

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair

Tom Beckius: Vice-Chair

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Cindy Ryman Yost

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PLANNING STAFF

David R. Cary: Director

Geri Rorabaugh: Administrative Officer

Rhonda Haas: Office Specialist

February 5, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, February 5, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, February 5, 2020

Approval of minutes of the regular meeting held January 22, 2020.

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

CHANGE OF ZONES AND RELATED ITEMS:

- 1.1 CHANGE OF ZONE 06063B, to adjust the zoning line between the B-2 (Planned Neighborhood Business District) Planned Unit Development and R-3 (Residential District) Planned Unit Development districts, convert office and commercial lots to attached single-family lots, and approval of a development plan which proposes modifications to the Zoning and Subdivision Ordinances, on property generally located at 84th and Adams Streets.
Page 01
Staff recommendation: Conditional Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov
- 1.2a CHANGE OF ZONE 19034, from AG (Agricultural District) and P (Public Use District) to R-3 (Residential District) and O-3 (Office District), on property generally located at South 84th Street and Rokeby Road.
Page 19
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- 1.2b SPECIAL PERMIT 19061, to allow for a CUP (Community Unit Plan) for 168 dwelling units, with waivers, to allow sewer to flow opposite street grades, lot width, block length, and lot lines not radial to right-of-way, on property generally located at South 84th Street and Rokeby Road. *****FINAL ACTION*****
Page 31
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

1.2c USE PERMIT 19023, to allow up to 45,000 square feet of office space or up to 128 dwelling units in the O-3 (Office Park District), with waivers to height and setbacks, on property generally located at South 84th Street and Rokeby Road.
Page 47
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

USE PERMIT:

4.1 USE PERMIT 15E, to allow for an early childhood care facility for up to 266 children and 25 staff, on property generally located at South 27th Street and Old Cheney Road.
Page 61
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov

ADMINISTRATIVE AMENDMENT:

4.2 ADMINISTRATIVE AMENDMENT 19070, an appeal to the Planning Director's approval to revise the land use and floor area, on property generally located at South 87th Street and Highway 2. ***FINAL ACTION***
Page 73
Staff recommendation: Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION:

SPECIAL PERMIT:

5.1 SPECIAL PERMIT 450R, to allow for the expansion to an existing non-residential health care facility, with waivers, on property, generally located at 5401 South Street
Page 135
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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

Adjournment

PENDING LIST: None.

Planning Department Staff Contacts:

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

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

ACCOMMODATION NOTICE

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

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

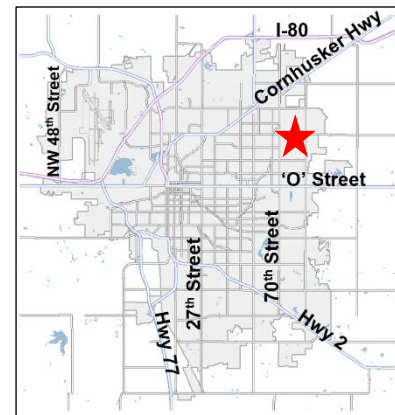
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #06063B	FINAL ACTION? No	DEVELOPER/OWNER Apples Way, LLC
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Southwest of N. 84 th Street & Adams Street

RECOMMENDATION: APPROVAL WITH CONDITIONS

BRIEF SUMMARY OF REQUEST

This is a request to amend the North Forty Plaza Planned Unit Development (PUD) to convert office and commercial lots to attached single-family lots and adjust the zoning line between the B-2 and R-3 PUD districts to correct the existing zoning line and match the intended uses. Several waivers are requested to modify lot dimensions for the attached single family lots and the lot that will be created for the existing wireless tower.



JUSTIFICATION FOR RECOMMENDATION

The conversion of commercial lots to residential uses is appropriate with consideration given to the surroundings. The requested waivers facilitate housing at an appropriate urban density that fits the character of the neighborhood. The new housing will serve as an additional transition between the existing residential and commercial areas.

APPLICATION CONTACT

Luke Summers, (402) 477-9291 or luke.summer@clarkenersen.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports adding dwelling units to existing commercial areas and a variety of housing types to accommodate a diverse and aging population.

WAIVERS

1. Waive the minimum lot area, lot width, and lot width-to-depth ratio for single family attached lots as shown on the site plan. (Recommend Approval)
2. Waive the minimum lot dimensions and setbacks for Lot 30, Block 3 containing the wireless tower as shown on the site plan. (Recommend Approval)

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Urban Residential and Commercial 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 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 6.1 - 1,000 dwelling units are slated for existing residentially-zoned land throughout the existing city, primarily on vacant lots.

P. 6.2 - Increasing residential densities by adding new dwelling units to existing commercial areas in the form of mixed use centers also strengthens the buying power of adjacent neighborhoods by adding more "rooftops." Strengthened buying power may be able to improve the quality and quantity of localized private businesses and services.

P. 7.2 - Neighborhoods & Housing Guiding Principles

- Encourage public investment in neighborhood infrastructure and services such as parks, pools, libraries, and neighborhood business districts.
- Promote sustainability and resource conservation by preserving and improving housing in existing neighborhoods.
- Distribute and preserve affordable housing throughout the community to be near job opportunities and to provide housing choices within existing and developing neighborhoods.
- Make available a safe residential dwelling for all citizens.
- 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.
- Provide safe and decent affordable and special needs housing for low- and moderate-income households.

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.
- Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.
- Create housing opportunities for residents with special needs throughout the city that are integrated into and compatible with residential neighborhoods.
- Encourage mixed use commercial centers to incorporate special needs housing where they could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
- 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.
- Develop and utilize a measurement tool to evaluate proposed projects and assess existing and proposed neighborhoods in terms of how well they achieve the Plan's goals for design and sustainability.

P. 7.4-7.8 - Strategies for Developing Neighborhoods

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

ANALYSIS

1. This request is to amend the North Forty Plaza PUD to convert office and commercial lots to attached single-family lots. The zoning line between the B-2 and R-3 PUD districts will be corrected to match the intended uses. The changes are being requested to the current approved plan as of January 22, 2020.
2. Two of the parcels proposed for residential uses are under R-3 zoning and currently designated for office uses. They are located west of N. 82nd Street on either side of Regent Drive and described as Lot 1, Block 4 and Lot 28, Block 3, North Forty Golf 1st Addition.
3. The third area proposed for residential uses is located south of N. 82nd Street and Regent Drive. It is currently designated for commercial uses and would be re-zoned from B-2 to R-3 PUD. It includes Outlot A, North Forty Plaza 1st Addition and Outlot A, North Forty Plaza 5th Addition.
4. In addition, there will be a cleanup of the zoning line between the R-3 and B-2 districts to ensure that the zoning properly matches existing and proposed property lines and land uses. One of the zoning cleanup areas includes a portion of Outlot D, North Forty Golf 1st Addition. This outlot has split zoning. The residential portion is proposed to be re-zoned to commercial. This should not have a negative impact on the adjacent properties as the outlot is a permanent outlot for drainage and utilities and is not developable.
5. The PUD is currently approved for up to 74 dwelling units. There are 64 existing dwellings. The request would increase the total dwelling units to 92. The current approved total commercial floor area is 145,200 square feet. With the proposed conversion of commercial and office areas to residential, the total allowed will be reduced by 10,000 square feet to 135,200 square feet.
6. There is an existing wireless tower facility located south of Regent Drive, west of N. 82nd Street adjacent to proposed attached single family dwellings. The tower will be placed on its own lot. There will be approximately 31 feet from the base of the tower to the edge of the tower lot and 42 feet to the building envelope of the nearest dwelling. The standard fall zone for a personal wireless facility is a minimum of one-half the height of the structure from property lines. This tower is approved for a height up to 87 feet. Based on the tower being an existing condition, this separation was deemed sufficient.
7. Waivers were requested to modify lot dimensions to allow the attached single family lots and the wireless tower lot as shown. The residential lot waivers appear primarily to apply to the proposed lots west of N. 82nd Street. The waivers allow for a suitable density on these parcels given the existing conditions including the wireless tower. The requested waivers support placement of the tower on its own lot.
8. The B-2 zoned portion of this PUD does not allow any land uses beyond the standard uses allowed in B-2. Therefore, there is no concern that new residential dwellings would be located adjacent to hazardous uses.
9. The sale of alcohol for consumption on and off the premises are conditional uses in the B-2 district upon meeting separation requirements to residential zoning districts, among other separation standards. The conversion of formerly office and commercial lots to residential could create new restrictions on the potential for alcohol sales by future businesses in the remaining commercial area. However, no known existing uses would be affected.
10. This property was included under the North Forty Conditional Annexation Agreement which required various improvements to be constructed including water and sanitary sewer lines. The improvements associated with the agreement have been completed.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant (area of change); R-3 PUD and B-2 PUD

SURROUNDING LAND USE & ZONING

North: Cemetery and Mahoney Golf Course; P
South: Single family residential dwellings; R-3
East: Commercial and vacant; B-2
West: Single family residential dwellings; R-3

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA:

PUD Boundary: 46.58 acres

Change of Zone from R-3 PUD to B-2 PUD: 1.29 acres

Change of Zone from B-2 PUD to R-3 PUD: 4.57 acres

LEGAL DESCRIPTION: See attached.

Prepared by

Rachel Jones, Planner

Date: January 23, 2020

Applicant/Contact: Luke Summers
The Clark Enersen Partners
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 477-9291 or luke.summers@clarkenersen.com

Owner: Apples Way, LLC
6333 Apples Way, Suite 115
Lincoln, NE 68516
tbeckius@theinagroup.com

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APPLICATION HISTORY - CHANGE OF ZONE #06063B

- Oct. 1988 Special Permit #1306 was approved by the City Council for a golf course, practice range and clubhouse over the area southwest of N. 84th and Adams Streets. A number of administrative amendments were made to this special permit.
- Feb. 1994 Special Permit #1306A was approved by the City Council to allow golf course and other activities in the front yard setback on Adams Street.
- Mar. 1995 Special Permit #1306B was approved by the City Council to construct an indoor driving range.
- Jan. 1997 Special Permit #1306C was approved by the City Council to add a ground sign. It was later rescinded after the PUD was approved for the same area.
- Jan. 1997 Special Permit #1672 was approved by the Planning Commission for a 62-foot wireless communications tower in a location that is now south of Regent Drive, west of N. 82nd Street.
- Jan. 2003 Annexation of this area was approved by the City Council with Annexation #02007.
- Apr. 2003 Special Permit #1672A was approved by the City Council to waive the landscaping requirement on the north and east sides of the tower.
- Jul. 2003 Special Permit #1672B was approved by the Planning Commission to allow extension of the tower to a height of 87 feet.
- Dec. 2006 Change of Zone #06063 was approved by the City Council for the North Forty Plaza PUD for up to 74 dwelling units and 140,000 square feet of commercial floor area.
- Aug. 2007 Administrative Amendment #07035 to Change of Zone #06063 was approved by the Planning Director to modify setbacks in the PUD and rescind Special Permit #1306C for the North 40 Golf Course.
- Mar. 2011 Change of Zone #06063A was approved by the City Council to allow a center sign in the front yard setback of N. 84th Street with waivers to sign height and area.

CONDITIONS OF APPROVAL - CHANGE OF ZONE #06063B

This approval permits up to 92 dwelling units together with waivers to the minimum lot area, width and width-to-depth ratio for the single family attached lots and to the minimum lot dimensions and setbacks for Lot 30, Block 3 as shown on the site plan.

Site Specific Conditions:

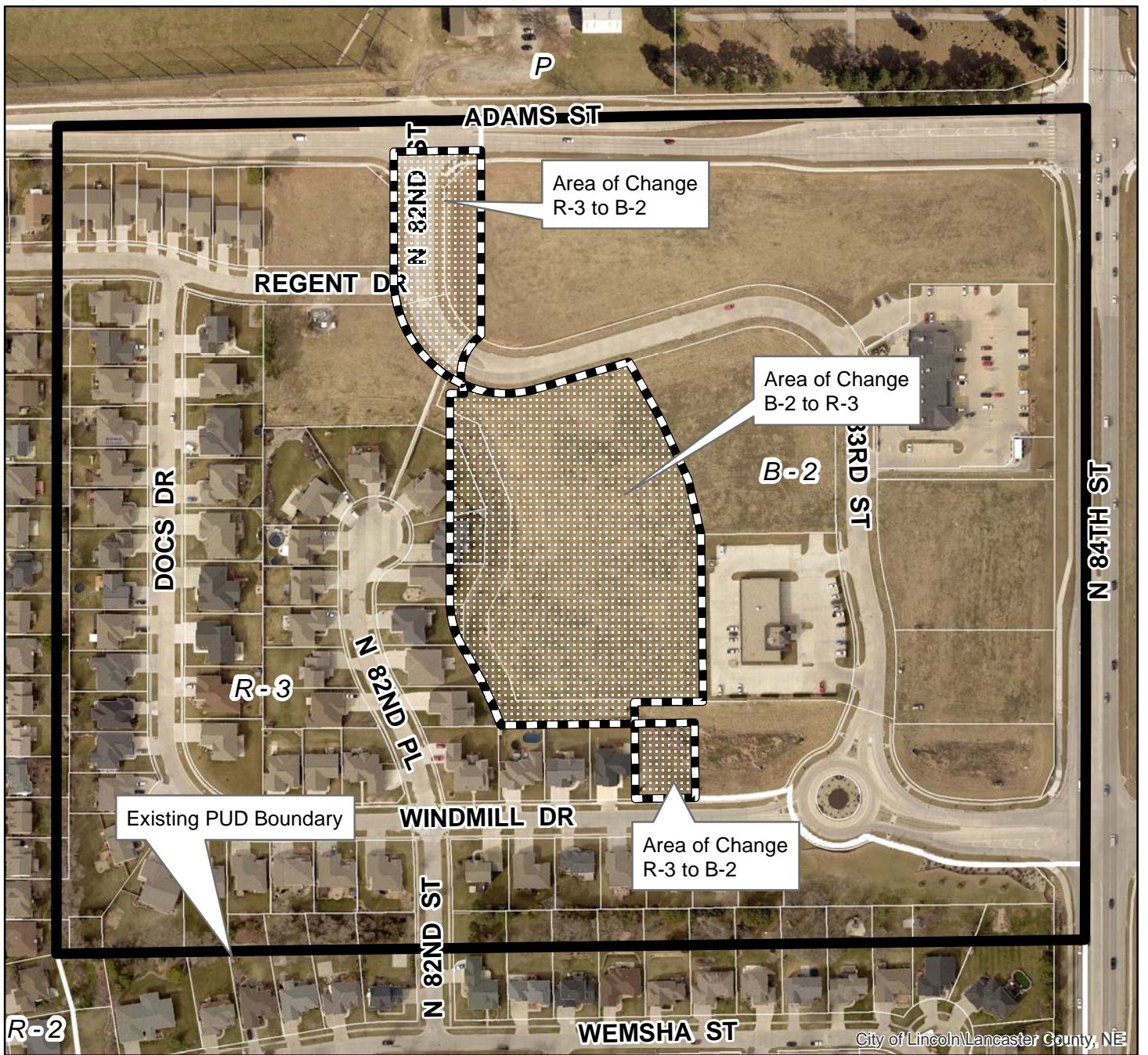
1. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Update the PUD legal description on the Cover Sheet. Ensure that the R-3 and B-2 zoning legal descriptions match the corrected submitted documents.
 - 1.2 All of previous approved waiver #3 is shown deleted on the Cover Sheet. Retain the first part of this waiver that refers generally to commercial setbacks along N. 84th Street and Adams Street.
 - 1.3 On the Cover Sheet, revise General Site Note #29 to reduce the overall square footage for the remaining commercial area by 10,000 square feet.
 - 1.4 On all sheets, clearly identify the location of the proposed pedestrian way easement and 5-foot sidewalk in Outlots D and H.
 - 1.5 Provide verification that the required pedestrian sidewalk connecting the private roadway to Windmill Drive meets ADA standards.
 - 1.6 Provide all roadway measurements including cul-de-sac radius.
 - 1.7 Ensure paving is designed with a valley gutter to convey flow east down Regent Drive instead of south down the private roadway, if the storm system is going to be laid out/sized this way.
2. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

Standard Conditions:

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

of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

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



City of Lincoln/Lancaster County, NE

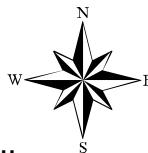
2018 aerial




Change of Zone #: CZ06063B
North 40 Plaza PUD
N 84th St & Adams St

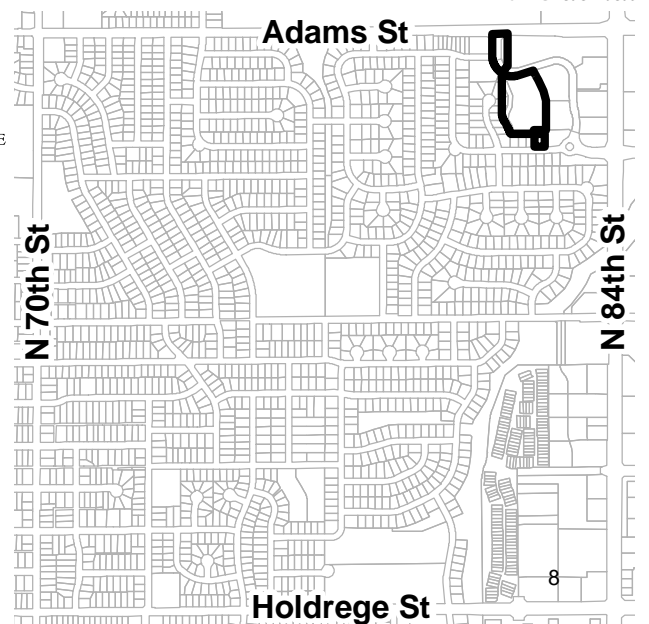
Zoning:

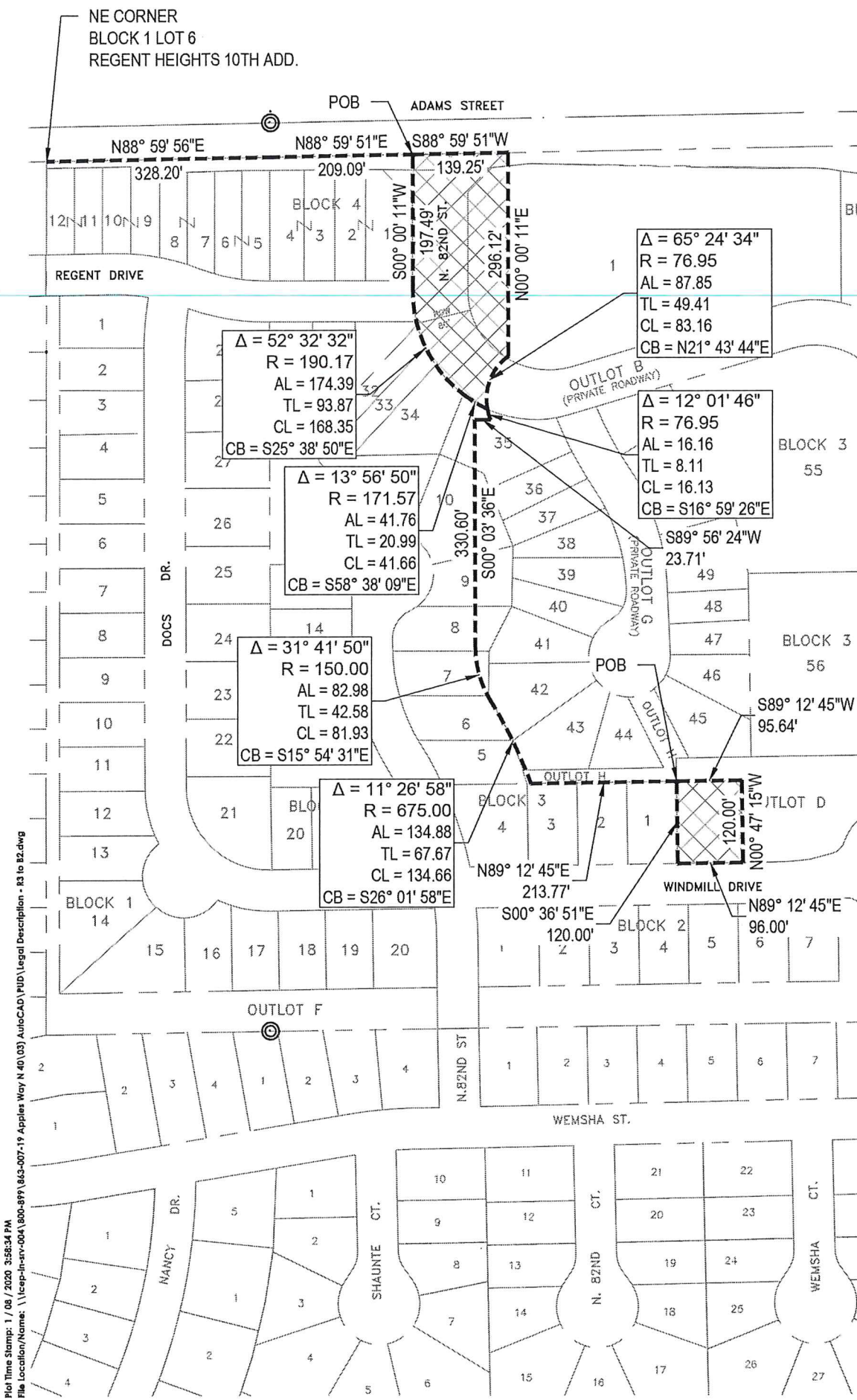
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
 Sec.15 T10N R07E




	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

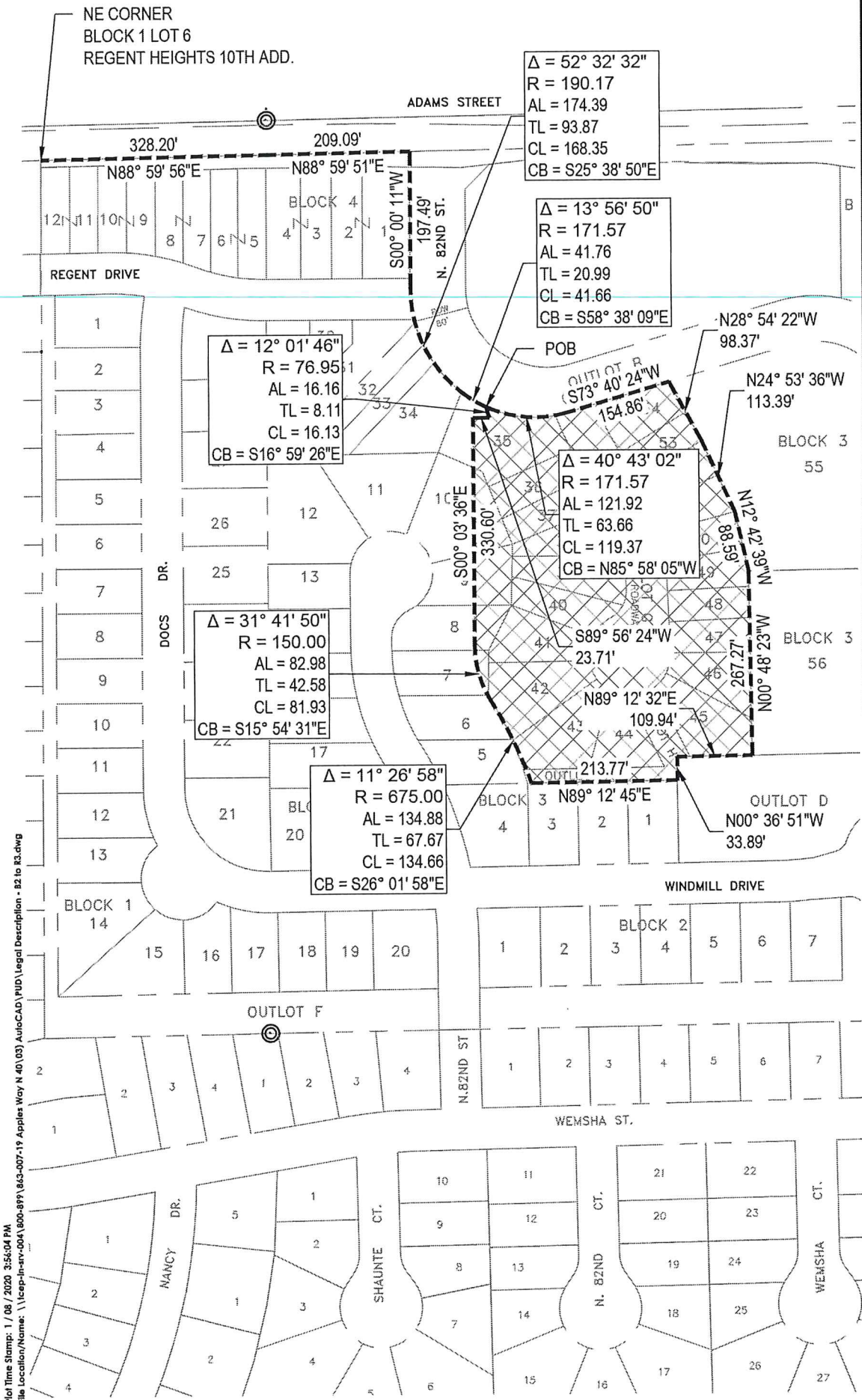




Plot Time Stamp: 1 / 08 / 2020 3:58:34 PM
File Location/Name: \\tcep-hr-srv-004\200-899\863-007-19 Apples Way N 40 (03) AutoCAD (PUD) Legal Description - R3 to B2.dwg

