lot 2, Block. Design Standards, Chapter 3.45, Section 3.1.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: none

SURROUNDING LAND USE & ZONING

North: Agricultural land; AG

South: Agricultural land; AG

East: Agricultural land; AG

West: Currently being developed for residential; R-3

APPLICATION HISTORY: none

APPROXIMATE LAND AREA: 9.30 acres

Prepared by:

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

Date: May 21, 2019

Applicant: Marcia Kinning
REGA Engineering Group, Inc.
610 Old Cheney Road, Suite A
Lincoln, NE 68512

Owner: Debra Hoy
Hoy Prairie South, LLC
3501 Rokeby Road
Lincoln, NE 68430

F:\DevReview\SP\19000\SP19024 Reunion Ridge.dr.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT 19024

Per Section 27.63.320 this approval permits a Community Unit Plan for 16 single-family lots plus one lot for a future club house, with waivers to the following:

- Waiver #1. Sanitary sewer running opposite the street grades. Design Standards, Chapter 2, Section 3.5.
- Waiver #2. Front yard setback reduced from 20 to 10 feet on Lots 1 - 15, Block 1 except for garages that face the street shall be set back 20 feet from the property line. For Lots 1-7, Block 1 and Lots 1-2, Block 2, the front yard shall be measured from the property line adjacent to the private drive. LMC 27.72.020 (a).
- Waiver #3. Rear yard setback from 20 to 10 feet on Lots 1-15, Block 1. LMC 27.72.020(a).
- Waiver #4. Lot access to public street or private roadway on Lots 1-7, Block 2 and Lot 2, Block 2. LMC 26.231.140(g).
- Waiver #5. Average minimum lot depth for Block 1. LMC26.23.140(a).
- Waiver #6. Parking lot construction standards and use provisions for the resident parking lot within a residential zoning district on Lot 2, Block 2 until the clubhouse is constructed. LMC27.67.100.
- Waiver #7. Marking (striping) of the resident parking lot surface with paint on Lot 2, Block. Design Standards, Chapter 3.45, Section 3.1.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Annexation 19006 and its associated Annexation Agreement
 - 1.2 Change of Zone 19015
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 2.1 Revise General Note #7 to reference Outlot D, not Outlot A.
 - 2.2 Revise General Note #11. Remove “except the west side of south 33rd street south of Morrirt Street.”
 - 2.3 Revise Waiver referencing front yard setbacks to say, “Front yard setback reduced from 20 to 10 feet on Lots 1 - 15, Block 1 except for garages that face the street shall be set back 20 feet from the property line. For Lots 1-7, Block 1 and Lots 1-2, Block 2, the front yard shall be measured from the property line adjacent to the private drive.”
 - 2.4 Delete the Waiver referencing Lot lines perpendicular or radial to adjacent street.
 - 2.5 Delete the Waiver referencing the sidewalk on the west side of South 33rd Street south of Morrirt Street.
 - 2.6 Revise Waiver referencing minimum lot depth to say, “Average minimum lot depth for Block 1.”
 - 2.7 Revise Waiver referencing parking lot within residential zoning to say, “Parking lot construction standards and use provisions for the resident parking lot within a residential zoning district on Lot 2, Block 2 until the clubhouse is constructed. LMC27.67.100.”
 - 2.8 Delete the Waiver referencing gravel surfacing for parking lot on Lot 2, Block 2.
 - 2.9 Add a Waiver to say, “Marking (striping) of the resident parking lot surface with paint on Lot 2, Block. Design Standards, Chapter 3.45, Section 3.1.”

- 2.10 Revise the conceptual plan for S. 33rd Street to avoid creating double frontage lots in the Iron Ridge PUD.
 - 2.11 Delete “Gravel” from the label and include “Resident” on the site plan where it says “Gravel Parking Area”.
 - 2.12 Add a General Note, “When the Clubhouse is developed on Lot 2, Block 2 is developed, the Parking Area will meet City Standards.”
 - 2.13 Add a General Note, “The dwellings located on Lots 1-7, Block 1 shall have address numbers affixed to both the front and rear of the structures.
 - 2.14 Add to General Note, “One directional address sign at the intersection of Reunion Road and the private driveway and another directional address sign at the intersection of S. 33rd Street and the private driveway will be required to be clearly visible to help identify the respective dwellings for visitors and emergency responders.” The design and language of these signs shall be to the satisfaction of the Planning Director.
 - 2.15 Add a General Note, “The depth of the pavement for the private drive will be to the satisfaction of Lincoln Transportation & Utilities -Engineering Services Departments and the Fire Department.
 - 2.16 Make the revisions and corrections for the County Engineer as noted in the Project Dox comments on May 13, 2019.
 - 2.17 Revise the Plans to the satisfaction of the Lincoln Transportation & Utilities - Watershed Management and Engineering Services Departments as noted in the Project Dox comments on May 16, 2019.
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 Verification that the required easements as shown on the site plan have been recorded with the Register of Deeds.
4. Final plat(s) is/are approved by the City.

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

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

to submit to the Director of Lincoln Transportation & Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

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

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

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

to maintain the outlots on a permanent and continuous basis.

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

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

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

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

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

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

to pay all design, engineering, labor, material, inspection, and other improvement costs except those cost the City Council specifically subsidizes as follow:

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

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant Building permits will not be issued unless the letter of acceptance has been filed.



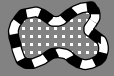


**Special Permit #: SP19024, Annexation #: AN19006
 & Change of Zone #: CZ19015 (AG - R-3)
 Reunion Ridge CUP
 S 40th St & Rokeby Rd**

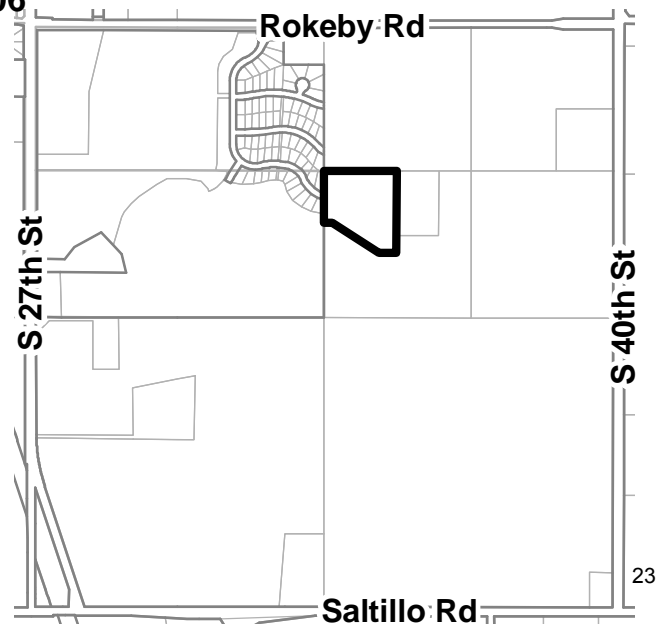
2018 aerial

Zoning:

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

**One Square Mile:
 Sec.31 T09N R07E**

 Area of Application
 Zoning Jurisdiction Lines
 Lancaster County Jurisdiction



PROJECT NO. 191218
 REGA ENGINEERING GROUP, INC.
 100 S. DORSET BL. SUITE 4
 LINCOLN, NE 68502
 (402) 441-1234
 ENGINEERING
 PLANNING
 ARCHITECTURE
 LAND SURVEYING

NO.	REVISIONS	DATE	BY

DATE: 04/24/2019
 DESIGNED BY: BR/MB/JS
 DRAWN BY: MPY/MLY/JS
 CHECKED BY: MB/LL

REUNION RIDGE
 COMMUNITY UNIT PLAN/SPECIAL PERMIT #19024
 AND ANNEXATION #19006

ROKEBY ROAD

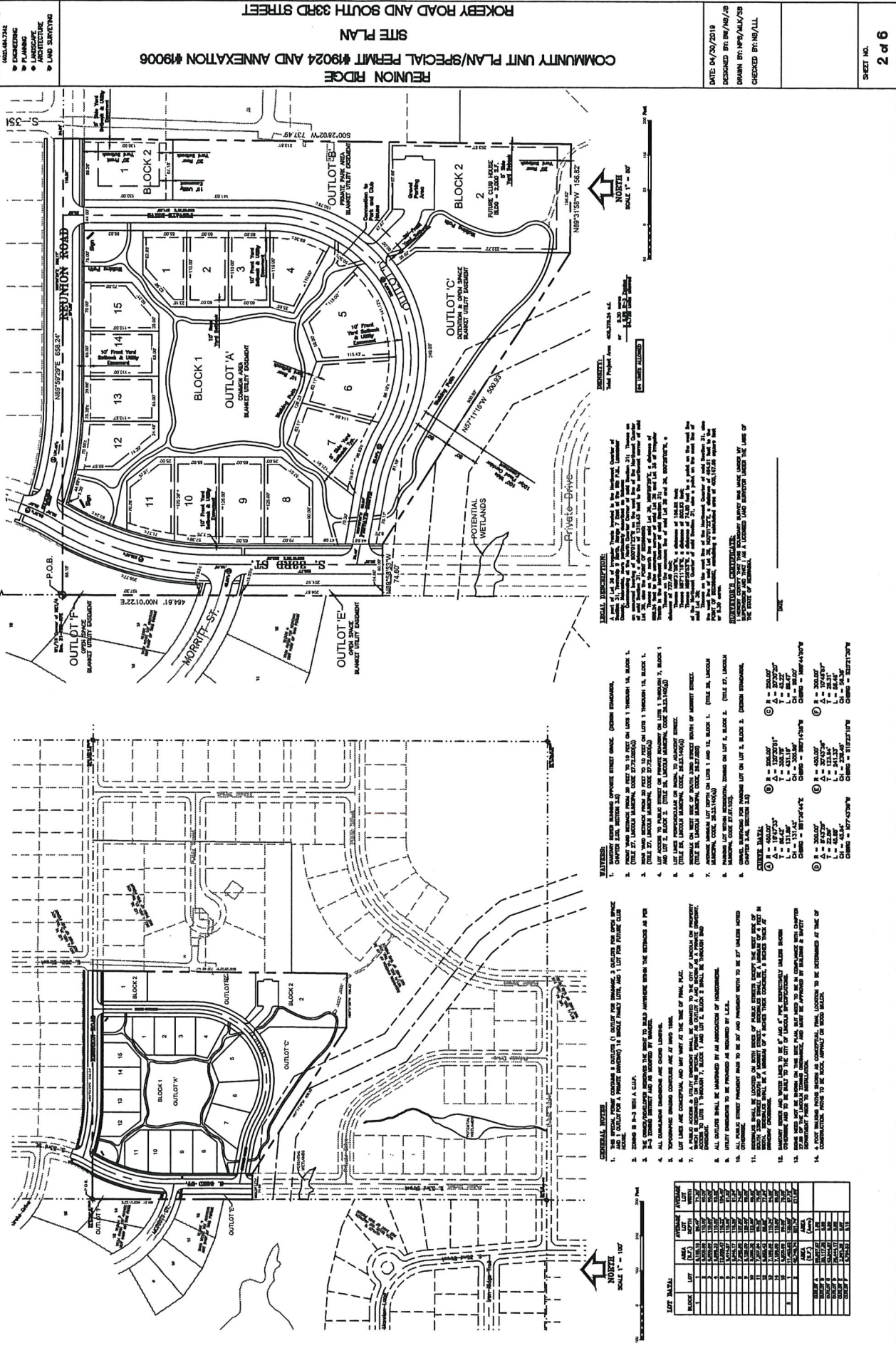
REUNION RIDGE
 COMMUNITY UNIT PLAN/SPECIAL PERMIT #19024
 AND ANNEXATION #19006

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 AND ANNEXATION #19006



REUNION RIDGE COMMUNITY UNIT PLAN/SPECIAL PERMIT #19024 AND ANNEXATION #19006

REUNION RIDGE COMMUNITY UNIT PLAN/SPECIAL PERMIT #19024 AND ANNEXATION #19006

REUNION RIDGE COMMUNITY UNIT PLAN/SPECIAL PERMIT #19024 AND ANNEXATION #19006

GENERAL NOTES

1. THIS SPECIAL PERMIT CONTAINS 8 OUTLOTS (1 OUTLOT FOR DRAINAGE, 3 OUTLOTS FOR OPEN SPACE AND 1 OUTLOT FOR A PRIVATE DRIVEWAY) 16 SINGLE FAMILY LOTS, AND 1 LOT FOR FUTURE CLUB HOUSE.
2. ZONING IS R-3 WITH A C.U.P.
3. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER R-3 ZONING DISTRICT AND AS MODIFIED BY WAIVERS.
4. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
5. TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
6. LOT LINES ARE CONCEPTUAL AND MAY VARY AT THE TIME OF FINAL PLAT.
7. A PUBLIC ACCESS & UTILITY EASEMENT SHALL BE GRANTED TO THE CITY OF LINCOLN ON PROPERTY WHICH IS DESIGNATED ON THIS SPECIAL PERMIT AS OUTLOT A AND SHOWN AS A PRIVATE DRIVEWAY. ACCESS TO LOTS 1 THROUGH 7, BLOCK 1 AND LOT 2, BLOCK 2 SHALL BE THROUGH SAID EASEMENT.
8. ALL OUTLOTS SHALL BE MAINTAINED BY AN ASSOCIATION OF HOMEOWNERS.
9. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S..
10. ALL PUBLIC STREET PAVEMENT RADII TO BE 20' AND PAVEMENT WIDTH TO BE 27' UNLESS NOTED OTHERWISE.
11. SIDEWALKS SHALL BE LOCATED ON BOTH SIDES OF PUBLIC STREETS EXCEPT THE WEST SIDE OF SOUTH 33RD STREET SOUTH OF MORRITT STREET. SIDEWALKS SHALL BE A MINIMUM OF 4 FEET IN WIDTH. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES THICK CONCRETE, 5 INCHES THICK AT DRIVEWAY CROSSINGS.
12. SANITARY SEWER AND WATER LINES TO BE 8" AND 6" PIPE RESPECTIVELY UNLESS SHOWN OTHERWISE AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
13. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.89 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
14. 4 FOOT WALKING PATHS SHOWN AS CONCEPTUAL. FINAL LOCATION TO BE DETERMINED AT TIME OF CONSTRUCTION. PATHS TO BE ROCK, ASPHALT OR WOOD MULCH.



REGA No. 181216
April 30, 2019

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

RE: REUNION RIDGE
COMMUNITY UNIT PLAN/SPECIAL PERMIT
CHANGE OF ZONE & ANNEXATION & COMPREHENSIVE PLAN AMENDMENT
Approximately Rokeby Road and South 33rd Street

Dear David,

On behalf of Hoy Prairie South, LLC, we submit the above-mentioned community unit plan application for your review. Concurrently, other zoning applications are being submitted which include a change of zone from 'AG' to 'R-3', annexation, and Comprehensive Plan amendment.

Reunion Ridge contains 9.30 acres. The site currently is 'AG' zoning with a request for 'R-3' zoning. The community unit plan consists of 16 single family lots with 1 lot designated for a future club house. There are also 6 outlots, one for the private driveway, 4 for open space, and one for open space and detention.

Clark Enersen is coming forward with a separate application on developing the property to the north of this development which will provide public street access. The development of Iron Ridge is directly adjacent to the west of this application. On-going coordination with Clark Enersen has taken place to provide connectivity between the subdivisions. A possible conceptual street and lot layout south and east of this development has also been shown.

This development provides a unique opportunity for people who are in, entering, or about to enter the third quarter of their lives. This may be represented by such varied life circumstances as people who find themselves recent empty nesters who want to downsize, to those entering or in retirement who want to be involved in a unique community. The development will focus on maintaining the existing farm atmosphere by requiring house designs to reflect a 'contemporary farm' or 'contemporary country' external design. Unique and interesting vegetative plantings will be encouraged, with no minimum requirements for traditional grass yards facing the common area. The rural farm atmosphere will be pervasive and all residents will have access to approximately 25 acres of natural woodland and former pasture areas outside of but abutting the development area.

Page 2

The design concept supports an environment where neighbors will be responsible for providing each other the ability to 'age in place'. All construction will be required to incorporate concepts to allow residents to live independently without reliance on family, and to minimize interventions from the medical support community. All amenities internal to the development and the entrance pathways will support the enhancement of 'community', with residents being responsible for maintaining the communal spaces, organizing activities, encouraging the sharing of meals, and health and fitness.

Within Block 1 of this special permit, the lots are designed to support this community neighborhood concept utilizing the open space of Outlot A as a gathering and activity area. Walking paths will be designed to encourage maximum interaction with fellow residents. The open space will support a serenity/meditation area, an activity area, and an area for cooking and sharing meals, possibly including an outdoor wood stove or fire pit and a small covered area. There will be an easily accessible connection to a club house, the 'Barn', which will be designed for allowing use while aging in place, and available to all residents for indoor community activities.

All homes in Reunion Ridge will be oriented with the front of the homes facing internally into the open space. The garage/driveway will be positioned at the rear of the home, which is adjacent to the public street and/or private drive. This orientation further supports the focus of the development, encouraging the creation of a strong sense of community where neighbor will help neighbor, and the needs of aging in place will be supported. Additional information including a conceptual floor plan and elevations is included with this submittal.

To keep the rural and openness of the development, the private drive is to be 22 feet wide and not have curb and gutter. The private drive is shown within Outlot 'D' which is 44' in width. Public water and sanitary sewer will be installed adjacent to the private drive within the outlot and with an easement granting access. Sidewalks and ornamental lighting will not be installed or placed along the private drive. Walking paths will be placed throughout the development and ornamental lighting will be placed within the open spaces which will be determined by the developer. The electrical, phone and cable utilities are being requested to be placed along the front of the lots, adjacent to the private drive and public streets for those lots within Block 1.

This development is currently within Priority B, Tier 1. We are requesting the Comprehensive Plan be amended to include this area into the Priority A, Tier 1 area.

A summary of the Flood Plain Management and Post construction Stormwater Management has been enclosed. Upon request, a hard copy of the HEC-RAS model can be submitted as well. An electronic file of the HEC-RAS model will be submitted to Watershed Management.

The proposed site is within the New Growth Area and a minimum flood corridor easement has been shown for the stream flowing south of the proposed development. Post-development and water quality calculations are shown for the proposed development only.

We are requesting the following waivers:

1. *The sanitary sewer running opposite the street grades. (Design Standards, Chapter 2.00, Section 3.5)*

To sustain the natural flow of surface water, the sanitary sewer runs opposite the street grades. The minimum and maximum sewer depths will remain within Design Standards.
2. *Front yard setbacks from 20 feet to 10 feet on Lots 1 through 15, Block 1 (a 20' setback to garage face to remain). (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*

The orientation of these lots make the traditional front yard actually the rear yard. The back of the homes will face the proposed public street and/or private drive. The reduction in setback will allow the house to be positioned on the lot to best facilitate the center core of the open space.
3. *Rear yard setbacks from 20 feet to 10 feet on Lots 1 through 15, Block 2. (Title 27 of the Lincoln Municipal Code, 27.72.020(a))*

The orientation of these lots make the traditional front yard actually the rear yard. The back of the homes will face the proposed public street and/or private drive.
4. *Lot access to public or private roadway on Lots 1 through 7, Block 1 and Lot 2, Block 2. (Title 26 of the Lincoln Municipal Code, 26.23.140(g))*

To achieve the rural and farm community of the development, a private drive is being utilized. A public access easement has been shown for the public sanitary sewer and water within the private drive outlot.
5. *Lot lines perpendicular or radial to adjacent street. (Title 26 of the Lincoln Municipal Code, 26.23.140(c))*

To provide an adequate building area within each lot of the development, the lot lines are not all radial and perpendicular.
6. *Sidewalk on west side of S. 33rd Street south of Morrit Street. (Title 26 of Lincoln Municipal Code, 26.27.020)*

To match the existing grade of the adjacent property to the west, the grading standards on the west side of proposed South 33rd Street cannot be met. Due to that, we are requesting the sidewalk not to be installed. The sidewalk on the east side of South 33rd Street will be installed to meet design standards.
7. *Average minimum lot depth on Lots 1 and 12, Block 1. (Title 26, of Lincoln Municipal Code, 26.23.140(a))*

This development is offering pedestrian circulation throughout the internal core of the housing group. To allow the same width between lots, these two lots fall short on the average lot depth. The majority of each lot does meet the lot depth of 90 feet.
8. *Parking lot within residential zoning on Lot 2, Block 2. (Title 27, of Lincoln Municipal Code, 27.67.100)*

To provide parking for the future This development is offering pedestrian circulation throughout the internal core of the future club house for the development, an approximate parking area of 5,000 s.f. is shown within Lot 2, Block 2.
9. *Gravel surfacing for parking area on Lot 2, Block 2. (Design Standards, Chapter 3.45, Section 3.5)*

The rural and open nature of the development reflects the ability to keep the parking area natural as well. The parking area will be utilized minimally for special occasions held at the club house.

REGA

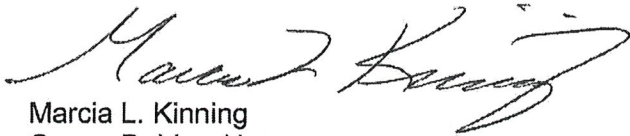
ENGINEERING
GROUP, INC.

Page 4

The developer has contacted the adjacent neighbors individually about this development. They did not express any concerns at this time.

We look forward to working with the Planning Department and other City Departments on this application. Please do not hesitate to contact me if you have any questions, comments or concerns.

Sincerely,



Marcia L. Kinning

Cc: Debbra Hoy

Enclosures: Application Form
CUP/Special Permit Fee of \$2,522.50
COZ Fee of \$988.00
Comp Plan Amendment Fee of \$412.00

Engineering • Planning • Surveying

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CONSULTANTS:

PRELIMINARY PLANS

REUNION RIDGE

408 S. Raleigh Rd.
Lincoln, NE

Project No. 48019

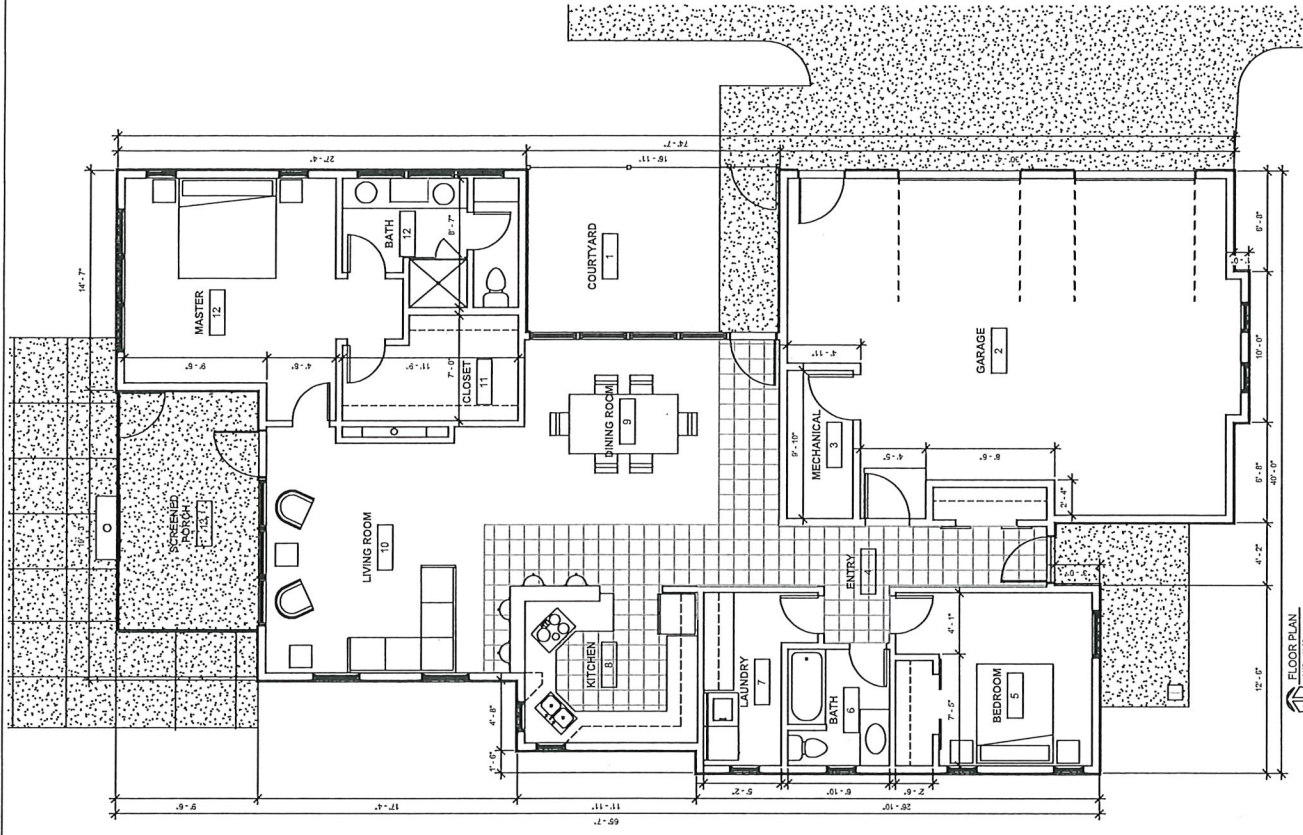
EXAMPLE HOUSE
CONCEPT

DATE: APRIL 24, 2019

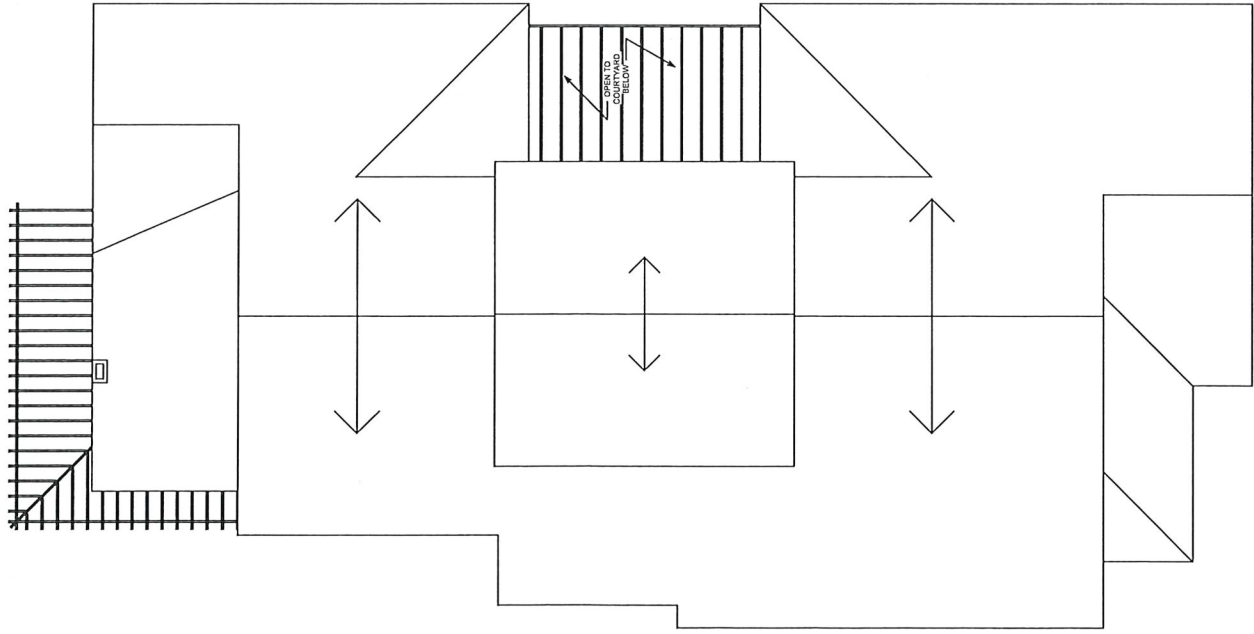


ERICKSON SULLIVAN
 ARCHITECTS
 110 S. 14TH STREET, SUITE 300
 LINCOLN, NE 68503 TEL: 402.426.2077

A100



FLOOR PLAN
1/8" = 1'-0"



ROOF PLAN
1/8" = 1'-0"

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CONSULTANTS:

3D VIEWS

REUNION RIDGE

40th & Rocky Rd.
Lincoln, NE

Project No. 48018

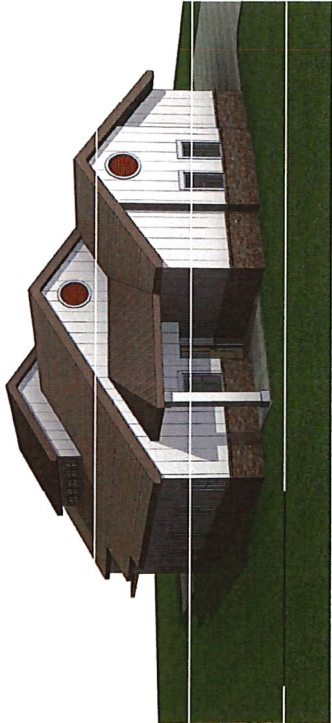
EXAMPLE HOUSE
CONCEPT

DATE: APRIL 24, 2019

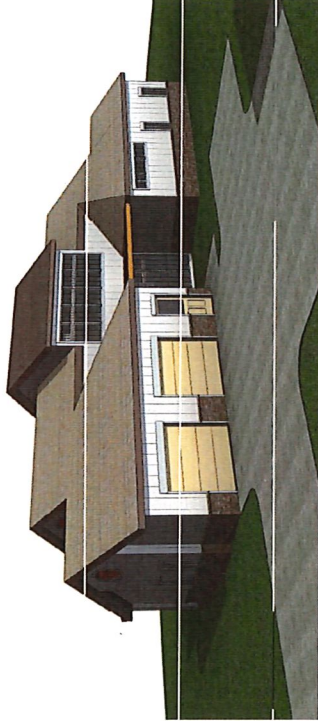


ERICKSON SULLIVAN
ARCHITECTS
110 S. 4TH STREET, SUITE 200
LINCOLN, NE 68508 TEL: 402.475.9767

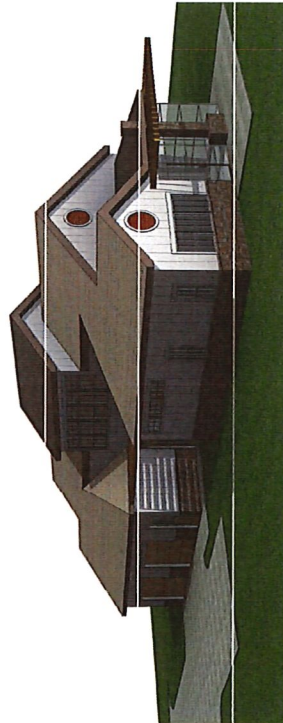
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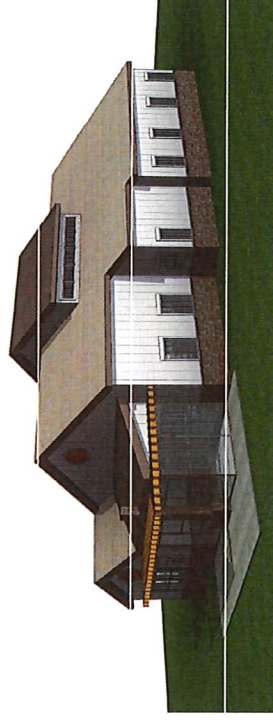
① SOUTHWEST VIEW



② SOUTHEAST VIEW



③ NORTHEAST VIEW



④ NORTHWEST VIEW

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CONSULTANTS:

PRELIMINARY
ELEVATIONS

REUNION RIDGE

40th & Rockyby Rd.
Lincoln, NE

Project No. 48018

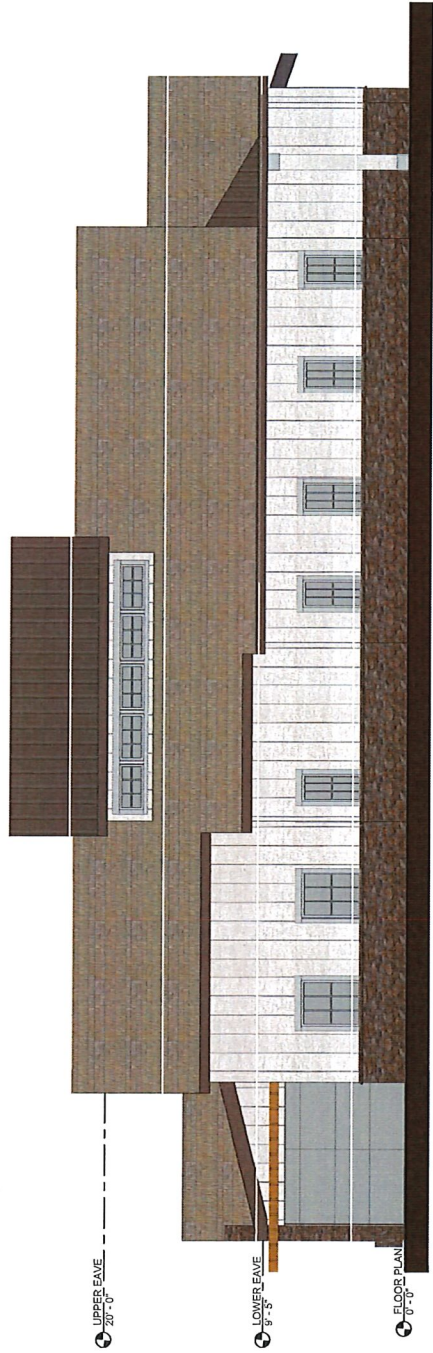
EXAMPLE HOUSE
CONCEPT

DATE: APRIL 24, 2019

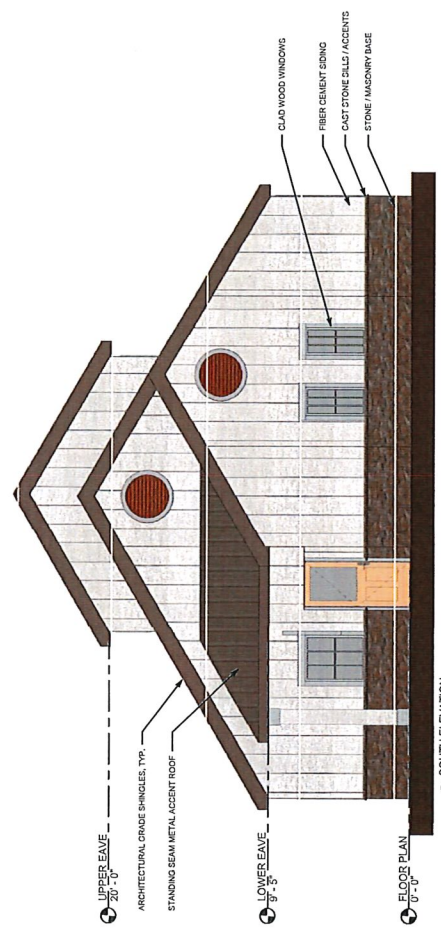


ERICKSON SULLIVAN
 ARCHITECTS
 110 S. 14TH STREET, SUITE 200
 LINCOLN, NE 68508 TEL: 402-475-2787

A102



① WEST ELEVATION
1/4" = 1'-0"



② SOUTH ELEVATION
1/4" = 1'-0"

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CONSULTANTS:

PRELIMINARY
ELEVATIONS

REUNION RIDGE

408 S. Relativity Rd.
Lincoln, NE

Project No. 48018

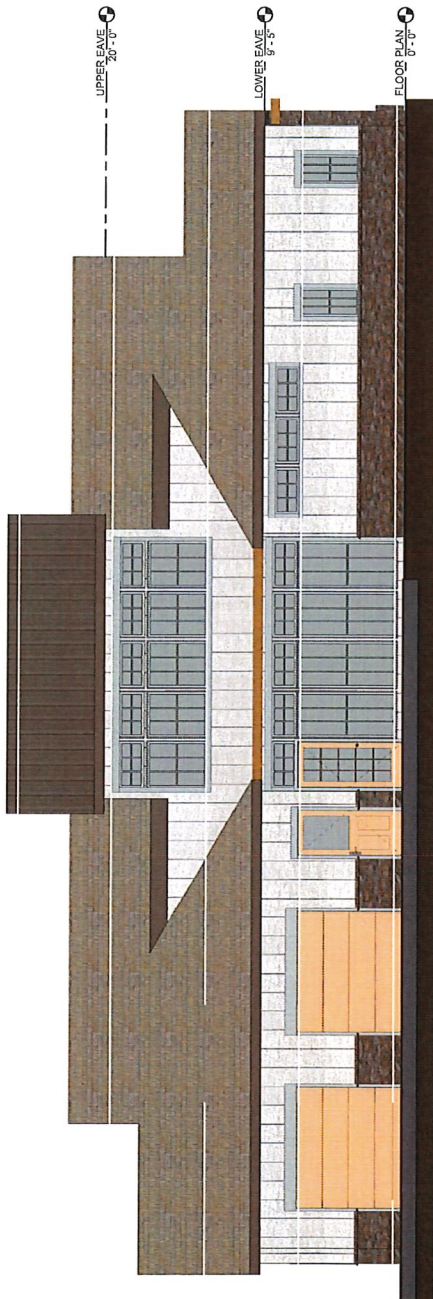
EXAMPLE HOUSE
CONCEPT

DATE: APRIL 24, 2019

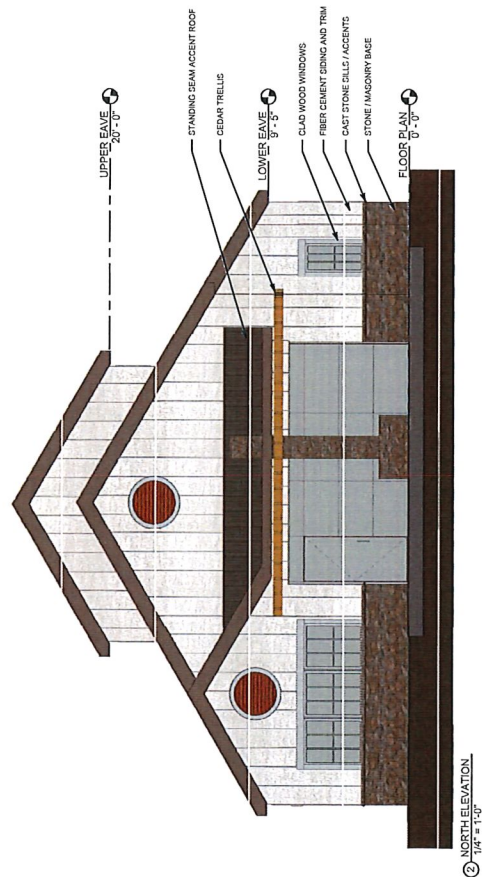


ERICKSON SULLIVAN
 ARCHITECTS
 110 S. 14TH STREET, SUITE 200
 LINCOLN, NE 68508 TEL: 402-475-0707

A103



① EAST ELEVATION
1/4" = 1'-0"



② NORTH ELEVATION
1/4" = 1'-0"

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

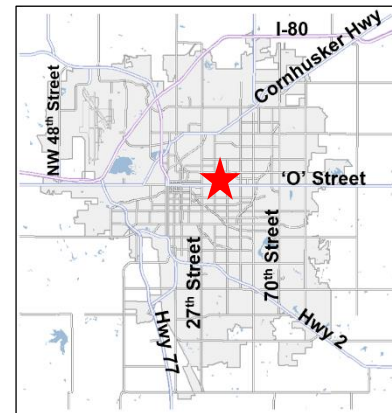
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone 19013	FINAL ACTION? No	OWNER Herbert & Elsie Ulberg
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS 3600 R Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone over a 0.29 acre property from P Public Use District to R-4 Residential District for the residential property at N 36th & R Street on the west side of Wyuka Cemetery. This site has a residence which was built in 1930. This property was owned by Wyuka Cemetery for many years and served as the residence for the caretakers. The P Public zoning was appropriate for the cemetery use. When the property was deeded over to the current private owner the zoning was not changed. The change of zone is proposed to reflect current ownership and use.



JUSTIFICATION FOR RECOMMENDATION

The proposed change of zone conforms to the Comprehensive Plan. Changing the zoning from P Public Use to R-4 Residential will not change the land use pattern for the area. The change of zone is proposed in order to reflect the private ownership and use. The land to the west is also zoned R-4.

APPLICATION CONTACT

Noel Herrington, (402) 304-2958 or noelherrington73@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use map designates the property as public and semi-public as part of the larger Wyuka Cemetery area, however, it identifies the residential to the west as Urban Density Residential. The proposed change of zone would be consistent with the residential pattern to the west.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 1.9 This site is shown along with Wyuka Cemetery on the 2040 Lincoln Area Future Land Use Plan as part of a broader Public & Semi-Public with Urban Residential immediately to the west.
- p. 7.2 Promote sustainability and resources conservation by preserving and improving housing in existing neighborhoods.
- p. 7.2 Strive for predictability for neighborhoods and developers for residential development and redevelopment.

ANALYSIS

1. This is a request for a change of zone from P Public Use District to R-4 Residential District over one lot with an existing single family residence located near the intersection of N 36th Street and R Street along the west side of Wyuka Cemetery.
2. This single family residence was built in 1930 and for many years was the residence for the caretakers of Wyuka Cemetery. The current P Public Zoning is a holdover from when the property was still owned by Wyuka Cemetery.
3. The applicant is requesting this change of zone so that the zoning reflects the current private ownership and so that any building permits needed to make improvements to the property can be obtained.
4. The future land use map in the 2040 Comprehensive Plan designates the general area associated with Wyuka Cemetery for Public & Semi-Public with Urban Density-Residential to the west.
5. R-4 zoning is appropriate for this property to reflect private ownership and use and to expand the adjoining R-4 Residential Zoning to the west.

EXISTING LAND USE & ZONING: Single Family Residential; P Public Use

SURROUNDING LAND USE & ZONING

North: Wyuka Cemetery; P Public Use
 South: Wyuka Cemetery; P Public Use
 East: Wyuka Cemetery; P Public Use
 West: Single Family Residential; R-4 Residential

APPROXIMATE LAND AREA: 0.29 acres

LEGAL DESCRIPTION: The West 82 feet of Lot 6, Block 7, Ridgeway

Prepared by

George Wesselhoft, Planner
 Date: May 16, 2019

Contact: Noel Herrington
 5322 O Street
 Lincoln, NE 68510
 402-304-2958
Noelherrington73@gmail.com

Applicant: Elsie Ulberg/John Crumrine
5322 O Street
Lincoln, NE 68510
402-499-5079
John.crumrine@homerealestate.com

Owner: Herbert C & Elsie G Ulberg
1001 South Street, RM 404A
Lincoln, NE 68502
402-742-5222

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City of Lincoln Lancaster County, NE

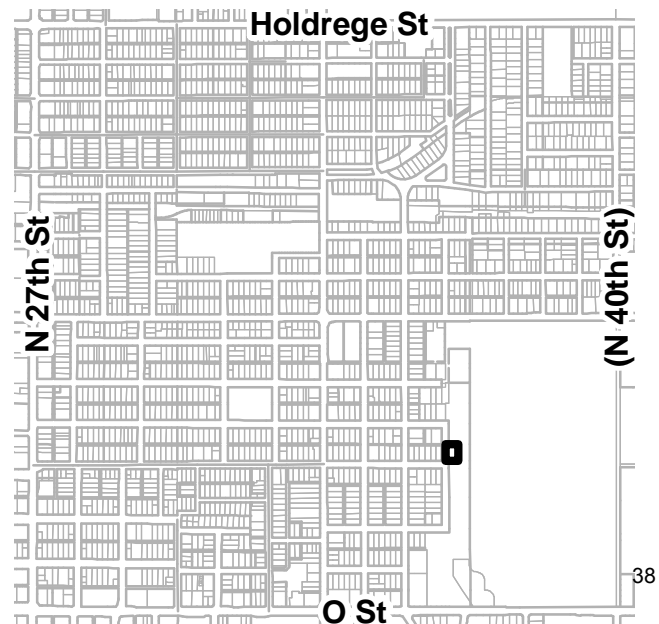
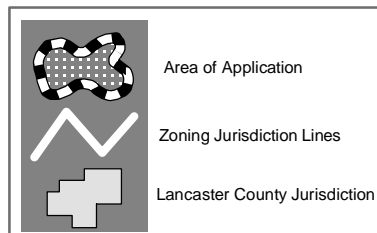
2018 aerial

**Change of Zone #: CZ19013 (P to R-4)
N 36th St & R 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. 19 T10N R07E



3600 R St. Lincoln, NE 68503

April 30, 2019

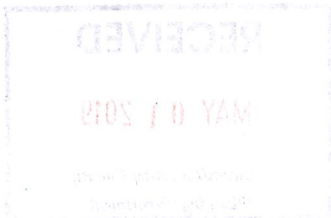
To whom it may concern,

We are requesting a change of zoning from "P" to "R4" for the property located at 3600 R St. My understanding is that the property was owned by Wyuka Cemetery many years ago as a care takers home. Also my understanding is the property was deeded over to the current owner many years ago but the zoning was not changed at that time. The house sits and shares a property line on the far west side of the Wyuka Property.

The property has had little improvements done in the last 40 years and we plan to purchase the property and fix it up. Part of the process to do that is we need to be able to get the proper permits for the improvements. According to the Building and Safety office we cannot get the proper permits with its current "P" zoning.

Thank you for your consideration,

Noel Herrington & John Crumrine



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

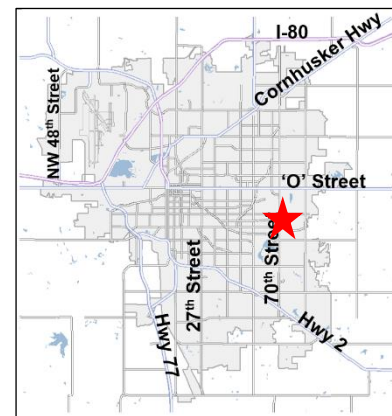
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER SPUP19C	FINAL ACTION? Yes	OWNER 1710 LLC
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS 1710 South 70 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to a combined special permit/use permit consisting of approximately 5.55 acres located at the northeast corner of South 70th Street and Lincolnshire Road. This is the location of the Lincoln Surgical Hospital. The proposed special permit/use permit is to allow for the enclosure of an existing exterior covered walkway at the north end of the east side of the building, adding approximately 360 square feet for use as supply storage. In addition, an emergency generator and new trash compactor are proposed, also along the east side. Further, as part of the special permit the applicant is proposing to revise the plan notes to allow minor increases in area up to 3,000 square feet by administrative amendment. The special permit/use permit is required because the current plan (AA18056 to SP/UP19B) requires that any future expansion be subject to the review of the Planning Commission.