 **R-3 to B-2 Zoning**
SCALE: 1" = 200'

North Forty Plaza
84th & Adams
Lincoln, NE
TCEP No.: 863-007-19



Plot Time Stamp: 1 / 08 / 2020 3:56:04 PM
 File Location/Name: \\lcep-in-srv-004\B00-899\863-007-19 Apples Way N 40\03\AutoCAD\TUD\Legal\Description - B2 to R3.dwg

B-2 to R-3 Zoning
SCALE: 1" = 200'

North Forty Plaza
84th & Vine
Lincoln, NE

TCEP No.: 863-007-19

CHANGE OF ZONE FROM R-3 PUD TO B-2 PUD

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF PORTIONS OF OUTLOTS A AND B NORTH FORTY PLAZA ADDITION, AND ALL OF OUTLOT G NORTH FORTY GOLF 1ST ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 1 LOT 6 REGENT HEIGHTS 10TH ADDITION, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, THENCE EASTERLY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST, A DISTANCE OF 209.09 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 00 MINUTES 11 SECONDS WEST, A DISTANCE OF 197.49 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 52 DEGREES 32 MINUTES 32 SECONDS, A RADIUS OF 190.17 FEET, AN ARC LENGTH OF 174.39 FEET, A TANGENT LENGTH OF 93.87 FEET, A CHORD LENGTH OF 168.35 FEET, AND A CHORD BEARING OF SOUTH 25 DEGREES 38 MINUTES 50 SECONDS EAST TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 13 DEGREES 56 MINUTES 50 SECONDS, A RADIUS OF 171.57 FEET, AN ARC LENGTH OF 41.76 FEET, A TANGENT LENGTH OF 20.99 FEET, A CHORD LENGTH OF 41.66 FEET, AND A CHORD BEARING OF SOUTH 58 DEGREES 38 MINUTES 09 SECONDS EAST TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE IN A CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 65 DEGREES 24 MINUTES 34 SECONDS, A RADIUS OF 76.95 FEET, AN ARC LENGTH OF 87.85 FEET, A TANGENT LENGTH OF 49.41 FEET, A CHORD LENGTH OF 83.16 FEET, AND A CHORD BEARING OF NORTH 21 DEGREES 43 MINUTES 44 SECONDS EAST, THENCE NORTH 00 DEGREES 00 MINUTES 11 SECONDS EAST, A DISTANCE OF 296.12 FEET, THENCE SOUTH 88 DEGREES 59 MINUTES 51 SECONDS WEST, A DISTANCE OF 139.25 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 44,704.91 SQUARE FEET OR 1.03 ACRES, MORE OR LESS.

ALONG WITH

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT D NORTH FORTY GOLF 1ST ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CHANGE OF ZONE FROM R-3 PUD TO B-2 PUD

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 1 LOT 6 REGENT HEIGHTS 10TH ADDITION, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, THENCE EASTERLY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST, A DISTANCE OF 209.09 FEET TO A POINT, THENCE SOUTH 00 DEGREES 00 MINUTES 11 SECONDS WEST, A DISTANCE OF 197.49 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 52 DEGREES 32 MINUTES 32 SECONDS, A RADIUS OF 190.17 FEET, AN ARC LENGTH OF 174.39 FEET, A TANGENT LENGTH OF 93.87 FEET, A CHORD LENGTH OF 168.35 FEET, AND A CHORD BEARING OF SOUTH 25 DEGREES 38 MINUTES 50 SECONDS EAST TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 13 DEGREES 56 MINUTES 50 SECONDS, A RADIUS OF 171.57 FEET, AN ARC LENGTH OF 41.76 FEET, A TANGENT LENGTH OF 20.99 FEET, A CHORD LENGTH OF 41.66 FEET, AND A CHORD BEARING OF SOUTH 58 DEGREES 38 MINUTES 09 SECONDS EAST TO A POINT OF CURVATURE ON A NON-TANGENTIAL CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 12 DEGREES 01 MINUTES 46 SECONDS, A RADIUS OF 76.95 FEET, AN ARC LENGTH OF 16.16 FEET, A TANGENT LENGTH OF 8.11 FEET, A CHORD LENGTH OF 16.13 FEET, AND A CHORD BEARING OF SOUTH 16 DEGREES 59 MINUTES 26 SECONDS EAST, THENCE SOUTH 89 DEGREES 56 MINUTES 24 SECONDS WEST, A DISTANCE OF 23.71 FEET, THENCE SOUTH 00 DEGREES 03 MINUTES 36 SECONDS EAST, A DISTANCE OF 330.60 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 31 DEGREES 41 MINUTES 50 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 82.98 FEET, A TANGENT LENGTH OF 42.58, A CHORD LENGTH OF 81.93, AND A CHORD BEARING OF SOUTH 15 DEGREES 54 MINUTES 31 SECONDS EAST TO A POINT OF REVERSE CURVATURE OF A CURVE IN THE CLOCKWISE DIRECTION WITH A DELTA ANGLE OF 11 DEGREES 26 MINUTES 58 SECONDS, RADIUS OF 675.00 FEET, AN ARC LENGTH OF 134.88 FEET, A TANGENT LENGTH OF 67.67 FEET, CHORD LENGTH OF 134.66 FEET, AND A CHORD BEARING OF SOUTH 26 DEGREES 01 MINUTES 58 SECONDS EAST, THENCE NORTH 89 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 213.77 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 36 MINUTES 51 SECONDS EAST, A DISTANCE OF 120.00 FEET, THENCE NORTH 89 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 96.00 FEET, THENCE NORTH 00 DEGREES 47 MINUTES 15 SECONDS WEST, A DISTANCE OF 120.00 FEET, THENCE SOUTH 89 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 95.64 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 11,498.20 SQUARE FEET OR 0.26 ACRES, MORE OR LESS.

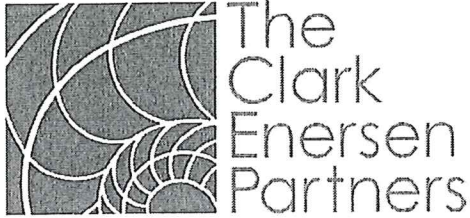
CHANGE OF ZONE FROM B-2 PUD TO R-3 PUD

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF PORTIONS OF OUTLOT A NORTH FORTY PLAZA 1ST ADDITION, OUTLOT A NORTH FORTY PLAZA 5TH ADDITION, AND LOTS 5-10, BLOCK 3 NORTH FORTY GOLF 1ST ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 1 LOT 6 REGENT HEIGHTS 10TH ADDITION, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND ON THE SOUTH LINE OF ADAMS STREET RIGHT-OF-WAY, THENCE EASTERLY ON AN ASSUMED BEARING OF NORTH 88 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 328.20 FEET, THENCE NORTH 88 DEGREES 59 MINUTES 51 SECONDS EAST, A DISTANCE OF 209.09 FEET TO A POINT, THENCE SOUTH 00 DEGREES 00 MINUTES 11 SECONDS WEST, A DISTANCE OF 197.49 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 52 DEGREES 32 MINUTES 32 SECONDS, A RADIUS OF 190.17 FEET, AN ARC LENGTH OF 174.39 FEET, A TANGENT LENGTH OF 93.87 FEET, A CHORD LENGTH OF 168.35 FEET, AND A CHORD BEARING OF SOUTH 25 DEGREES 38 MINUTES 50 SECONDS EAST TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING DELTA ANGLE OF 13 DEGREES 56 MINUTES 50 SECONDS, A RADIUS OF 171.57 FEET, AN ARC LENGTH OF 41.76 FEET, A TANGENT LENGTH OF 20.99 FEET, A CHORD LENGTH OF 41.66 FEET, AND A CHORD BEARING OF SOUTH 58 DEGREES 38 MINUTES 09 SECONDS EAST TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 12 DEGREES 01 MINUTES 46 SECONDS, A RADIUS OF 76.95 FEET, AN ARC LENGTH OF 16.16 FEET, A TANGENT LENGTH OF 8.11 FEET, A CHORD LENGTH OF 16.13 FEET, AND A CHORD BEARING OF SOUTH 16 DEGREES 59 MINUTES 26 SECONDS EAST, THENCE SOUTH 89 DEGREES 56 MINUTES 24 SECONDS WEST, A DISTANCE OF 23.71 FEET, THENCE SOUTH 00 DEGREES 03 MINUTES 36 SECONDS EAST, A DISTANCE OF 330.60 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 31 DEGREES 41 MINUTES 50 SECONDS, A RADIUS OF 150.00 FEET, AN ARC LENGTH OF 82.98 FEET, A TANGENT LENGTH OF 42.58, A CHORD LENGTH OF 81.93, AND A CHORD BEARING OF SOUTH 15 DEGREES 54 MINUTES 31 SECONDS EAST TO A POINT OF REVERSE CURVATURE OF A CURVE IN THE CLOCKWISE DIRECTION WITH A DELTA ANGLE OF 11 DEGREES 26 MINUTES 58 SECONDS, A RADIUS OF 675.00 FEET, AN ARC LENGTH OF 134.88 FEET, A TANGENT LENGTH OF 67.67 FEET, CHORD LENGTH OF 134.66 FEET, AND A CHORD BEARING OF SOUTH 26 DEGREES 01 MINUTES 58 SECONDS EAST, THENCE NORTH 89 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 213.77 FEET, THENCE NORTH 00 DEGREES 36 MINUTES 51 SECONDS WEST, A DISTANCE OF 33.89 FEET, THENCE NORTH 89 DEGREES 12 MINUTES 32 SECONDS EAST, A DISTANCE OF 109.94 FEET, THENCE NORTH 00 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 267.27 FEET, THENCE NORTH 12 DEGREES 42 MINUTES 39 SECONDS WEST, A DISTANCE OF 88.59 FEET, THENCE NORTH 24 DEGREES 53 MINUTES 36

CHANGE OF ZONE FROM B-2 PUD TO R-3 PUD

SECONDS WEST, A DISTANCE OF 113.39 FEET, THENCE NORTH 28 DEGREES 54 MINUTES 22 SECONDS WEST, A DISTANCE OF 98.37 FEET, THENCE SOUTH 73 DEGREES 40 MINUTES 24 SECONDS WEST, A DISTANCE OF 154.86 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION WITH A DELTA ANGLE OF 40 DEGREES 43 MINUTES 02 SECONDS, A RADIUS OF 171.57 FEET, AN ARC LENGTH OF 121.92 FEET, A TANGENT LENGTH OF 63.66 FEET, A CHORD LENGTH OF 119.37 FEET, AND A CHORD BEARING OF NORTH 85 DEGREES 58 MINUTES 05 SECONDS WEST TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 199,246.16 SQUARE FEET OR 4.57 ACRES, MORE OR LESS.



January 9, 2020

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

RE: North Forty Plaza PUD CZ #06063A
Amendment to PUD

Dear Mr. Cary:

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

1. City Application
2. Application fee \$988
3. Cover Sheet
4. Site Plan
5. Grading/Drainage Plan
6. Street Profiles
7. Minutes from North Forty HOA Meeting on July 30, 2018

On behalf of the Owner, Apples Way, LLC, 6333 Apples Way, Suite 115, Lincoln NE 68516, we are requesting an Amendment to CZ #06063A, located at the southwest corner of the intersection of North 84th & Adams Streets.

This application is to add a private drive, convert proposed office and business lots to attached single-family on the site and to clean up the zoning boundaries to match the intended uses. The change from commercial lots to 28 single-family attached dwellings will allow for a better transition between the lower-density residential lots and the commercial area.

Because the proposed change is from commercial/office zoning to residential, the existing detention sites and stormwater quality will be adequate to accommodate runoff from this project and no additional features will be required. The existing cell tower site will also be platted on its own lot and the fall zone of the tower will be included within that lot.

We are requesting the following waivers:

1. A waiver to Chapter 26.23.140 to allow for lot depths more than four times the average lot width.

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2. A waiver to Chapter 27.72.020 to remove lot size and setback requirements for Lot 30 Block 3 to allow the cell tower to be sited on its own lot.
3. A waiver to Chapter 27.72.020 to reduce the minimum lot area and lot width to allow for the proposed attached single-family dwellings.

The property owner has also presented this proposed change to the Homeowners Association to garner approval, and minutes from that meeting have been attached.

Sincerely,



Luke A. Summers, PE

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 #19034 Carolton Heights	FINAL ACTION? No	OWNER Milton and Carol Talcott Trust
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS Use Permit #19023 Special Permit #19061	PROPERTY LOCATION East of the intersection of Hayek Drive and South 84 th Street

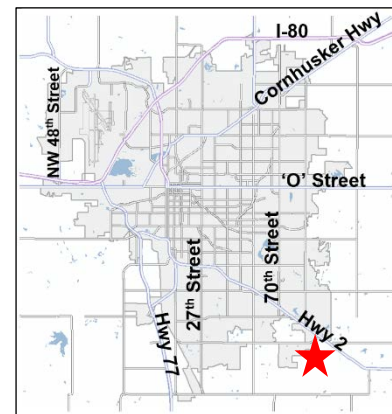
RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This request is to re-zone approximately 4.5 acres from P and AG to O-3 for a small office park, and from P and AG to R-3 for an approximately 50 acre residential community unit plan. The office park is proposed to allow for either commercial floor area or residential dwellings or both. The CUP is proposed for up to 168 single-family dwellings.

The P-zoned land is a result of a land exchange between the applicant and the City of Lincoln. The City traded the applicant an approximately equivalent amount of land further to the east to be combined with other city-owned land for a future City park. That exchange was approved in 2017 by Comprehensive Plan Conformance (CPC) #17010.

A subsequent Comprehensive Plan Amendment (CPA) to revise the Future Land Use Map was approved by CPA#17003. This request reflects the revised land uses approved by that request.



JUSTIFICATION FOR RECOMMENDATION

The Future Land Use Map of the Comprehensive Plan designates the area proposed for O-3 zoning for commercial land uses, and the area proposed for R-3 for urban density residential land uses. The O-3 zoning allows uses consistent with that designation, but limits the intensity to those that are suitable in proximity to residential neighborhoods, a park, and a middle school. The proposed zoning designations match the Future Land Use Map designations for the areas involved in this request.

APPLICATION CONTACT

Mike Eckert, Civil Design Group
meckert@civildg.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The future land use for the subject area is identified as Urban Density Residential and Commercial, and the proposed zoning will allow uses compatible with those designations. The associated use permit and special permit for a CUP include plans designed to comply with the O-3 and R-3 zoning respectively. This request is consistent with the Future Land Use Plan and the principles for residential and commercial development in the City of Lincoln.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

P. 12.4 - Green Space - Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as storm water management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

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

P. 1.2 - Quality of Life Assets:

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

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

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

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

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

-Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

-Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

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

-Strive for predictability for neighborhoods and developers.

-Encourage and provide incentives for mixed uses in future developments.

ANALYSIS

1. This request has two parts. The first seeks to rezone approximately 4.43 acres from P and AG to O-3. The associated Use Permit #19023 for the O-3 area proposes a plan that allows for either 45,000 square feet of floor area, or 128 dwelling units. The uses allowed will be those as per the O-3 zoning district, except the applicant has voluntarily agreed to prohibit restaurants as part of the use permit. This prohibition comes from the prior sales agreement with the City involving the land exchange, where there was concern about the sale of alcohol in proximity to the middle school. A restaurant is the only use in the O-3 where the sale of alcohol is allowed (and by special permit), so prohibiting restaurants also bans future alcohol sales.

Applicant: Christina Melgoza
Krueger Development
8200 Cody Drive, Unit F
Lincoln, NE 68512

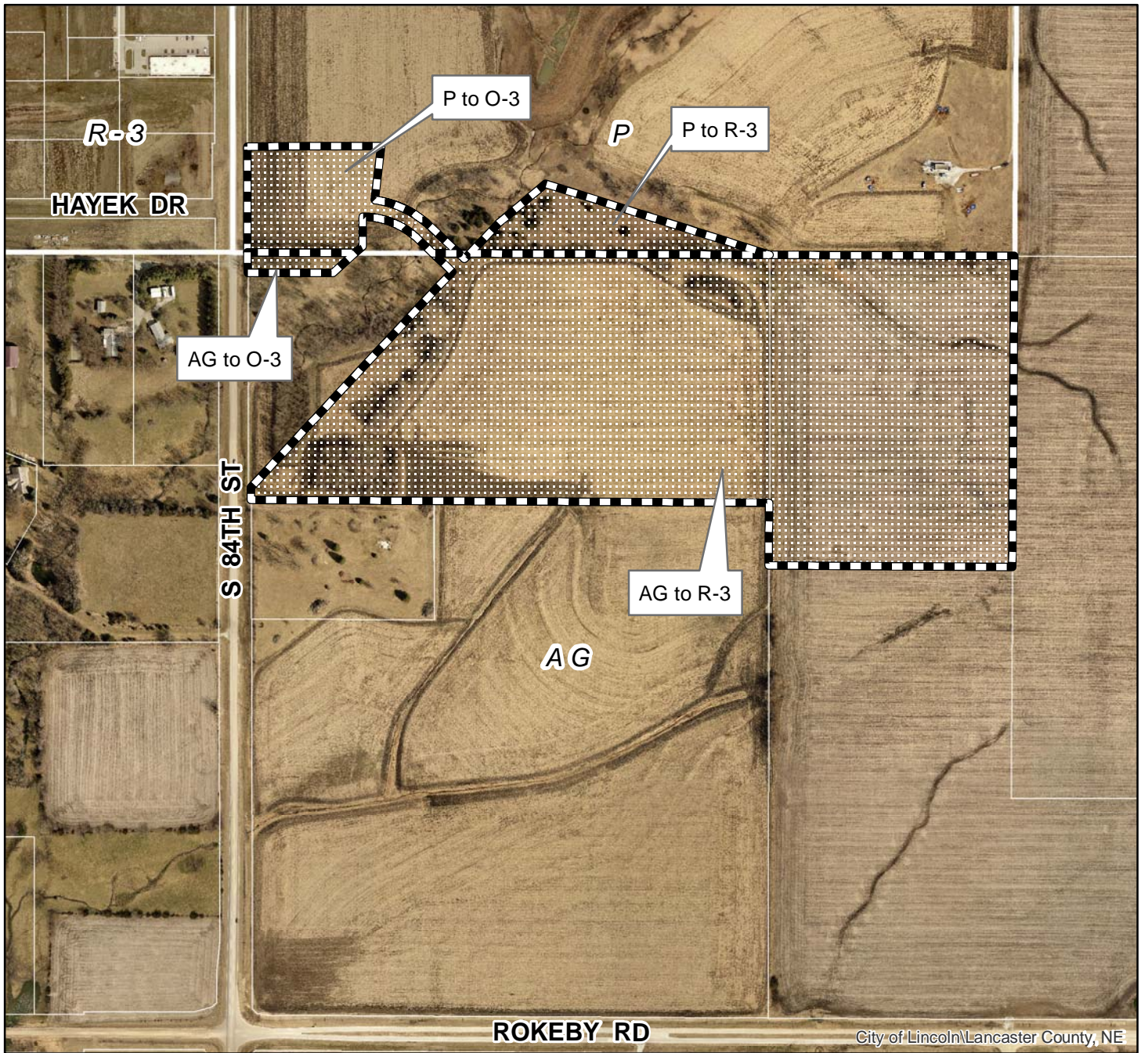
Contact: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
402-434-8494
meckert@civildg.com

Owner: Milton and Carol Talcott Revocable Trust
8100 Rokeby Road
Lincoln, NE 68506

CONDITIONS OF APPROVAL

1. The Rokeby Coalition Agreement be amended to include the property described prior to approval of this request by the City Council.

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City of Lincoln/Lancaster County, NE

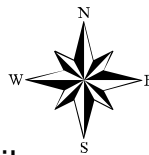
2018 aerial




Change of Zone #: CZ19034
Carolton Heights
S 84th St & Rokeby Rd

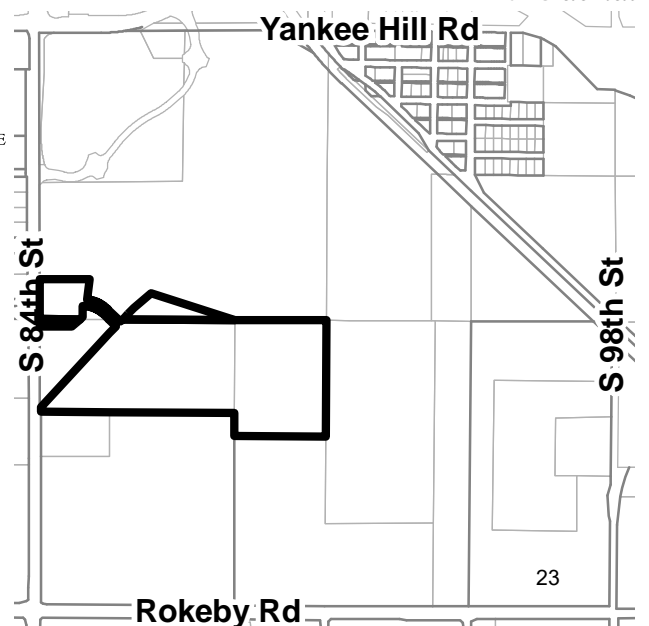
Zoning:

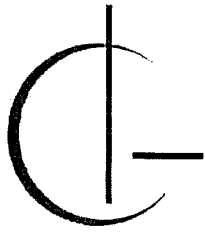
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.26 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





Civil Design Group, Inc.

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

December 24, 2019

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

Re: Special Permit application for a R-3 CUP (50.17 acres) & O-3 office park Use Permit (4.43 acres) Located east of S. 84th St at Hayek Dr.

Dear Mr. Cary:

On behalf of R.C. Krueger Development, Inc., we submit the enclosed application for Carlton Heights R-3 CUP & O-3 Use Permit. This application covers a total of 54.6 acres east of S. 84th and south of Jensen Park. The R-3 CUP will contain 168 single-family units, with the excess density reserved for use in future phases of the CUP as it expands to the east and south.