JUSTIFICATION FOR RECOMMENDATION

The special permit/use permit proposal is appropriate as it is to allow for the enclosure of a small existing walkway area that will be used for incidental storage as part of the permit and to allow for minor equipment changes. Future such minor changes may be accommodated through administrative amendment where they do not exceed 3,000 square feet. This proposal will not negatively impact or change the character of the neighborhood as the use effectively is not expanding in terms of traffic or other external effects.

APPLICATION CONTACT
David Wiebe, (402) 486-3232 or
davidw@adalincoln.com

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal subject to conditions is compatible with the Comprehensive Plan which identifies the property for commercial use and recognizes health care providers as a growing industry.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as future commercial on the 2040 Lincoln Area Future Land Use Plan.

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

p. 5.3 - Lincoln's health care providers serve a larger region than just the city. This is an industry that is growing nationally and is expected to grow locally as well, especially as the population ages. Expansions of existing locations are expected and a wide variety of new facilities will likely come forward over time.

ANALYSIS

1. This request is a proposed special permit/use permit that will allow for the enclosure of an existing walk-way area on the east side of the complex. This will add 360 square feet for use as supply storage to the Surgery Center. In addition, the special permit/use permit will allow for an emergency generator along the east side of the building and a new trash compactor and curb changes at the southeast corner of the building. Also, the applicant is requesting to amend the plan notes to allow minor increases in square footage up to 3,000 square feet by administrative amendment.
2. The total existing building square footage is 91,609 square feet including a 5,100 square foot bank, 24,000 square feet of medical office, 14,608 square feet of medical office basement and 47,901 square feet of health care facility along with dock enclosure of 228 square feet. The current zoning is O-3 Office Park District. The property is approximately 5.55 acres in size.
3. The use permit is necessitated because while the proposed 360 square feet enclosure space is very small in size relative to the existing complex, a note on the current approved plans requires that any future expansion beyond SP/UP 19B shall be subject to review of the Planning Commission.
4. The site has more parking than required under the Zoning Ordinance. 359 parking stalls are required. 408 parking stalls are provided, including 276 existing stalls on grade and 132 stalls in an underground parking garage. The applicant notes that three parking stalls would be removed as part of the emergency generator addition but that the total stalls provided on the site is still well above the requirement.
5. The proposed special permit/use permit complies with the Zoning Ordinance and is consistent with the Comprehensive Plan. The enclosure of the walkway area for use as supply storage and adding the emergency generator and trash compactor will not have a negative impact on the neighborhood as the use in effect is not expanding or increasing in terms of land use intensity or traffic.
6. The amendment to the plan notes to allow minor increases in square footage up to 3,000 square feet by administrative amendment will not be detrimental to the neighborhood as this amount is small in terms of the overall site. Further, this amount is still more restrictive than the normal Use Permit requirement where the Planning Director can approve minor increases that do not exceed more than 15% of the total floor area.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Medical Office; O-3

SURROUNDING LAND USE & ZONING

North: Office; O-3

South: Townhouses; R-1

East: Single Family Detached; R-1

West: Elementary School/Duplex; P, R-4

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 5.55 acres, more or less

LEGAL DESCRIPTION: See attached.

Prepared by

George Wesselhoft, Planner

Date: May 16, 2019

Owner: 1710 LLC
1710 South 70th Street
Lincoln, NE 68506

Applicant: Architectural Design Associates
7501 O Street, #105
Lincoln, NE 68510
(402) 486-3232
davidw@adalincn.com

Contact: David Wiebe
7501 O Street, #105
Lincoln, NE 68510
(402) 486-3232
davidw@adalincn.com

F:\DevReview\UP\SPUP19C Lincoln Surgical Hospital.gjw.docx

APPLICATION HISTORY - SPUP19C

Oct 1965	City Council approved Special Permit 328, which allowed an addition to an existing East Hills supper club.
Jan 1968	City Council approved Change of Zone 844, which changed the zoning at S. 70 th & Lincolnshire from A-1 Single Family Dwelling to F Restricted Commercial.
May 1973	City Council approved Change of Zone 1282, which changed the zoning in the area from A-1 Single Family Dwelling to F Restricted Commercial.
Feb 1975	City Council approve Special Permit 716, which permitted the addition of a cooler, a party room and a kitchen expansion for the restaurant.
May 1979	The area was changed from F Restricted Commercial to O-2 Suburban Office in the Zoning Update.
May 1991	Building & Safety Department issued a demolition permit for the supper club.
May 2002	Change of Zone 3359 from O-2 to R-3 was approved.
May 2002	Combined Use/Special Permit was approved allowing a 20-bed health care facility, 24,000 square feet of medical office floor area, and 5,100 square feet of floor area for a bank.
May 2004	Administrative Amendment 04038 was approved allowing the enclosure of an outdoor courtyard.
May 2007	Administrative Amendment 06109 was approved allowing an underground parking garage and addition to the hospital, but no increase in the number of beds or employees.
July, 2007	Use/Special Permit 19A was approved with requested adjustments to yards internal to the development.
July 2009	Administrative Amendment 09038 was approved reducing the clinic addition by 8,000 square feet and increasing the floor area of the surgery center by 8,000 square feet (or 20 beds).
Dec 2009	Administrative Amendment 09076 was approved revising the building layout by increasing the area of the overnight stay component by 5,000 square feet while reducing the area of the clinic addition by 5,000 square feet.
Mar 2010	Administrative Amendment 10012 was approved revising the building layout by relocating 3,000 square feet of floor area previously approved as "Clinic/Hospital Addition" at the west edge of the clinic/hospital to the northeast corner of the hospital and designating it as "Sterilization Area".
Oct 2018	Administrative Amendment 18056 was approved to revise the parking lot layout to convert two parking spaces into parking island for electrical equipment, and to convert a small parking island into a parking stall.
Oct 2018	Use/Special Permit 19B was approved to allow for the enclosure of an existing dock on the east side of the complex consisting of 228 square feet. This permit also added 14,608 square feet of basement office space that was already in existence below the medical office portion of the development.

CONDITIONS OF APPROVAL - SPUP19C

This approval permits a total of 92,197 square feet including 5,100 square feet for bank and 87,097 square feet of medical office and health care facility within the boundaries of the special permit/use permit.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before receiving building permits.
 - 1.1 Update Parking Calculations table to include new square footage added for area to be enclosed.
 - 1.2 Show rear yard abutting residential setback near the proposed roof enclosure area.
 - 1.3 Update Note 1. to state that any future expansion that does not exceed 3,000 square feet may be approved by the Planning Director through Administrative Amendment. Any future expansion beyond 3,000 square feet shall be subject to review of the Planning Commission.

Standard Conditions:

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



City of Lincoln/Lancaster County, NE

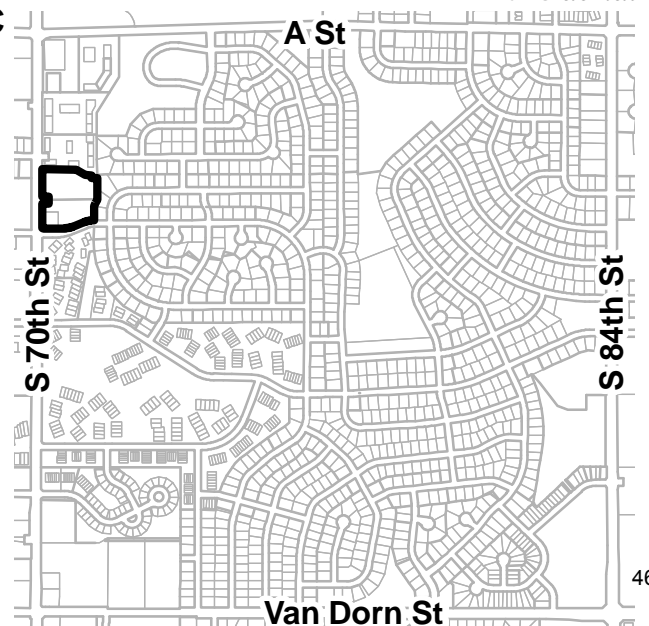
2018 aerial

**Combined Special Permit Use Permit #: SPUP19C
Lincoln Surgical Center
S 70th St & Lincolnshire Blvd**

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.34 T10N R07E





April 30, 2019

George Wesselhoff
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Amendment to SP/UP19

George:

We hereby submit this application for an Amendment to the existing SP/UP 19 for the Lincoln Surgery Center. The reasons for this request are to:

- 1) Enclose an existing exterior covered walk-way at the north end of the east side of the building. This will add approximately 360 square feet to the Surgery Center for use as supply storage. This will not increase the number of employees or operating rooms and therefore will not affect the parking requirements.
- 2) Show an emergency generator along the east side of the building. The generator will supplement the existing one to add capacity at the new Ambulatory Surgery Center remodel. This will remove three (3) parking stalls from the existing surface stall count. The total stalls provided on the site is still well above the required total.
- 3) Show a new trash compactor and required curb changes at the south east corner of the building. No parking or drive aisles will be impacted by this change.

No other changes are requested at this time.

Sincerely,

A handwritten signature in black ink that reads 'David Wiebe'.

David Wiebe, AIA

Attachments: filing fee
Site plan – To be submitted electronically
Application Form

Legal Description:

Parcel 1: Lot 94 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7, East of the 6th P.M., Lincoln, Lancaster County, Nebraska, except a portion thereof more particularly described as follows:

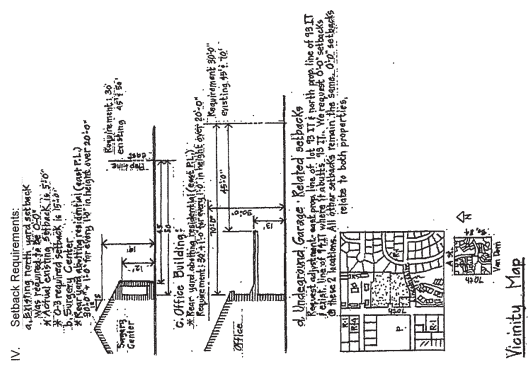
Beginning at the southeasterly corner of Lot 94 Irregular Tract (or the southwesterly corner of Lot 1, Block 2, Lincolnshire Estates Addition to the City of Lincoln), said point is also on the northerly right-of-way line of Lincolnshire Road; thence on a curve to the left and on the southerly line of Lot 94 Irregular Tract of said Section 3 of the northerly right-of-way line of said Lincolnshire Road, having a radius of 242.68 feet, an arc length of 7.77 feet and a central angle of 01 degrees 50 minutes 05 seconds west, with a chord bearing of south 89 degrees 05 minutes 38 seconds west, a chord distance of 7.77 feet; thence north 03 degrees 52 minutes 02 seconds east, a distance of 115.21 feet to a point on the easterly line of Lot 94 Irregular Tract of said Section 34 or the westerly line of Lot 1, Block 2 of said Lincolnshire Estates; thence south 00 degrees 00 minutes 00 seconds east and on the easterly line of Lot 94 Irregular Tract of said Section 34 or the westerly line of Lot 1, Block 2, of said Lincolnshire Estates, a distance of 114.82 feet to the point of beginning;

Parcel 2: Lot 8, except the north 27 feet of the east 52 feet thereof, Lincolnshire Square, Lincoln, Lancaster County, Nebraska;

And

Lot 93 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

- Parking Calculations**
- Use Table Areas:
 - a. Bank 5,100 s.f.
 - b. Medical Office 24,000 s.f.
 - c. Existing Hospital 47,901 s.f.
 - d. Health Care Facility
 - Required Parking:
 - a. Bank = 5,100 + 30% s.f./stall = 6,675 s.f./stall
 - b. Medical Office = 24,000 + 22% s.f./stall = 29,280 s.f./stall
 - c. Existing Hospital = 47,901 + 25% = 60,076 s.f./stall
 - d. Health Care Facility
 1. Surgery Center @ 2.5 beds/stall = 8 stalls
 35 staff @ max shift/stall per emp. = 35 stalls
 Basement area = 6,049 s.f. + 22% s.f./stall = 7,379 s.f./stall
 15 staff @ max shift/stall per emp. = 15 stalls
 Existing Sanitization Room for Hospital = 0 stalls
 Clinic Area = 15 stalls
 Total Required Stalls = 77 stalls
 Existing Stalls on grade = 276
 Existing Under Ground Garage Stalls = 192
 - Total Existing Stalls: 408 stalls
 - Percent of Building / Land:
 - a. Total Land Area 229,570 s.f.
 - b. Total Building Area 142,226 s.f.
 - c. Percent of Building / Land 26%
 - IV. Setback Requirements:
 - a. Existing needs to be set back
 - b. 2' from existing sidewalk to 3'0"
 - c. 5' from existing sidewalk to 3'0"
 - d. 5' from existing sidewalk to 3'0"
 - e. 5' from existing sidewalk to 3'0"
 - f. 5' from existing sidewalk to 3'0"
 - g. 5' from existing sidewalk to 3'0"
 - h. 5' from existing sidewalk to 3'0"
 - i. 5' from existing sidewalk to 3'0"
 - j. 5' from existing sidewalk to 3'0"
 - k. 5' from existing sidewalk to 3'0"
 - l. 5' from existing sidewalk to 3'0"
 - m. 5' from existing sidewalk to 3'0"
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 - y. 5' from existing sidewalk to 3'0"
 - z. 5' from existing sidewalk to 3'0"



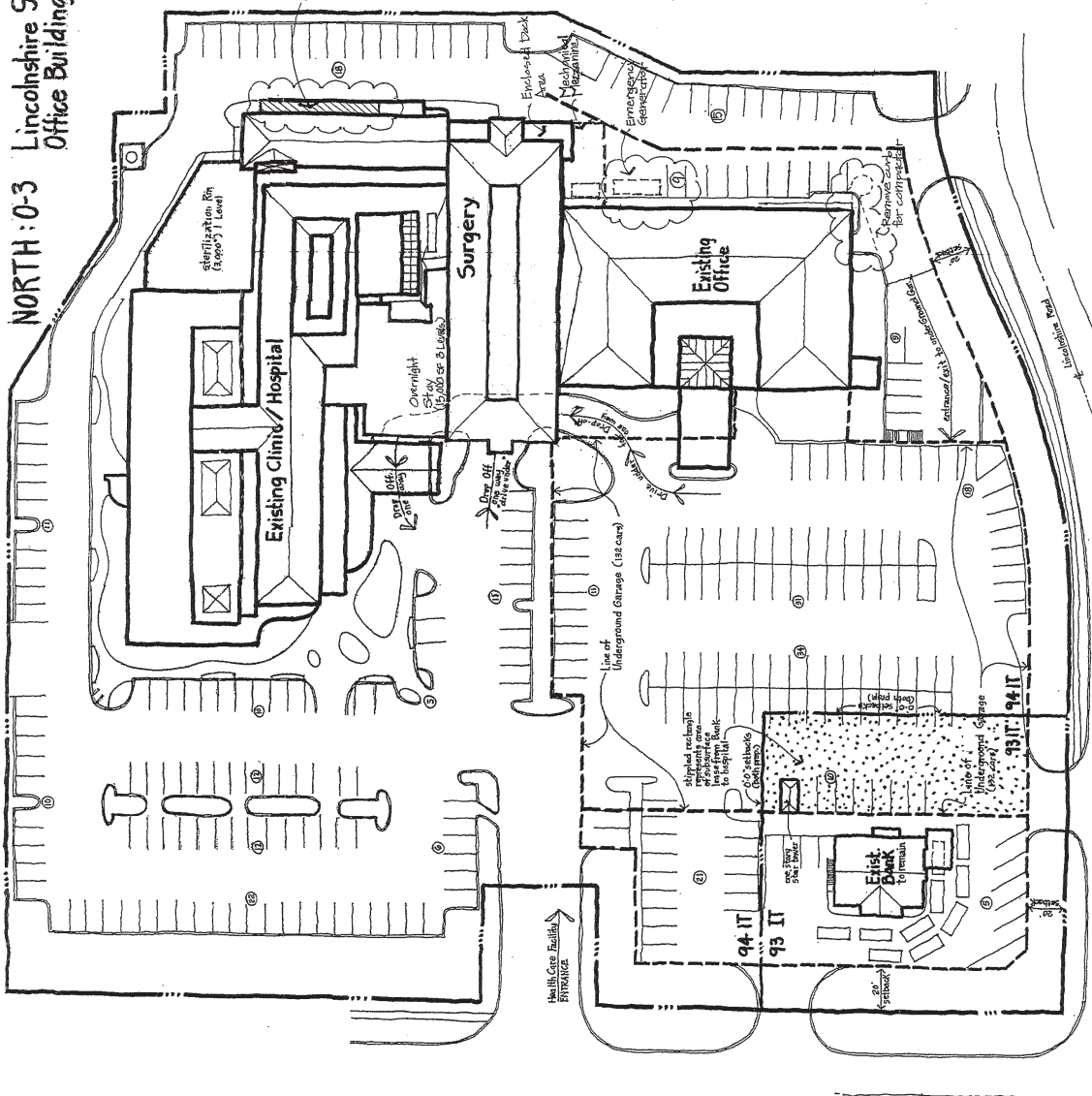
OWNER: 1793 LLC
 ADDRESS: 10 South 70th Street, Lincoln, NE
 PHONE: 402 484 9032
 ATTENTION: Gregory Sutton

- Note:**
- Any future expansion beyond approval of SPUP 19B shall be subject to review of the City of Lincoln Planning Commission.
 - A joint parking garage located on Lots 93 IT & 94 IT is depicted on Site Plan. Property Owners will grant Consent to the City of Lincoln for joint parking garage.

NORTH : 0-3
Lincolnshire Square
Office Buildings

EAST : R-1 Single Family Housing

SOUTH : R-1
Townhomes & Townhouses



Underground Garage - Office Addition & Deck Parking Above

SITE PLAN
 SCALE: 1" = 60'

WEST : P Morley Elementary School

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 19026	FINAL ACTION? Yes	OWNER Christ Place Church
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS None	PROPERTY ADDRESS 5555 Roose Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit for an outdoor seasonal sales per Section 27.63.440. Christ Place Church would like to have a fireworks tent. Outdoor seasonal sales is permitted in any residential or office district subject to special permit. The proposed tent will be situated in the southeast part of the Church property which is located at the southwest corner of South 56th Street and Roose Street.



JUSTIFICATION FOR RECOMMENDATION

The proposal will not adversely impact the neighborhood and will allow for temporary outdoor seasonal sales associated with an existing church.

APPLICATION CONTACT

Kaela Riepl, (402) 935-1916
kaela@bellinoenterprises.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed outdoor seasonal sales is requested as for a limited number of days and is to raise money for a church youth group. The proposal is therefore incidental to the church, which the Comprehensive Plan supports as part of neighborhoods, and with the setbacks provided will not be detrimental to the neighborhood.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - this site is shown as future urban density residential on the 2040 Lincoln Area Future Land Use Plan.

p. 7.11 - Detailed Strategies for Existing Neighborhoods

-Support retention of public and semi-public uses (elementary schools, churches) as centers of neighborhoods.

ANALYSIS

1. The request is for an outdoor seasonal sales for Christ Place Church to sell fireworks on their property at the southwest corner of S. 56th Street and Roose Street. The Church wants to sell fireworks to help raise funds for their youth group. The tent would be setup on or about June 30th and would be removed on July 5.

2. The conditions of the special permit for outdoor seasonal sales per 27.63.440 are:

In any residential (R-) or office (O-) district, a special permit may be granted to allow temporary or seasonal sales subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

a) The sale is sponsored and operated by a nonprofit organization or is directly associated with an approved special permit for a recreational facility;

Christ Place Church will host the fireworks tent with money raised to help pay for their youth group related expenses.

b) If the land is located within 300 feet from the boundary of a B-1, B-3, B-4, H-2, H-3, or I-1 zoning district, the minimum lot area is one-half acre;

This section does not apply as the Church is located more than 300 feet away from B-1, B-3, B-4, H-2, H-3 or I-1 zoning districts.

c) If the land is located at a distance greater than 300 feet from a B-1, B-3, B-4, H-2, H-3, or I-1 zoning district, the minimum lot area is one acre;

The Church is approximately 1,700 feet east of the nearest B-1 zoning district and their property is 3.46 acres.

d) The sale does not operate for more than forty-five days within any one year period;

The sale will operate for a limited number of days.

e) Adequate off-street parking is provided which complies with the City of Lincoln Design Standards;

The required parking for the church is 41 parking stalls and they have 43 stalls on the paved parking area. The fireworks tent will use the rock parking area to the south of the church building and will not therefore take up any of the required church parking.

f) One sign may be permitted which conforms to the limitations for signs for nonconforming uses contained in Chapter 27.69. (Ord. 15971 §1; September 16, 1991; prior Ord. 13980 §12; October 29, 1984).

Any signage proposed will be required to meet the sign regulations of 27.69 of the Zoning Ordinance.

3. The fireworks tent will be located in the southeast party of their property. Fireworks are not allowed to be used within 300 feet of a fireworks tent. The nearest residential property is to the west and has a part of their property within the 300 foot buffer. This property owner has provided a letter of support and notes that if they use fireworks, they will use another portion of their property outside of the 300 feet.

4. This proposed outdoor seasonal sales is in conformance with the Zoning Ordinance and with limited number of days should not adversely affect surrounding residents.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Church; R-2

SURROUNDING LAND USE & ZONING

North: Single Family Residential; R-2
South: Antelope Creek, Bike Trail; P
East: Apartments; R-3
West: Single Family Residential; R-2

APPROXIMATE LAND AREA: 3.46 acres

LEGAL DESCRIPTION:

Lot 1, Harvest Acres 1st Addition, located in the SE quarter of Section 32-10-07 and the NE quarter of Section 05-09-07, Lancaster County, Nebraska.

Prepared by

George Wesselhoft, Planner

Date: May 16, 2019

Applicant/Owner: Christ Place Church
5555 Roose Street
Lincoln, NE 68506
(402) 421-1111

Contact: Kaela Riepl
501 Olson Drive
Papillion, NE 68046
(402) 935-1916
kaela@bellinoenterprises.com

F:\DevReview\SP\19000\SP19026 Bellino Fireworks, Inc.gjw.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT 19026

Per Section 27.63.440 this approval permits an outdoor seasonal sales in a residential district.

Site Specific Conditions:

1. Revise the site plan to show the following:
 - 1.1 Add note that site plan is conceptual and may be adjusted at time of building permit.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2 The physical location of all setbacks and yards, buildings, and parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.3 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. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



2018 aerial

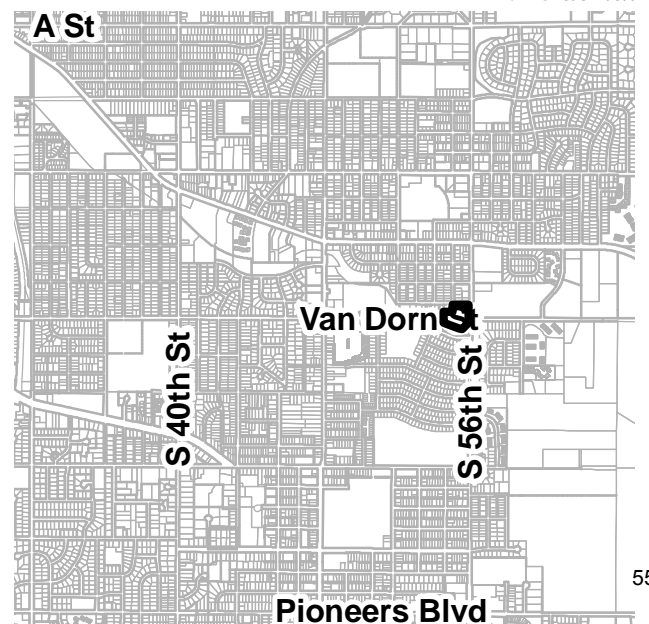
Special Permit #: SP19026
S 56th St & Roose St

Zoning:

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

Two Square Miles:
Sec.32 T10N R07E
Sec.05 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



April 26, 2019

To Whom It May Concern,

My name is Pastor Bruce Riddle and I'm the CP Youth Pastor at Christ Place Church in Lincoln, NE. Each summer, we host a fireworks tent with Bellino Fireworks and our church, specifically our youth group, uses the money raised from it to help pay for CP Youth related expenses. Specifically this year, we will use any profit to help offset the cost of bringing in Artist and Speaker Eric Samuel Timm. Mr. Timm will speak in a number of schools and do assemblies across the city of Lincoln reaching kids with a positive life message through creative expression.

If we are able to open a tent at our Christ Place Church - Van Dorn location, that will only increase our ability to raise more money for this key ministry we utilize as a church. Our Christ Place Church fireworks tents are run and staffed by CP Youth Adult Team Members and Student Leaders, allowing them an opportunity to serve in a practical manner in an otherwise "off" season.

Thank you for your consideration in allowing us to have a fireworks tent at this location.



Pastor Bruce Riddle
CP Youth Pastor
briddle@christplace.church
402-421-1111 (ext.115)

RECEIVED

APR 26 2019

CHRIST PLACE CHURCH

Christ Place Church
Central Office

1111 Old Cheney Rd
Lincoln, NE 68512

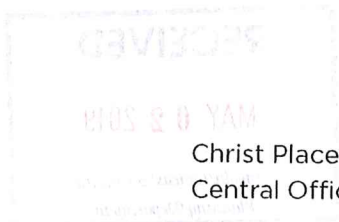
402.421.1111
ChristPlace.Church

April 30, 2019

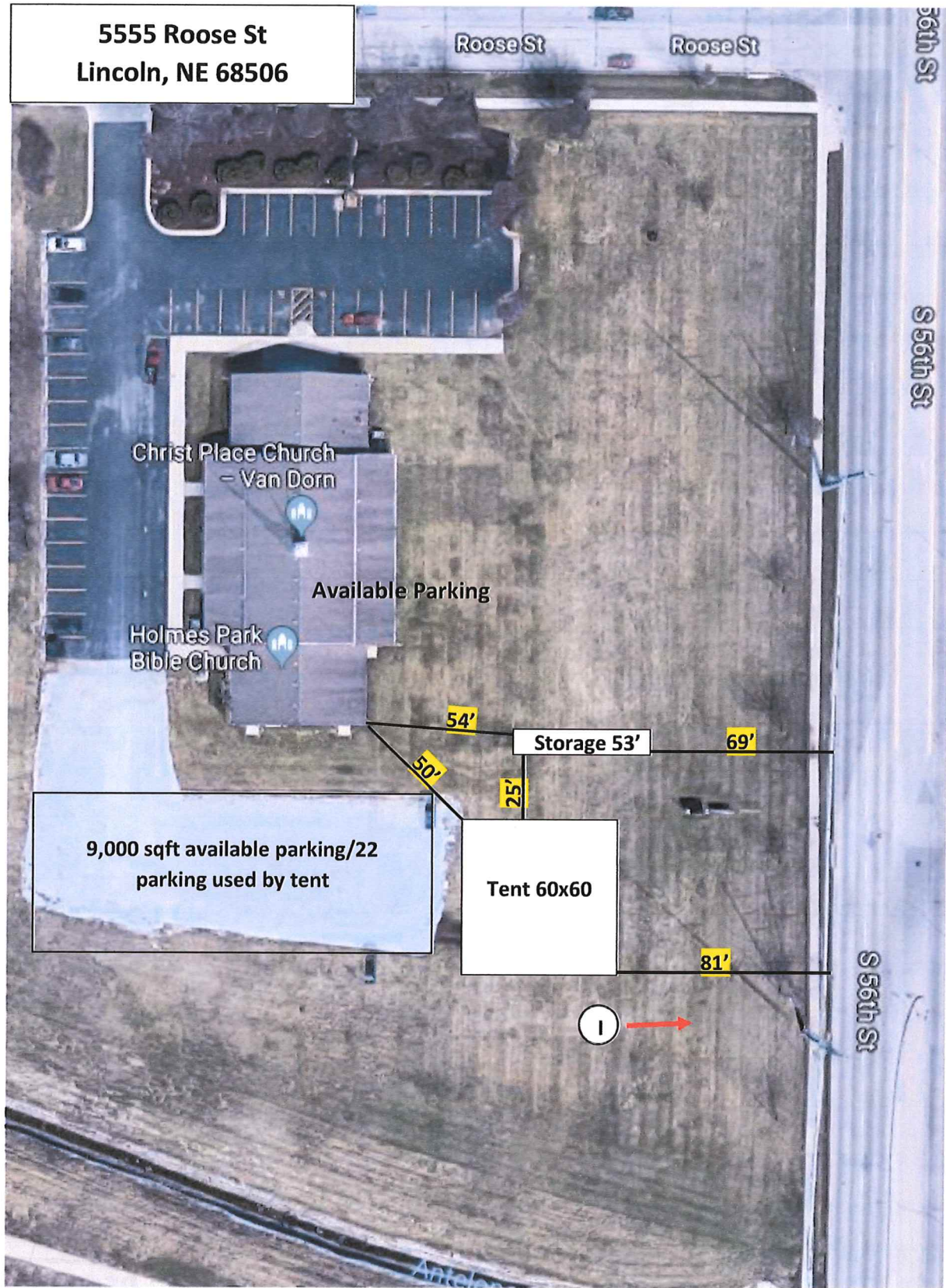
To Whom It May Concern,

I am the neighbor who lives directly to the West of the Christ Place Church - Van Dorn location and I am okay with CP Youth hosting a Bellino Fireworks tent on the Southeast portion of their property. I acknowledge that a small portion of my property is within 300 feet of where a portion of their tent will be, and will therefore not shoot off any fireworks of my own on that part of my property in the time the tent is located there. If we use fireworks, we'll use another portion of our property to ensure safety for all involved.

Thanks,



5555 Roose St
Lincoln, NE 68506



Christ Place Church
- Van Dorn

Available Parking

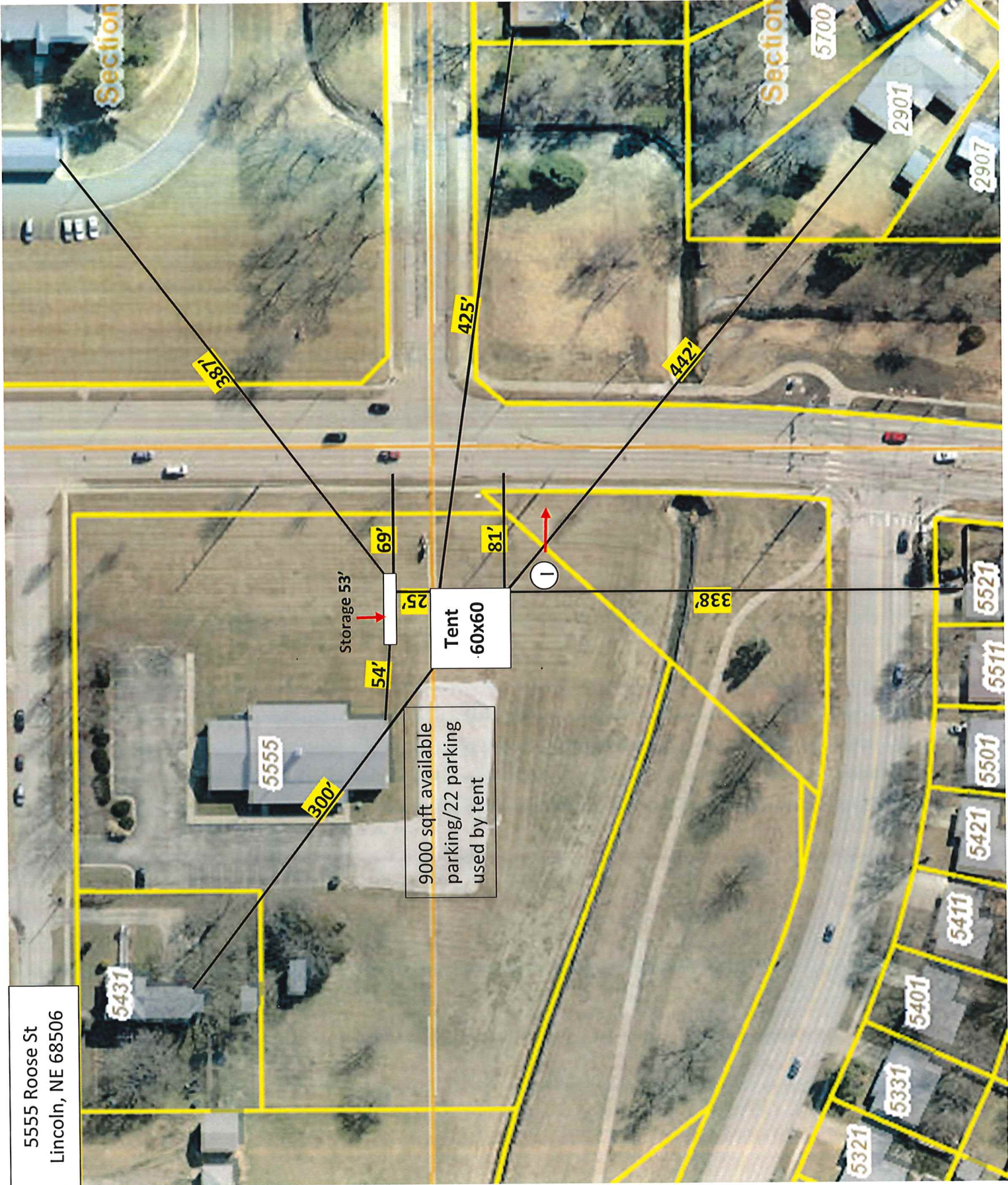
Holmes Park
Bible Church

9,000 sqft available parking/22
parking used by tent

Tent 60x60

Storage 53'





LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

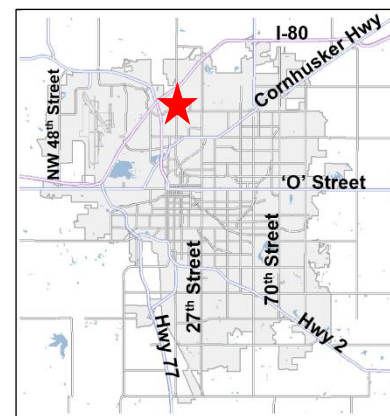
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 1960B	FINAL ACTION? Yes	AFFECTED OWNERS Hilltop Foundation, Robert Duncan, Paige Duncan and Jonathan Henning
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS Street and Alley Vacation 19005 Street Name Change 19003	PROPERTY LOCATION N. 14 th Street and Hilltop Road

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the Grandview Heights Community Unit Plan (CUP) to reflect the proposed vacation of a portion of Hilltop Road and future final plat of the adjacent properties. Hilltop Road would be shortened and a new cul-de-sac constructed a short distance west of N. 14th Street. The street would be renamed Hilltop Place per the naming conventions for cul-de-sacs. The properties adjacent to the vacation area will be replatted so all lots have frontage on the shortened street.



JUSTIFICATION FOR RECOMMENDATION

There are no plans to extend the street further west or make this a through street. The vacation is supported as long as the adjacent lots have proper frontage on the new cul-de-sac for emergency access. The CUP will continue to show a future layout in which the full length of Hilltop Road would be re-dedicated if necessary to serve future subdivisions. The requested waivers allow for a lesser improvement standard for the shortened street based on the fact that it is an interim arrangement with very large adjacent lots.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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 based on retaining street connectivity for the ultimate future layout of the CUP.

WAIVERS

1. Waiver of the subdivision improvement requirements for water, sanitary sewer, stormwater detention, street trees, and sidewalks per Chapter 26.27 of the Subdivision Ordinance for the future final plat layout shown on the Interim Site Plan. (Recommend Approval)
2. Waiver to Chapter 2.15 of the Lincoln Design Standards for Urban Public Streets to reduce the standard radius of a public street cul-de-sac from 43.5 feet to 30 feet. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 - Low Density Residential. Residential areas, often referred to as acreages, having densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Existing Low Density Residential areas within the Future Service Limit with urban utilities available may also be appropriate to be considered for future Urban Residential development.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Continue policies such as landmark districts and down-zonings that maintain a mix of single-family and multi-family housing and support home ownership and the preservation and enhancement of historic properties.
- Provide a wide variety of housing types and choices for an increasingly diverse and aging population.
- Provide flexibility to the marketplace in siting future residential development locations.
- Strive for predictability for neighborhoods and developers for residential development and redevelopment.
- Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.4 - Strategies for Neighborhoods and Housing

- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives to and reduce dependence upon the automobile.
- Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

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 amend the Grandview Heights Community Unit Plan to reflect proposed vacation of majority of the Hilltop Road right-of-way located west of N. 14th Street with Street and Alley Vacation 19005. Hilltop Road is not a through street and serves only as access to the adjoining lots. A new paved cul-de-sac would be constructed immediately west of 14th Street. The related Street Name Change 19003 would rename Hilltop Road to Hilltop Place in accordance with the naming conventions for cul-de-sacs.
2. Revisions to the street and lot layout are also shown in the area south of Hilltop Road along Lewis Place, with a resulting reduction in the overall number of approved dwelling units by two from 55 to 53.
3. The Cover Sheet for this application shows the ultimate future street and lot layout for the CUP. The Interim Site Plan sheet shows the interim lot arrangement proposed with the vacation. A condition of approval for the Street Vacation would require that prior to scheduling the vacation for City Council hearing, a final plat must be approved to replat the lots surrounding Hilltop Road to ensure that all affected properties continue to have frontage on the shortened street for emergency access reasons.
4. The proposed lot layout for the future final plat is shown on the Interim Site Plan sheet. Two large lots are shown, each with frontage on Hilltop Place. The easternmost property adjacent to N. 14th Street, south of Hilltop Place would also have direct access to the new cul-de-sac (remaining portion of Outlot A, Replat of Lots 4-5 Grandview Heights).
5. Waivers are requested to the Subdivision Ordinance and Design Standards. The layout with shortened Hilltop Road is an interim layout, although a potentially long-term one. The full length of Hilltop Road will be rededicated and constructed to full City standards at a future time if the properties are further subdivided. The waivers allow for the new cul-de-sac to meet a lesser standard based on the fact that it is an interim layout with very large lots.

- a. **Waiver of subdivision improvement requirements per Chapter 26.27 of the Subdivision Ordinance (Water, Sanitary Sewer, Stormwater Detention, Street Trees, Sidewalk) for the future final plat layout shown on the Interim Site Plan.**

This waiver can be approved administratively by the Planning Director with the final plat because no additional lots would be created. Street paving, storm sewer, and ornamental lighting would still be required.

- b. **Waiver to Chapter 2.15 of the Lincoln Design Standards for Urban Public Streets to reduce the standard radius of a public street cul-de-sac from 43.5 feet to 30 feet.**

The proposed radius accommodates the Lincoln Fire & Rescue requirements for the three point turn radius of a fire truck. With LFR needs met, the waiver is acceptable to the Transportation & Utilities Department.

6. The applicant originally showed changes to the layout surrounding Lewis Place. Currently, Lewis Avenue is shown as a through street on the approved CUP and connects to Hilltop Road, allowing connectivity to N. 14th Street. The applicant had proposed to convert Lewis Avenue to a cul-de-sac instead of a through street and revise the lot layout accordingly. This change is not supported as it eliminates all internal connectivity within this neighborhood if all streets were cul-de-sacs. A condition of approval would require the layout including Lewis Place to be changed to match the current approved plan. This will also allow the density to remain at the current approved 55 units. The applicant is agreeable to this condition.
7. There will be two driveways off of Hilltop Place. One of the driveways services the Girl Scouts Hilltop House. LFR will be provided access to a proposed potential future gate across their private driveway.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING (Affected Properties): Acreage residential, Hilltop Girl Scouts Club, and vacant; R-1

SURROUNDING LAND USE & ZONING

North: Acreage residential; R-3

South: Single family residential, middle school; R-2, R-3 and P

East: Single family and multi-family residential, commercial, library; R-3, R-4, B-2 and P

West: Acreage residential; R-1

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA (Overall CUP): 97.05 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: May 23, 2019

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

Affected Owners:

Hilltop Foundation
PO Box 81887
Lincoln, NE 68501

Kathryn Page Duncan
1035 Hilltop Road
Lincoln, NE 68521

Jonathan Henning and Kathryn Page Duncan
1035 Hilltop Road
Lincoln, NE 68521

Robert Duncan
4801 N. 7th Street
Lincoln, NE 68521

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APPLICATION HISTORY - SPECIAL PERMIT #1960B

- May 1979 This area was changed from A-2 Single Family Dwelling District to R-3 Residential with the 1979 zoning update.
- Sept. 1990 Change of Zone 2571 from R-3 Residential to R-1 Residential was approved by the City Council to preserve the area's low density character.
- Oct. 2003 The Grandview Heights Preliminary Plat 02004 and Community Unit Plan Special Permit 1960 were approved by the City Council showing 52 lots.
- Jan. 2014 Special Permit 1960A was approved by the Planning Commission amending the Grandview Heights Community Unit Plan to add two dwelling units and change Pine Tree Lane from a public street to a private roadway.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1960B

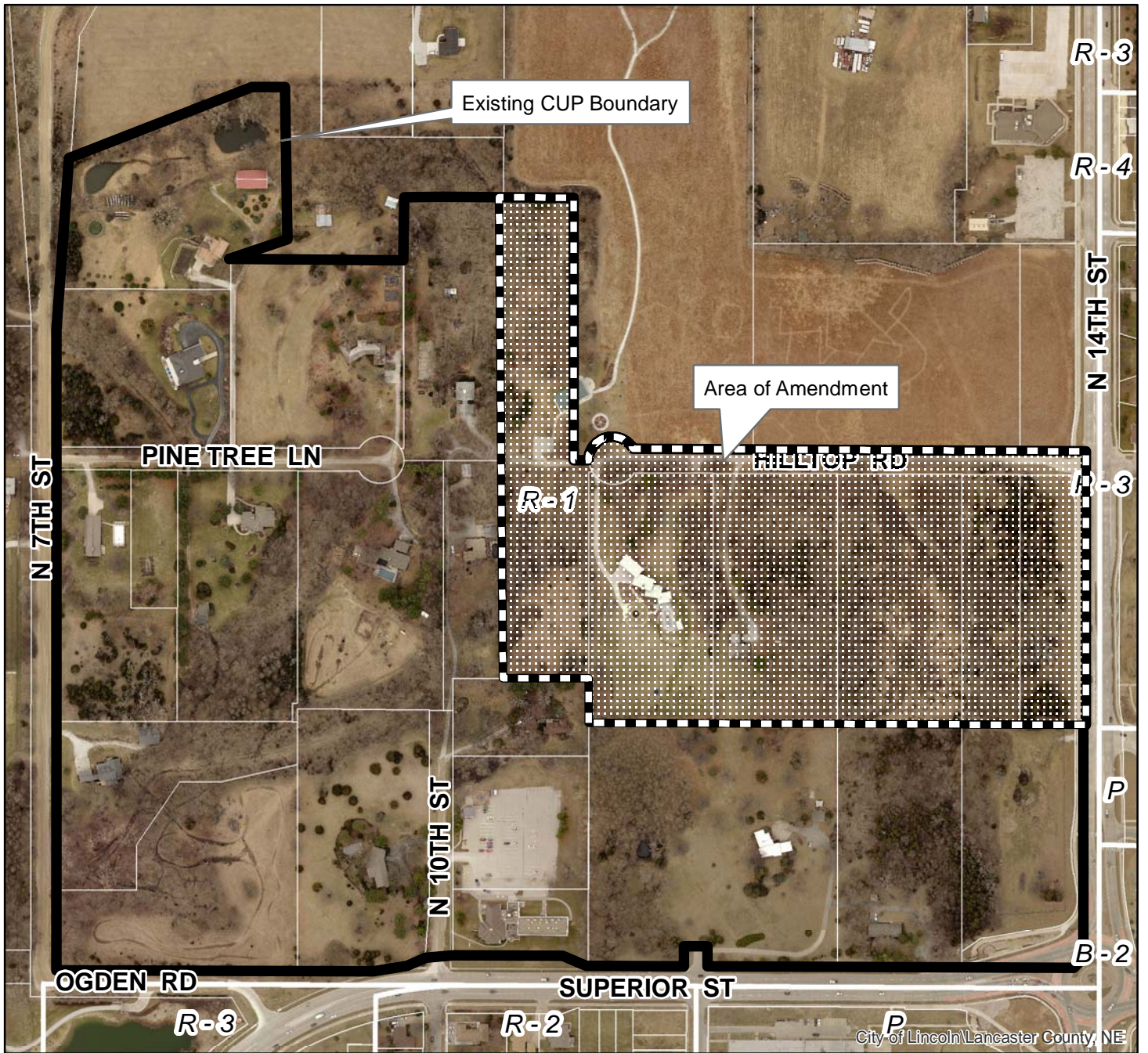
Per Section 27.63.320 this approval permits a Community Unit Plan for 55 dwelling units with waivers to the subdivision improvement requirements for water, sanitary sewer, stormwater detention, street trees, and sidewalks per Chapter 26.27 of the Subdivision Ordinance for the future final plat layout shown on the Interim Site Plan sheet, and waiver to Chapter 2.15 of the Lincoln Design Standards for Urban Public Streets to reduce the standard radius of a public street cul-de-sac from 43.5 feet to 30 feet.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Street and Alley Vacation 19005
 - 1.2 Street Name Change 19003
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 Submit a revised Site Plan sheet (Sheet 2) from prior amendment SP1960A as that sheet should be included with this amendment.
 - 2.2 On the Cover and Site Plan sheets, show Lewis Avenue as a through street rather than a cul-de-sac with connection to N. 14th Street via Hilltop Road and lot layout per the prior approved Special Permit 1960A.
 - 2.3 On the Cover sheet, correct the label for Hilltop Road to Hilltop Place.
 - 2.4 Add a note that reads, "Driveways on Hilltop Place will be signed for emergency access to the satisfaction of Lincoln Fire & Rescue. Any gates installed across private driveways will be approved to the satisfaction of Lincoln Fire & Rescue."
 - 2.5 Revise Waiver #5 to reference block length for Hilltop Road only as previously approved, as Lewis Avenue will be changed to a through street. Delete Waiver #12 as it is not necessary.
 - 2.6 Add a waiver regarding the waiver of required subdivision improvements with the future final plat based on the Interim Site Plan.
 - 2.7 Update the legal description on the Cover sheet to match the description attached to this staff report.
 - 2.8 Revise the requested waiver for cul-de-sac radius from 25 feet to 30 feet.
 - 2.9 Add dimensions to proposed lots on the Interim Site Plan sheet.
 - 2.10 Update the Requested Waivers and General Site Notes as needed to reflect the lot and block numbering resulting from putting Lewis Avenue back as a through street.
3. Before a final plat is approved provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Final plat(s) is/are approved by the City.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 All development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 5.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