Our firm has engaged in extensive discussions with Planning and Parks & Recreation staff regarding the interface of this subdivision with the Jensen Park land. These discussions have included provisions for grading and drainage easements on the park land as well as the future location of trails and water quality and detention facilities.

We are requesting waivers of the following zoning and subdivision regulations:

For the O-3 Use Permit:

1. To Zoning Code 27.72.030 to allow buildings in the O-3 area to be a maximum of 65' high. This is a common height limit for office & multi-family buildings that provide an adequate buffer area to single-family lots.
2. To Zoning Code 27.72.030 to revise the front, rear and side yard setbacks to 15'. These parcels are isolated by open space with no adjacent residential lots. The open space acts as the buffers from the residential lots.

For the R-3 CUP:

1. To Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades (not requesting waiver of depth). This a common waiver for subdivisions with topography constraints.

2. To Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320' for Blocks 1 and 2. Block 2 surrounds a regional detention cell that contains the 100-year flood event and Block 1 abuts Jensen Park.
3. To Subdivision Ordinance 26.23.140(c) to allow for side lots lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This waiver is requested to obtain flexibility in obtaining the required width of house footprints at the setback line on streets as final plats are created.

With this application we submit the following items:

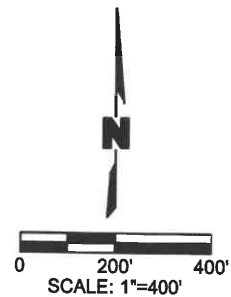
Application for a Community Unit Plan, Change of Zone & Use Permit
CUP Special Permit Fee of \$4,283.00
Use Permit Fee of \$1,718.95
Change of Zone Fee of \$988.00
A change of zone & annexation exhibit
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

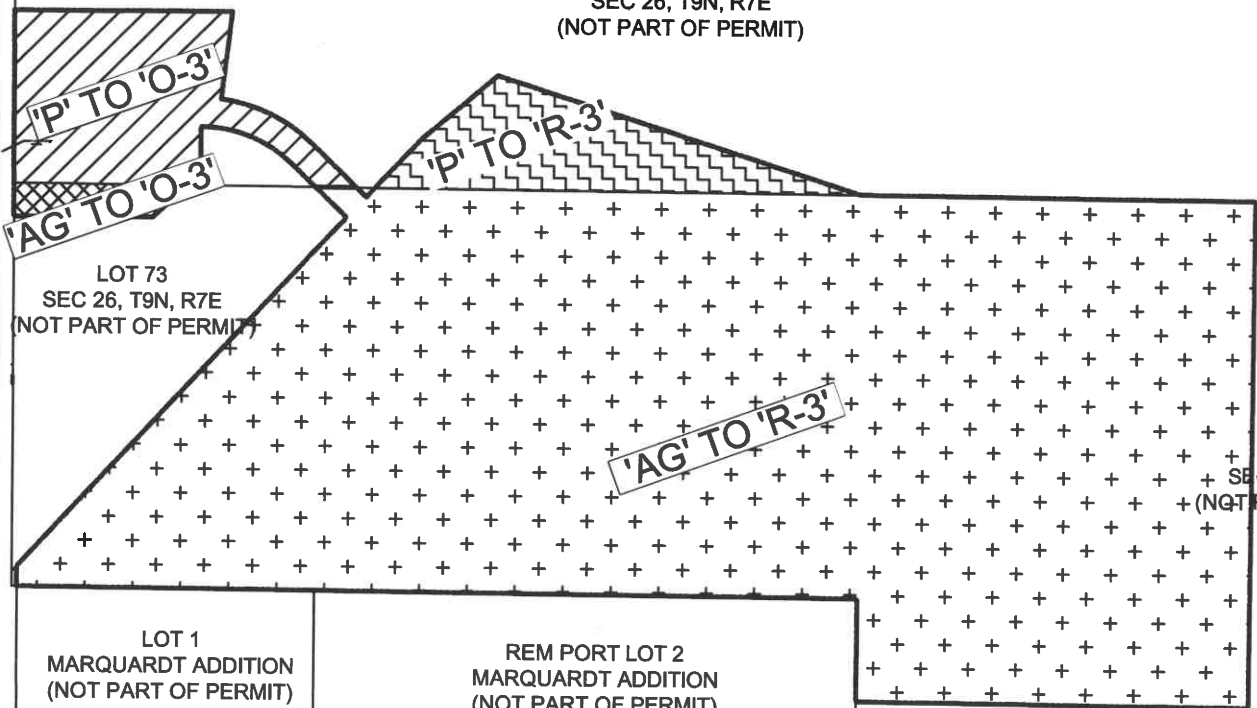
Sincerely,


Mike Eckert, AICP

cc: R.C. Krueger Development, Inc.



LOT 73
SEC 26, T9N, R7E
(NOT PART OF PERMIT)



DWG: F:\Projects\2018\20180054\Landplanning\Exhibit\180054_COZ.dwg
 DATE: Dec 23, 2019 1:50pm
 USER: jll
 180054 background
 1260907

drawn by: jds
 checked by: -
 project no.: 2018-0054
 date: 12/24/2019

CAROLTON HEIGHTS CHANGE OF ZONE EXHIBIT LINCOLN, NEBRASKA


Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
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 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
 1
 OF
 5

CHANGE OF ZONE "AG" TO "O-3"
LEGAL DESCRIPTION

Description of a 0.52 acre tract of land, said tract being a part of Lot 72 of Irregular Tracts, located in the Southwest Quarter of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'32" E, for a distance of 50.00' to the POINT OF BEGINNING, said point being located on the Easterly 50.00' Right-of-Way line of South 84th Street and on the West line of said Lot 72;

Thence S 00°07'29" E on the West line of said Lot 72 and on the Easterly 50.00' Right-of-Way line of South 84th Street, for a distance of 69.86';

Thence N 89°51'43" E on a line common to Lots 72 and 73 of Irregular Tracts, for a distance of 289.72';

Thence N 48°10'29" E on a line common to said Lots 72 and 73, for a distance of 101.25' to a point on the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 365.33' to the POINT OF BEGINNING and containing a calculated area of 0.52 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

CHANGE OF ZONE "P" TO "O-3"
LEGAL DESCRIPTION

Description of a 3.91 acre tract of land, said tract being a part of Lot 72 of Irregular Tracts, located in the Northwest Quarter of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'32" E, for a distance of 50.00' to the POINT OF BEGINNING, said point being located on the Easterly 50.00' Right-of-Way line of South 84th Street and on the West line of said Lot 72;

Thence N 00°08'17" W on the West line of said Lot 72 and on the Easterly 50.00' Right-of-Way line of South 84th Street for a distance of 360.14';

Thence N 89°51'43" E on a line common to Lots 72 and 73 of Irregular Tracts, said line also being perpendicular to the West line of the Northwest Quarter of said Section 26, for a distance of 454.60';

The next 3 courses are also on a line common to said Lots 72 and 73;

Thence S 06°59'47" W, for a distance of 243.98';

Thence on a curve turning to the right with an arc length of 211.24', a radius of 330.00', a chord bearing of S 64°39'56" E, for a chord length of 207.65';

Thence S 46°19'40" E, for a distance of 134.67' to a point on the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 87.30';

Thence N 46°19'40" W on a line common to said Lots 72 and 73, for a distance of 71.26';

The next 3 courses are also on a line common to said Lots 72 and 73;

Thence on a curve turning to the left with an arc length of 206.45', a radius of 270.00', a chord bearing of N 68°13'58" W, for a chord length of 201.46';

Thence S 00°08'17" E on a line parallel to the West line of the Northwest Quarter of said Section 26, for a distance of 100.00';

Thence S 48°10'29" W, for a distance of 34.08' to a point on the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 365.33' to the POINT OF BEGINNING and containing a calculated area of 3.91 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

CHANGE OF ZONE "AG" TO "R-3"
LEGAL DESCRIPTION

Description of a 47.35 acre tract of land, said tract being a part of Lot 72 of Irregular Tracts and all of Lot 32 of Irregular Tracts, located in the Southwest Quarter of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 32, said point also being the Southeast corner of the Northwest Quarter of said Section 26 and the Northwest corner of Lot 31 of Irregular Tracts; thence in a Westerly direction on an assumed bearing of N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 1848.51';

Thence S 43°40'20" W on a line common to said Lot 72 and Lot 73 of Irregular Tracts, for a distance of 26.02';

Thence N 46°19'40" W on a line common to said Lots 72 and 73, for a distance of 27.50' to a point on the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 87.30';

Thence S 46°19'40" E on a line common to said Lots 72 and 73, for a distance of 90.92';

Thence S 43°40'20" W on a line common to said Lots 72 and 73, for a distance of 85.00';

Thence S 42°57'50" W on a line common to said Lots 72 and 73, for a distance of 916.22' to a point on the West line of said Lot 72, said point being located 60.00' East of the West line of the Southwest Quarter of said Section 26;

Thence S 00°07'29" E on a line 60.00' East of and parallel to the West line of the Southwest Quarter of said Section 26 and on a line common to said Lots 72 and 73, for a distance of 42.51' to the Northwest corner of Lot 1, Marquardt Addition and the Southwest corner of said Lot 72;

Thence S 89°41'49" E on the North line of Marquardt Addition and on the most Southerly line of said Lot 72, for a distance of 1757.74' to the Northeast corner of Lot 2, Marquardt Addition and the Southeast corner of said Lot 72, said point also being located on the West line of said Lot 32;

Thence S 00°07'25" W on the East line of said Lot 2, Marquardt Addition and on the West line of said Lot 32, for a distance of 214.60' to the Southwest corner of said Lot 32 and the Northwest corner of Lot 70 of Irregular Tracts;

Thence S 89°44'32" E on the South line of said Lot 32 and on the North line of said Lot 70, said line being located 1056.00' South of and parallel to the North line of the Southwest Quarter of said Section 26, for a distance of 826.80' to the Southeast corner of said Lot 32 and the Southwest corner of said Lot 31;

Thence N 00°22'26" E on the East line of the Southwest Quarter of said Section 26 and on the line common to said Lots 32 and 31, for a distance of 1056.00' to the POINT OF BEGINNING and containing a calculated area of 47.35 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

CHANGE OF ZONE "P" TO "R-3"
LEGAL DESCRIPTION

Description of a 2.82 acre tract of land, said tract being a part of Lot 72 of Irregular Tracts, located in the Northwest Quarter of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northwest corner of Lot 32 of Irregular Tracts, said point being located 831.41' West of the Southeast corner of the Northwest Quarter of said Section 26 as measured along the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 1017.10';

Thence N 43°40'20" E on a line common to Lots 72 and 73 of Irregular Tracts, for a distance of 143.98';

Thence N 49°54'08" E on a line common to said Lots 72 and 73, for a distance of 206.00';

Thence S 72°22'50" E on a line common to said Lots 72 and 73, for a distance of 797.50' to the POINT OF BEGINNING and containing a calculated area of 2.82 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

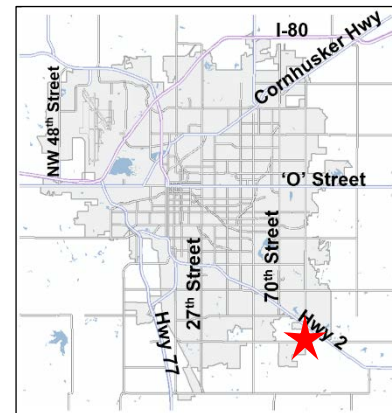
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #19061 - Carolton Heights Community Unit Plan (CUP)	FINAL ACTION? Yes	DEVELOPER/OWNER Krueger Holding Company, LLC
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS Change of Zone #19034 Use Permit #19023	PROPERTY ADDRESS/LOCATION South 84 th Street and Hayek Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Community Unit Plan (CUP) located at approximately South 84th Street and Hayek Drive. The CUP is approximately 50 acres in area, and proposes 168 single-family lots. Based upon the land area involved, a maximum density of 349 dwelling units is permitted, so the remaining 181 allowed dwelling units will be unassigned, and can be used in the future to allow for potential expansion of the CUP and flexibility in adjusting the layout as the project develops. Approval of this request will be conditioned upon the approval of the associated change of zone request.



JUSTIFICATION FOR RECOMMENDATION

The full range of municipal services can be provided to serve this development. The Comprehensive Plan designates the area of the CUP for future urban density land uses. The plans submitted substantially comply with the requirements of the Zoning Ordinance. Minor revisions are required, but with those changes this request complies with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT

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

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area of the CUP is designated for urban density residential development. The proposed plan shows attached and detached single-family dwelling units. The mix of dwelling types proposed complies with the Comprehensive Plan land use designation.

WAIVERS

- | | |
|--|--------------------|
| 1. Block length in excess of 1,320' for Blocks 1 and 2 - LMC Sec. 26.23.130(a) - | Not Required |
| 2. Lot lines not to radial street ROW - LMC Sec. 26.23.140(c) | Not Required |
| 3. Sewer to flow opposite street grades - Design Standard Title 2, Sec. 3.6 | Recommend Approval |

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

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

ANALYSIS

1. This is a request for a Community Unit Plan (CUP) located at approximately South 84th Street and Hayek Drive. The CUP is 50.16 acres in area, with the potential for up to 349 dwelling units based upon the allowed density per the Design Standards for the R-3 zoning district. This request is associated with and dependent upon the approval by City Council of CZ#19034, a request to rezone the subject property from P and AG to R-3.
2. Based upon the land area involved, a maximum density of 349 dwelling units is allowed, although the site plan layout shows only 168 dwelling units. The remaining 181 allowed dwelling units will be unassigned, and can be used in the future to allow for potential expansion of the CUP and flexibility in adjusting the layout as the project develops.
3. Internally, the lots are served by public streets which will be constructed to full city standards, including curb and gutter, sidewalks, street trees and street lights. Public sewer and water are both adjacent to the property in either South 84th Street or the developing neighboring property to the south, the Rokeby Ridge CUP.
4. The applicant has requested two waivers to Title 26 and one to the Design Standards. They are as follows:
 - a. Allow block length in excess of 1,320' - Lincoln Municipal Code (LMC) Sec. 26.23.130(a).

This involves two blocks - Blocks 1 and 2. Block 1 is adjacent to a drainage way and regional detention facility. Block 2 is also adjacent to the same drainage way, as well as a future City park. The Parks and Recreation Department did not want another access in this area based upon the concept plan for the future park. Both circumstances are blocks near natural barriers or man-made features that make street connections impractical. Under these circumstances, LMC allows for over length blocks and a waiver is not required.

LMC Section 26.23.130(a) states: Block lengths shall not exceed 1,320 feet *except where a major street, school, park, or other man-made barrier, lake, or other natural barrier forms one boundary of a block*. Block lengths shall not exceed 1,000 feet in neighborhoods originally platted prior to December 31, 1949.

- b. Lot lines not parallel to the street right-of-way line - LMC Section 26.23.140(c).

This request is not uncommon in developments with curved streets. In part, the layout of this development is dictated by the natural drainage/topography of the area. Also, a regional detention facility will be located between this CUP and S. 84th Street on the south side of Hayek Drive. None of the lots with lot lines not parallel to the ROW are so unusually shaped as to create lots that are not suitable for development, and the lots shown result in a better overall layout. Under these circumstances LMC allows for an exception to the standard, and in such cases a waiver is not required.

Prepared by

Brian Will, bwill@lincoln.ne.gov

January 22, 2020

Applicant: Christina Melgoza
Krueger Holding Company
8200 Cody Drive
Lincoln, NE 68512
(402) 423-7377 or cmelgoza@kruegerdevelopment.com

Owner: Milton and Carol Talcott Revocable Trust
8100 Rokeby Road
Lincoln, NE 68506
(918)-991-8847

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

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19061

1. Per Section 27.63.320 this approval permits a Community Unit Plan for up to 349 dwelling units with waivers to Design Standards to allow sanitary sewer to run opposite street grades.

Site Specific Conditions:

1. The City Council approves associated requests:
 - 1.1 Change of Zone #19034
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Make the following revisions to the CUP plan set:
 - 2.1.1 Correct the use permit legal description as noted by the County Assessor.
 - 2.1.2 Revise General Note #9 by deleting the words "including a minimum width of 38'" from Line 3 of the note.
 - 2.1.3 Delete General Notes #15, and duplicate notes #15 and #16.
 - 2.1.4 Revise the CUP density table to use the terms 'Total Units Approved' and 'Unassigned Units'.
 - 2.1.5 Remove Outlots A and B, and show a cross street in Block 7 in the vicinity of Lots 8 - 11.
 - 2.1.6 Show Outlot B 30' in width with an access easement for park maintenance, and show a 15'-wide pedestrian way easement from Reese Drive to the park to the satisfaction of the Planning Department.
 - 2.1.7 Revise the intersection for South 84th Street and Hayek Drive to show a roundabout.
 - 2.1.8 Replace the street names Carter (Carger already in use), and Orton (Morton already in use).
 - 2.1.10 Make revisions and corrections for Lincoln Transportation and Utilities/Watershed Management as noted in the review letter and redline comments in ProjectDox.
 - 2.1.11 Make the corrections requested by LTU Engineering Services.
 - 2.1.12 Correct the numbering for the CUP waivers.
 - 2.1.13 Add a note which states that off-site water quality features located on City-owned land is allowed provided the developer grades the bike trail platform from S. 84th to Hayek Drive to the satisfaction of the Parks and Recreation Department.
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 the regional detention facility has been constructed and approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

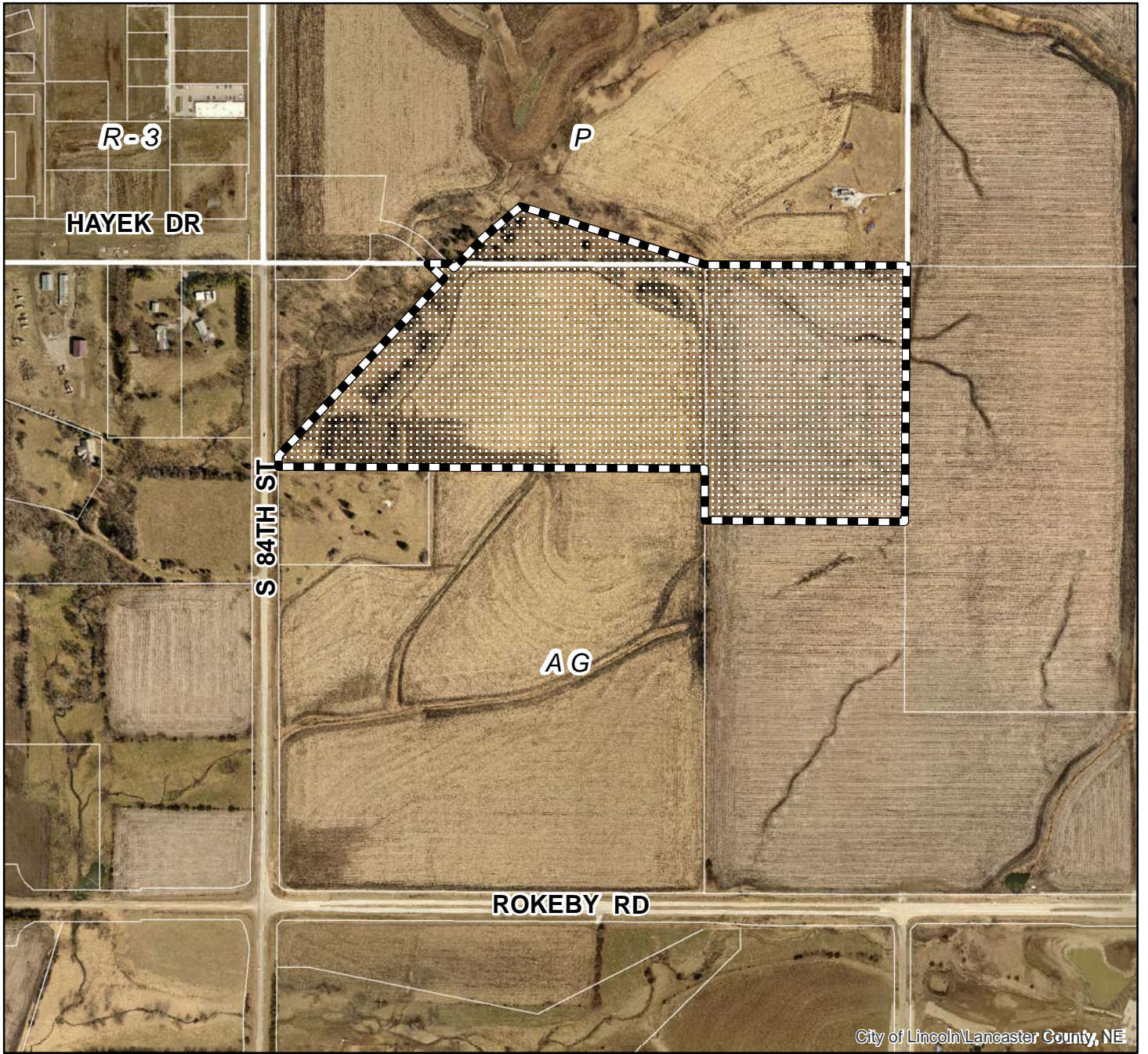
to protect the trees that are indicated to remain during construction and development.

Standard Conditions:

5. The following conditions are applicable to all requests:

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

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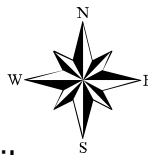
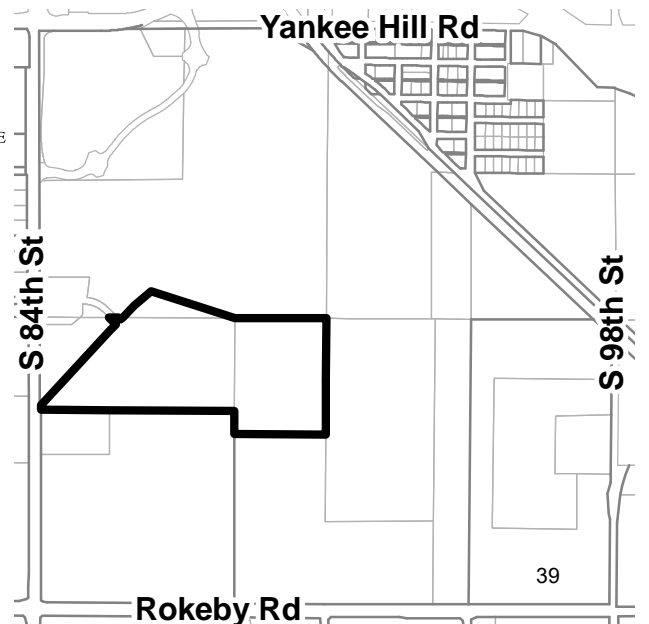
2018 aerial

Special Permit #: SP19061
Carolton Heights CUP
S 84th 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.26 T09N R07E

**USE PERMIT
LEGAL DESCRIPTION**

Description of a 4.43 acre tract of land, said tract being all of Lot 72 of Irregular Tract, located in the West half of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'32" E, for a distance of 50.00' to the POINT OF BEGINNING, said point being located on the Easterly 50.00' Right-of-Way line of South 84th Street and on the West line of said Lot 72 of Irregular Tracts;

Thence N 00°08'17" W on the West line of said Lot 72 and on the Easterly 50.00' Right-of-Way line of South 84th Street for a distance of 360.14';

Thence N 89°51'43" E on a line common to Lots 72 and 73 of Irregular Tracts, said line also being perpendicular to the West line of the Northwest Quarter of said Section 26, for a distance of 454.60';

The next 6 courses are also on a line common to said Lots 72 and 73;

Thence S 06°59'47" W, for a distance of 183.98';

Thence on a curve to the right with an arc length of 211.24', a radius of 330.00', a chord bearing of S 64°39'56" E, for a chord length of 207.65';

Thence S 46°19'40" E, for a distance of 134.67';

Thence N 46°19'40" W, for a distance of 71.26';

Thence on a curve to the left with an arc length of 206.45', a radius of 270.00', a chord bearing of N 68°13'58" W, for a chord length of 201.46';

Thence S 00°08'17" E, for a distance of 100.00';

Thence S 48°10'29" W, for a distance of 135.32';

Thence S 89°51'43" W, for a distance of 289.72' to a point on the Easterly 50.00' Right-of-Way line of South 84th Street;

Thence N 00°07'29" W on the West line of said Lot 72 of Irregular Tracts and on the Easterly 50.00' Right-of-Way line of said South 84th Street, for a distance of 69.86' to the POINT OF BEGINNING and containing a calculated area of 4.43 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

WAIVERS FOR COMMUNITY UNIT PLAN

1. DESIGN STANDARDS CHAPTER 2.00, SECTION 3.3.6 SANITARY SEWER TO RUN OPPOSITE OF STREET GRADE.

2. SUBDIVISION ORDINANCE 26.23.130 (a), BLOCK LENGTH WAIVER FOR BLOCK 1 AND 2.

2. TO SUBDIVISION ORDINANCES 26.23.140(C) TO ALLOW FOR SIDE LOT LINES TO DEVIATE FROM BEING RADIAL TO STREET RIGHT-OF-WAY LINES ON CURVED STREETS.

WAIVERS FOR USE PERMIT

1. ZONING CODE 27.72.030 TO ALLOW O-3 BUILDING HEIGHTS TO BE A MAXIMUM OF 55'.

GENERAL NOTES

- THE EXISTING ZONING IS AG & P, THE PROPOSED ZONING IS O-3 & R-3 C.U.P.
- TOTAL USAGE TABLE

a. SINGLE FAMILY LOTS	-136
b. SINGLE FAMILY ATTACHED LOTS	- 32
c. OFFICE/APARTMENT LOTS	- 2
d. OUTLOTS	- 13
- OUTLOTS AND USE

a. OUTLOT "A" - DRAINAGE WAY
b. OUTLOT "B" - DRAINAGE WAY
c. OUTLOT "C" - PEDESTRIAN WAY
d. OUTLOT "D" - FUTURE DEVELOPABLE
e. OUTLOT "E" - PEDESTRIAN WAY
f. OUTLOT "F" - FUTURE DEVELOPABLE
g. OUTLOT "G" - FUTURE DEVELOPABLE
h. OUTLOT "H" - FUTURE DEVELOPABLE
i. OUTLOT "I" - FUTURE DEVELOPABLE
d. OUTLOT "J" - FUTURE DEVELOPABLE
e. OUTLOT "K" - FUTURE DEVELOPABLE
l. OUTLOT "L" - FUTURE DEVELOPABLE
m. OUTLOT "M" - DRAINAGE WAY
- LOTS AND USE TABLE

a. LOTS 1 - 12, BLK 1 - SINGLE FAMILY
b. LOTS 1 - 25, BLK 2 - SINGLE FAMILY
c. LOTS 1 - 21 BLK 3 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
d. LOTS 1 - 15, BLK 4 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
e. LOTS 1 - 20, BLK 5 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
f. LOTS 1 - 4, BLK 6 - SINGLE FAMILY ATTACHED
i. LOTS 1 - 16, BLK 7 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
j. LOTS 1 - 19, BLK 8 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
k. LOTS 1 - 13, BLK 9 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
l. LOTS 1 - 13, BLK 10 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
m. LOTS 1 - 10, BLK 11 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
n. LOT 1, BLK 12 - OFFICE/APARTMENTS
o. LOT 1, BLK 13 - OFFICE/APARTMENTS

5. C.U.P. RESIDENTIAL DENSITY CALCULATIONS

ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS
R-3	50.16	6.96	349
DENSITY SHOWN			168
REMAINING DENSITY			181

6. USE PERMIT DENSITY/SQUARE FOOTAGE CALCULATIONS

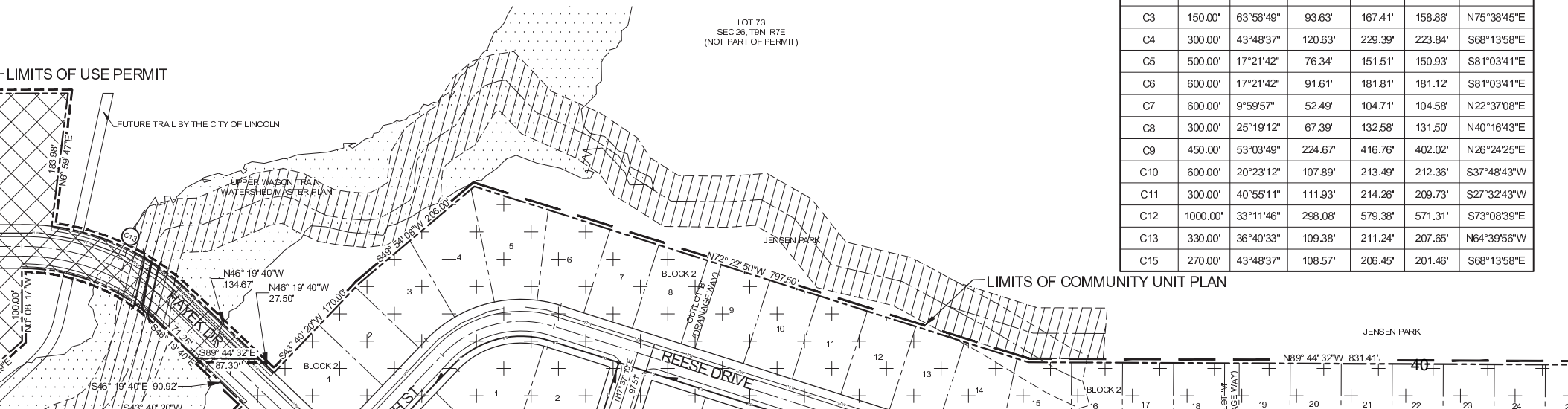
ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS/ S.F.
O-3	4.43	29.04	128
OR OFFICE			45,000 S.F.

- ALL OUTLOT AREAS AND OPEN SPACE SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THAT AN HOMEOWNERS ASSOCIATION TAKES POSSESSION.
- DIRECT VEHICULAR ACCESS TO S. 84TH STREET IS RELINQUISHED EXCEPT WHERE SHOWN.
- SINGLE FAMILY LOTS MAY BE USED AS AN ATTACHED SINGLE-FAMILY LOT PROVIDED THAT THE LOT MEETS THE MINIMUM LOT AREA REQUIREMENT INCLUDING A MINIMUM WIDTH OF 38 FEET, AND SETBACKS FOR A TWO-FAMILY LOT LOCATED IN THE R-3 ZONE.
- LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- SANITARY SEWER AND WATER LINES TO BE 8 INCH PIPE AND 6 INCH PVC PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- FINAL DESIGN FOR GRADING OF THE OPEN DITCHES AND DETENTION FACILITIES SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS REQUIRING PROVISIONS TO LIMIT DEGRADATION OF THE CHANNEL AND TO MAINTAIN A STABLE SLOPE BASED ON URBANIZED RUNOFF FROM THE WATERSHED.
- ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT THE DEVELOPERS EXPENSE.
- EAVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
- THE DEVELOPER SHALL MEET THE REQUIREMENTS OF CHAPTER 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR SEDIMENT AND EROSION CONTROL RELATING TO CONSTRUCTION ACTIVITY.
- A 404 PERMIT FROM THE CORPS OF ENGINEERS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITY WITHIN AREAS DETERMINED TO BE JURISDICTIONAL WETLANDS OR WATERS OF THE UNITED STATES.
- UTILITY EASEMENTS TO BE COORDINATED WITH L.E.S. AND SHOWN ON THE FINAL PLAT.

CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	750.00'	13°41'35"	90.05'	179.24'	178.81'	N82°53'45"W
C2	200.00'	43°47'50"	80.39'	152.88'	149.19'	N21°46'26"E
C3	150.00'	63°56'49"	93.63'	167.41'	158.86'	N75°38'45"E
C4	300.00'	43°48'37"	120.63'	229.39'	223.84'	S68°13'58"E
C5	500.00'	17°21'42"	76.34'	151.51'	150.93'	S81°03'41"E
C6	600.00'	17°21'42"	91.61'	181.81'	181.12'	S81°03'41"E
C7	600.00'	9°59'57"	52.49'	104.71'	104.58'	N22°37'08"E
C8	300.00'	25°19'12"	67.39'	132.58'	131.50'	N40°16'43"E
C9	450.00'	53°03'49"	224.67'	416.76'	402.02'	N26°24'25"E
C10	600.00'	20°23'12"	107.89'	213.49'	212.36'	S37°48'43"W
C11	300.00'	40°55'11"	111.93'	214.26'	209.73'	S27°32'43"W
C12	1000.00'	33°11'46"	298.08'	579.38'	571.31'	S73°08'39"E
C13	330.00'	36°40'33"	109.38'	211.24'	207.65'	N64°39'56"W
C15	270.00'	43°48'37"	108.57'	206.45'	201.46'	S68°13'58"E

LIMITS OF USE PERMIT



GENERAL NOTES

1. THE EXISTING ZONING IS AG & P, THE PROPOSED ZONING IS O-3 & R-3 C.U.P..

2. TOTAL USAGE TABLE

a. SINGLE FAMILY LOTS	-136
b. SINGLE FAMILY ATTACHED LOTS	- 32
c. OFFICE/APARTMENT LOTS	- 2
d. OUTLOTS	- 13

3. OUTLOTS AND USE

- a. OUTLOT "A" - DRAINAGE WAY
- b. OUTLOT "B" - DRAINAGE WAY
- c. OUTLOT "C" - PEDESTRIAN WAY
- d. OUTLOT "D" - FUTURE DEVELOPABLE
- e. OUTLOT "E" - PEDESTRIAN WAY
- f. OUTLOT "F" - FUTURE DEVELOPABLE
- g. OUTLOT "G" - FUTURE DEVELOPABLE
- h. OUTLOT "H" - FUTURE DEVELOPABLE
- i. OUTLOT "I" - FUTURE DEVELOPABLE
- d. OUTLOT "J" - FUTURE DEVELOPABLE
- e. OUTLOT "K" - FUTURE DEVELOPABLE
- l. OUTLOT "L" - FUTURE DEVELOPABLE
- m. OUTLOT "M" - DRAINAGE WAY

4. LOTS AND USE TABLE

- a. LOTS 1 - 12, BLK 1 - SINGLE FAMILY
- b. LOTS 1 - 25, BLK 2 - SINGLE FAMILY
- c. LOTS 1 - 21 BLK 3 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- d. LOTS 1 - 15, BLK 4 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- e. LOTS 1 - 20, BLK 5 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- f. LOTS 1 - 4, BLK 6 - SINGLE FAMILY ATTACHED
- i. LOTS 1 - 16, BLK 7 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- j. LOTS 1 - 19, BLK 8 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- k. LOTS 1 - 13, BLK 9 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- l. LOTS 1 - 13, BLK 10 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- m. LOTS 1 - 10, BLK 11 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
- n. LOT 1, BLK 12 - OFFICE/APARTMENTS
- o. LOT 1, BLK 13 - OFFICE/APARTMENTS

5. C.U.P. RESIDENTIAL DENSITY CALCULATIONS

ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS
R-3	50.16	6.96	349
DENSITY SHOWN			168
REMAINING DENSITY			181

6. USE PERMIT DENSITY/SQUARE FOOTAGE CALCULATIONS

ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS/ S.F.
O-3	4.43	29.04	128
OR OFFICE			45,000 S.F.

- 7. ALL OUTLOT AREAS AND OPEN SPACE SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THAT AN HOMEOWNERS ASSOCIATION TAKES POSSESSION.
- 8. DIRECT VEHICULAR ACCESS TO S. 84TH STREET IS RELINQUISHED EXCEPT WHERE SHOWN.
- 9. SINGLE FAMILY LOTS MAY BE USED AS AN ATTACHED SINGLE-FAMILY LOT PROVIDED THAT THE LOT MEETS THE MINIMUM LOT AREA REQUIREMENT INCLUDING A MINIMUM WIDTH OF 38 FEET, AND SETBACKS FOR A TWO-FAMILY LOT LOCATED IN THE R-3 ZONE.
- 10. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- 11. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- 12. SANITARY SEWER AND WATER LINES TO BE 8 INCH PIPE AND 6 INCH PVC PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- 13. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- 14. FINAL DESIGN FOR GRADING OF THE OPEN DITCHES AND DETENTION FACILITIES SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS REQUIRING PROVISIONS TO LIMIT DEGRADATION OF THE CHANNEL AND TO MAINTAIN A STABLE SLOPE BASED ON URBANIZED RUNOFF FROM THE WATERSHED.
- 15. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT THE DEVELOPERS EXPENSE.
- 16. EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
- 15. THE DEVELOPER SHALL MEET THE REQUIREMENTS OF CHAPTER 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR SEDIMENT AND EROSION CONTROL RELATING TO CONSTRUCTION ACTIVITY.
- 16. A 404 PERMIT FROM THE CORPS OF ENGINEERS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITY WITHIN AREAS DETERMINED TO BE JURISDICTIONAL WETLANDS OR WATERS OF THE UNITED STATES.
- 17. UTILITY EASEMENTS TO BE COORDINATED WITH L.E.S. AND SHOWN ON THE FINAL PLAT.

CURVE DATA

CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	750.00'	13°41'35"	90.05'	179.24'	178.81'	N82°53'45"W
C2	200.00'	43°47'50"	80.39'	152.88'	149.19'	N21°46'26"E
C3	150.00'	63°56'49"	93.63'	167.41'	158.86'	N75°38'45"E

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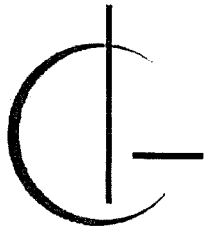
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Civil Design Group, Inc.

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

December 24, 2019

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

Re: Special Permit application for a R-3 CUP (50.17 acres) & O-3 office park Use Permit (4.43 acres) Located east of S. 84th St at Hayek Dr.

Dear Mr. Cary:

On behalf of R.C. Krueger Development, Inc., we submit the enclosed application for Carlton Heights R-3 CUP & O-3 Use Permit. This application covers a total of 54.6 acres east of S. 84th and south of Jensen Park. The R-3 CUP will contain 168 single-family units, with the excess density reserved for use in future phases of the CUP as it expands to the east and south.

Our firm has engaged in extensive discussions with Planning and Parks & Recreation staff regarding the interface of this subdivision with the Jensen Park land. These discussions have included provisions for grading and drainage easements on the park land as well as the future location of trails and water quality and detention facilities.

We are requesting waivers of the following zoning and subdivision regulations:

For the O-3 Use Permit:

1. To Zoning Code 27.72.030 to allow buildings in the O-3 area to be a maximum of 65' high. This is a common height limit for office & multi-family buildings that provide an adequate buffer area to single-family lots.
2. To Zoning Code 27.72.030 to revise the front, rear and side yard setbacks to 15'. These parcels are isolated by open space with no adjacent residential lots. The open space acts as the buffers from the residential lots.

For the R-3 CUP:

1. To Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades (not requesting waiver of depth). This a common waiver for subdivisions with topography constraints.

2. To Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320' for Blocks 1 and 2. Block 2 surrounds a regional detention cell that contains the 100-year flood event and Block 1 abuts Jensen Park.
3. To Subdivision Ordinance 26.23.140(c) to allow for side lots lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This waiver is requested to obtain flexibility in obtaining the required width of house footprints at the setback line on streets as final plats are created.

With this application we submit the following items:

Application for a Community Unit Plan, Change of Zone & Use Permit
CUP Special Permit Fee of \$4,283.00
Use Permit Fee of \$1,718.95
Change of Zone Fee of \$988.00
A change of zone & annexation exhibit
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,


Mike Eckert, AICP

cc: R.C. Krueger Development, Inc.

COMMUNITY UNIT PLAN
LEGAL DESCRIPTION

Description of a 50.16 acre tract of land, said tract being all of Lot 32 and a part of 72 of Irregular Tracts, located in the West half of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 32, said point also being the Southeast corner of the Northwest Quarter of said Section 26 and the Northwest corner of Lot 31 of Irregular Tracts; thence in a Westerly direction on an assumed bearing of N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 831.41';

Thence N 72°22'50" W on a line common to said Lots 72 and 73, for a distance of 797.50';

Thence S 49°54'08" W on a line common to said Lots 72 and 73, for a distance of 206.00';

Thence S 43°40'20" W on a line common to said Lots 72 and 73, for a distance of 170.00';

Thence N 46°19'40" W on a line common to said Lots 72 and 73, for a distance of 27.50' to a point on the South line of the Northwest Quarter of said Section 26;

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 87.30';

Thence S 46°19'40" E on a line common to said Lots 72 and 73, for a distance of 90.92';

Thence S 43°40'20" W on a line common to said Lots 72 and 73, for a distance of 85.00';

Thence S 42°57'50" W on a line common to said Lots 72 and 73, for a distance of 916.22' to a point on the West line of said Lot 72, said point being located 60.00' East of the West line of the Southwest Quarter of said Section 26;

Thence S 00°07'29" E on a line 60.00' East of and parallel to the West line of the Southwest Quarter of said Section 26 and on a line common to said Lots 72 and 73, for a distance of 42.51' to the Northwest corner of Lot 1, Marquardt Addition and the Southwest corner of said Lot 72;

Thence S 89°41'49" E on the North line of Marquardt Addition and on the most Southerly line of said Lot 72, for a distance of 1757.74' to the Northeast corner of Lot 2, Marquardt Addition and the Southeast corner of said Lot 72, said point also being located on the West line of said Lot 32;

Thence S 00°07'25" W on the East line of said Lot 2, Marquardt Addition and on the West line of said Lot 32, for a distance of 214.60' to the Southwest corner of said Lot 32 and the Northwest corner of Lot 70 of Irregular Tracts;

Thence S 89°44'32" E on the South line of said Lot 32 and on the North line of said Lot 70, said line being located 1056.00' South of and parallel to the North line of the Southwest Quarter of said Section 26, for a distance of 826.80' to the Southeast corner of said Lot 32 and the Southwest corner of said Lot 31;

Thence N 00°22'26" E on the East line of the Southwest Quarter of said Section 26 and on the line common to said Lots 32 and 31, for a distance of 1056.00' to the **POINT OF BEGINNING** and containing a calculated area of 47.35 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

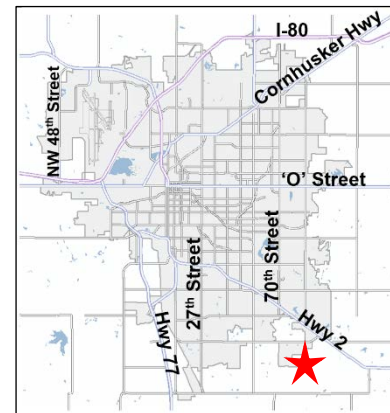
APPLICATION NUMBER Use Permit #19023 - Carolton Heights	FINAL ACTION? No	DEVELOPER/OWNER Krueger Holding Company, LLC
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS Change of Zone #19034 Special Permit #19061	PROPERTY ADDRESS/LOCATION South 84 th Street and Hayek Drive

RECOMMENDATION: CONDITIONAL APPROVAL

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This request is associated with a change of zone and special permit for a community Unit Plan (CUP). All are the result of a land exchange between the City and Krueger Development in 2017. The land exchange was approved by a Comprehensive Plan Conformance for surplus property, and the Future Land Use Map was amended to show commercial land uses for the area of this request. The change of zoning to O-3 will allow small-scale commercial development of a limited nature with no potential for expansion given the adjacent park and regional detention facility. Provided the separation from other uses, the waivers to height and setbacks to allow increased density and more efficient use of land are appropriate.



JUSTIFICATION FOR RECOMMENDATION

The full range of municipal services can be provided to serve this development. The Comprehensive Plan designates the area of the use permit for future commercial land uses. The plans submitted substantially comply with the requirements of the Zoning Ordinance. Minor revisions are required, but with those changes this request complies with the Zoning Ordinance and Comprehensive Plan.

APPLICATION CONTACT

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

STAFF CONTACT

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

The area of the use permit is designated for commercial development. The Comprehensive Plan supports locating medical office and small scale commercial uses with walking distance of neighborhoods while limiting the impacts and encroachment into those neighborhoods. This proposal will serving as a transition to the residential and park to the east. The proposed plan shows either 45,000 square feet of commercial floor area or 128 dwelling units, or a mix of both. The proposed uses comply with the Comprehensive Plan land use designation.

WAIVERS

1. Height from 35' and 40' to 65' - LMC Sec. 27.72.030 -
2. Reduce front, side and rear setbacks - LMC Sec. 26.23.030

Recommend Approval
Recommend Approval

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - Site is designated for future urban residential and commercial land uses in the 2040 Future Land Use Plan.

P. 12.4 - Green Space - Public or privately-owned areas predominantly used for recreation, such as parks, golf courses, soccer or ball fields, and trails. Many green space areas also serve functions such as buffers between incompatible uses and as storm water management areas. In some cases, privately-owned Green Space such as golf courses may also be appropriate to be considered for future Urban Residential development.

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

P. 1.2 - Quality of Life Assets:

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

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

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

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

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

P. 5.1-5.2 - Business & Economy Guiding Principles

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

-Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

-Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

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

-Strive for predictability for neighborhoods and developers.

-Encourage and provide incentives for mixed uses in future developments.

ANALYSIS

1. This is a request for a use permit over a 4.43 acre tract of land. It proposes to be developed as either 45,000 square feet of commercial floor area, or up to 128 dwelling units or a mix of both. This request is associated with and dependent upon the approval by City Council of CZ#19034, a request to rezone the subject property from P and AG to O-3.
2. In 2017, CPC #17010 was approved allowing a land exchange between the City and the applicant. It allowed land that is better suited for green space/park land, due in part to lack of sanitary sewer service, to be exchanged for land nearer South 84th Street which has access to utilities and greater development potential. The exchange made for a better shaped, more contiguous park located adjacent to the recently opened Moore Middle School and YMCA.
3. At about the same time that CPC#17010 was approved, CPA#17003 was also approved amending the Future Land Use Map. The changes included the designation of Green Space for the adjacent public park, Commercial for the 4.43 acre that is the subject of this request, and Urban Residential which includes the R-3 area for the associated special permit for the CUP.

4. The applicant has requested two waivers to Title 27, they are as follows:

a. Adjust the height to 65' - Lincoln Municipal Code (LMC) Sec. 27.72.030.

The O-3 area is bounded by South 84th Street on the west, City-owned park land to north, and a regional detention facility on the south. The O-3 district is unique in that it limits dwellings to 35' in height, but all other allowed uses are allowed to 40'. Both office buildings and apartment buildings are allowed in the O-3, and 65' would allow for four-story buildings of either type. Given the separation from other uses and the siting near an arterial street, higher density at this location is encouraged and the waiver is appropriate for both commercial and residential uses.

b. Adjust the front, side and rear setbacks - LMC Section 27.72.030.

Again, the O-3 zoning district makes a distinction between dwellings and other allowed uses with respect to setbacks. Setbacks for dwellings are: Front - 30'; Side - 15'; Rear - 40'; and for all other allowed uses they are: Front - 20'; Side - 15'; Rear - 40'. The request is to adjust the side and rear setbacks to 15', and the front setback to 20' (there is a minor typo in the application letter stating 15' but the intent was a 20' front). Given the relative isolation of the area of the use permit from surrounding uses, setback adjustments are appropriate. Reducing the side and rear setbacks to 15' will have little impact given adjacent uses are open space, a detention facility or an arterial street. Making the front setback the same for both at 20' provides uniformity and is consistent with most every other zoning district.