City of Lincoln/Lancaster County, NE

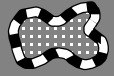


2018 aerial

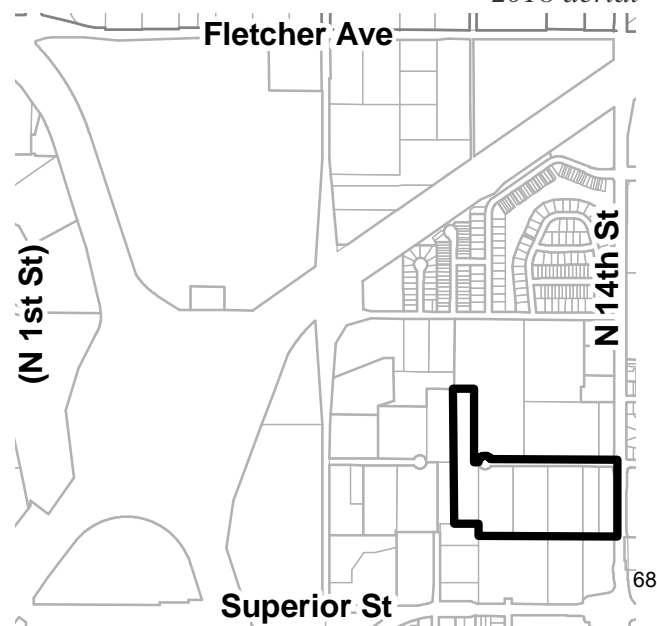
**Special Permit #: SP1960B
Grandview Heights CUP
N 14th St & Hilltop Rd**

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.02 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



**LEGAL DESCRIPTION
SPECIAL PERMIT 1960B**

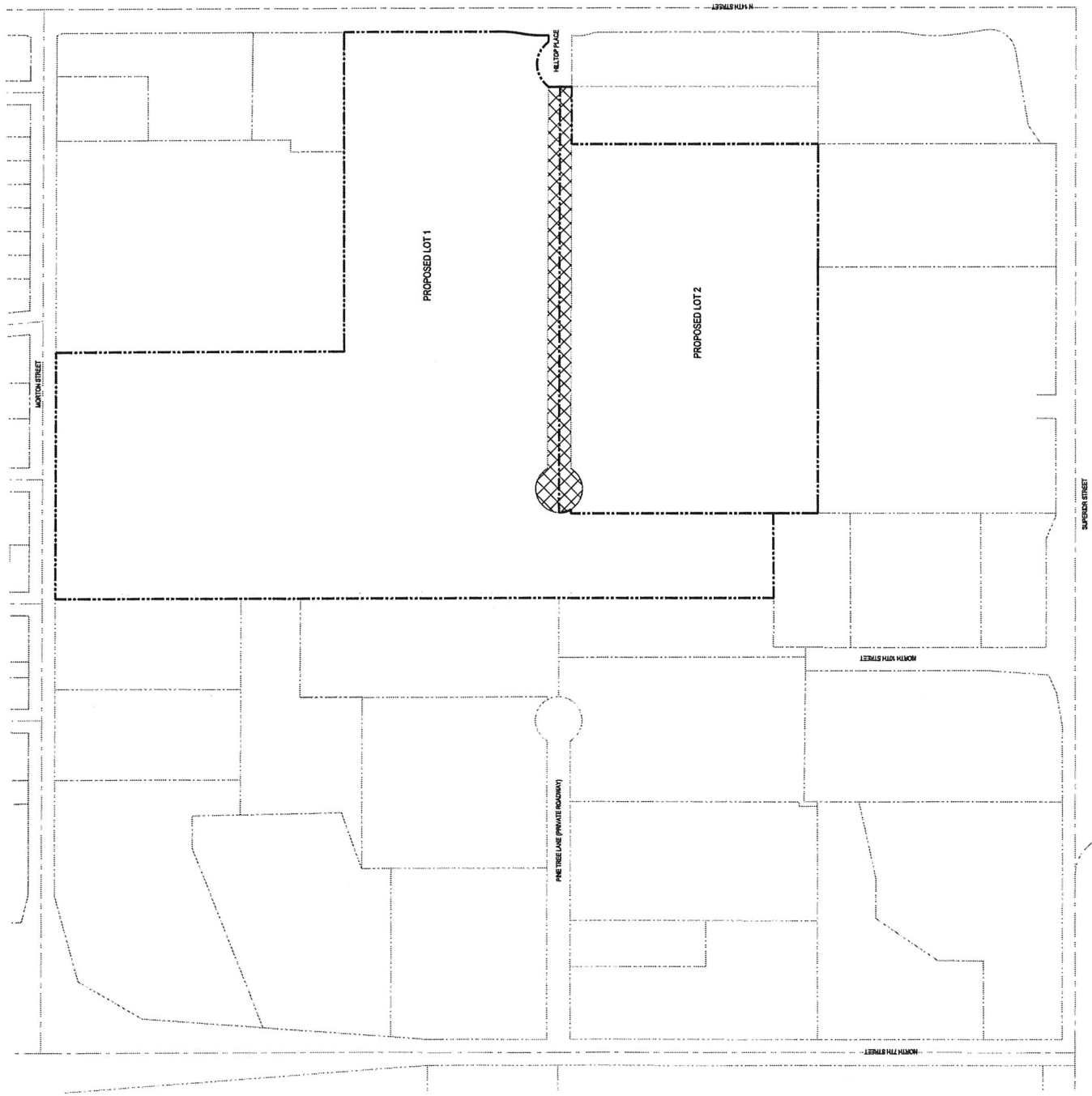
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 2 AND 7 AND THE REMAINING PORTION OF LOTS 3 AND 6 GRANDVIEW HEIGHTS; A VACATED PORTION OF STANTON STREET RIGHT-OF-WAY; THE REMAINING PORTION OF LOT A, LOTS B THRU E, AND THE REMAINING PORTION OF LOTS L THRU P, REPLAT OF LOTS 4 AND 5 GRANDVIEW HEIGHTS; LOTS 1 AND 2 GRANDVIEW HEIGHTS 1ST ADDITION; LOT 1 AND OUTLOT "A", GRANDVIEW HEIGHTS 2ND ADDITION; LOTS 1 AND 2, GRANDVIEW HEIGHTS 3RD ADDITION; LOT 1 LUFF 1ST ADDITION; AND LOT 1 LUFF 2ND ADDITION; ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF OUTLOT "A", GRANDVIEW HEIGHTS 2ND ADDITION, SAID POINT BEING 33.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER, AND 33.00 FEET EAST OF THE WEST LINE OF SAID NORTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 08 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID OUTLOT "A", AND THE WEST LINE OF LOT 1, GRANDVIEW HEIGHTS 2ND ADDITION AND THE WEST LINE OF LOT 1 GRANDVIEW HEIGHTS 3RD ADDITION, AND THE WEST LINE OF LOT 1 LUFF 2ND ADDITION, SAID LINE BEING 33.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,618.41 FEET TO A WEST CORNER OF SAID LOT 1, THENCE NORTH 04 DEGREES 23 MINUTES 14 SECONDS EAST ALONG A WEST LINE OF SAID LOT 1, AND A WEST LINE OF LOT 1, LUFF 1ST ADDITION, A DISTANCE OF 422.31 FEET TO A NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 68 DEGREES 46 MINUTES 27 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 1, A DISTANCE OF 490.60 FEET TO A NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89 DEGREES 59 MINUTES 35 SECONDS ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 82.40 FEET THENCE SOUTH 00 DEGREES 55 MINUTES 36 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 383.70 FEET TO A SOUTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 71 DEGREES 31 MINUTES 31 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 1, A DISTANCE OF 151.21 FEET TO THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 3, GRANDVIEW HEIGHTS, THENCE SOUTH 89 DEGREES 35 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 3, A DISTANCE OF 435.00 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 3, THENCE NORTH 00 DEGREES 10 MINUTES 17 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF LOT 3, A DISTANCE OF 160.63 FEET TO A NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT 3, THENCE SOUTH 89 DEGREES 40 MINUTES 41 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 3, AND THE NORTH LINE OF LOT 2, GRANDVIEW HEIGHTS, A DISTANCE OF 425.54 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, THENCE SOUTH 00 DEGREES 17 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 2 AND ITS EXTENSION, A DISTANCE OF 660.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2, THENCE SOUTH 89 DEGREES 40 MINUTES 41 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 37.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF HILLTOP ROAD RIGHT-OF-WAY, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 60.00 FEET, ARC LENGTH OF 157.08 FEET, DELTA ANGLE OF 150 DEGREES 00 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 75 DEGREES 19 MINUTES 19 SECONDS EAST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 115.91 FEET TO A POINT, THENCE SOUTH 89 DEGREES 40 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1134.82 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF NORTH 14TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 00 MINUTES 21 SECONDS WEST ALONG THE EAST LINE OF LOT A REPLAT OF LOTS 4 AND 5 GRANDVIEW HEIGHTS, AND ITS EXTENSION, SAID LINE BEING 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 688.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT A, THENCE NORTH 89 DEGREES 45 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 7.00 FEET TO THE NORTHEAST CORNER OF THE REMAINING PORTION OF LOT P REPLAT OF LOTS 4 AND 5 GRANDVIEW HEIGHTS, THENCE SOUTH 00 DEGREES 00 MINUTES 21 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF LOT P, SAID LINE BEING 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 585.46 FEET TO A SOUTHEAST CORNER OF SAID REMAINING PORTION OF LOT P, THENCE SOUTH 45 DEGREES 38 MINUTES 38 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID REMAINING

PORTION OF LOT P, A DISTANCE OF 35.20 FEET TO A SOUTHEAST CORNER OF SAID REMAINING PORTION OF LOT P, THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT P AND REMAINING PORTION OF LOTS O THRU M REPLAT OF LOTS 4 AND 5 GRANDVIEW HEIGHTS, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 919.58 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT M, THENCE NORTH 00 DEGREES 15 MINUTES 33 SECONDS EAST ALONG A WEST LINE OF SAID REMAINING PORTION OF LOT M, A DISTANCE OF 50.00 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT M, THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT M, SAID LINE BEING 100.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 60.00 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT M, THENCE SOUTH 00 DEGREES 15 MINUTES 33 SECONDS WEST ALONG A EAST LINE OF SAID REMAINING PORTION OF LOT M, A DISTANCE OF 50.00 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT M, THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT M AND L REPLAT OF LOTS 4 AND 5 GRANDVIEW HEIGHTS, SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 245.25 FEET TO A SOUTH CORNER OF SAID LOT L, THENCE NORTH 66 DEGREES 59 MINUTES 17 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT L, A DISTANCE OF 64.64 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT L, THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT L, SAID LINE BEING 75.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 275.42 FEET TO THE SOUTHWEST CORNER OF SAID REMAINING PORTION OF LOT L, THENCE SOUTH 84 DEGREES 50 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.86 FEET TO A SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 6 GRANDVIEW HEIGHTS, THENCE SOUTH 66 DEGREES 17 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT 6, A DISTANCE OF 50.01 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT 6, THENCE SOUTH 80 DEGREES 15 MINUTES 55 SECONDS WEST ALONG A SOUTH LINE OF SAID REMAINING PORTION OF LOT 6, A DISTANCE OF 86.40 FEET TO A SOUTH CORNER OF SAID REMAINING PORTION OF LOT 6, THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE REMAINING PORTION OF LOT 6, AND THE SOUTH LINE OF OUTLOT "A", GRANDVIEW HEIGHTS 2ND ADDITION, SAID LINE BEING 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 793.49 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 4,227,477.48 SQUARE FEET OR 97.05 ACRES, MORE OR LESS.

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING CURBLINE
- PROPOSED CURBLINE
- XXXXXX EXISTING/PROPOSED COMMON ACCESS & PUBLIC UTILITY easement





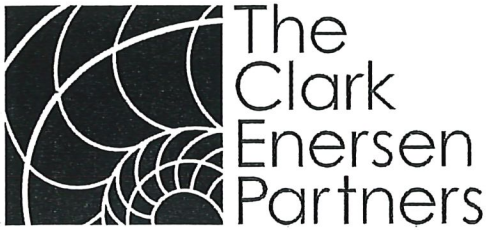
SCALE: 1"=150'-00"

GENERAL SITE NOTES

1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 6" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
 2. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER / DEVELOPER'S EXPENSE.
 3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
 4. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
 5. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS SHALL BE 4' WIDE AND ALL SIDEWALK EASEMENTS SHALL BE 5' WIDE (UNLESS OTHERWISE NOTED).
 6. DIRECT VEHICULAR ACCESS TO SUPERIOR STREET, AND NORTH 14TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
 7. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 8. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
 9. THIS SITE IS CURRENTLY ZONED R-1.
 10. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
-
- | | |
|-----|---|
| 11. | TOTAL USAGE:
BASE
52 SINGLE FAMILY LOTS
TOTAL UNITS53 |
| | <hr/> |
| | TOTAL BLOCKS - 1
TOTAL LOTS - 53 |
-
12. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
 13. ALL ELEVATIONS ARE BASED ON NAVD 1988.
 14. ALL COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF THE DETENTION PONDS AND DETENTION STRUCTURES SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
 15. LOT OWNERS SHALL BE RESPONSIBLE FOR THE GRADING AND MAINTENANCE OF THE OPEN DRAINAGE DITCHES.
 16. EXISTING TREE MASSES ARE TO BE PRESERVED DUE TO THE REQUEST TO WAIVE STREET TREE REQUIREMENTS.

REQUESTED WAIVERS

1. TO ALLOW PROPERTY LINES TO BE NON-PERPENDICULAR TO THE STREET CENTERLINE. (BLOCK 1, LOT #S 1, 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 33, 39, 40, 41, 43, 44, 46, & 47)
2. TO ALLOW THE SANITARY SEWER TO RUN NON-PARALLEL TO PUBLIC AND PRIVATE ROADWAYS WHERE SHOWN ON THE SITE PLAN.
3. TO ALLOW STREET LIGHTING AT 480-500 FOOT INTERVALS INSTEAD OF THE 240 FOOT MAXIMUM.
4. TO ELIMINATE SIDEWALKS ALONG ONE SIDE OF THE INTERNAL PUBLIC STREETS AND PRIVATE ROADS, AS WELL AS FOR PROPOSED URBAN SECTION IMPROVEMENTS FOR MORTON STREET, NORTH 7TH STREET, & OGDEN ROAD.
5. BLOCK LENGTH.
6. TO ALLOW LONGER DEAD-END STREETS OR CUL-DE-SACS THAN 1,000' MAXIMUM.
7. TO WAIVE THE 3:1 LOT DEPTH TO WIDTH RATIO. (BLOCK 1, LOT #S 1, 6, 7, 8, 9, 13, 16, 17, 18, 19, 20, 21, 43, & 44)
8. STREET TREE AND LANDSCAPING REQUIREMENTS DUE TO PRESERVATION OF THE EXISTING TREE MASSES.
9. A WAIVER IS BEING REQUESTED TO DELETE THE REQUIREMENT FOR A RECREATIONAL COMPONENT WITHIN THIS C.U.P. THIS PARTICULAR DEVELOPMENT CONSISTS OF MANY SIZEABLE EXISTING LOTS, EACH WITH ADEQUATE SPACE FOR THEIR OWN RECREATION ON THEIR LOT. THE OWNER GROUP IS INTERESTED IN MAINTAINING THE EXISTING PRIVACY WITHIN THE DEVELOPMENT AS WELL AS PRESERVING THE EXISTING NATURAL FORESTED AMBIANCE.
10. TO ALLOW INTERSECTION PLATFORMS TO EXCEED 3% (SUMAC CIRCLE, HILLTOP ROAD, NORTH 7TH STREET, & MORTON STREET)
11. TO ALLOW RURAL PAVED SECTION WITH SIDEWALK ON ONE SIDE OF THE ROADWAY FOR PRIVATE ROADWAYS.
12. TO ALLOW LOTS NOT FRONTING ONTO A PUBLIC OR PRIVATE ROADWAY.
13. DESIGN STANDARDS FOR CUL-DE-SAC RADIUS ON HILLTOP ROAD RADIUS = 25.



May 1, 2019

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

RE: Grandview Heights Special Use Permit #1960A
Amendment & Right of Way Vacation for Hilltop Road

Dear Mr. Cary:

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

1. City Application
2. Amendment Application fee \$988
3. Right of Way Vacation fee \$206
4. Site Plans
5. Right of Way Vacation Legal Description and Exhibit

On behalf of the Owners, Hilltop Foundation, Kathryn Paige Duncan, Jonathan Henning and Robert Duncan we are requesting an Amendment to the Special Use Permit #1960A located at the NW corner of the intersection of North 14th Street and Superior Street. This application is to remove the western portion of Hilltop Road and construct a public cul-de-sac within the existing right-of-way near North 14th Street. The new cul-de-sac design will be permitted thru the Executive Order process. The former western portion of Hilltop Road would be a private shared driveway with a public utility and common access easement. This amendment revises the site plan for the removal of this roadway. In addition, the amendment is requesting a waiver for lots not fronting along a private roadway and a waiver to the design standards to allow a smaller radii for a cul-de-sac.

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

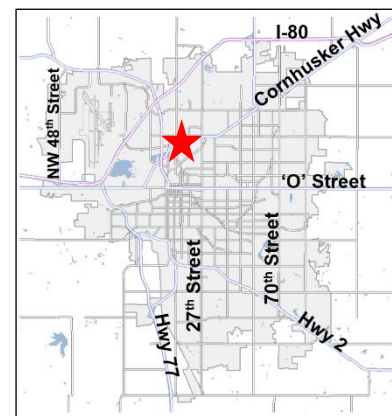
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation 19005	FINAL ACTION? No	AFFECTED OWNERS Hilltop Foundation, Robert Duncan, Paige Duncan and Jonathan Henning
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS Special Permit 1960B Street Name Change 19003	PROPERTY LOCATION N. 14 th Street and Hilltop Road

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request to vacate a portion of the Hilltop Road right-of-way west of N. 14th Street. The related application to amend the Grandview Heights Community Unit Plan with Special Permit 1960B would shorten Hilltop Road and create a new cul-de-sac a short distance west of 14th Street. The street would be renamed Hilltop Place with Street Name Change 19003. A final plat is required for the adjacent properties so that all lots will have frontage on the shortened street.



JUSTIFICATION FOR RECOMMENDATION

This portion of the public right-of-way is a dead-end street that serves several driveway entrances. There are no plans to extend to the west or make this a through street. The vacation is supported as long as the adjacent lots have proper frontage on the new cul-de-sac for emergency access. There is no benefit to the general public to retain this as part of the transportation system. With the conditions of approval, vacation of the public right-of-way would accommodate the wishes of the adjacent property owners while taking existing conditions into account.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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 by the adjacent owners to vacate the majority of the Hilltop Road right-of-way located west of N. 14th Street. Hilltop Road is constructed as a narrow paved surface. The area to be vacated includes approximately 1.59 acres. This is not a through street and serves only as access to the adjoining lots.
2. The request is to significantly shorten the length of Hilltop Road and construct a new paved cul-de-sac immediately west of 14th Street. The related Street Name Change 19003 would rename Hilltop Road to Hilltop Place in accordance with the naming conventions for cul-de-sacs.
3. 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.
4. The property adjacent to the right-of-way proposed to be vacated is comprised of the remaining portion of Lot 1, Grandview Heights, the remaining portion of Lot A, Lots B, C, D, and a portion of Lot E, Replat of Lots 4-5 Grandview Heights; a portion of Lot 2, Grandview Heights; and adjacent vacated Stanton Street, all located in the southeast quarter of Section 2-10-6.
5. A condition of approval requires that prior to scheduling the vacation for City Council hearing, a final plat must be submitted. A final plat is required to replat the surrounding lots so that all of the affected properties have frontage on the new cul-de-sac. This was a condition of emergency services for easier identification of the access points for the two uses that would have long driveways leading west off the cul-de-sac, which are the single family residence at 1035 Hilltop Road and the Girl Scouts Hilltop House at 1020 Hilltop Road; according to the applicant, the house at 1121 Hilltop Road is vacant and planned for demolition. This would also allow the uses to continue to be addressed off of Hilltop.
6. There are existing utilities in the vacation area including water and sanitary sewer lines. Easements will be retained with deed transfer.
7. Vacation of the right-of-way will not affect the transportation system and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

SURROUNDING LAND USE & ZONING

North: Acreage residential; R-3

South: Single family residential, middle school; R-2, R-3 and P

East: Single family and multi-family residential, commercial, library; R-3, R-4, B-2 and P

West: Acreage residential; R-1

APPROXIMATE LAND AREA: 69,079 square feet (1.59 acres)

LEGAL DESCRIPTION: All that portion of Hilltop Road lying west of a line located 200 feet west of the east line of the southeast quarter of Section 2-10-6, adjacent to the properties described as the remaining portion of Lot 1, Grandview Heights, the remaining portion of Lot A, Lots B, C, D, and a portion of Lot E, Replat of Lots 4-5 Grandview Heights; a portion of Lot 2, Grandview Heights; and adjacent vacated Stanton Street, all located in the southeast quarter of Section 2-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner

Date: May 23, 2019

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

Affected Owners: Hilltop Foundation
PO Box 81887
Lincoln, NE 68501

Kathryn Page Duncan
1035 Hilltop Road
Lincoln, NE 68521

Jonathan Henning and Kathryn Page Duncan
1035 Hilltop Road
Lincoln, NE 68521

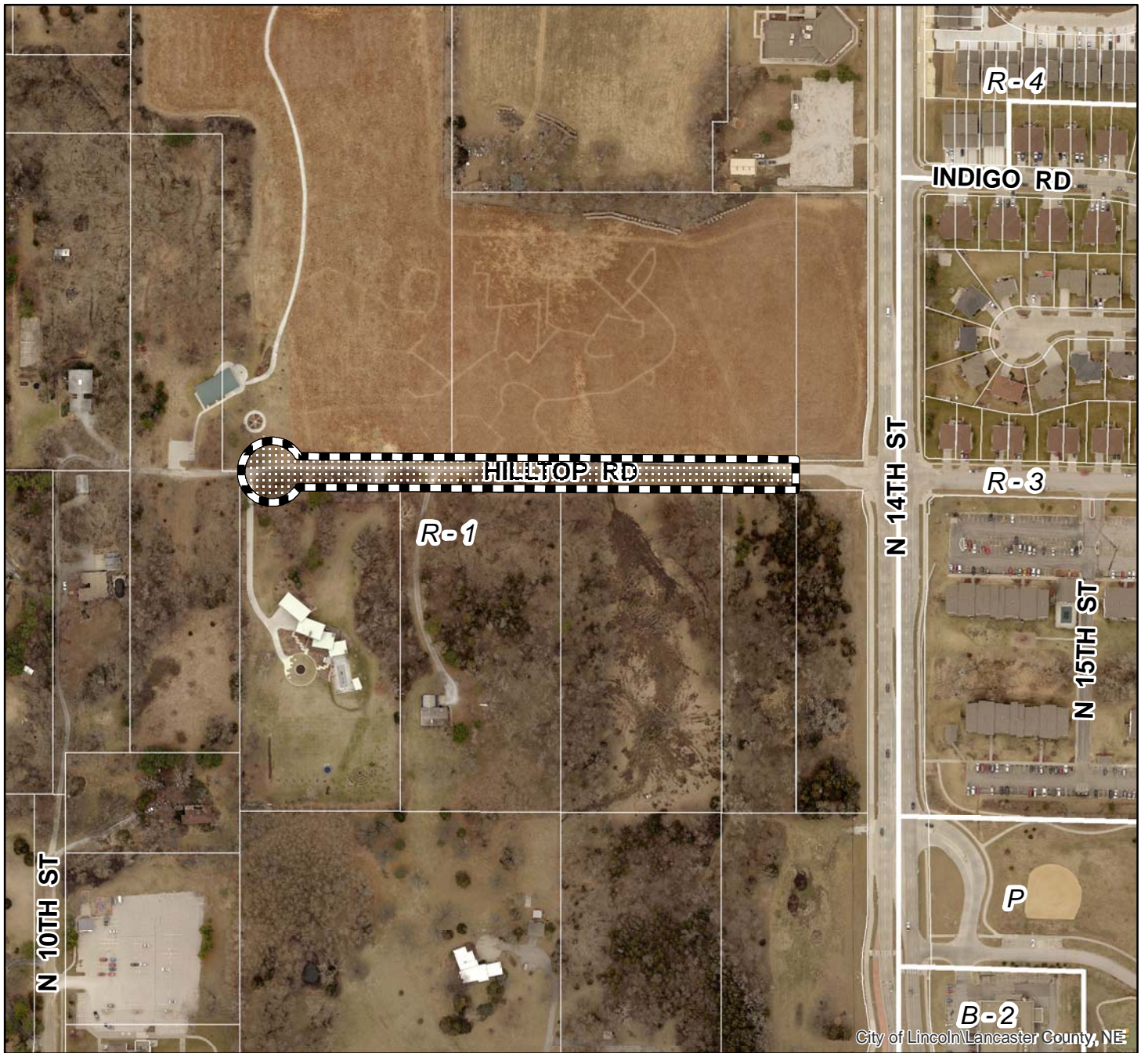
Robert Duncan
4801 N. 7th Street
Lincoln, NE 68521

F:\DevReview\SAV\19000\SAV19001 Great Plains Beef.rkj.docx

CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION 19005

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

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Include retention of utility easements by City with deed transfer.