5. This property is adjacent to other properties that are part of the Rokeby Coalition, a coalition formed to help finance the extension of sanitary sewer to the area in advance of the City's Capital Improvements Program. As noted with the associated CUP, this property will also benefit, and so it is a condition of approval of the associated change of zone request that the Coalition agreement be amended to include the subject property, which the applicant has acknowledged. That agreement also provides for two regional detention facilities, one of which is located adjacent to the development. The agreement requires that the adjacent cell to be constructed prior to the approval of any final plats on member properties, and needs to apply to this development as well.'
6. One of the terms of the land exchange was the agreement that no restaurants would be allowed on the O-3 area. Additionally, the sale of alcohol is only allowed in the O-3 by special permit when associated with a restaurant. Both uses were deemed not desirable at this location given the proximity to the park and middle school.
7. In addition to the regional detention facility, storm water quality features are required to serve this development. Both of these features are shown off-site - one is shown on the City park land, and the other is shown near the regional detention facility. The Parks and Recreation Department has agreed to allow the water feature on City property, and the developer agreed to grade the trail platform from where it crosses South 84th Street to Hayek Drive.
8. When South 84th Street is improved to a four-lane facility, a roundabout is planned at the intersection of Hayek Drive and South 84th Street. This development will only be required to install turn lanes to access the site until that time, but the site plan needs to have the roundabout shown to ensure it can be accommodated in the future when the City improves the arterial street.
9. Lincoln Fire Rescue (LFR) and the Lincoln Police Department (LPD) have built a new joint fire/police station at South 66th Street and Pine Lake Road. This station provides services to this development. All other City services, including utilities, are available to serve this development.
10. Minor corrections and changes are required on the plans, and these items are listed in the conditions of approval. With those changes to the CUP, this request is consistent with the Zoning Ordinance and Comprehensive Plan, and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:

Agriculture, Vacant

P Public, AG Agriculture

SURROUNDING LAND USE & ZONING

North: Future Park P
South: Vacant AG
East: Park land, drainageway, detention facility AG, P
West: S. 84th, planned commercial in The Woodlands R-3(PUD)

APPROXIMATE LAND AREA: 4.43 acres, more or less

LEGAL DESCRIPTION: See attached legal description.

Prepared by

Brian Will, bwill@lincoln.ne.gov

January 22, 2020

Applicant: Christina Melgoza
Krueger Holding Company
8200 Cody Drive
Lincoln, NE 68512
(402) 423-7377 or cmelgoza@kruegerdevelopment.com

Owner: Milton and Carol Talcott Revocable Trust
8100 Rokeby Road
Lincoln, NE 68506
(918)-991-8847

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

CONDITIONS OF APPROVAL - USE PERMIT #19023

1. Per Chapter 27.64 this approval permits a Use Permit for up to 45,000 square feet of commercial floor area, and/or up to 128 dwelling units with waivers to height to 65', and to setbacks to allow 15' side and rear yards, and a 20' front yard.

Site Specific Conditions:

1. The City Council approves associated requests:
 - 1.1 Change of Zone #19034
2. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 2.1 Make the following revisions to the use permit plan set:
 - 2.1.1 Correct the use permit legal description as noted by the County Assessor.
 - 2.1.2 Revise the land use table for the Use Permit portion and replace the words 'Or Office' with 'Commercial'.
 - 2.1.3 Add a new general note that states 'No restaurants allowed in the O-3 area, nor the sale of alcohol.
 - 2.1.4 Update the use permit waivers to include the waiver to allow 20' front, and 15' side and rear setbacks.
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 the regional detention facility has been constructed and approved.
4. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit as originally approved does not comply with the amended rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

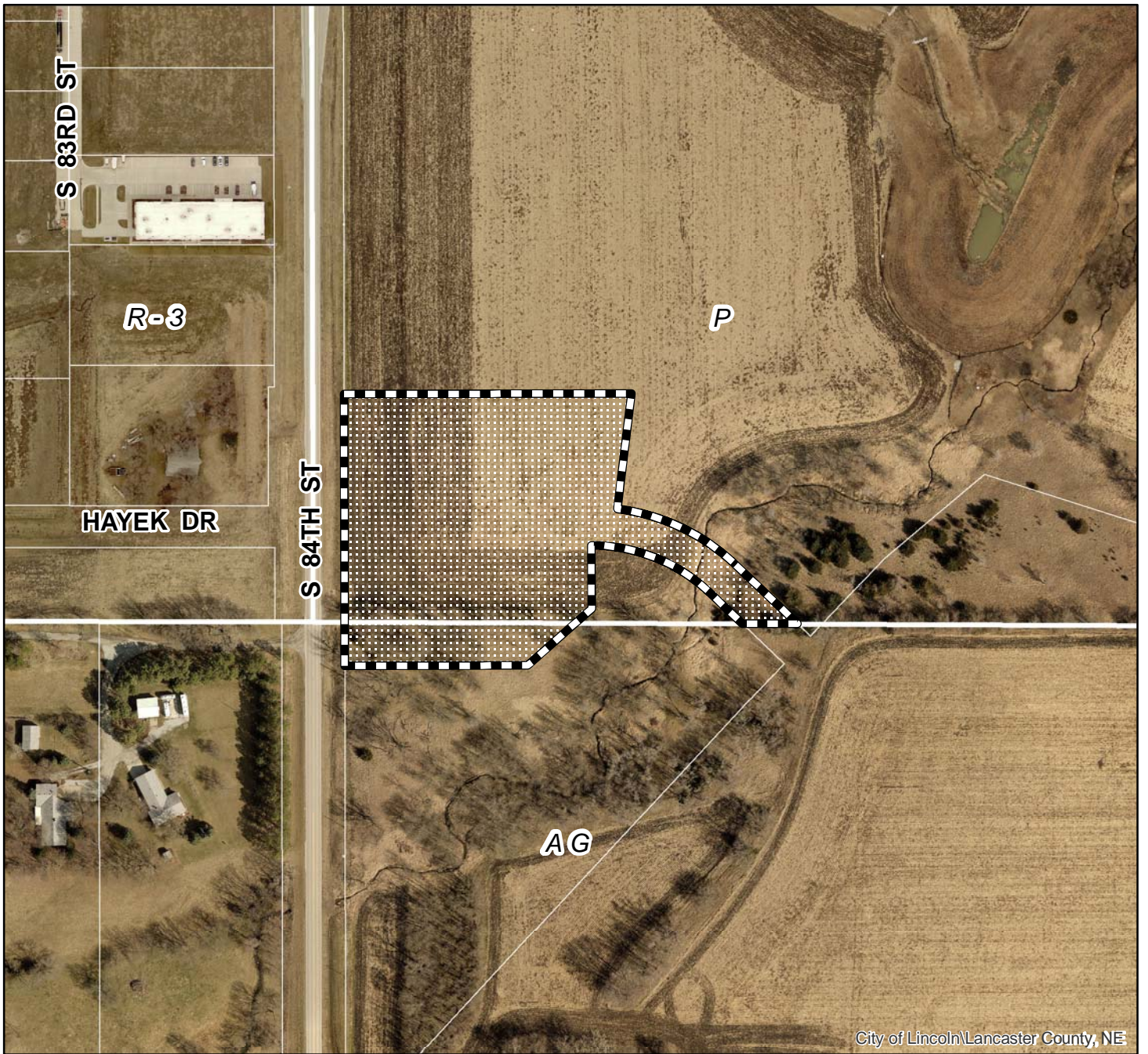
to pay all design, engineering, labor, material, inspection, and other improvement costs.

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

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

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the buildings or 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.



City of Lincoln/Lancaster County, NE

2018 aerial

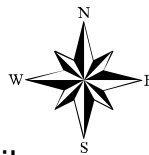
Use Permit #: UP19023
Carolton Heights
S 84th St & Rokeby Rd

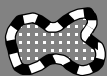


Zoning:

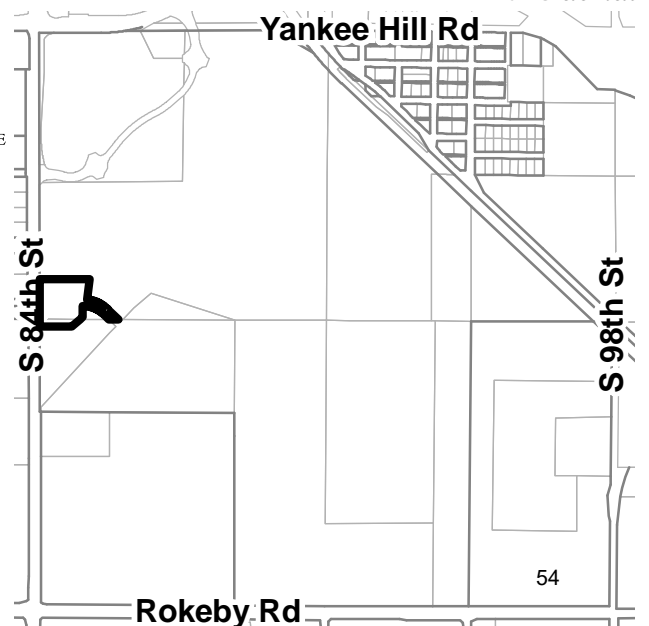
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Regional Business District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
-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

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One Square Mile:
 Sec.26 T09N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



GENERAL NOTES

1. THE EXISTING ZONING IS AG & P, THE PROPOSED ZONING IS O-3 & R-3 C.U.P..

2. TOTAL USAGE TABLE
- a. SINGLE FAMILY LOTS -136
 - b. SINGLE FAMILY ATTACHED LOTS - 32
 - c. OFFICE/APARTMENT LOTS - 2
 - d. OUTLOTS - 13

3. OUTLOTS AND USE
- a. OUTLOT "A" - DRAINAGE WAY
 - b. OUTLOT "B" - DRAINAGE WAY
 - c. OUTLOT "C" - PEDESTRIAN WAY
 - d. OUTLOT "D" - FUTURE DEVELOPABLE
 - e. OUTLOT "E" - PEDESTRIAN WAY
 - f. OUTLOT "F" - FUTURE DEVELOPABLE
 - g. OUTLOT "G" - FUTURE DEVELOPABLE
 - h. OUTLOT "H" - FUTURE DEVELOPABLE
 - i. OUTLOT "I" - FUTURE DEVELOPABLE
 - d. OUTLOT "J" - FUTURE DEVELOPABLE
 - e. OUTLOT "K" - FUTURE DEVELOPABLE
 - l. OUTLOT "L" - FUTURE DEVELOPABLE
 - m. OUTLOT "M" - DRAINAGE WAY

4. LOTS AND USE TABLE
- a. LOTS 1 - 12, BLK 1 - SINGLE FAMILY
 - b. LOTS 1 - 25, BLK 2 - SINGLE FAMILY
 - c. LOTS 1 - 21 BLK 3 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - d. LOTS 1 - 15, BLK 4 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - e. LOTS 1 - 20, BLK 5 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - f. LOTS 1 - 4, BLK 6 - SINGLE FAMILY ATTACHED
 - i. LOTS 1 - 16, BLK 7 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - j. LOTS 1 - 19, BLK 8 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - k. LOTS 1 - 13, BLK 9 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - l. LOTS 1 - 13, BLK 10 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - m. LOTS 1 - 10, BLK 11 - SINGLE FAMILY & SINGLE FAMILY ATTACHED
 - n. LOT 1, BLK 12 - OFFICE/APARTMENTS
 - o. LOT 1, BLK 13 - OFFICE/APARTMENTS

5. C.U.P. RESIDENTIAL DENSITY CALCULATIONS

ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS
R-3	50.16	6.96	349
DENSITY SHOWN			168
REMAINING DENSITY			181

6. USE PERMIT DENSITY/SQUARE FOOTAGE CALCULATIONS

ZONE	TOTAL ACRES	UNITS PER ACRE	NUMBER OF UNITS/ S.F.
O-3	4.43	29.04	128
OR OFFICE			45,000 S.F.

- 7. ALL OUTLOT AREAS AND OPEN SPACE SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THAT AN HOMEOWNERS ASSOCIATION TAKES POSSESSION.
- 8. DIRECT VEHICULAR ACCESS TO S. 84TH STREET IS RELINQUISHED EXCEPT WHERE SHOWN.
- 9. SINGLE FAMILY LOTS MAY BE USED AS AN ATTACHED SINGLE-FAMILY LOT PROVIDED THAT THE LOT MEETS THE MINIMUM LOT AREA REQUIREMENT INCLUDING A MINIMUM WIDTH OF 38 FEET, AND SETBACKS FOR A TWO-FAMILY LOT LOCATED IN THE R-3 ZONE.
- 10. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- 11. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- 12. SANITARY SEWER AND WATER LINES TO BE 8 INCH PIPE AND 6 INCH PVC PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- 13. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- 14. FINAL DESIGN FOR GRADING OF THE OPEN DITCHES AND DETENTION FACILITIES SHALL CONFORM TO THE CITY OF LINCOLN DESIGN STANDARDS REQUIRING PROVISIONS TO LIMIT DEGRADATION OF THE CHANNEL AND TO MAINTAIN A STABLE SLOPE BASED ON URBANIZED RUNOFF FROM THE WATERSHED.
- 15. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT THE DEVELOPERS EXPENSE.
- 16. EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
- 15. THE DEVELOPER SHALL MEET THE REQUIREMENTS OF CHAPTER 9 OF THE CITY OF LINCOLN DRAINAGE CRITERIA MANUAL FOR SEDIMENT AND EROSION CONTROL RELATING TO CONSTRUCTION ACTIVITY.
- 16. A 404 PERMIT FROM THE CORPS OF ENGINEERS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITY WITHIN AREAS DETERMINED TO BE JURISDICTIONAL WETLANDS OR WATERS OF THE UNITED STATES.
- 17. UTILITY EASEMENTS TO BE COORDINATED WITH L.E.S. AND SHOWN ON THE FINAL PLAT.

CURVE DATA						
CURVE #	RADIUS	ANGLE	TANGENT	LENGTH	CH DIST	CH BRG
C1	750.00'	13°41'35"	90.05'	179.24'	178.81'	N82°53'45"W
C2	200.00'	43°47'50"	80.39'	152.88'	149.19'	N21°46'26"E
C3	150.00'	63°56'49"	93.63'	167.41'	158.86'	N75°38'45"E

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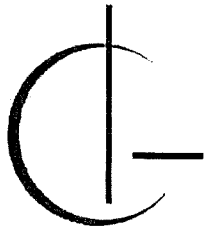
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Civil Design Group, Inc.

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

December 24, 2019

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

Re: Special Permit application for a R-3 CUP (50.17 acres) & O-3 office park Use Permit (4.43 acres) Located east of S. 84th St at Hayek Dr.

Dear Mr. Cary:

On behalf of R.C. Krueger Development, Inc., we submit the enclosed application for Carlton Heights R-3 CUP & O-3 Use Permit. This application covers a total of 54.6 acres east of S. 84th and south of Jensen Park. The R-3 CUP will contain 168 single-family units, with the excess density reserved for use in future phases of the CUP as it expands to the east and south.

Our firm has engaged in extensive discussions with Planning and Parks & Recreation staff regarding the interface of this subdivision with the Jensen Park land. These discussions have included provisions for grading and drainage easements on the park land as well as the future location of trails and water quality and detention facilities.

We are requesting waivers of the following zoning and subdivision regulations:

For the O-3 Use Permit:

1. To Zoning Code 27.72.030 to allow buildings in the O-3 area to be a maximum of 65' high. This is a common height limit for office & multi-family buildings that provide an adequate buffer area to single-family lots.
2. To Zoning Code 27.72.030 to revise the front, rear and side yard setbacks to 15'. These parcels are isolated by open space with no adjacent residential lots. The open space acts as the buffers from the residential lots.

For the R-3 CUP:

1. To Design Standards, Title 2, Chapter 2.00, Section 3, 3.6, to allow for sanitary sewer mains to run opposite the street grades (not requesting waiver of depth). This a common waiver for subdivisions with topography constraints.

2. To Subdivision Ordinance 26.23.130(a), to allow block lengths to exceed 1,320' for Blocks 1 and 2. Block 2 surrounds a regional detention cell that contains the 100-year flood event and Block 1 abuts Jensen Park.
3. To Subdivision Ordinance 26.23.140(c) to allow for side lots lines to deviate from being radial and perpendicular to street ROW lines on curved streets. This waiver is requested to obtain flexibility in obtaining the required width of house footprints at the setback line on streets as final plats are created.

With this application we submit the following items:

Application for a Community Unit Plan, Change of Zone & Use Permit
CUP Special Permit Fee of \$4,283.00
Use Permit Fee of \$1,718.95
Change of Zone Fee of \$988.00
A change of zone & annexation exhibit
All plan sheets, uploaded via Project Dox

I hope that this letter in conjunction with the plan sets assists you in reviewing these applications. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,


Mike Eckert, AICP

cc: R.C. Krueger Development, Inc.

USE PERMIT
LEGAL DESCRIPTION

Description of a 4.43 acre tract of land, said tract being a part of Lot 72 of Irregular Tract, located in the West half of Section 26, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the Southwest corner of the Northwest Quarter of said Section 26, thence in an Easterly direction on the South line of the Northwest Quarter of said Section 26, and on an assumed bearing of S 89°44'32" E, for a distance of 50.00' to the **POINT OF BEGINNING**, said point being located on the Easterly 50.00' Right-of-Way line of South 84th Street and on the West line of said Lot 72 of Irregular Tracts;

Thence N 00°08'17" W on the West line of said Lot 72 and on the Easterly 50.00' Right-of-Way line of South 84th Street for a distance of 360.14';

Thence N 89°51'43" E on a line common to Lots 72 and 73 of Irregular Tracts, said line also being perpendicular to the West line of the Northwest Quarter of said Section 26, for a distance of 454.60';

The next 3 courses are also on a line common to said Lots 72 and 73;

Thence S 06°59'47" W, for a distance of 183.98';

Thence on a curve to the right with an arc length of 211.24', a radius of 330.00', a chord bearing of S 64°39'56" E, for a chord length of 207.65';

Thence S 46°19'40" E, for a distance of 134.67';

Thence N 89°44'32" W on the South line of the Northwest Quarter of said Section 26, for a distance of 87.30';

The next 5 courses are also on a line common to said Lots 72 and 73;

Thence N 46°19'40" W, for a distance of 71.26';

Thence on a curve to the left with an arc length of 206.45', a radius of 270.00', a chord bearing of N 68°13'58" W, for a chord length of 201.46';

Thence S 00°08'17" E, for a distance of 100.00';

Thence S 48°10'29" W, for a distance of 135.32';

Thence S 89°51'43" W, for a distance of 289.72' to a point on the Easterly 50.00' Right-of-Way line of South 84th Street;

Thence N 00°07'29" W on the West line of said Lot 72 of Irregular Tracts and on the Easterly 50.00' Right-of-Way line of said South 84th Street, for a distance of 69.86' to the **POINT OF BEGINNING** and containing a calculated area of 4.43 acres, more or less.

Subject to any and all easements, reservations, restrictions and conveyances of record.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

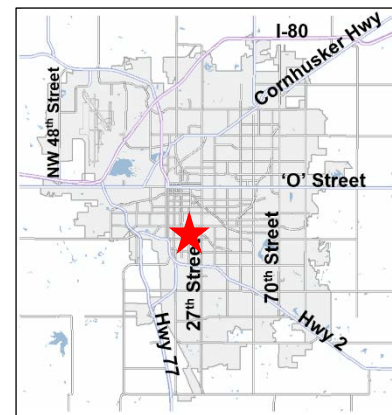
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit 15E	FINAL ACTION? No	DEVELOPER/OWNER Assurity Life Insurance Co
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW corner of S. 27 th & Old Cheney Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an amendment to a Use Permit to increase the approved commercial square footage on Lot 4 from 14,400 square feet to 16,500 square feet to build an Early Childhood Care Facility for approximately 266 children. The overall commercial square footage for the Use Permit will remain at 101,929 square feet as approved with Use Permit 15D.



JUSTIFICATION FOR RECOMMENDATION

The subject property is part of a Use Permit that is bounded by two arterial streets with residential to the west. This request proposes to add a use that is compatible with this mix of uses that can provide services for the existing residences and the surrounding area.

APPLICATION CONTACT

Brian Lang, Olsson
(402) 458-5691
blang@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages development with a mix of uses that are compatible with surrounding land uses. Revisions are required, but with those changes this request complies with the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

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

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

P. 1.2 - Quality of Life Assets:

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

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

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

P. 6.6 - In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

P. 5.1-5.2 - Business & Economy Guiding Principles

- Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.
- Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.
- Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

P. 5.6 - Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

P. 5.14-5.16 - Strategies for Commercial Infill

- Develop infill commercial areas to be compatible with the character of the area.
- Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
- Maintain and encourage ethnically diverse commercial establishments that are convenient to existing neighborhoods.

P. 7.2 - During the planning period, there will continue to be a need to accommodate Special Needs Housing, which generally includes, but is not limited to: low income, elderly housing, assisted living facilities, group homes, domestic shelters, and children's homes.

ANALYSIS

1. This is a request for an amendment to a Use Permit to increase the approved commercial square footage on Lot 4 from 14,400 square feet to 16,500 square feet to build an Early Childhood Care Facility for approximately 266 children.
2. On Lot 7 (currently occupied by Dunkin Donuts), the proposal reduces square footage from 22,440 square feet to 2,500 square feet and shows 17,840 square feet still available for use. Therefore, the overall commercial square footage for the Use Permit will remain 101,929 square feet as approved with Use Permit 15D and as shown in on

the site plan in the Land Use Table.

3. Access into or out of the center can be taken off of W. Old Cheney Road, S. 27th Street (both arterials), Jameson N or Canterbury Lane (both local streets).
4. To the north and east are commercial uses. To the south there is a detention area and additional commercial uses. To the west is a mix of residential housing types including multifamily, two-family and single family which are part of a Community Unit Plan (CUP).
5. There is a blanket cross parking easement over lots 4-7 as stated in the General Notes. Within the total Use Permit boundary there are 353 parking stalls, which exceeds the 297 parking stalls that are required.
6. In 2010 this Use Permit was amended (UP15D) and at that time the applicant submitted a traffic report. That amendment was to convert 33,020 square feet of approved office uses to retail uses including a restaurant and pharmacy. The traffic report showed there would be a minimal impact from increased traffic beyond the traffic that was expected from the build-out with office uses that were already approved.
7. The Lincoln Transportation & Utilities (LTU) Department estimates that the peak hourly traffic volume for presently approved uses would range from 55 to 105. The proposed daycare facility would generate 178 trips in peak hour. This significant increase in traffic volume may have a negative impact on the neighborhood streets approaching the site and the intersections connecting the location to Old Cheney Road and S. 27th Street. There does not appear to be adequate stacking for the drop-off/pick-up zone. Inadequate stacking space may cause stacking to extend off site onto public streets or neighboring parking spaces. No traffic analysis to quantify these impacts has been provided.
8. Two conditions of approval are recommended to address the traffic and stacking concerns from LTU. The conditions will provide a traffic analysis related to the interior circulation and impacts on the various access points into the site for this use. The stacking area may also need to be revised to accommodate for the pick-up and drop-off.
9. It is also recommended that depending on the results of the traffic analysis, a lesser amount of children and staff may be required than the requested 266 children and 25 staff.
10. Other corrections and revisions to the plans are required, and they are listed a recommended conditions of approval. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached

EXISTING LAND USE & ZONING: vacant & O-3/B-2

SURROUNDING LAND USE & ZONING

North: Commercial & Office (O-3)

South: Detention area/drive aisle & Planned Neighborhood Business (B-2)

East: Commercial & Office (O-3)/Planned Neighborhood Business (B-2)

West: Multifamily & Residential (R-1)

APPLICATION HISTORY:

June 1964 Changed from AA Rural and Public Use to G-1 Planned Commercial on what would become Lots 1-5 Southwood Center.