City of Lincoln Lancaster County, NE

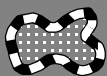


2018 aerial

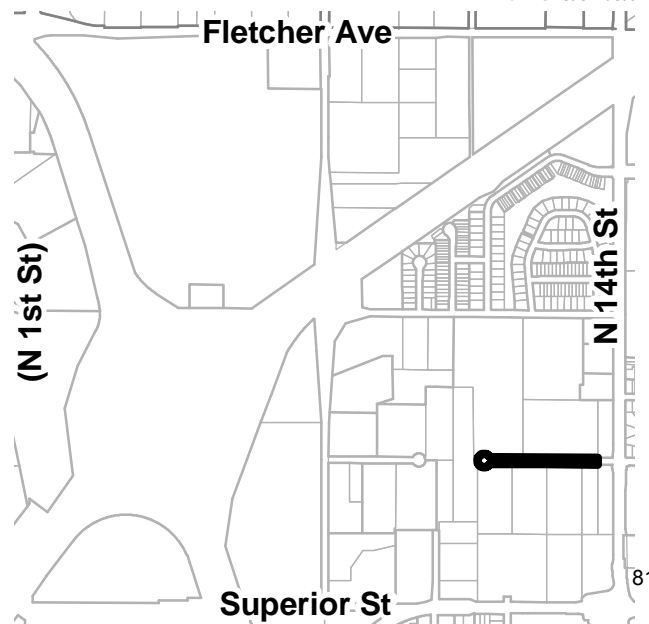
**Street and Alley Vacation #: SAV19005
N 14th St & Hilltop Rd**

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.02 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



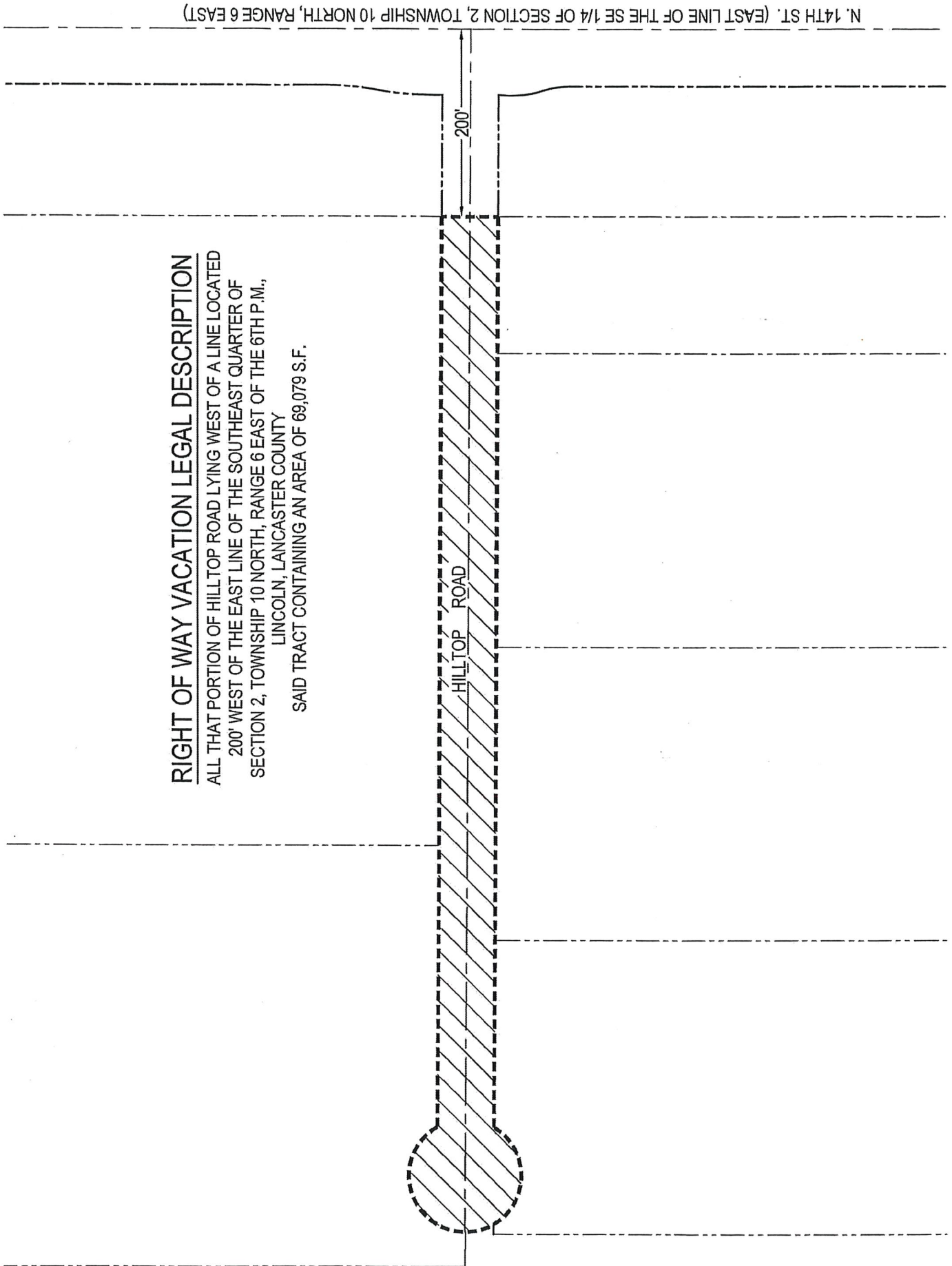
RIGHT OF WAY VACATION LEGAL DESCRIPTION

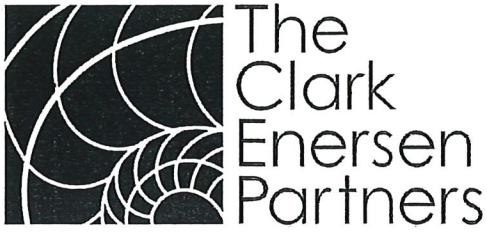
ALL THAT PORTION OF HILLTOP ROAD LYING WEST OF A LINE LOCATED

200' WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF
SECTION 2, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.,

LINCOLN, LANCASTER COUNTY

SAID TRACT CONTAINING AN AREA OF 69,079 S.F.





May 1, 2019

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

RE: Grandview Heights Special Use Permit #1960A
Amendment & Right of Way Vacation for Hilltop Road

Dear Mr. Cary:

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2. Amendment Application fee \$988
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Please let me know if you have any questions or need additional information.

Sincerely,



Tim Gergen

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Lincoln, NE 68508-2883 402 477.9291 Fax 402 477.6542

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

MEMORANDUM

TO: Lincoln-Lancaster County Planning Commission

FROM: Dessie Redmond, Planning Department

SUBJECT: PP18002 Southwest Village Heights 1st Addition

DATE: May 21, 2019

CC: Geri Rorabaugh, City of Lincoln
Mark Palmer, Olsson

The purpose of this memo is that the applicant has requested their application be put on the deferral list for an additional two weeks. After meeting with the city, they are working on submitting additional information that is needed based on their request.

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

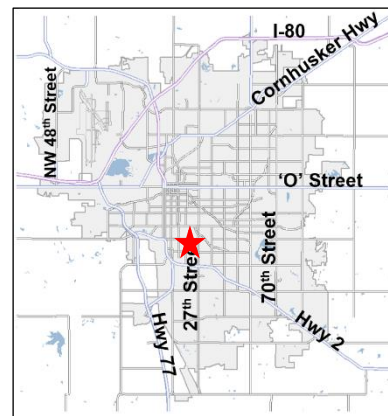
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #19016	FINAL ACTION? No	DEVELOPER/OWNER Chad D. & Cynthia S. Mohr
PLANNING COMMISSION HEARING DATE May 29, 2019	RELATED APPLICATIONS SP19027	PROPERTY ADDRESS/LOCATION 3422 Grimsby Lane, Lincoln NE

RECOMMENDATION: APPROVAL WITH PRESERVATION GUIDELINES

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-2 Residential District to R-2 Residential District with landmark overlay. The owners seek this landmark designation in order to apply for a special permit to construct a garage and workshop at the rear of their property.



JUSTIFICATION FOR RECOMMENDATION

The Landmark designation provides both protection and incentives for preserving the historic character of the property, consistent with the purposes of LMC27.57 (Historic Preservation District). The property is identified as a contributing property to the significance of the Woodshire Historic Residential District, which is listed on the National Register of Historic Places. The Historic Preservation Commission unanimously recommended approval of this landmark designation.

APPLICATION CONTACT

Chad D. Mohr
(402)570-1981
chad.d.mohr@gmail.com

STAFF CONTACT

Ed Zimmer, (402)441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

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

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

ANALYSIS

1. This is a request for designating the property as a local landmark, while retaining the underlying R-2 Residential District.
2. The Caplan-Mohr House was designed by William R. Morton in 1930 and built from 1930 to 1934 by Ernest L. Lowell for developer Todd A. Doran. It is significant as a fine Tudor Revival style house, with the added interest that its construction is unusually well-documented. Nearly thirty mechanics' liens provide the names and bills of the wide range of building tradesmen who constructed the house.
3. The proposed preservation guidelines for the Caplan-Mohr House are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other Lincoln area landmarks.
4. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on April 18, 2019 (excerpt from meeting record attached).

EXISTING LAND USE & ZONING: R-2, Residential District.

SURROUNDING LAND USE & ZONING

R-2 Residential District on every side

APPROXIMATE LAND AREA: 8984 square feet, more or less

LEGAL DESCRIPTION: Lot 22, Block 4, Woodshire, in Lincoln, Lancaster County, Nebraska.

Prepared by

Ed Zimmer, Planner

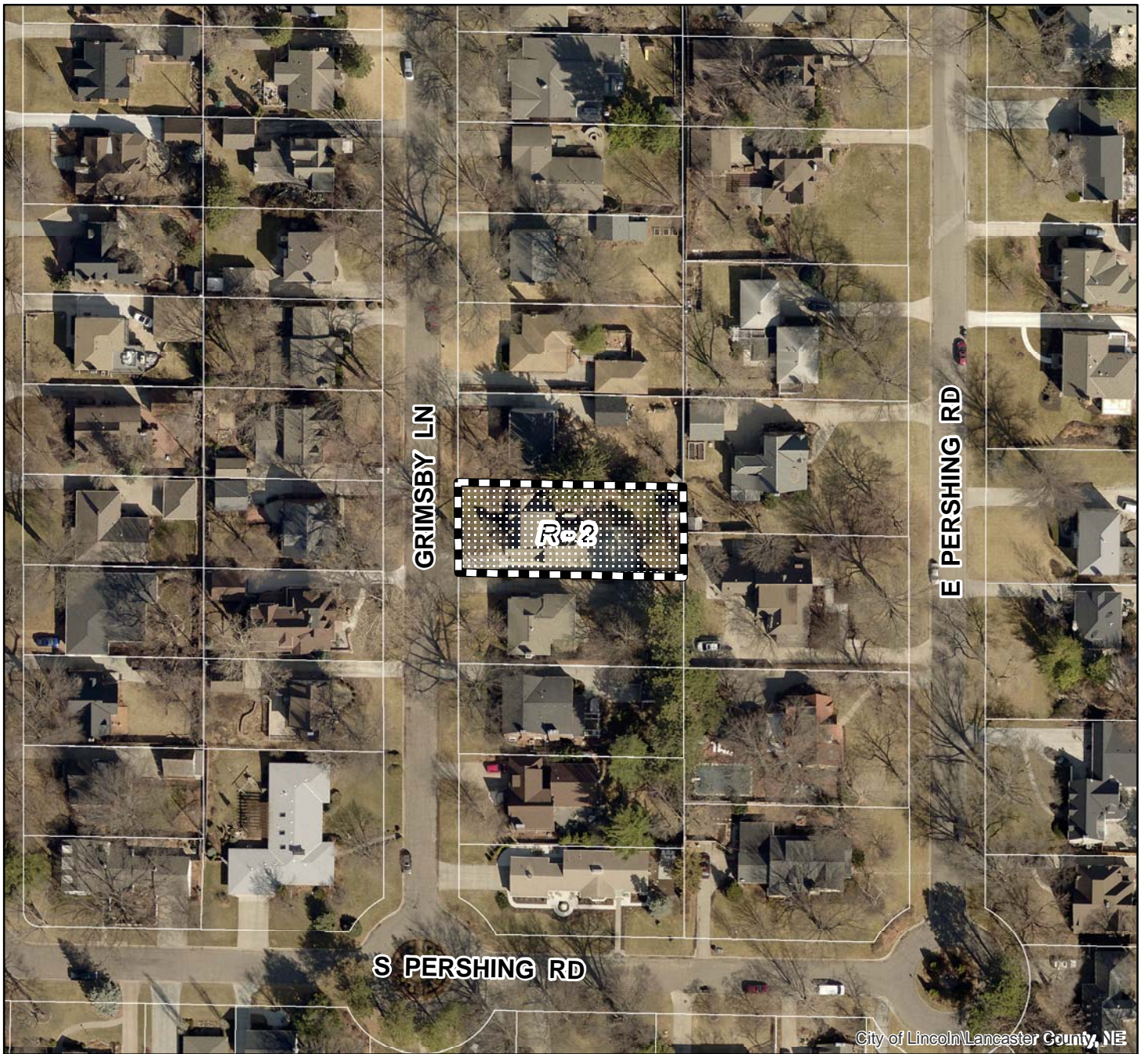
Date: May 16, 2019

Applicant: Peace Studio Architects
1835 Kings Hwy, Suite B
Lincoln, Nebraska 68502
ashley@peacestudioarch.com

Contact: Chad D. & Cynthia S. Mohr
3422 Grimsby Lane
Lincoln, Nebraska 68502
(402)570-1981
chad.d.mohr@gmail.com

Owner: Chad D. & Cynthia S. Mohr
3422 Grimsby Lane
Lincoln, Nebraska 68502

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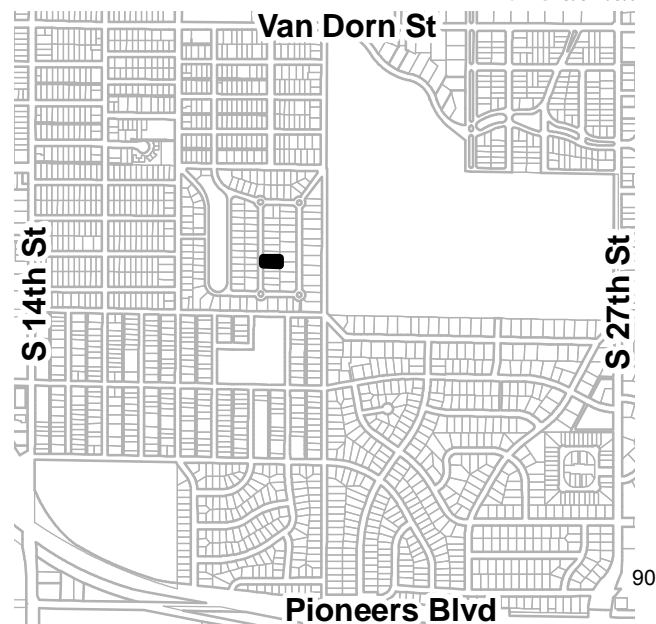
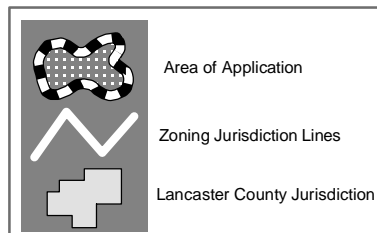
2018 aerial

**Special Permit #: SP19027 &
Change of Zone #: CZ19016
Historic Landmark Designation
Grimbsy Ln & S Pershing Rd**

Zoning:

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

One Square Mile:
Sec.01 T09N R06E



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

1. NAME

Historic: **Melvin & Elma Caplan House**
(and/or) Common: **Caplan-Mohr House**
NeHBS Site: **LC13:D04-207**

2. LOCATION

Address: **3422 Grimsby Lane, Lincoln, Nebraska, 68502**

3. CLASSIFICATION

<u>Proposed Designation</u>	<u>Category</u>	<u>Present Use</u>		
<input type="checkbox"/> Landmark District	<input type="checkbox"/> District	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Industrial	<input type="checkbox"/> Religious
<input checked="" type="checkbox"/> Landmark	<input checked="" type="checkbox"/> Building(s)	<input type="checkbox"/> Commercial	<input type="checkbox"/> Military	<input type="checkbox"/> Scientific
	<input type="checkbox"/> Structure	<input type="checkbox"/> Educational	<input type="checkbox"/> Museum	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Site	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Park	<input type="checkbox"/> Other (vacant)
	<input type="checkbox"/> Object	<input type="checkbox"/> Government	<input checked="" type="checkbox"/> Private Residence	

4. OWNER OF PROPERTY

Name: **Chad D. & Cynthia S. Mohr**
Address: **3422 Grimsby Lane, Lincoln, NE 68502**

5. GEOGRAPHICAL DATA

Legal Description: **Lot 22, Block 4, Woodsshire, Lincoln, Nebraska**
Property ID Number: **0901128009000**
Number of Acres or Square Feet: **8984 sq. ft. (more or less)**

6. REPRESENTATION IN EXISTING SURVEYS

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

Is the proposed Landmark or Landmark District listed in the National Register?

Yes, Date Listed: **Woodsshire Residential Historic District, 3/29/2011**
 No

7. DESCRIPTION AND HISTORY

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

7. DESCRIPTION AND HISTORY, CONT.

DESCRIPTION:



The Caplan House at 3422 Grimsby Lane in Woodshire is a Tudor Revival style house predominantly clad in brick, with some limestone trim on the main façade and stucco with half-timbering in some of the gables. Its height can best be characterized as 1½ or 1¾ stories, as the second floor is contained within the steep gable roofs, with many of the upper windows provided in dormers of various sizes and forms.

The main (west) façade towards Grimsby displays the multiple front gables which McAlester in *A Field Guide to American Houses* identifies as typical of the style.¹ The main roofs are steep cross gables punctuated with dormers, while a smaller and lower but similarly steep gable highlights the centered entrance. A shallow bay window to the north of the entrance is crowned with its own half-timbered gable.

The site is well-landscaped with a large, mature oak tree in the



¹ McAlester, p. 357.

front yard. A driveway along the south property line provides access to an attached garage at the rear of the house, with door facing east toward the rear property line.



HISTORY:

The Tudor Revival style house at 3422 Grimsby Lane in the Woodsshire “private residential park” is a handsome brick and limestone house of the early 1930s, on a lovely street, in a neighborhood with distinguished architecture and landscape design. The Caplan House was identified as “contributing” to the significance of the National Register district when Woodsshire was listed in 2011.

Architecturally, it is an excellent example of a Tudor Revival style house, characterized by very steep gable roofs, a mix of cladding materials (brick, stone, wood, and stucco-with-half-timbering), and an asymmetrical assortment of wall planes, roofs and dormers. The house was designed by William R. Morton², a young architect who had worked as a draftsman for Miller & Craig and for Meginnis & Schaumberg from 1925 to 1930. Four Woodsshire houses designed by Morton are known³, all of which are Tudor Revival in style. Brick is the predominant cladding of all four and they all follow the same basic design elements of cross-gable roofs and a projecting entrance vestibule topped with its own gable roof.

The family of Melvin and Elma Caplan, with their son Jerome, were the early owner-occupants of 3422 Grimsby Lane from 1934 to 1959. Melvin (1896-1956) was the vice president and manager of Federated Finance Company of Lincoln. Elma (1893-1977) was added to the Lincoln Community Foundation’s “Book of Memory” when she died in 1977 at age 83.⁴

The Caplan House also gains significance as a house for which its construction is unusually well-documented including a full roster of its suppliers and building tradesmen and details of their specific contributions—a researcher’s bounty. This bounty is the result of misfortunes attendant to the construction. The owner/developer for 3422 Grimsby was Todd A. Doran. He obtained a dozen building permits on June 5, 1930 to construct eight houses and associated garages. W. Morton was identified as the architect of all the houses and E. L. Lowell as the contractor.