August 1968 Lot 6, Block 14, Southwood 1st Addition was rezoned from A-1Single Family to G-1 Planned

Commercial.

- 1973 Lincoln Mutual Life Insurance Building was built.
- May 1979 The area was changed from G-1 to B-2 Planned Neighborhood Business during the 1979 Zoning Update.
- June 1979 A Use Permit #1 was granted for a bank. (See lot 2 on attached Exhibit A).
- June 1982 Use Permit #15 was approved for an office/retail park. (See lots 3,4 and 5 on attached Exhibit A)
- November 1986 Use Permit #15A was originally applied for the provisions of the B-2 zoning district on Lot 6, Block 14 Southwood 1st Addition (owned by Whitehead Oil) which included a 2,132 square feet of office and 2,500 square feet of convenience store/gas station. (See area zoned B-2 on attached Exhibit A)
- February 1987 Planning Commission recommended approval of a use permit for a total of 51,600 square feet that included convenience/gas station and office space. Prior to approval of the use permit application, the City Council approved another change of zone on the property to O-3. In an ensuing lawsuit, the court ordered that the zoning be changed back to B-2 and the use permit be approved.
- February 1987 Lincoln Mutual Life applied for a Change of Zone from B-2 to O-3. (See lots and 1-5 on attached Exhibit A)
- June 1987 Use Permit #15B for a 51,600 square foot office park) and a change of zone from B-2 to O-3 was approved. (See lots and 1-5 on attached Exhibit A)
- July 1994 Use Permit #15A was approved by City Council.
- August 1995 Use Permit #15C was approved by City Council to permit the construction of a drive-thru lane in the front yard setback and building line district.
- July 1996 Use Permit #15A was rescinded on Lot 6, block 14 by the new owner (Lincoln Mutual Life) (See area zoned B-2 on attached Exhibit A)
- July 1996 Use Permit #15A was rescinded on Lot 6, block 14 by the new owner (Lincoln Mutual Life) (See area zoned B-2 on attached Exhibit A)
- October 2010 Use Permit #15D was approved for a total of 101,929 square feet with the conversion of 33,020 square feet of approved office uses to retail uses including a restaurant and pharmacy with a waiver to the front yard setbacks for signs from 20 feet to 5 feet. Change of Zone 10019 was approved to change the zoning on Lot 1 Southwood Center from O-3 Office Park to B-2 Planned Neighborhood Commercial District.
- March 2019 Administrative Amendment was approved by the Planning Director to revise the Land Use Table to all "Commercial" uses.

APPROXIMATE LAND AREA: 1.1 acre

LEGAL DESCRIPTION: Southwood Center 2nd Addition, Lot 3

Prepared by:

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

Date: January 28, 2020

Applicant/Contact: Brian Lang
Olsson
601 P Street, Suite 201
Lincoln, NE 68508

Owner: Assurity Life Insurance Co
PO Box 82533
Lincoln, NE 68501

F:\DevReview\UP\UP15E Southwood Center.dr.docx

CONDITIONS OF APPROVAL - USE PERMIT 15E

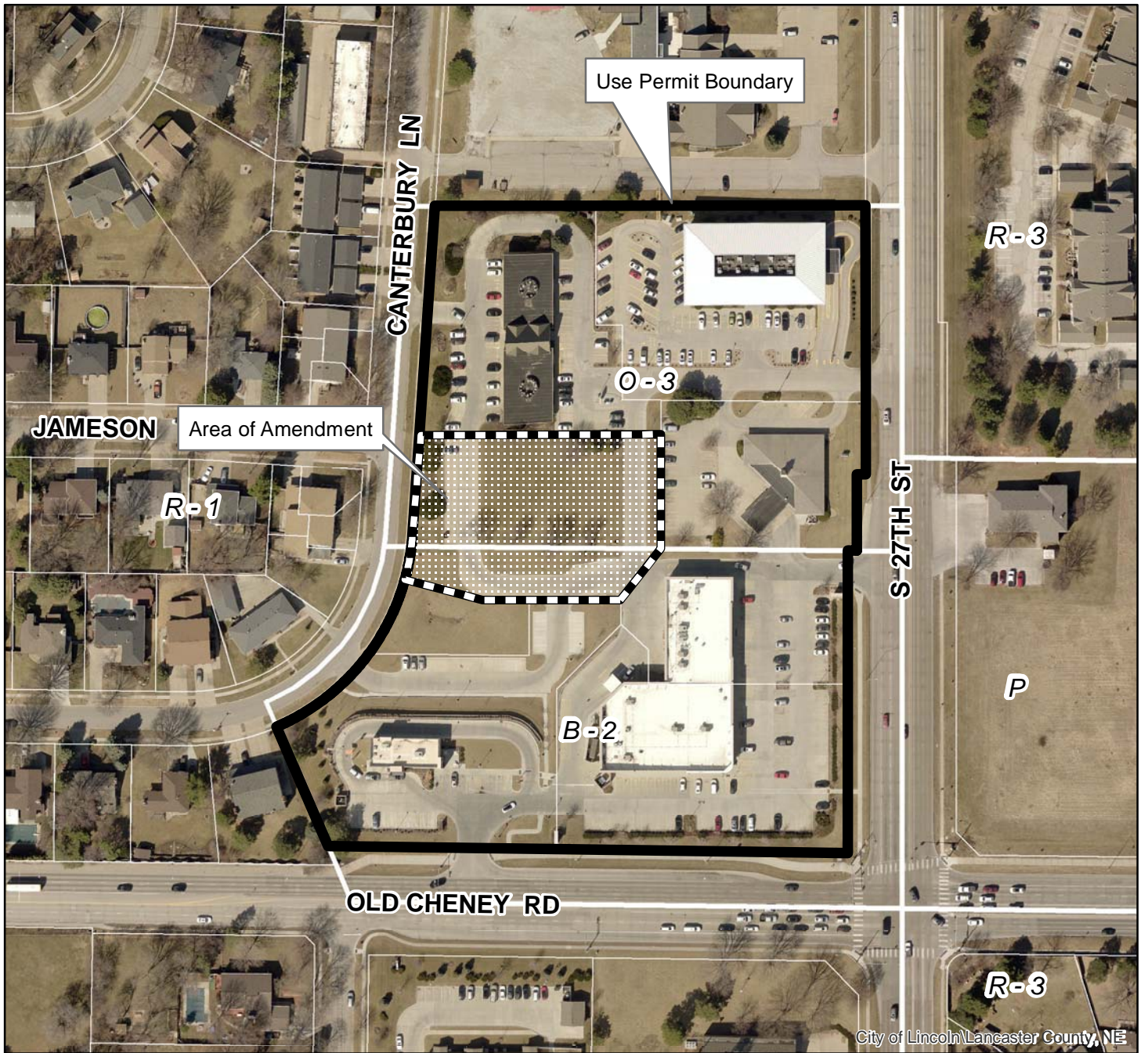
This approval permits a total of 101,929 square feet of commercial floor area including an early childhood care facility for up to 266 children and 25 staff, or a lesser amount depending upon the results of the traffic circulation analysis, on Lot 4.

Site Specific Conditions:

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval before receiving building permits:
 - 1.1 Show compliance with Chapter 3.90 Design Standards for Early Childhood Care Facilities.
 - 1.2 Correct the zoning boundary to reflect CZ10019 as per the 1/15/2020 markups.
 - 1.3 Update the legal description on the site plan, if applicable as per the 1/23/2020 markups.
 - 1.4 Provide a traffic analysis related to the interior circulation and impacts on the various access points into the site regarding this use, and to the satisfaction of the Lincoln Transportation & Utilities (LTU) Department.
 - 1.5 Revise the stacking area for the pick-up and drop-off to the satisfaction of LTU.
 - 1.6 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the Use Permit has been recorded.

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

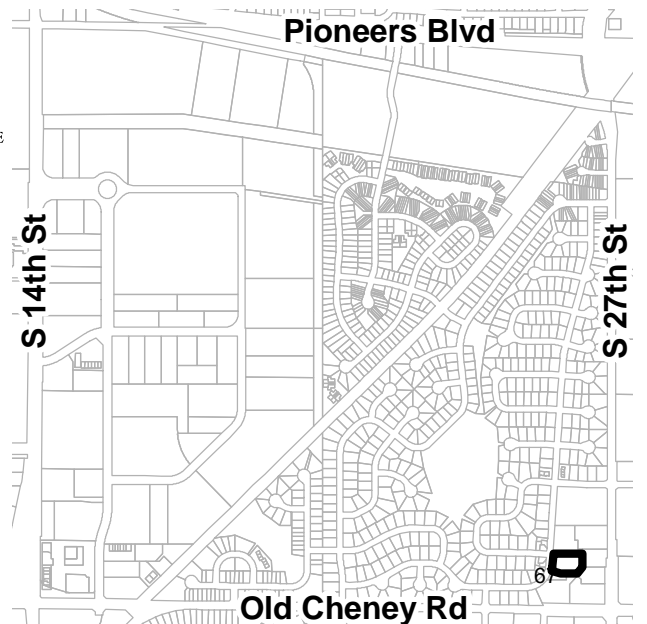
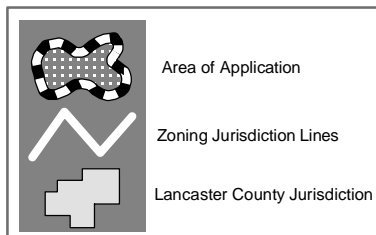
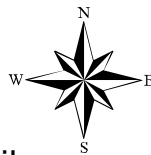


Use Permit #: UP15E
Southwood Center
Canterbury Ln & Old Cheney Rd

Zoning:

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

One Square Mile:
 Sec. 12 T09N R06E



SOUTHWOOD CENTER USE PERMIT 15D

OWNER
(LOT 1-4, INC. S. SOUTHWOOD CENTERS)
(LOT 6, BLOCK 14, SOUTHWOOD 1ST AND 2ND)
ACCURACY LIFE INSURANCE CO.
P.O. BOX 80043
LINCOLN, NE 68501-2533

(LOT 3, SOUTHWOOD CENTERS)
EDI ELLIOTT SPRETS, INC.
2625 S. 27TH STREET, 2ND FLOOR
LINCOLN, NE 68502

(LOT 2, SOUTHWOOD CENTERS)
MIDWEST INVESTMENT LTD.
P.O. BOX 2000
LINCOLN, NE 68501-2000
ATTN: CARRIE HANCOCK-CARL SATLIN

DEVELOPER
ACCURACY LIFE INSURANCE CO.
P.O. BOX 80043
LINCOLN, NE 68501-2533

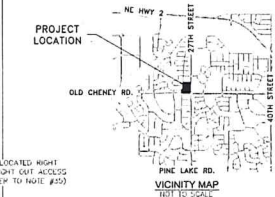
ENGINEER & PREPARER
OLSSON ASSOCIATES
601 F ST. STE. 200
LINCOLN, NE 68502
PHONE: 474-6151

LEGAL DESCRIPTION
LOT 1 BLOCK 14 SOUTHWOOD FIRST AND LOT 1 SOUTHWOOD CENTER

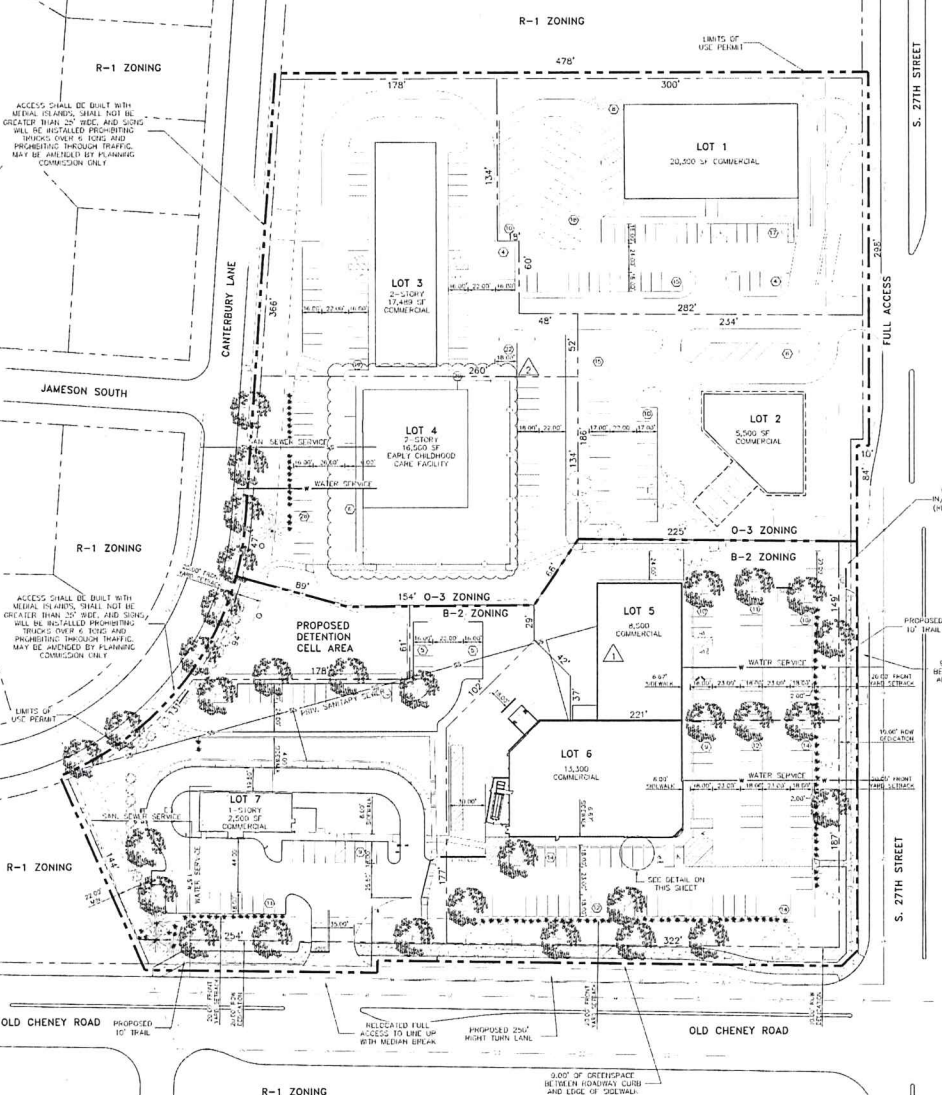
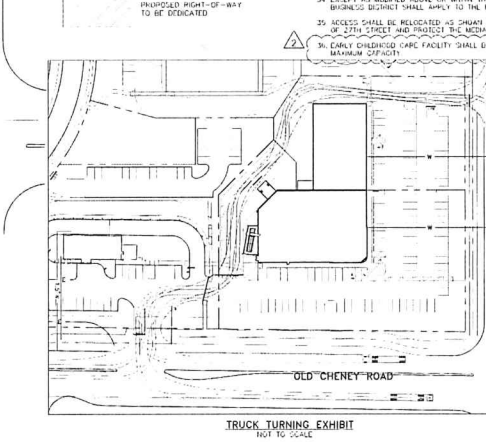
- GENERAL NOTES**
1. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND DEVELOPMENT AND FURTHER TO ADAPT A DESIGN AND MAINTENANCE SCHEDULE DURING SITE CONSTRUCTION.
 2. THE PROPOSED DEVELOPMENT WILL BE ZONED B-2 AND O-3.
 3. ALL DIMENSIONS ALONG CURVES ARE GROUND DISTANCES.
 4. DIRECT VEHICULAR ACCESS TO 27TH STREET AND OLD CHENEY ROAD SHALL BE MAINTAINED EXCEPT AS SHOWN ON THIS PLAN.
 5. ALL SIDEWALK, DRIVE AND PARKING PAVEMENTS WILL BE BUILT TO CITY OF LINCOLN STANDARDS.
 6. LOT LINES SHOWN ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE.
 7. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 1 FEET.
 8. ALL DISABLED PARKING SPACES SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, FEDERAL PROVISIONS, 28 CFR 37.105 (b)(6) AND REGULATIONS.
 9. ALL CLEARANCES ARE TO UNDEVELOPED GROUND.
 10. ALL ROAD DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
 11. ALL LANDSCAPING, INCLUDING EXISTING TREES, WILL BE LOCATED OUTSIDE OF APPLICABLE SETBACKS.
 12. THE YARD SETBACKS, EXISTING STRUCTURES, WALLS, GATES AND DUES NOT RESIDENT OVERHUNG, PATIO, DOOR SWINGS, WINDOW SHADINGS, ETC. FROM ENCROACHING INTO THE SETBACKS.
 13. ALL DUES, SHADINGS, AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING FOOTPRINT LINES BUT NOT LOT LINES.
 14. TENT HEIGHT, APRIL 1ST-MAY 1ST MAX. SIZE OF TENTS 30' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20' FEET OF TENTS. HEIGHTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT EXCEED MAXIMUM NUMBER OF PARKING SPACES OCCUPIED BY LINCOLN DESIGN STANDARDS.
 15. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING LINES SHOWN ON EACH LOT.
 16. THE PLANS FOR THE RESTAURANT SHALL BE REVIEWED BY THE LINCOLN LANDSCAPE DEPARTMENT PRIOR TO RECEIVING BUILDING PERMITS.
 17. A DISCUSSION OF ADVISORY ENVIRONMENTAL EFFECTS AND PROPOSED STEPS TO MINIMIZE THESE EFFECTS, WILL BE DONE UNDER THIS USE PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS. ALL DEVELOPER/OWNER UNDER THIS USE PERMIT WILL COMPLY WITH THE ENVIRONMENTAL PERFORMANCE STANDARDS FOR THE B-2 AND O-3 DISTRICTS.
 18. A BLANKET CROSS PARKING EASEMENT SHALL BE OVER LOTS 4-7 EXCLUDING BUILDINGS.
 19. ALL DRIVE WAYS AND DRIVEWAYS WITHIN THE BOUNDARIES OF THE USE PERMIT SHALL HAVE A COMMON ACCESS EASEMENT.
 20. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27-09 OF THE LINCOLN ZONING ORDINANCE AND ALL OTHER PROVISIONS AS STATED IN THIS USE PERMIT AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
 21. LANDSCAPING AND SCREENING REQUIREMENTS FOR EACH LOT SHALL BE SUBMITTED SEPARATELY TO BUILDING AND SAFETY FOR APPROVAL.
 22. ADDITIONAL LANDSCAPING SHALL BE PROVIDED ALONG CANTERBURY LANE. THE LANDSCAPE DESIGN SHALL BE SUBMITTED SEPARATELY TO BUILDING AND SAFETY FOR APPROVAL. MINIMUM HEIGHT OF ANY TREE SHALL BE AT LEAST 6 FEET TO THE TOP OF THE TRUNK OF A SINGLE TRUNK EXTENDING ALONG THE ENTIRE LENGTH OF THE PROPERTY LINE AND FROM THE GROUND ELEVATION TO A HEIGHT OF TEN FEET (10') ABOVE THE ADJACENT GROUND ELEVATION. SCREENING SHALL BE LOCATED TO THE PROPERTY LINE, BUT NOT LESS THAN THE HEIGHT OF SIX (6') FEET.
 23. ALL ACCESS ROADWAY CONNECTION FROM LOT 5 AND LOT 6 TO LOT 7 SHALL BE MADE AT THE TIME OF BUILDING PERMIT FOR LOT 5 AND LOT 6.
 24. ALCOHOL SALES ARE PERMITTED IN THE B-2 ZONING DISTRICT EXCEPT IN THE WESTERN 1/2 OF THE BUILDING ON LOT 7, AS LONG AS ALL CONDITIONS UNDER 27-10 UNIFORM LIQUOR SALES FOR CONSUMPTION ON THE PREMISES SHALL BE HEARD TO REQUIREMENTS WHICH MEET ALL OF THE REQUIREMENTS FOR RESTAURANTS IN SECTION 27-03A UNIFORM LIQUOR SALES FOR CONSUMPTION ON THE PREMISES (SUCH AS WHICH ARE REQUIRED TO PREVENT THE HOURS OF OPERATION SHALL NOT COMMENCE BEFORE 6:00 AM AND SHALL END NO LATER THAN 11:00 PM. ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES SHALL BE LIMITED TO ONE PREMISE LOCATED ON LOT 6.
 25. DESIGN STANDARDS FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND PRODUCTION AREAS WILL BE MET AT THE TIME OF BUILDING PERMIT.
 26. THE FRONT YARD SETBACK FOR ALL FREESTANDING SIGNS SHALL BE AT LEAST 7' MEASURED FROM THE NEAR RIGHT-OF-WAY LINE AND ANY SIGN WEST OF THE CURBLINE OR SIDE CURBLINE SHALL BE SET BACK AT LEAST 20' FEET FROM THE NEAR RIGHT-OF-WAY LINE.
 27. STREET SIGNS AND PARKING LOT SIGNS IN THE B-2 AREA SHALL BE PLANNED OR PLUSHED AS GENERALLY SHOWN ON THIS PLAN. ALL NEW STREET SIGNS AND PARKING LOT SIGNS MUST BE SHADE TREES, MINIMUM 2 1/2" HIGH CARPET AT PLANTING, AND 20% CHASTING TREES OR THIS PLAN MUST BE PREPARED IN THIS AREA OR SHALL BE LOCATED WITHIN MINIMUM 4' CLEARANCE ZONES.
 28. IN THE B-2 AREA AT LEAST 50% OF THE EXTERIOR CLADDING ON ALL BUILDING FACADES MUST BE BRICK, STONE, OR GLASS. ALL BUILDINGS MUST USE THE SAME STYLE AND COLOR OF EXTERIOR CLADDING. BRICK SHALL BE INSTALLED IN PROXIMITY TO EACH OF THE BUILDINGS.
 29. IN THE B-2 AREA NO MOBILE SIGNS ARE PERMITTED. A MAXIMUM OF THREE FREESTANDING SIGNS ARE PERMITTED. ONE FREESTANDING SIGN SHALL HAVE A MAXIMUM HEIGHT OF 15 FEET, A MAXIMUM SIGN AREA OF 100 SF, AND MAY HAVE AN ELECTRONIC CHANGEABLE MESSAGE BOARD THAT IS NOT LARGER THAN 40 SF. THE OTHER TWO FREESTANDING SIGNS ARE LIMITED TO 10 FEET IN HEIGHT AND 50 SF IN AREA, AND MAY NOT HAVE AN ELECTRONIC CHANGEABLE MESSAGE BOARD. FREESTANDING SIGNS MUST BE LOCATED WITHIN 50 FEET OF THE CURBLINE AND CANNOT BE LOCATED ON THE PROPERTY LINE OR ADJACENT TO A SIDEWALK. THE BASE OF ALL THESE SIGNS MUST BE CONSTRUCTED WITH THE SAME STYLE AND COLOR OF BRICK OR STONE AS THE BUILDINGS.
 30. AT SIX FEET AS THE BUILDING AND ASSOCIATED PARKING ON LOT 7 AND OUTREACHING, THE FOLLOWING CLADDING SHALL APPLY:
30.1 PLACE A COMBINATION OF LANDSCAPING AND FENCE TO BE LOCALLY DISTRIBUTED HORIZONTALLY, HOWEVER, IT MAY VARY IN HEIGHT UP TO 45 TO SCREEN AT LEAST 50% PERCENT (50%) OF THE SURFACE AREA OF A VERTICAL PLANE EXTENDING ALONG THE ENTIRE LENGTH OF THE PROPERTY LINE AND FROM THE GROUND ELEVATION TO A HEIGHT OF 10' FEET (10') ABOVE THE ADJACENT GROUND ELEVATION.
30.2 PREPARE AND IMPLEMENT A LANDSCAPING PLAN FOR THE AREA ALONG THE WEST PROPERTY LINE ON THE LOT 7 SIDE OF THE TRUNK WHICH EXCEEDS MINIMUM CITY STANDARDS.
30.3 IN THE AREA BETWEEN THE SOUTHWEST CORNER OF LOT 7 AND THE PARKING LOT PLANT A GROUPING OF SHRUBS WHICH WILL SCREEN BUILDINGS FROM TRAVELERS THE SITE FROM SOUTH TO NORTH BETWEEN THE PARKING LOT AND CANTERBURY.
30.4 IN THE AREA IMMEDIATELY ADJACENT TO THE WEST SIDE OF THE PARKING LOT, PROVIDE A 100% SOFTEN FENCE WHICH WILL SCREEN BUILDINGS FROM TRAVELERS THE SITE FROM SOUTH TO NORTH BETWEEN THE PARKING LOT AND CANTERBURY.
30.5 PARKING LOT LIGHTING TO HAVE GLOBE FIXTURES, SHARED AWAY FROM THE WEST PROPERTY LINE (AS REQUIRED BY CITY DESIGN STANDARDS).
30.6 ANY EXTERIOR ACCESS DOORS TO THE BUILDING ON LOT 7 SHALL BE LOCATED IN THE LAST TWO-THIRDS OF THE BUILDING.
 31. NO GASOLINE SALES, SERVICE STATIONS, OR AUTOMOBILE WASHING FACILITIES ARE PERMITTED.
 32. ALL CONTRIBUTION TRAFFIC TO AND FROM THE SITE, AND ALL SERVICE DELIVERY BY TRUCKS OVER 6 TONS, MUST USE THE DRIVEWAYS ON 27TH STREET OR OLD CHENEY ROAD FOR TRUCKS AND COMBOS AND SHALL NOT USE THE DRIVEWAYS IN THE B-2 AND O-3 AREAS ON CANTERBURY ROAD.
 33. GENERAL NOTE #24, #26, #27, #29, #30, #31 AND #32 SHALL NOT BE ADMINISTRATIVELY AMENDED BUT MAY BE AMENDED BY PLANNING COMMISSION.
 34. EXCEPT AS MODIFIED ABOVE OR WITHIN THE PLANS, ALL PROVISIONS AND REGULATIONS PERTAINING TO THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT SHALL APPLY TO THE B-2 AREA.
 35. ACCESS SHALL BE MAINTAINED TO SHOWN ON THIS PLAN PER THE REGULATION #48-033 3.10 (1) SHOWING NO PLANNED THE GARAGEWAY OFF OF 27TH STREET, AND PROTECT THE MEDIAN OPENING FOR THE FIRE STATION FROM BEING UTILIZED FOR NORTH BOUND MOVEMENTS.
 36. ALL CHILDREN CARE FACILITY SHALL BE PERMITTED IN THE O-3 ZONING AREA ON LOT 4 TO ALLOW FOR THE CARE OF 206 CHILDREN AT MAXIMUM 25:1.



R-3 ZONING



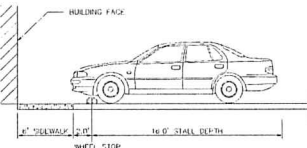
P ZONING



LAND USE TABLE

BUILDING ENVELOPE	ZONE	FLOOR AREA (S.F.)	USE	HEIGHT	PARKING	PER-1000	TOTAL PARKING
1	B-2	20,500	COMMERCIAL	45'	BR	22	452
2	B-2	5,000	COMMERCIAL	45'	BR	19	95
3	O-3	17,499	COMMERCIAL	45'	BR	22	385
4	O-3	16,500	EARLY CHILDHOOD CARE FACILITY	45'	BR	52	258
5	B-2	4,500	COMMERCIAL	45'	BR	20	90
6	B-2	13,500	COMMERCIAL	45'	BR	25	175
7	B-2	7,000	COMMERCIAL	45'	BR	25	175
TOTAL APPROVED SF FOR USES		101,029					
CURRENTLY ZONED SF		84,584					
TOTAL		185,613					1,077

RESTAURANT USES MAY BE DISTRIBUTED ON LOTS 5-7, BUT MAY NOT EXCEED 7,450 TOTAL SQUARE FOOTAGE.
NO GASOLINE SALES, SERVICE STATIONS, OR AUTOMOBILE WASHING FACILITIES ARE PERMITTED.
EARLY CHILDHOOD CARE FACILITY PARKING BASED ON 206 CHILDREN AND 25 STAFF.



PARKING ALONG BUILDING DETAIL - FOR LOTS 5 & 6
NOT TO SCALE

olsson
601 F Street, Suite 200
Lincoln, NE 68502
Tel: 402.474.6151
www.olsson.com

REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/11	REVISIONS FOR PERMITTING
2	11/11/11	REVISIONS FOR PERMITTING
3	11/11/11	REVISIONS FOR PERMITTING

2020

SITE PLAN
SOUTHWOOD CENTER
USE PERMIT 15D
LINCOLN, NE

SHEET
1 of 2

GENERAL NOTES

1. 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 DONE.
2. THE PROPOSED DEVELOPMENT WILL BE ZONED B-2 AND O-3.
3. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
4. DIRECT VEHICULAR ACCESS TO 27TH STREET AND OLD CHENEY ROAD SHALL BE RELINQUISHED EXCEPT AS SHOWN ON THIS PLAN.
5. ALL SIDEWALK, DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
6. LOT LINE SHOWN ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE.
7. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
8. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58,/NO. 144/RULES AND REGULATIONS).
9. ALL ELEVATIONS ARE TO NAVD 88 DATUM.
10. ALL ROAD DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
11. ALL LANDSCAPING, INCLUDING EARTHEN BERMS WILL BE LOCATED OUTSIDE OF APPLICABLE SITE TRIANGLES.
12. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRDACHING INTO THE SETBACKS.
13. ALL EAVES, CANOPIES, AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
14. TENT USAGE APRIL 1ST-NOV. 1ST MAX. SIZE OF TENTS 80' X 40' BUT SMALLER CAN BE USED. NO PARKING WITHIN 20 FEET OF TENTS. MULTIPLE TENTS MAY BE UP AT ONE TIME, HOWEVER, TOTAL NUMBER OF TENTS USED AT ONE TIME MAY NOT COVER MINIMUM NUMBER OF PARKING STALLS REQUIRED BY LINCOLN DESIGN STANDARDS.
15. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING LINES SHOWN ON EACH LOT.
16. THE PLANS FOR THE RESTAURANT WILL BE REVIEWED BY THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT PRIOR TO RECEIVING BUILDING PERMITS.
17. A DISCUSSION OF ADVERSE ENVIRONMENTAL EFFECTS AND PROPOSED STEPS TO MINIMIZE THESE EFFECTS WILL BE DONE UNDER THIS USE PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS. ALL USES/DEVELOPMENT UNDER THIS USE PERMIT WILL COMPLY WITH THE ENVIRONMENTAL PERFORMANCE STANDARDS FOR THE B-2 AND O-3 DISTRICTS.
18. A BLANKET CROSS PARKING EASEMENT SHALL BE OVER LOTS 4-7 EXCLUDING BUILDINGS.
19. ALL DRIVE AISLES AND DRIVEWAYS WITHIN THE BOUNDARIES OF THE USE PERMIT SHALL HAVE A COMMON ACCESS EASEMENT.
20. SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND ALL OTHER PROVISIONS AS STATED IN NOTES #26 AND #29. AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
21. LANDSCAPING AND SCREENING REQUIREMENTS FOR EACH LOT SHALL BE SUBMITTED SEPARATELY TO BUILDING AND SAFETY FOR APPROVAL.
22. ADDITIONAL LANDSCAPING SHALL BE PROVIDED ALONG CANTERBURY LANE. THE LANDSCAPE SCREEN SHALL BE EVENLY DISTRIBUTED HORIZONTALLY, HOWEVER, IT MAY VARY IN HEIGHT SO AS TO SCREEN AT LEAST 60% OF THE SURFACE OF A VERTICAL PLAIN EXTENDING ALONG THE ENTIRE LENGTH OF THE PROPERTY LINE AND FROM THE GROUND ELEVATION TO A HEIGHT OF TEN FEET (10') ABOVE THE ADJACENT GROUND ELEVATION. SCREENING SHALL BE LOCATED ADJACENT TO THE PROPERTY LINE, BUT NOT EXTEND INTO THE RIGHT OF WAY.
23. AN ACCESS ROADWAY CONNECTION FROM LOT 5 AND LOT 6 TO LOT 1 SHALL BE MADE AT THE TIME OF BUILDING PERMIT FOR LOT 5 AND LOT 6.
24. ALCOHOL SALES ARE PERMITTED IN THE B-2 ZONING DISTRICT (EXCEPT IN THE WESTERN 1/3 OF THE BUILDING ON LOT 7) AS LONG AS ALL CONDITIONS UNDER 27.31.040 ARE MET. ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES SHALL BE LIMITED TO RESTAURANTS WHICH MEET ALL OF THE REQUIREMENTS FOR RESTAURANTS IN SECTION 27.63.680(b) EXCEPT FOR THE HOURS OF OPERATION IN SUBSECTION (b)(5) WHICH ARE MODIFIED TO PROVIDE THAT THE HOURS OF OPERATION SHALL NOT COMMENCE BEFORE 6:00AM AND SHALL END NO LATER THAN 11:59PM. ALCOHOL SALES FOR CONSUMPTION OFF THE PREMISES SHALL BE LIMITED TO ONE PREMISE LOCATED ON LOT 6.
25. DESIGN STANDARDS FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND INDUSTRIAL AREA WILL BE MET AT THE TIME OF BUILDING PERMIT.
26. THE FRONT YARD SETBACK FOR ALL FREESTANDING SIGNS SHALL BE AT LEAST 5' MEASURED FROM THE NEW RIGHT-OF-WAY LINE AND ANY SIGN WEST OF THE DRIVEWAY ON OLD CHENEY MUST BE SET BACK AT LEAST 20 FEET FROM THE NEW RIGHT-OF-WAY LINE.
27. STREET TREES AND PARKING LOT TREES IN THE B-2 AREA SHALL BE PLANTED OR PERSERVED AS GENERALLY SHOWN ON THIS PLAN. ALL NEW STREET TREES AND PARKING LOT TREES MUST BE SHADE TREES, MINIMUM 2 1/2 INCH CALIPER AT PLANTING, AND ANY EXISTING TREES ON THIS PLAN MUST BE REPLACED IF THEY DIE OR ARE DESTROYED WITH MINIMUM 4" CALIPER TREES.
28. IN THE B-2 AREA AT LEAST 80% OF THE EXTERIOR CLADDING ON ALL BUILDING FACADES MUST BE BRICK, STONE, OR GLASS. ALL BUILDINGS MUST USE THE SAME STYLE AND COLOR OF EXTERIOR CLADDING. BIKE RACKS SHALL BE INSTALLED IN PROXIMITY TO EACH OF THE BUILDINGS.
29. IN THE B-2 AREA NO MOBILE SIGNS ARE PERMITTED. A MAXIMUM OF THREE FREESTANDING SIGNS ARE PERMITTED. ONE FREESTANDING SIGN SHALL HAVE A MAXIMUM HEIGHT OF 15 FEET, A MAXIMUM SIGN AREA OF 100 SF AND MAY HAVE AN ELECTRONIC CHANGEABLE MESSAGE BOARD THAT IS NOT LARGER THAN 45 SF. THE OTHER TWO FREESTANDING SIGNS ARE LIMITED TO 12 FEET IN HEIGHT AND 50 SF IN AREA, AND MAY NOT INCLUDE ELECTRONIC CHANGEABLE MESSAGE BOARDS. FREESTANDING SIGNS MUST BE LOCATED WITHIN 50 FEET OF THE SOUTHERN MOST DRIVEWAY TO 27TH STREET OR THE ONLY DRIVEWAY ON OLD CHENEY ROAD, PROVIDED THAT THE LARGER FREESTANDING SIGN SHALL BE LOCATED ON THE 27TH STREET FRONTAGE. THE BASE OF ALL THESE SIGNS MUST BE CONSTRUCTED WITH THE SAME STYLE AND COLOR OF BRICK OR STONE AS THE BUILDINGS.

30. AT SUCH TIME AS THE BUILDING AND ASSOCIATED PARKING ON LOT 7 ARE CONSTRUCTED, THE FOLLOWING CONDITIONS SHALL APPLY:

30.a. PLACE A COMBINATION OF LANDSCAPING AND FENCE, TO BE EVENLY DISTRIBUTED HORIZONTALLY; HOWEVER, IT MAY VARY IN HEIGHT SO AS TO SCREEN AT LEAST SIXTY PERCENT (60%) OF THE SURFACE AREA OF A VERTICAL PLANE EXTENDING ALONG THE ENTIRE LENGTH OF THE PROPERTY LINE AND FROM THE GROUND ELEVATION TO A HEIGHT OF TEN FEET (10') ABOVE THE ADJACENT GROUND ELEVATION.

30.b. PREPARE AND IMPLEMENT A LANDSCAPE PLAN FOR THE AREA ALONG THE WEST PROPERTY LINE ON THE LOT 7 SIDE OF THE FENCE WHICH EXCEEDS MINIMUM CITY STANDARDS.

30.c. IN THE AREA BETWEEN THE SOUTHWEST CORNER OF LOT 7 AND THE PARKING LOT, PLANT A GROUPING OF SHRUBS WHICH WILL DETER PEDESTRIANS FROM TRAVERSING THE SITE FROM SOUTH TO NORTH BETWEEN THE PARKING LOT AND CANTERBURY.

30.d. IN THE AREA IMMEDIATELY ABUTTING THE WEST SIDE OF THE PARKING LOT, PROVIDE A 100% SCREEN FROM GROUND LEVEL TO 3 FEET TO PREVENT CAR HEADLIGHTS FROM SHINING IN WINDOWS OF THE ADJACENT PROPERTY. THIS COULD BE ACCOMPLISHED BY A LOW FENCE, OR EVERGREEN BUSHES.

30.e. PARKING LOT LIGHTING TO HAVE CUTOFF FIXTURES, DIRECTED AWAY FROM THE WEST PROPERTY LINE (AS REQUIRED BY CITY DESIGN STANDARDS).

30.f. ANY LICENSED ALCOHOL SALES IN THE BUILDING ON LOT 7 SHALL BE LOCATED IN THE EAST TWO-THIRDS OF THE BUILDING.

31. NO GASOLINE SALES, SERVICE STATIONS, OR AUTOMOBILE WASHING FACILITIES ARE PERMITTED.

32. ALL CONSTRUCTION TRAFFIC TO AND FROM THE SITE, AND ALL SERVICE/DELIVERY BY TRUCKS OVER 6 TONS, MUST USE THE DRIVEWAYS ON 27TH STREET OR OLD CHENEY ROAD FOR INGRESS AND EGRESS AND SHALL NOT USE THE DRIVEWAYS IN THE B-2 AND O-3 AREAS ON CANTERBURY ROAD.

33. GENERAL NOTES #24, #26, #27, #28, #29, #30, #31 AND #32 SHALL NOT BE ADMINISTRATIVELY AMENDED BUT MAY BE AMENDED BY PLANNING COMMISSION.

34. EXCEPT AS MODIFIED ABOVE OR WITHIN THE PLANS, ALL PROVISIONS AND REGULATIONS PERTAINING TO THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT SHALL APPLY TO THE B-2 AREA.

35. ACCESS SHALL BE RELOCATED AS SHOWN ON THIS PLAN PER THE RESOLUTION A-86132 3.a.xii STATING TO RECONSTRUCT THE DRIVEWAY OFF OF 27TH STREET AND PROTECT THE MEDIAN OPENING FOR THE FIRE STATION FROM BEING UTILIZED FOR NORTH BOUND MOVEMENTS.

36. EARLY CHILDHOOD CARE FACILITY SHALL BE PERMITTED IN THE O-3 ZONING AREA ON LOT 4 TO ALLOW FOR THE CARE OF 266 CHILDREN AT MAXIMUM CAPACITY.

LAND USE TABLE

BUILDING ENVELOPE	ZONE	FLOOR AREA (S.F.)	USE	HEIGHT	PARKING REQUIRED	TOTAL PARKING
1	O-3	20,300	COMMERCIAL	45'	68	72
2	O-3	5,500	COMMERCIAL	45'	19	31
3	O-3	17,489	COMMERCIAL	45'	59	61
4	O-3	16,500	EARLY CHILDHOOD CARE FACILITY	45'	52	38
5	B-2	8,500	COMMERCIAL	40'	29	31
6	B-2	13,300	COMMERCIAL	40'	45	75
7	B-2	2,500	COMMERCIAL	40'	25	45
TOTAL APPROVED SF FOR UP15D		101,929				
CURRENTLY SHOWN SF		84,089				
AVAILABLE SF		17,840				
					TOTAL STALLS	297
						353

*RESTAURANT USES MAY BE DISTRIBUTED ON LOTS 5-7, BUT MAY NOT EXCEED 7,480 TOTAL SQUARE FOOTAGE.

**NO GASOLINE SALES, SERVICE STATION, OR AUTOMOBILE WASHING FACILITIES ARE PERMITTED.

**EARLY CHILDHOOD CARE FACILITY PARKING BASED ON 266 CHILDREN AND 25 STAFF.



January 7, 2020

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

Re: Amendment to the Southwood Center UP15D
Olsson Project No. 019-3477

Dear Mr. Cary,

On behalf of JDM Learning, LLC, Developer of the real property legally described as Southwood Center 2nd Addition, Lot 3, located in Lincoln, Nebraska ("the Property").

We are requesting an Amendment to the Use Permit to allow Early Childhood Care Facilities in the O-3 zoning area within Lot 4 of UP15D. Currently the site is approved for 14,400 SF of Commercial Use, we are proposing an increase to build a 16,500 SF building which would accommodate approximately 266 children and 25 staff at max capacity. Per previous discussions with planning staff and building and safety there are sufficient parking stalls available per existing cross parking agreement.

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

1. City of Lincoln Application, including: Amendment to the Use Permit
2. Use Permit Site Plan
3. Application fees in the amount of \$988.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with you on this proposed Amendment to the Special Permit. If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

Brian Lang

Enclosures.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Administrative Amendment #19070	FINAL ACTION? Yes	DEVELOPER/OWNER Eiger Corp.
PLANNING COMMISSION HEARING DATE February 5, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 8480 Amber Hill Court

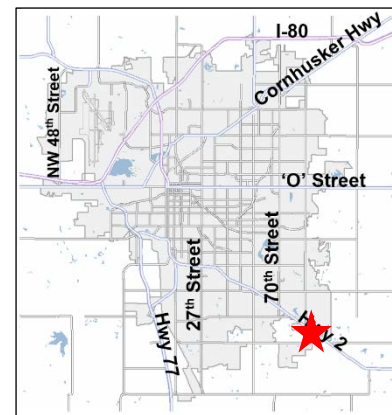
RECOMMENDATION: APPROVAL OF AA#19070

BRIEF SUMMARY OF REQUEST

This is an appeal of an administrative amendment approved on December 19, 2019. That approval changed the land use on Lot 3, Block 1 of the use permit from an automotive care center to a furniture store/warehouse to more closely reflect the applicant’s proposed use. The vehicle trip generation rates were also updated accordingly.

The appellant disputes information contained in the Land Use Table that is shown on page 1 of the use permit plan set both for this use and others. The process for appealing an administrative amendment is in the Zoning Ordinance Section 27.81.021.

When an administrative amendment is appealed, the Planning Director’s original approval is void, and the amendment is forwarded to the Planning Commission for consideration. As with the Director’s approval, the Planning Commission’s action can also be appealed to the City Council.



JUSTIFICATION FOR RECOMMENDATION

The change in land use for the applicant’s lot, Lot 3, Block 1 of the use permit, from an automotive care center to a furniture store/warehouse more closely reflect the applicant’s proposed use and is appropriate. The land use/trip generation table dates back to the original traffic study associated with the annexation agreement approved when the property was annexed in 2004. The uses listed often relate more closely to the Institute of Transportation Engineers (ITE) Trip Generation Manual than the Zoning Ordinance due to differing trip generation rates, among uses. Since all required public improvements have been installed in the area, there is limited value in tracking uses and their traffic impact. While useful at one time, it no longer serves the original purpose and only impedes development. The center’s developer, Eiger Corp., and the applicant for AA#19070 agree it is no longer necessary for implementation of the Zoning Ordinance or annexation agreement. In the future it is proposed that the table be deleted entirely.

APPLICATION CONTACT

DaNay Kalkowski
402-435-6000
danay@sklaw.com

APPEAL CONTACT

David Fiala
402-434-2170
fiala@futuresone.com

STAFF CONTACT

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

ANALYSIS

1. This Administrative Amendment #19070 to Use Permit #150B is being forwarded to the Planning Commission as the result of an appeal from David Fiala. AA#19070 was submitted by Barry Fowler on behalf of Gotcha Covered to change the land use on Lot 3, Block 1 from automotive care center to furniture store and warehouse. It was approved by the Planning Director on December 19, 2019 (corrected approval letter dated January 2, 2020 is attached as Exhibit A). Mr. Fiala disputes the trip generation rates that are shown as part of the land use table on the site plan of the use permit. His appeal and supplemental information are attached to this report.
2. The basic point of Mr. Fiala's appeal is that Gotcha Covered should be classified as a Home Improvement Superstore rather than a Furniture/Warehouse store. The administrative amendment approval is appropriate given the information that 14,200 SF Gotcha Covered store functions more like a furniture store, with a significantly lower amount of customers and in stock items compared to a home improvement superstore. The typical Home Improvement Superstore can be 100,000 to 200,000 SF or more in size and can have more than 300,000 items in stock. They also typically have large outdoor yards with board storage and garden supplies and have a significant customer turnover as many customers quickly pick up their items and leave.
3. The Lincoln Transportation and Utilities Department was requested to provide any additional information on the appropriateness of the ITE code. If there is any additional information it will be forwarded the Planning Commission when received.
4. The appellant has mentioned other items in the land use table he would like to see addressed. It is the City Attorney's opinion that only the subject of approval of AA#19070 can be considered by the Planning Commission as a result of this appeal. That is, the changes for Lot 3, Block 1 are specifically the subject of this appeal, and accordingly of this review.
5. The proposed change for Lot 3, Block 1 to furniture store and warehouse are classified in the zoning ordinance under the larger umbrella use of Retail Sales Large Items. Retail Sales Large Items (LMC 27.02.190) could have been used to more closely resemble defined uses listed in the Zoning Ordinance, but the ITE makes further detailed distinctions among multiple uses found under the larger umbrella definition of Retail Sales Large Items. The applicant chose to use a use type and ITE for a use that more closely resembles the business to be located on Lot 3.
6. Lincoln Municipal Code (LMC) Section 27.81.021 allows for appeals of administrative amendments to the Planning Commission. Once an administrative amendment is appealed to the Planning Commission, the Planning Director's approval is voided. Once referred to the Planning Commission on appeal, it is up to the Commission to act on the request. It appears that this is the first time an administrative amendment has been appealed.
7. Use Permit #150B is located southeast of the intersection of South 84th Street and Highway 2. It was approved in 2004, and developed by the same entity that developed Use Permit #140 (annexed in 2001) for the Appian Way Shopping Center (now Prairie Lakes) on the north side of Highway 2. Both developments were covered by the same annexation agreement.
8. In 2004, a portion of the B-5 area covered by Use Permit #150 was rezoned to H-4 to allow for mini-storage units. In 2012, the H-4 area was expanded and both the use and special permits were amended accordingly to continue to allow for the possibility of locating mini-storage units within the development. Both the use and special permits were subject to the same original annexation agreement, and both contained the land use/trip generation tables.
9. Among other things, the annexation agreement stated the shared financial responsibilities of both the developer and the City of Lincoln with respect to infrastructure improvements to serve the proposed shopping center. At that time, South 84th Street had not been realigned and improved on either side of Highway 2, Pine Lake Road east of South 84th Street had not been improved, and South 91st Street did not exist. Additionally, public sanitary sewer and water mains had to be extended to area to serve the development. The annexation agreement specified the level of financial participation on the part of the City and the Developer.
10. To support the level of development that was envisioned in both of the centers, improvements in public infrastructure were required. As part of the annexation and zoning approval process, the developer was required to submit a traffic study prepared by an independent, licensed traffic engineer to project what transportation improvements would be necessary to support the centers envisioned by the developer.
11. For a traffic study to project improvements, assumptions regarding the level of development must be made. The traffic study assumed certain levels of development for both of the use permits. Based upon those assumptions,

maximum development levels were established for each center.