² SEE “William Roy Morton (1899-1961), Architect” in *Place Makers of Nebraska: The Architects*, on-line at [http://www.e-nebraskahistory.org/index.php?title=William_Roy_Morton_\(1899-1961\),_Architect](http://www.e-nebraskahistory.org/index.php?title=William_Roy_Morton_(1899-1961),_Architect) Some of the building documents indicate Morton’s middle initial as H. There was a William Henry Morton in Lincoln at the time, but Dr. W. H. Morton was an N. U. professor and principal of the University’s Teachers High School, with no known involvement in house-building activities.

³ Morton designed 3333 and 3343 East Pershing Road and 3450 Woodsshire Parkway, all in 1929.

⁴ Lancaster Deeds; Lincoln City Directories; *Lincoln Star* (March 20, 1977), 31.

11552 3422 Grimsby Lane

APPLICATION FOR BUILDING PERMIT

Fee \$ 2.75 Lincoln, Nebraska, June 5 1930

BUILDING INSPECTOR:

The undersigned respectfully makes application for a permit to ^{erect}~~remodel~~ a Iname Building on Lot 22, Block 4 Woodshire Addition, City of Lincoln, and hereby agrees to construct said building in accordance with the ordinances of the City of Lincoln, Nebraska.

Size of Building to be 29 x 30 feet Estimated cost of Building when completed \$ 5600¹²

Number of Stories Two Architect A. H. Morton

Height of each Story 8' + 8' Contractor or Builder C. R. Lowell

Intended Use Residence Judd A. Doran
Owner of Building

CERTIFICATE

I certify that the above application complies with the ordinance governing the erection of buildings within the City Limits, and recommend that the permit be granted.

Dated Lincoln, Nebr., June 5 19 30 R. J. Peep
Building Inspector

Doran obtained two bonds from National Surety Company assuring that Lowell would complete the houses, but almost as soon as half of the houses were under construction, the projects were awash in unpaid bills. Mechanic's liens were filed by the dozens and Doran sued the surety company for payment of the bonds. The property at 3422 Grimsby Lane was slapped with nine liens totaling nearly \$3,000 in unpaid bills by September 1930, over half of the building permit's "estimated cost of construction" of \$5,600. In 1931 Doran filed suits against the surety company for a total of \$47,000 for Lowell's non-completion of six houses and garages. National Surety's answer alleged that Doran knew Lowell did not have the funds on hand to accomplish the construction and also that there were improprieties in the issuance of the bonds.⁵ Doran lost in Lancaster district court and appealed to Nebraska Supreme Court, which affirmed the lower court's decision in 1933, ruling "that the jury's verdict that Doran failed to make payments as the work progressed, as he had agreed, is sustained by sufficient evidence."⁶

⁵ "Two Suits Over Contract—Building Agreement of \$47,000 Figures in Trial in Chapell's Court," *Lincoln Evening Journal* (October 15, 1931), 4.

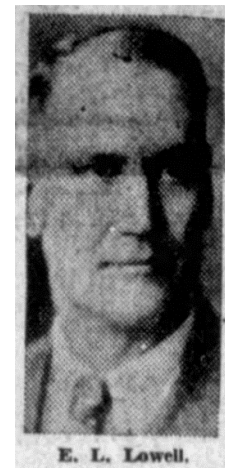
⁶ *Lincoln Evening Journal* (September 22, 1933), 8.

17	Todd A. Doran et al	L. M. Thomas & Son	M. Lien	22	448	200-037	June 17-1930	17	
18	Todd A. Doran et al	E. L. Bateman	M. Lien	22	1	145	Aug. 13-1930	17	
19	T. A. Doran et al	Fire Safe Bldg. Material Co.	M. Lien	22	1	166	Aug. 22-1930	18	
20	Todd A. Doran et al	Van Sickle Glass & Paint Co.	M. Lien	22	1	172	Aug. 22-1930	18	
21	E. L. Lowell & Todd A. Doran	L. M. Thomas & Son	M. Lien	22	1	182	Aug. 23-1930	20	
22	Todd A. Doran & wf.	Independent Lbr. & Coal Co.	M. Lien	22	1	202	Sep. 5-1930	21	
23	Todd A. Doran et al	R. C. Richardson	M. Lien	22	1	203	Sep. 6-1930	22	
24	Todd A. Doran et al	Dwight Rigler	M. Lien	22	1	218	Sep. 9-1930	23	
25	E. L. Lowell et al	Winfield H. McFarland	M. Lien	22	1	221	Sep. 9-1930	24	
26	Todd Doran et al	Van Sickle Glass & Paint Co.	M. Lien	22	1	247	Sep. 19-1930	25	
27	Warren E. Ogden	Todd A. Doran & wf.	W. D.	22	1	458	1-182	Mar. 23-1931	26
28	Warren E. Ogden	Forburger Stone Co.	M. Lien	22	291	46	Sep. 6-1931	27	
29	Warren E. Ogden et al	D. H. Merritt & Sons	M. Lien	22	2	113	Feb. 6-1932	28	
30	Warren E. Ogden	Abel Construction Co.	M. Lien	22	2	123	\$137.72	Feb. 13-1932	29
31	W. E. Ogden	Holland Lbr. Co.	M. Lien	22	2	126	\$49.40	Feb. 18-1932	30
32	W. E. Ogden	Gus Hamilton	M. Lien	22	2	163	\$118.12	Apr. 9-1932	31
33	W. E. Ogden	George Miles	M. Lien	22	2	169	\$117.60	Apr. 11-1932	32
34	Warren E. Ogden	U. S. Supply Co.	M. Lien	22	2	183	\$355.	Apr. 23-1932	33
35	Warren E. Ogden	North Side Planing Mill	M. Lien	22	2	189	\$722.78	May 18-1932	34
36	W. E. Ogden	Chamberlin Metal Weather Strip Co.	M. Lien	22	2	196	\$1070.35	May 27-1932	35
37	W. E. Ogden	Harold Uhler	M. Lien	22	2	213	\$134.40	June 17-1932	36
38	Warren E. Ogden	Charles P. Huff	M. Lien	22	2	218	\$486.	June 17-1932	37
39	W. E. Ogden	Rudge & Quengel Co.	M. Lien	22	2	232	\$50.97	June 22-1932	38
40	W. A. Brown & Son	D. H. Merritt & Sons	M. Lien	22	2	239	\$1146.20	June 29-1932	39
41	Warren E. Ogden	Cornhusker Tile & Marble Co.	M. Lien	22	2	249	\$153.84	July 9-1932	40
42	Warren E. Ogden	Frank Irvine	M. Lien	22	2	252		July 11-1932	41
43	Warren E. Ogden	Apex Plbg. & Heating Service	M. Lien	22	2	260	\$760.	July 26-1932	42
44	Warren E. Ogden	Walter E. Dill	M. Lien	22	2	265	\$159.	July 26-1932	43
45	Warren E. Ogden	Allied Electric & Fix. Co.	M. Lien	22	2	266	\$31.15	July 27-1932	44
46	Warren E. Ogden	Charley Keithly	M. Lien	22	2	267	\$75.	July 29-1932	45
47	Warren E. Ogden	Howard Brown	M. Lien	22	2	282	\$17.	Aug. 23-1932	46
48	Warren E. Ogden	William Morton	M. Lien	22	2	283	\$629.	Aug. 23-1932	47
49	D. H. Merritt Estate	Howard Brown	M. Lien	22	2	284	\$100.	Aug. 23-1932	48
50				22	2	301	2-283	Sep. 29-1932	49

Lancaster Register of Deed, part of the index of transactions for 3422 Grimsby Lane

Doran sold the Grimsby Lane property to Warren E. Ogden⁷ in 1931 and soon construction was again underway. The sewer connection for the house was recorded in October 1931—a gap of 16 months from the issuance of the building permit. But with resumption of construction, the financial troubles continued and in 1932 another twenty liens were filed against Ogden and the property. A broad range of suppliers and building tradesmen filed liens between February and August, totaling over \$7,000. The last lien was filed by architect William Morton in August 1932, for his \$100 fee. Those later liens were not released until 1934, when Melvin Caplan purchased the house. He occupied it until his death in 1956 and his family owned the home until 1959.

Builder Ernest L. Lowell died in 1933 at age 48. Lowell was the son of a University Place carpenter and had been a student and football letterman at Nebraska Wesleyan University in the early 1900s. He was active in youth athletics, the YMCA, and scouting. His obituary stated that he had been ill for several months but gave no mention of his legal challenges. His death occurred after the district court had ruled against Doran but before the state supreme court sustained that ruling.⁸



⁷ Ogden had been a University of Nebraska football player. He was involved in the insurance business. In 1931 he was also active in volunteer work with juvenile delinquents as well as serving as assistant football coach at Cotner College. He relocated to Portland, Oregon by 1935. *Lincoln Star* (February 3, 1931), 1; *Lincoln Star* (July 21, 1931), 4; *Lincoln State Journal* (July 19, 1931), 8; *Lincoln Star* (December 22, 1935), 35.

⁸ "E. L. Lowell, Boys Worker, Stricken," (obit. of E. L. Lowell), (*Lincoln Evening State Journal* (January 7, 1933), 1. His widow remained in Lincoln into the 1940s; their son Fred. H. Lowell was an airman in WWII who was imprisoned as a POW after being shot down. He was liberated after eleven months and returned to Lincoln in June 1945. "Lt. F. H. Lowell POW 11 Months, Back in Lincoln," *Lincoln Star* (June 18, 1945), 3.

Morton continued to practice architecture in Lincoln before moving to California in the late '30s, where he worked as a draftsman. Doran apparently left the real estate and construction businesses, incorporating "Interstate Produce Co. of Lincoln" late in 1932.⁹

8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance</u> (check and justify)	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input checked="" type="checkbox"/> Economics	<input type="checkbox"/> Sculpture

Specific dates: **1930-1932**

Builder/Architect: **Ernest L. Lowell (contractor)/William R. Morton (architect)**

Statement of Significance:

The Caplan House is significant both as a distinctive example of a Tudor Revival style house of the early 1930s, and also for the unusually rich documentary record of the suppliers, building tradesman, and developers who created this handsome home, adding to our knowledge of the Depression-era housebuilding in Lincoln.

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

- Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Virginia & Lee McAlester, *A Field Guide to American Houses*, New York: Knopf, 1986.

Lancaster Register of Deeds

City of Lincoln building permits.

Also see footnotes.

⁹ *Lincoln Star* (Dec. 21, 1932) 6.

11. FORM PREPARED BY:

Name/Title: **Ed Zimmer/Historic Preservation Planner**
Organization: **Lincoln/Lancaster County Planning Dept.**
Street & Number: **555 S. 10th St.**
City or Town: **Lincoln**

Date Submitted: **April 8, 2019**
Telephone: **402-441-6360**
State: **Nebraska**

Signature:

Property Owner:

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

F:\LongRange\Historic\Landmarks\LMARKS\Grimsby3422.docx

Approved:

City Council _____
(date)

**PRESERVATION GUIDELINES FOR
Caplan-Mohr House
3422 Grimsby Lane, Lincoln, NE 68502**

1. Architectural Review of Landmark:

- a. Photographs: On file in Planning Department.
- b. Important architectural features: **Exterior:** Brick exterior with stone, stucco and wood accents, multiple gables and dormers
- c. Important landscape features: mature oak tree in front yard
- d. Architectural style and date: Tudor Revival; William R. Morton, architect; E. L. Lowell, builder, 1930-1934
- e. Additions and modifications: high degree of integrity

2. Notice of Work Needing Certificate:

- A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:
 1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
 2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
 3. Work involving:
 - a. Replacement of exterior material and trim on west or south facades;
 - b. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from west or south;
 - c. Addition of awnings;
 - d. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
 - e. The addition or replacement of signs;
 - f. Moving structures on or off the site;
 - g. Installation of electrical, utility, and communications services on principal (west or south) facades;
 - h. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the west or south facades.

Excerpt from MEETING RECORD

NAME OF GROUP: HISTORIC PRESERVATION COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, April 18, 2019, 1:30 p.m., Conference Room 214, 2nd Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Melissa Dirr Gengler, Jim Johnson, Greg McCown, Jim McKee and Gregory Newport; Liz Bavitz absent.

OTHERS IN ATTENDANCE: Ed Zimmer, Stacey Hageman and Amy Huffman of the Planning Department; the media and other interested citizens.

STATED PURPOSE OF MEETING: Historic Preservation Commission Meeting

Chair McCown called the meeting to order and announced the Open Meetings Act posted at the back of the room.

McCown requested a motion approving the minutes for the meeting of March 21, 2019. Motion for approval made by Johnson, seconded by Newport and carried, 5-0: Gengler, Johnson, McKee, Newport and McCown voting ‘yes’; Bavitz absent.

The opportunity was given for persons with limited time or with an item not appearing on the agenda to address the Commission.

APPLICATION FOR LANDMARK DESIGNATION OF THE CAPLAN HOUSE, 3422 GRIMSBY LANE IN WOODSSHIRE, AND A SPECIAL PERMIT FOR HISTORIC PRESERVATION TO CONSTRUCT AN ACCESSORY BUILDING.

PUBLIC HEARING: **April 18, 2019**

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

Zimmer said this house is in Woodsshire, a National Register historic district. The home is a fine, solid Tudor Revival house built to the high standards of most homes in Woodsshire. An interesting story with this home is related to the architect, William R. Morton, now added to the “Place Makers of Nebraska” webpage. He was a draftsman that emerged as an architect, designing several houses in the 1930s, four in this area. The developer who employed him left a very considerable legal record of unpaid bills, either by misfortune or ill-intent. He took out a dozen permits on the same day in 1930 to construct eight houses and several garages but ultimately did not pay anyone who did work or supplied building materials. This created detailed documentation of the construction through mechanics’ liens and newspaper accounts of the whole process. Ultimately, the house was purchased by the Caplans who resided there for decades.

ACTION:

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

Gill Peace, Peace Architect Studios, introduced the owners of this home, Chad and Cynthia Mohr, who were on hand to answer questions. Peace said the goal for this added garage is to maintain architectural integrity by matching the design of the main home, including the roof pitch and all materials. The garage will be a story and a half, with space for a small workshop planned in the upper level.

McCown asked if the building will sit right on the setback. Peace said it is a little off the setback line. There is dense, mature landscaping in the area and the addition will really only be visible looking straight down the driveway.

Zimmer noted that the reason this is before HPC is that accessory buildings can only occupy a certain square footage of a property and both levels of this structure count towards that. Additionally, the existing attached garage also contributes to that total by the definitions in the code. Since the proposed garage will match the steep roof pitch of the main house, that also causes the maximum height to exceed the 15-foot limit. The landmark special permit allows for waivers to these aspects of accessory buildings. Similar cases have been reviewed and recommended by the Commission in the past, including the Ogden guest house at the Griswold landmark in Piedmont and the Todd house, just reviewed this year.

McCown wondered what differentiated this structure from an accessory dwelling unit. Zimmer said it will not be used as a dwelling and has no kitchen. Though they are asking for a conditioned space, it will not be used as a dwelling. These permits are reviewed on a case-by-case basis to determine if the use and structure is reasonable in the neighborhood. The quality of this design does that job. Peace confirmed that there will not be a kitchen and there is no intention to use this space as a dwelling. This owner has a great car collection so the workshop is being set up for that.

Newport asked for more details about what sorts of activities will take place in the workshop. Peace said it will be used for detailing. There is enough height to stack small sports cars, so the garage may hold up to three to four collector cars. Newport said he asked because he lives near a similar type of workshop and when any painting is done, it creates somewhat of a nuisance. Peace said there will not be any painting done. Newport noted, speaking in general terms, that in some cases, a hobby like this could cross the line into a commercial type of use. McKee asked if there will be floor drains. Peace said yes. McKee wondered if that is allowed.

Newport asked if any contact has been made with neighbors. Peace said no. There is an existing detached garage next door. It does not maintain the architectural integrity of the neighborhood the way this one will. These owners want the design to match their home. Newport commented that is the best approach.

McCown asked if the exterior finishes are exactly the same as the main house. Peace said yes; they will use both timber and brick. The brick is so close that you might not even know that it isn't original. It is not shown in the rendering, but on the lap siding of the gable end, even the wave pattern on the exposed edge will be replicated. This building will look like it has always been there.

McKee asked about the unique shapes shown on the floor plan included in the packet. Peace said that is the car lift where two smaller sports cars will fit.

Gengler said that the design looks great. McKee asked if any specifications about the design and the appropriateness of the use should be included in a motion. Zimmer said the role of HPC is advisory; Planning Commission will approve the final plan. A full body shop is not allowed unless the use is granted under the special permit by Planning Commission. McKee commented that if the use included an activities like painting or oil leakage, it would be more significant. Zimmer said they should refine the use description in their application letter to Planning Commission to make it clear this is strictly a hobbyist use, appropriate in a residential neighborhood.

ACTION:

Gengler moved for approval of the special permit, seconded by Johnson and carried, 5-0: Gengler, Johnson, McKee, Newport and McCown voting 'yes'; Bavitz absent.

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- i. Any addition of pavement west of house.
 - j. Painting of unpainted masonry.
 - k. Removal of oak tree in front yard, except if documented to be hazardous.
- B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:
1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
 2. Changes involving color and landscaping, except as previously noted;
 3. Interior changes involving no exterior alteration.
- C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed \$100.00. Each and every day that such violation continues after notification may constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

3. Standards for Owner and Preservation Commission:

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

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

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

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

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be physical, based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

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

THE ENVIRONMENT

Recommended

Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.

Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs that have traditionally linked buildings to their environment.

Using new plant materials, fencing, walkways, street lights, signs and benches that are compatible with the character of the neighborhood in size, scale, material and color.

Not Recommended

Introducing new construction into neighborhoods that is incompatible with the character of the district because of size, scale, color, and materials.

Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots that are incompatible with the character of the neighborhood.

Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials that are out of scale or inappropriate to the neighborhood.

BUILDING SITE

Recommended

Identifying plants, trees, fencing, walkways, outbuildings, and other elements that might be an important part of the property's history and development.

Retaining plants, trees, fencing, walkways, street lights, signs, and benches that reflect the property's history and development.

Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made, they should be carefully evaluated in light of the past appearance of the site.

Providing proper site and roof drainage to assure that water does not splash against building or foundation walls, nor drain toward the building.

Not Recommended

Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.

Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.

BUILDING: STRUCTURAL SYSTEMS

Recommended

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection, or failure.

Undertaking stabilization and repair of weakened structural members and systems.

Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.

Not Recommended

Disturbing existing foundations with new excavations that undermine the structural stability of the building.

Leaving known structural problems untreated that will cause continuing deterioration and will shorten the life of the structure.

BUILDING: EXTERIOR FEATURES

MASONRY: Adobe, Brick, Stone, Terra Cotta, Concrete, Stucco and Mortar*

Recommended

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color and texture.

Duplicating old mortar in joint size, method of application, and joint profile.

Not Recommended

Applying waterproof or water repellent coatings or surface consolidation treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

Repointing with mortar of high Portland cement content can often create a bond that is stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with mortar joints of a differing size or joint profile, texture or color.

Repairing stucco with a stucco mixture that duplicates the original as closely as possible in appearance and texture.

Cleaning masonry only when necessary to halt deterioration or to remove graffiti and stains and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings, and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products that would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.

Removing architectural features such as cornices, brackets, railings, shutters, window architraves and doorway pediments.

Removing paint from masonry surfaces indiscriminately. This may subject the building to damage and change its appearance.

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

WOOD: Clapboard, Weatherboard, Shingles and Other Wooden Siding

Recommended

Retaining and preserving significant architectural features, whenever possible.

Repairing or replacing, where necessary, deteriorated material that duplicates in size, shape and texture the old as closely as possible.

Not Recommended

Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are, in most cases, an essential part of a building's character and appearance that illustrates the continuity of growth and change.

Resurfacing frame buildings with new material that is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, and plastic or aluminum siding. Such material can also contribute to the deterioration of the structure from moisture and insects.

ARCHITECTURAL METALS: Cast Iron, Steel, Pressed Tin, Aluminum, Zinc

Recommended

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method. Metals should be cleaned by methods that do not abrade the surface.

Not Recommended

Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.

Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

Recommended

Preserving the original roof shape.

Retaining the original roofing material, whenever possible.

Providing adequate roof drainage and insuring that the roofing materials provide a weather-tight covering for the structure.

Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.

Preserving or replacing, where necessary, all architectural features that give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.

Not Recommended

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents, or skylights.

Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

Replacing deteriorated roof coverings with new materials that differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.

Stripping the roof of architectural features important to its character.

Windows and Doors

Recommended

Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps, and all hardware.

Not Recommended

Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.

Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing visually unobtrusive storm windows and doors, where needed, that do not damage existing frames and that can be removed in the future.

Installing inappropriate new window or door features such as aluminum storm and screen window insulating glass combinations that require the removal of original windows and doors.

Using original doors and door hardware when they can be repaired and reused in place.

Installing plastic, canvas, or metal strip awnings or fake shutters that detract from the character and appearance of the building.

Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, Porches, and Steps

Recommended

Retaining porches and steps that are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.

Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra cotta, tile, and brick.

Not Recommended

Removing or altering porches and steps that are appropriate to the building's development and style.

Stripping porches and steps of original material and architectural features, such as handrails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra cotta, tile and brick.

Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

Recommended

Discovering the historic paint colors and finishes of the structure and repainting with those colors to illustrate the distinctive character of the property.

Not Recommended

Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.

Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

NEW CONSTRUCTION

Recommended

Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.

Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.

Using contemporary designs compatible with the character and mood of the building or the neighborhood.

Protecting architectural details and features that contribute to the character of the building.

Not Recommended

Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.

Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensemble or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.

Adding new height to the building that changes the scale and character of the building. Additions in height should not be visible when viewing the principal facades.

Adding new floors or removing existing floors that destroy important architectural details, features and spaces of the building.

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

Recommended

Installing necessary mechanical systems in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.

Utilizing early mechanical systems, including plumbing and early lighting fixtures, where possible.

Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.

Not Recommended

Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical system.

Attaching exterior electrical and telephone cables to the principal elevations of the building.

Installing the vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.

PRESERVATION GUIDELINES FOR
Caplan-Mohr House, 3422 Grimsby Lane, Lincoln, NE
P. 10

Insuring adequate ventilation of attics, crawlspaces, and cellars to prevent moisture problems.

Installing thermal insulation in attics and in unheated cellars and crawlspaces to conserve energy.

Placing television antennas and mechanical equipment, such as air conditioners, in an inconspicuous location.

Concealing or “making invisible” mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.

Installing “dropped” acoustical ceilings to hide mechanical equipment. This destroys the proportions and character of the rooms.

Installing foam, glass fiber, or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.

Placing television antennas and mechanical equipment, such as air conditioners where they can be seen from the street.

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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 #19027

FINAL ACTION?
No

DEVELOPER/OWNER
Chad D. & Cynthia A. Mohr

PLANNING COMMISSION HEARING DATE
May 29, 2019

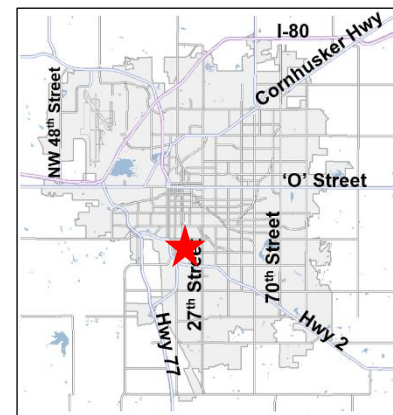
RELATED APPLICATIONS
Change of Zone 19016

PROPERTY ADDRESS/LOCATION
3422 Grimsby Lane, Lincoln NE

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

The homeowners are requesting a Special Permit for Historic Preservation in order to construct a garage with workshop in their rear yard. To match the Tudor Revival style of the house they are seeking a waiver to the height limit to permit a tall, steep roof. They also wish to retain the original, attached garage (part of the original construction) and seek a waiver to the maximum combined square footage of accessory structures. They also seek conditioned space in the new garage for an upper level workshop, which would require another waiver at the preferred location in the rear yard.



JUSTIFICATION FOR RECOMMENDATION

Adding the protection of Lincoln landmark designation supports the retention of a significant historic structure in the National Register-listed Woodshire Historic Residential District. Landmark designation is a requirement to seeking a Special Permit for Historic Preservation, which provides incentives for the continued productive use of investment in the house, as is strongly encouraged by the Lincoln/Lancaster County 2040 Comprehensive Plan.

APPLICATION CONTACT

Chad D. Mohr
(402)570-1981
chad.d.mohr@gmail.com

STAFF CONTACT

Ed Zimmer, (402) 441-6360
ezimmer@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

WAIVERS

Waivers to zoning requirements including

- 27.72.120 (c) iii, to allow an accessory building height not to exceed 22 feet instead of 15 feet;
- Table 27.72.120 (d), to waive the limitation on cumulative total square footage of accessory buildings, allowing the proposed accessory building to occupy space in side and rear yards;
- 27.72.120 (e), to allow an accessory building with conditioned space in the rear yard;

and authorizing the Planning Director to approve other waivers as necessary to build the specific design proposed.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 7.9 - Strategies for Redevelopment in Existing Neighborhoods:

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

•

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

P. 4.9 - Continue to inventory, research, evaluate, and celebrate the full range of historic resources including standing structures, distinctive neighborhoods and regions, landscapes, and buried cultural materials throughout Lancaster County, collaborating with individuals, associations, and institutions.

P. 7.9 - Promote the continued use of single-family dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This is a request for a special permit for historic preservation to allow construction of a rear-yard garage and workshop totaling not more than 1500 square feet total on two levels, with conditioned space.
2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

2.1 The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:

The significance of the structure is presented in the landmark application attached to the associated report on CZ19016, which states: *The Caplan House is significant both as a distinctive example of a Tudor Revival style house of the early 1930s, and also for the unusually rich documentary record of the suppliers, building tradesman, and developers who created this handsome home, adding to our knowledge of the Depression-era housebuilding in Lincoln.* The landmark application has been recommended for approval by the Historic Preservation Commission.

The “degree of variation” requested from permitted uses in the R-2 Residential District is not large—garages and hobby/workshop spaces are customary in backyards in residential districts. The waivers are to allow the preferred design, compatible with the architecture of the historic house, and to maintain usable space in the backyard by locating the garage near the back corner. If the garage and workshop were placed at a more central back yard location, outside the required rear yard, the conditioned space would be allowed by right.

2.2 The extent to which economic factors necessitate the change in use:

The owners have not stated a specific economic factor, except that removing the original attached garage would be a hardship including loss of a second story bedroom above that feature.

2.3 The extent of proposed exterior change to the structure or site:

The original historic house would not be altered by this project. From the public right-of-way, the nicely designed new garage would mainly be visible only at a distance of over 110 feet, at the end of the narrow driveway.

Landmark designation and the accompanying design review process provide protection for the building and site. A condition is included in this recommendation to require a more specific, dimensioned site plan to accompany any future proposals for the site.

2.4 The impact on the surrounding area:

This accessory building is anticipated to have no atypical impact on the surrounding area compared to other garages and hobbyist workshops found in residential neighborhoods. Its height would be similar to historic garages which sometimes included chauffer quarters on an upper level, although in this case the space would not provide a dwelling unit, but rather a hobbyist workshop.

2.5 The compatibility of the proposed use to the structure or site and the surrounding area:

This accessory building would be located in a typical neighborhood location for garages and similar structures, and is designed for compatibility with the character of Woodsshire and is recommended as “appropriate” by the Historic Preservation Commission.

2.6 The manner in which the public will be benefitted by such proposed use:

The proposal would increase investment in a well-established neighborhood, on existing infrastructure, while maintaining the architectural character of a National Register district.

The Historic Preservation Commission unanimously recommended approval of this application for a special permit for historic preservation on April 18, 2019 (excerpt from meeting record attached to CZ19016).

3. The waivers requested by this special permit to the height of the proposed accessory building and to its placement in the rear yard increase its compatibility with the architectural character of the landmark house and historic district. Authorizing the Planning Director to review and approve any additional (unanticipated) waivers necessary to build the proposed design assures that this compatible design will be the one built.

EXISTING LAND USE & ZONING: residential; R-2 Residential District

SURROUNDING LAND USE & ZONING

Residential area. R-2 Residential District.

APPROXIMATE LAND AREA: 8984 square feet, more or less

LEGAL DESCRIPTION: Lot 22, Block 4, Woodsshire, in Lincoln, Lancaster County, Nebraska.

Prepared by

Ed Zimmer, Planner

Date: May 17, 2019

Applicant: Peace Studio Architects
1835 Kings Hwy, Suite B
Lincoln, Nebraska 68502
ashley@peacestudioarch.com

Owner & Contact: Chad D. & Cynthia S. Mohr
3422 Grimsby Lane
Lincoln, Nebraska 68502
(402)570-1981
chad.d.mohr@gmail.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19027

Per Section 27.63.400 this approval permits historic preservation use of the Caplan-Mohr House and its site by waiving

- 27.72.120 (c) iii, to allow an accessory building height not to exceed 22 feet instead of 15 feet;
- Table 27.72.120 (d), to waive the limitation on cumulative total square footage of accessory buildings, allowing the proposed accessory building to occupy space in side and rear yards;
- 27.72.120 (e), to allow an accessory building with conditioned space in the rear yard;

In order to add a detached garage and workshop, with conditioned space, of the design and location shown in the attached plans, and authorizing the Planning Director to approve any waivers necessary to accomplish the project as shown.

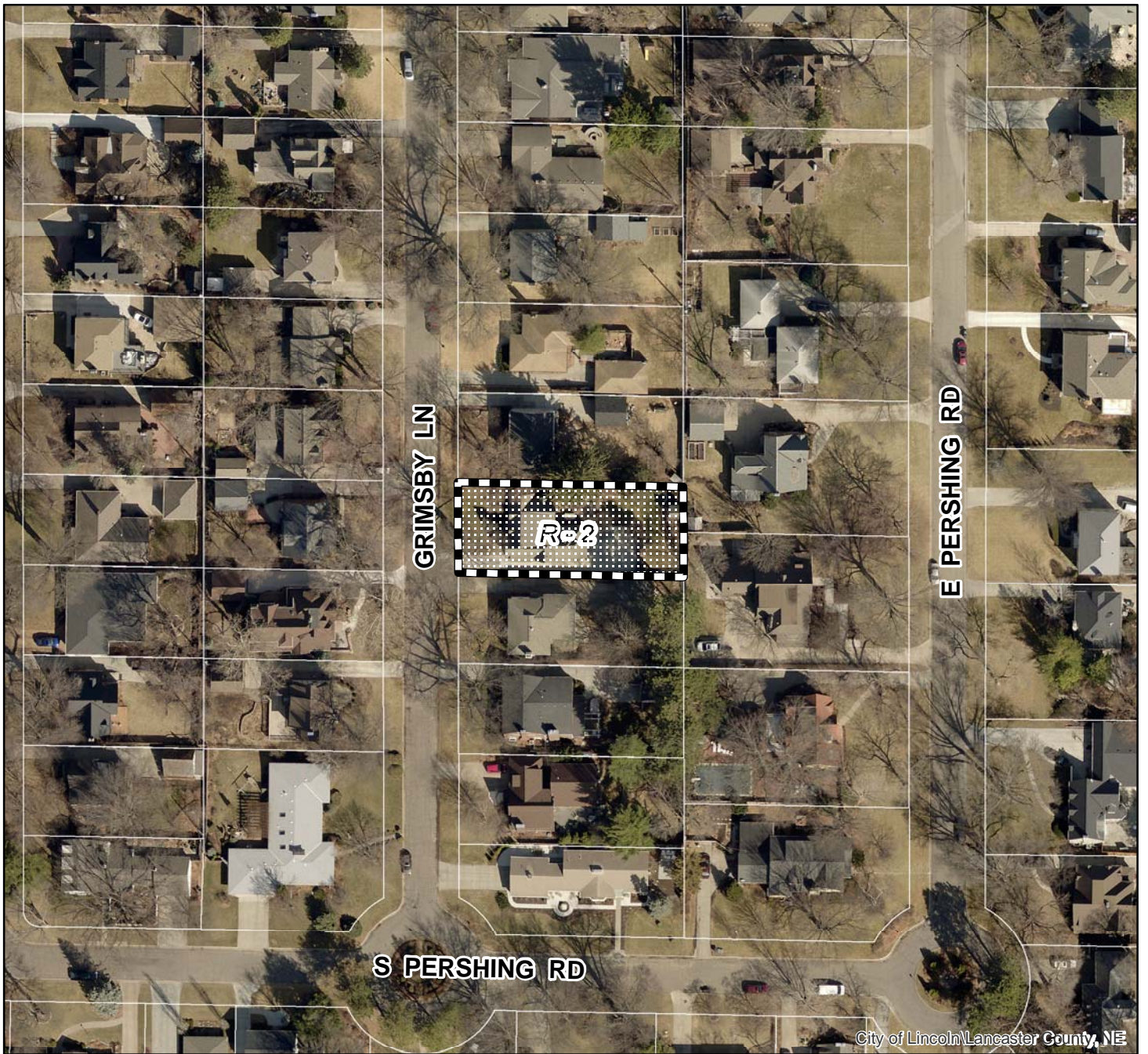
Site Specific Conditions:

- 1 The City Council approved designation of Caplan-Mohr House as a Landmark.
- 2 Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies, showing all setbacks and yards, buildings, parking and circulation elements, and similar matters.
- 3 Any signs for the property must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to receiving a City of Lincoln sign permit.
- 4 Before receiving building permits provide the following documents to the Planning Department:
 - 4.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

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

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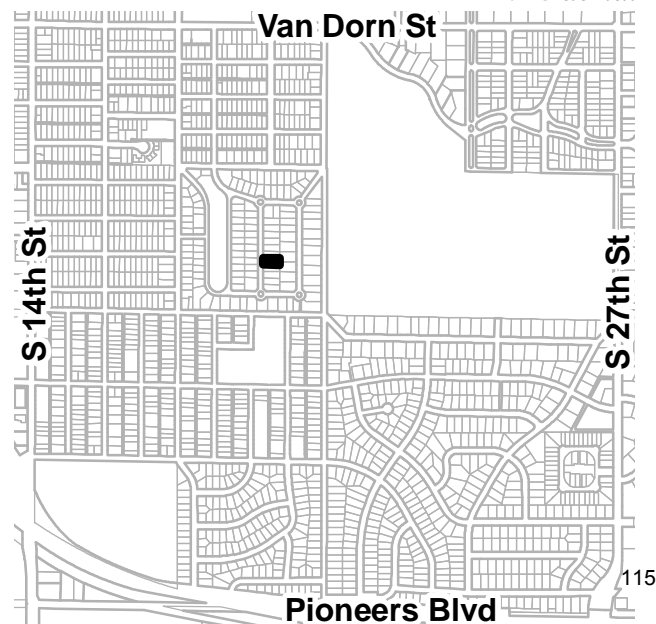
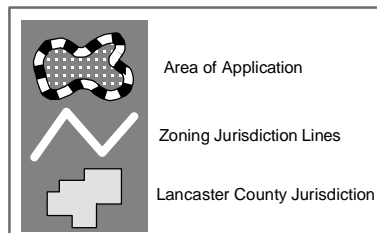
2018 aerial

**Special Permit #: SP19027 &
Change of Zone #: CZ19016
Historic Landmark Designation
Grimbsy Ln & S Pershing Rd**

Zoning:

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

One Square Mile:
Sec.01 T09N R06E





30 April 2019

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

Re: **3422 Grimsby Lane** Lincoln, NE 68502
Special Permit – Section 27.63.400: Historic Preservation
– Section 27.72.120: Accessory Buildings
Landmark Ordinance – Section 27.57

Honorable Members of the Planning Commission:

I am submitting the attached material on behalf of the property owners, Chad and Cynthia Mohr. We are asking that a Special Permit be granted to allow the preservation of a historic structure or site and the reuse thereof per section 27.63.400 of the Lincoln Municipal Code.

Chad and Cynthia Mohr are the property owners of the Tudor-Revival home at 3422 Grimsby Lane; this home is a “contributing property” in the Woodshire Residential Historic District.

The enclosed Landmark Application, prepared by Ed Zimmer, provides a history of the legal difficulty surrounding the construction of this home and how these events contributed to the outset of the Woodshire Residential Historic District.

There is an attached garage existing at the rear of the house with access from a driveway along the south property line. Our plan is to construct a detached garage in the rear yard which will be accessed by the existing driveway. The detached garage is designed to match the home’s Tudor-Revival style; including decorative half-timbering on the facade and a second floor contained within steep gable rooflines. The second floor will serve as a workshop, conditioned with heating and cooling, and will occupy the space under the 16:12 pitched roof slope. The detached garage is designed with two bays and sized so one bay can accommodate a car lift.

The detached garage occupies 39% of the rear yard setback, permissible in section 27.72.120 c.2.ii of the Lincoln Municipal Code. 27.72.12 e. state the accessory buildings which have a conditioned area

shall comply with the height regulations and setback requirements of the main building. A special permit is being requested to allow the detached garage to have a conditioned second floor and occupy 39% of the rear yard setback.

On behalf of Chad and Cynthia Mohr and myself, we respectfully request that a Special Use Permit be granted to allow adjustments to the applicable height and area regulations so the planned detached garage, with a conditioned upper level, can both function with a car lift and have steep crossing gables to match the Tudor-Revival architecture of the home.

On behalf of

Chad and Cynthia Mohr

Sincerely,



Ashley Taff, Associate AIA
Project Coordinator

Peace Studio Architects, Inc.

1835 Kings Hwy, Suite B
Lincoln, NE 68502

cc: Chad and Cynthia Mohr

**Detached
Garage
Project**

Woodshire, Block 4, Lot 22
Address: 3422 Glimsby Ln,
Lincoln, NE 68502

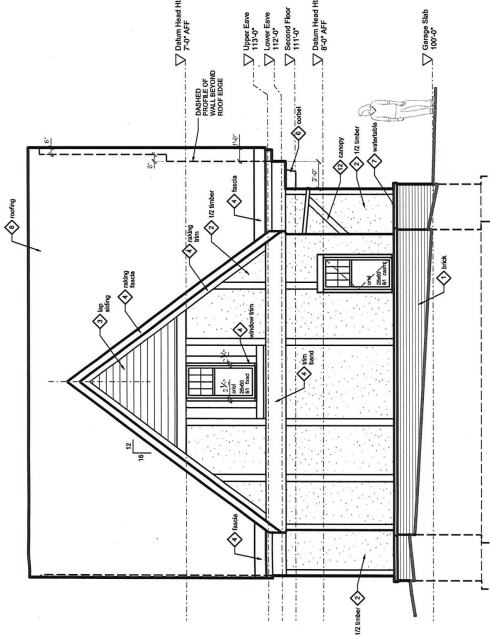
Zoning: R-2
Lot Type: Single Family
Code: IRC-2009

**Mohr
Residence**

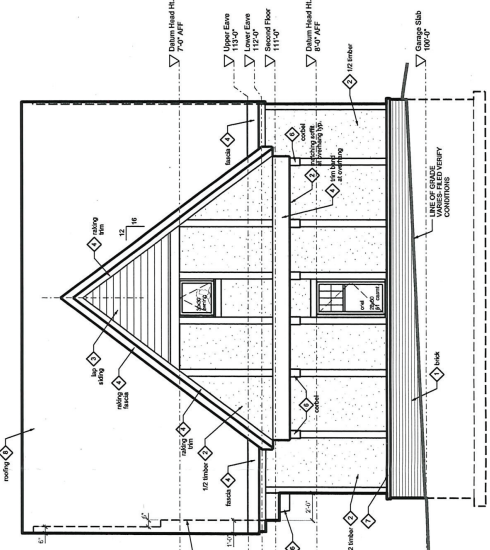
3422 Glimsby Ln,
Lincoln, NE 68502

Job Number: 18002.mhr
Date: 10 April 2019

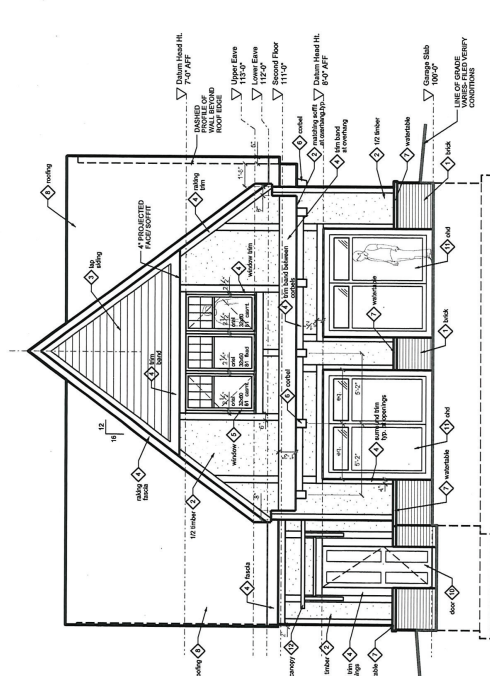
- General Keynotes:**
- 1 MATCH EXISTING BRICK COLOR, TEXTURE, SIZE, AND COURSE
 - 2 MATCH EXISTING WINDOW FRAME FINISH
 - 3 MATCH EXISTING WINDOW FRAME FINISH
 - 4 MATCH EXISTING WINDOW FRAME FINISH
 - 5 MATCH EXISTING WINDOW FRAME FINISH
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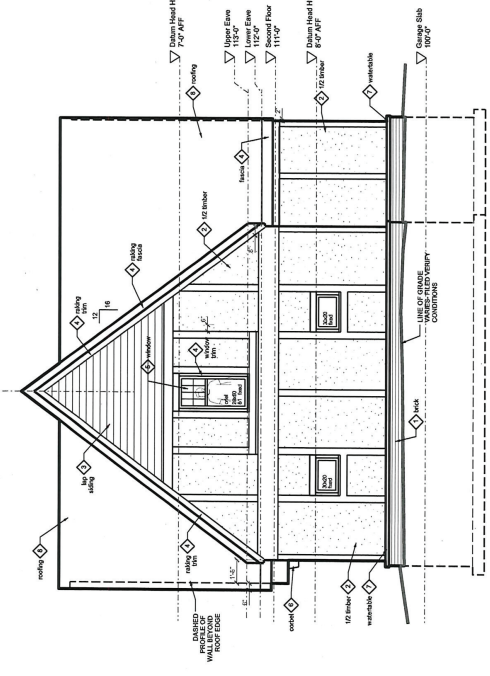
1 North Elevation
1/4" = 1'-0"



3 South Elevation
1/4" = 1'-0"



4 West Elevation
1/4" = 1'-0"



2 East Elevation
1/4" = 1'-0"

Detached Garage
Project

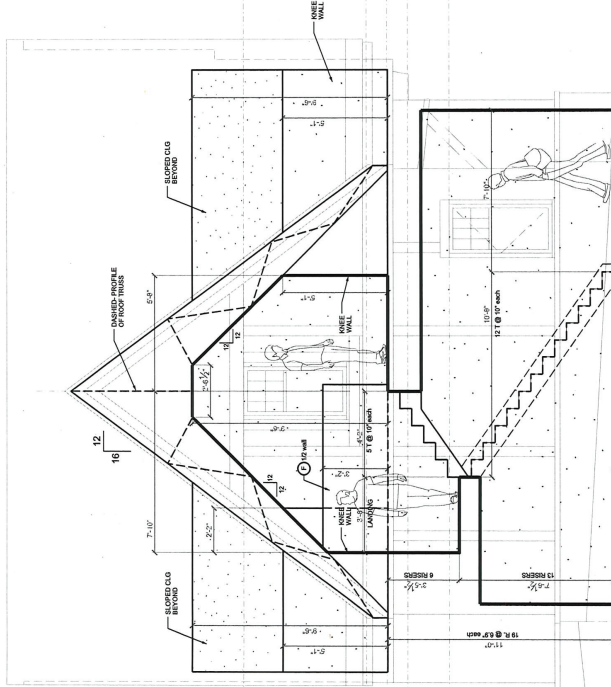
Woodshire, Block 4, Lot 22
Address: 3422 Gimsby Ln,
Lincoln, NE 68502
Zoning: R-2
Lot Type: Single Family
Code: IRC-2009

Mohr
Residence

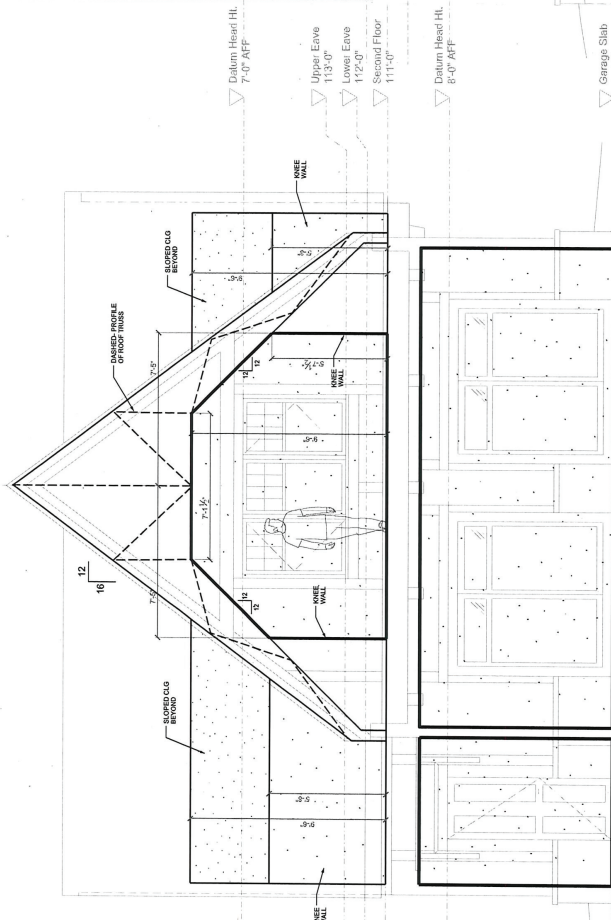
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Job Number: 18002.mhr
Date: 10 April 2019

A2.2



(1) North Section
3/8" = 1'-0"



(2) West Section
3/8" = 1'-0"