12. From the original approvals for the two use permits, the maximum levels established were as follows: UP#140 - Up to 940,000 square feet of floor area and 4,044 p.m. peak hour net commercial trips; UP#150 - Up to 290,000 square feet of floor area and 1,239 p.m. peak hour net commercial trips.
13. Land use tables (Exhibit B for UP#150) were included as part of each use permit plan set as a method of tracking the level of development at each center to ensure the maximums were not exceeded. The tables that showed up on the first use permit site plans varied somewhat from the original traffic study, as actual development grew near the demand and anticipated users changed. In both cases, the total floor area and total trips shown in the tables for both use permits were less than the overall approved amounts.
14. Both use permits have been amended since the original approvals. These amendments take the form of both major amendments that require Planning Commission approval, and administrative amendments that are approved by the Planning Director. The majority of these amendments have been for the purpose of changing a specific use for a specific lot to accommodate a specific user seeking to locate in the center. For the center covered by UP#150, there have been 17 administrative amendments alone, most simply change a use from one to another a particular lot and to update the trip generation.
15. In 2014 the City Council approved an Agreement for Satisfaction and Release of Infrastructure Obligations (Exhibit C) to Eiger Corp. Essentially, the release states the owner had satisfied the financial obligations for required public improvements associated with the development of the shopping centers as required by the annexation agreement. With financial obligations for public improvements satisfied, the need to ensure the development does not exceed a maximum floor area or trip caps is virtually eliminated.
16. The land use/trip generation table could be removed as tracking trips in this development has outlived its usefulness. Today, there is no reason associated with the implementation of the Zoning Ordinance to maintain the land use table on the use permit. All uses permitted within the B-5 zoning district by right can locate within the center, a simple determination that can be made at the time of building permits.
17. The continued existence of the table on the use permit serves as a hindrance to development, and slows applicants down at the time of building permits if the table needs to be amended to simply accommodate their particular use. Such delays cost the development community time and money, and use City staff time which can be put to better use.
18. The land use/trip table has outlived its usefulness and now only serves as an impediment to development. The applicant's proposed amendment complies with the Zoning Ordinance and should be approved. For these reasons it is appropriate to approve at the applicant's request for AA#19070.

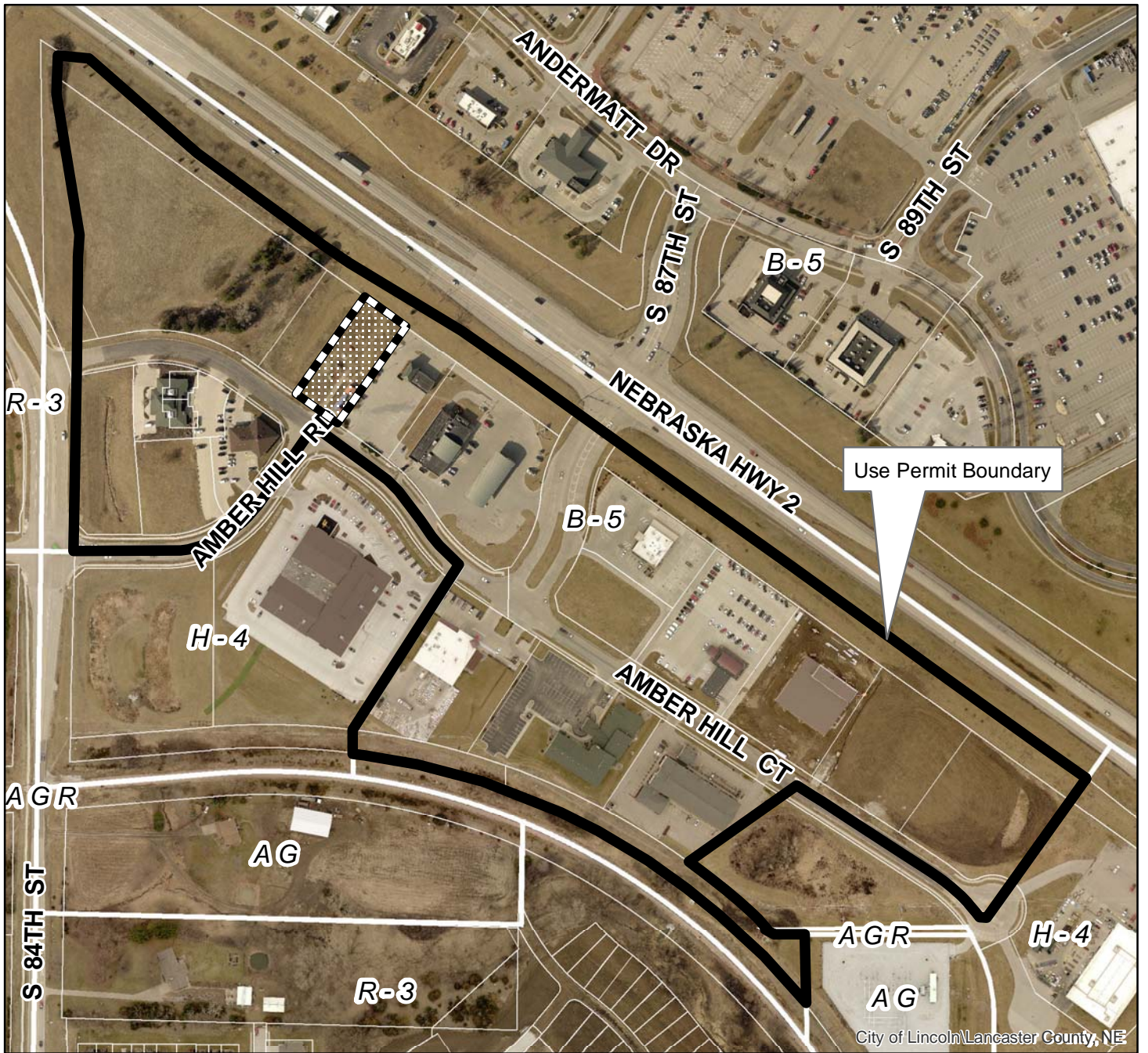
Prepared by

Brian Will
January 27, 2020

Applicant: Barry Fowler
Gotcha Covered
3800 Old Cheney Road
Lincoln, NE 68516

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

Owner: Eiger Corp.
16934 Pella Road
Adams, NE 68301



Use Permit Boundary

City of Lincoln/Lancaster County, NE

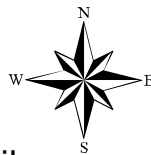
2018 aerial

Appeal of Administrative Amendment #: AA19070
Appian Way Regional Center Phase II
S 84th St & Hwy 2

Zoning:

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

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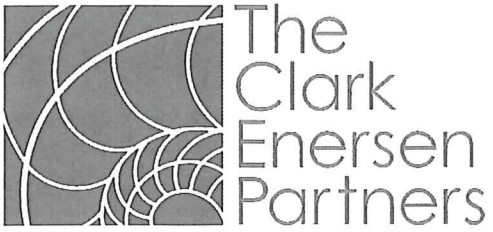
One Square Mile:
 Sec.23 T09N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





November 4, 2019

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

RE: Administrative Amendment to the 87th & Hwy 2 Use Permit

Dear Mr. Cary:

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

1. City Application
2. Application fee (\$206.00)
3. Use Permit Site Plan

On behalf of the Applicant, Gotcha Covered, 3800 Old Cheney Road, Suite A, Lincoln NE 68516, we are requesting an Administrative Amendment to the Use Permit to revise the Land Use table for Lot 3, Block 1 from a 4,450 SF Automotive Care Center to a 6,000 SF Specialty Retail and 6,200 SF Warehouse.

The revised Land Use Table on the Site Plan have been included to show the new use and their respective trip generations.

Please contact me if you have any questions or require additional information.

Sincerely,

Tim Gergen

cc: Eiger Corp.
Gotcha Covered

Architecture + Landscape Architecture + Engineering + Interiors

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

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

January 2, 2020

Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 6850

CORRECTION LETTER

RE: Administrative Amendment #19070 to UP#150B
Appian Way Regional Center Phase II
Generally located southeast of South 84th Street and Highway 2

This revised letter is being issued to correct a use type listed in the approval block below from 'specialty retail' to 'furniture store'. This change matches the approved site plan associated with this amendment.

Your request for an administrative amendment to revise the land use table to show the land use for Lot 3, Block 1 being changed from 4,450 square feet of automotive care center to 6,000 square feet of ~~specialty retail~~ *furniture store* and 6,200 square feet of warehouse has been approved. The development of the site shall be in substantial compliance with the attached plan.

This amendment supersedes Administrative Amendment #17064.

Please note that the approval of this administrative amendment may be appealed to the Planning Commission by any council member or aggrieved person by filing a letter of appeal with the Planning Department within 14 days of this approval.

If you have any questions, please do not hesitate to contact Brian Will at (402) 441-6362 or bwill@lincoln.ne.gov.

Sincerely,


for

David R. Cary
Director of Planning

xc: City Clerk
File

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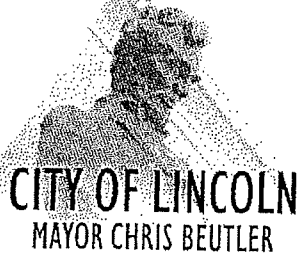


EXHIBIT B

LAND USE													
LOT	ZONE	FLOOR AREA (S.F)	LOT AREA (A.C)	USE	MAX HEIGHT (FT)	TRIP UNITS	ITE EDIMON	TRIP RATES	PM PEAK HOUR TRIP	INTERNAL TRIP REDUCTION	NET PM TRIPS	PASS BY REDUCTION	NET PM TRIPS
BLOCK 1													
1	B-5	29,388	4.81	Commercial/Retail/Electronics/ Superstore	40	1000 SF	863	4.5	132	15%	112	20%	90
3	B-5	6,000	0.65	Furniture Store	40	1000 SF	890	0.45	3	15%	2	20%	2
3	B-5	6,200	0.65	Warehousing	40	1000 SF	150	0.51	3	15%	3	20%	2
4	B-5	4,100	0.77	***Car Service Lube Shop	40	Per Service Position	837	5.19	16	15%	13	20%	11
5A	B-5	8,100	2.14	**Gas Station/Convenience Store/Car Wash	40	Per Fueling Position	846	13.19	211	15%	179	20%	144
5B	B-5	1,750		Sit Down Restaurant	40	1000 SF	832	10.86	19	15%	16	20%	13
BLOCK 2													
1	B-5	4,927	0.99	High Sit-Down Restaurant	40	1000 SF	832	10.86	54	15%	45	20%	36
2	B-5	7,000	0.75	Commercial/Retail	40	1000 SF	814	2.59	18	15%	15	20%	12
3A	B-5	5,200	1.52	New Car Sales	40	1000 SF	841	2.8	15	15%	13	20%	10
3B	B-5	16,100	1.46	Automobile Care Center	40	1000 SF	942	3.38	55	15%	47	20%	38
4A	B-5	8,900	1.45	Automobile Parts Sales	40	1000 SF	843	2.57	23	15%	20	20%	16
4B	B-5	20,000	1.53	Racquet Club (Gymnastics/Karate Instructional)	40	1000 SF	492	1.28	26	15%	23	20%	18
5	H-4	22,500	3.32	***Commercial/Retail	40	1000 SF	814	2.59	58	15%	50	20%	40
6	H-4	20,000	1.28	***Mini Warehouse	40	1000 SF	151	0.26	5	15%	4	20%	3
BLOCK 3													
1	H-4	40,000	4.70	Commercial Recreational Facility	40	1000 SF	492	3.53	142	15%	121	20%	97
2	B-5	10,000	1.78	Building Materials & Lumber Store (4000 SF Warehouse)	60	Per Employee (12)	812	2.26	27	15%	23	20%	18
3	B-5	*38,182	1.82	Motel (70 Rooms)	60	Per Room	320	0.58	41	15%	35	20%	28
4	B-5	*36,000	1.38	Motel (66 Rooms)	60	Per Room	320	0.58	38	15%	33	20%	26
BLOCK 4													
1A	B-5	3,045	0.69	Office	40	1000 SF	710	1.49	5	15%	4	20%	5
1B	B-5	3,045		Medical Office	40	1000 SF	720	3.66	11	15%	9	20%	13
2	B-5	6,090	0.76	Office	40	1000 SF	710	1.49	9	15%	8	20%	6
3	B-5	4,500	0.55	Specialty Retail	40	1000 SF	814	2.59	12	15%	10	20%	8
OUTLOTS													
A	B-5 & H-4	-	5.98	Public Access & Utilities	-	-	-	-	-	-	-	-	-
B	B-5	-	1.66	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
C	B-5 & H-4	-	3.11	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
D	H-4	-	2.12	Green Space-Landscaping-Storm Detention-Wetlands	-	-	-	-	-	-	-	-	-
E	B-5	-	2.05	For City Parks & Recreation Trail Corridor & Utilities	-	-	-	-	-	-	-	-	-
F	B-5	-	2.10	Green Space-Landscaping-Storm Detention-Wetlands	-	-	-	-	-	-	-	-	-
G	B-5	-	1.04	Green Space-Landscaping-Wetlands	-	-	-	-	-	-	-	-	-
H	B-5	-	0.59	Green Space-Landscaping-Storm Detention	-	-	-	-	-	-	-	-	-
I	B-5	-	0.19	Green Space-Landscaping	-	-	-	-	-	-	-	-	-
TOTAL		226,845	51.84						923		785		636
TOTAL PM TRIPS ALLOWED												1,239	
BY ANNEXATION AGREEMENT													
* Hotels Based On Number Of Rooms ** Gas Station with Convenience Store And Car Wash Based on Number of Fueling Positions (16) ***Commercial Retail With Limited Business Hours, Service Stations, Convenience Stores And Fast-Food Restaurants/Drive Thru Restaurants Are Prohibited ****3 Service Positions													

ENGINEER'S CERTIFICATE

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



EXECUTIVE ORDER

087038

NO. _____

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of

Lincoln, Nebraska:

On behalf of the City of Lincoln, Nebraska I have executed the attached Agreement for Satisfaction and Release of Infrastructure Obligations with Andermatt, LLC and Eiger Corp for the Conditional Annexation and Zoning Agreement for So. 84th & Highway 2.

This Agreement provides a payment of \$453,471.60 to satisfy future water main (\$15,271.60 to account 803500) and traffic signal infrastructure (\$438,200 to account 701600) referred to in the Annexation & Zone Agreement

The City Clerk is directed to return 2 copies of this Executive Order and Agreement to Mary Lowe in Public Works Engineering Services for transmittal to DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, Lincoln NE 68508-3910

Dated this 26th day of March, 2014

Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:

City Attorney's Office

Approved:

Public Works & Utilities Dept.

11 Mar 14

**SATISFACTION AND RELEASE
OF INFRASTRUCTURE OBLIGATIONS
(Conditional Annexation and Zoning
Agreement for S. 84th & Highway 2)**

This Satisfaction and Release of Infrastructure Obligations (Conditional Annexation and Zoning Agreement for S. 84th & Highway 2) (“Satisfaction and Release”) is made and entered into this 26 day of March, 2014, by and between the **City of Lincoln, Nebraska**, a municipal corporation (“City”), and **Andermatt, L.L.C.**, a Nebraska limited liability company, and **Eiger Corp.**, a Nebraska corporation, (collectively “Property Owners”).

RECITALS

I.

The parties, along with Westcor, LLC, David S. Olson, and Realty Trust Group, whose properties were subsequently acquired by the Property Owners, entered into the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2 dated November 13, 2001, which was subsequently amended by Amendment No. 1 to the Conditional Annexation and Zoning Agreement for S. 84th & Highway 2 dated March 24, 2010 (collectively “Annexation Agreement”).

II.

The Annexation Agreement identified infrastructure improvements required for the development of the Property, defined therein, and the City’s and Property Owners’ responsibilities regarding said infrastructure improvements.

III.

The Property Owners' obligations relating to the infrastructure improvements identified in Sections IV, V, VI and VII of the Annexation Agreement have been fully satisfied, and the parties desire to evidence said satisfaction with a written release.

NOW, THEREFORE, in consideration of the above recitals and mutual covenants contained herein, the parties agree as follows:

1. The City acknowledges that the Property Owners have fully satisfied the Property Owners' obligations contained in Sections IV, V, VI and VII of the Annexation Agreement, including, but not limited to, obligations relating to construction of or contribution to the cost of constructing and dedication of easements and right-of-way for Sanitary Sewer, Water, Street, and other necessary municipal infrastructure improvements contained in Sections IV, V, VI and VII, respectively, of the Annexation Agreement. In consideration for said satisfaction, the City hereby completely, finally and forever releases and discharges the Property Owners and the Property from any and all obligations contained in Sections IV, V, VI and VII of the Annexation Agreement.

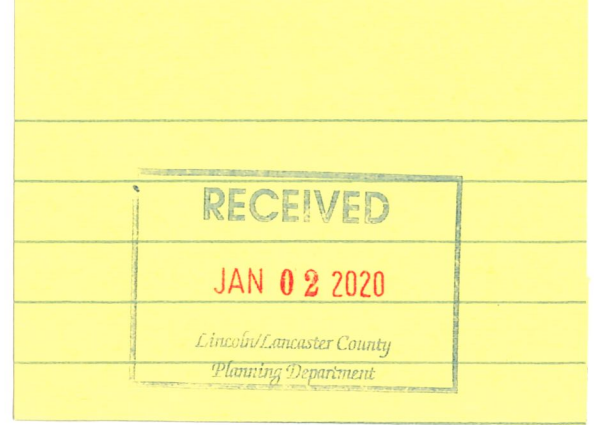
2. The parties acknowledge that this Satisfaction and Release does not apply to Sections X and XV of the Annexation Agreement or release the City from its remaining obligations under Sections IV, V, VI and VII of the Annexation Agreement.

3. This Satisfaction and Release shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns, each to the other.

4. This Satisfaction and Release shall be effective upon its execution by the City and the Property Owners.

December 31st 2019

David R. Cary
City of Lincoln Planning Department
555 South 10th Street Suite 213
Lincoln, NE 68508



RE: Letter of Appeal of the full content approval of the December 19th, 2019 Appian Way Regional Center Phase II (Block 1 Lot 3) administrative amendment approval by the City of Lincoln, appealing the compliance of the Use Trip Table / net PM Peak Hour trip calculations provided by Tim Gergen. A purposed correction is provided as part of this Appeal.

Planning Department:

If the Use as noted in the Approval Letter is Specialty Retail, the 6th Addition ITE "Special Retail" Use 814 data has an Average Rate of 4.93 for its P.M. Peak Hour trip generator giving a 41 Net P.M. Peak Hour trip calculation with the planned 12,200 square feet within the same 4 walls. If the Warehouse Use for the Special Retail is viewed as 6,200 square ft giving P.M. Peak hour different Use offering warehousing to the public, then 2 is agreed to providing a calculation for the 2 uses, or 22 net P.M. Peak Hour trips for Block 1 Lot 3. An alternative Use provided would be the 6th Addition Use 862 "Home Improvement Superstore" of which the Use description seems to have a fit. The calculation would then be using a 3.84 rate that provides a net P.M. Peak Hour calculation of 32 for this development. Pages of the ITE 6th Additional publication are attached for support to this Appeal. The specifics for this use, are publicly available via the business *website* illustrating the intended Uses are not a furniture, or just a store or offering public warehousing:

Gotcha Covered carries a wide variety of carpet, vinyl, furniture, door and cabinet hardware, porcelain tile, flooring, counter tops, fireplaces, exterior stone, closet systems, lighting, doors, windows, area rugs, cabinets, bath hardware accessories, and window treatments.

Gotcha Covered is a full service center planned with both homeowners and builders in mind.

Our Service to you includes professional designers on staff to help create a entire design or simply pick out the correct product for your lifestyle.

Gotcha Covered will demonstrate exceptional customer service by providing creative solutions, customer service, and meeting our clientele's design needs, while providing a friendly, Christian atmosphere that promotes the personal as well as professional growth of our employees.

Please let this supported Appeal letter also offer some *FYI* to the Planning Department creating attention toward previous inconsistent trip calculation activity, that the Department may not have seen as an issue to garner attention. As a member in the development we have engaged in an ongoing audit that has found data and calculations on this Appian Way Regional Center Phase II P.M. Peak Hour calculations that are inconsistent with the Institute of Transportation Engineers publication and annex agreement rules for the calculations, as well as issues with data surrounding the represented improvements on the lots in the development. There is a financial value with these calculations to the members of the public involved, i.e. investors or prospective investors building in this commercial development as well as how this may affect the business owners. Representations to owners has been that the P.M. Peak Hour net trip calculations were provided to the development by the City of Lincoln. This has been found to be untrue.

The P.M. Peak Hour net trip calculation has been represented to past and any future owners "as defined in and calculated by the City of Lincoln, Nebraska in accordance with the terms and provisions of the Conditional Annexation and Zoning Agreement." The Developer and Clark Enerson have represented the calculations have come from the City of Lincoln, which has been found to be false.

Upon review of the Annex Agreement and the ITE data referenced in this 2001 agreement of "P.M. Peak Hour" net trips, it has been found that at least one unknown ITE number was found as well as the use of "Peak Hour Adjacent Street traffic, one hour between 4 to 6 p.m." study data. The Audit

has identified several material calculations errors or misrepresentations (9), some small discrepancies (8), and a few that were accurate (3). As far as accurate inclusion of the improvements, Block 1 Lot 5, only uses 16 of the 20 fueling positions were used in the calculation providing Eiger a lower number, along with the lower study generator. A result that lead to them paying less in annual dues due to what appears to have been a 43 net trip lower number.

Attached **Exhibit A** contains a copy of the approval documents with the purposed correction using ITE 6th Addition Use 814 "Specialty Retail," as well as publication information on Uses, 862, 890 and 150. **Exhibit B**, is attachment with P.M. Peak Hour net trip calculations using supporting ITE data and language in the conditional annex agreement from 2001. The purposed and accepted Uses are not being appealed or a believed issue; this is only correction of the material and substantial accuracy of the approved P.M. Peak Hour net trip calculations.

The lower P.M. Peak Hour net trips assigned/calculated effectively defraud other owners that have accurate or unfairly higher calculation that need correction to cease the apparent, many owners are not yet aware, therefore the appeal remains for accurate calculations of the P.M. Peak Hour net trip numbers.



David M. Fiala, Managing Member of F.A.A. Properties LLC
402 304 0200
(aggrieved person for the above reasons)

Date: 12-31-19

Land Use

Seeking
Verification
on Net P.M.
Peak Hour
Trips

Prairie Lake Plaza	Lancaster County	Assessor Parcel #	Lot Address	Floor Area (Sq. Ft.)	Lot Area (Acres)	Owner / Use	Trip Units	ITE 6th Addition Use	ITE P.M. Peak Hour Trip Rates	PM Peak Hour Trips Generated	Internal Trip Reduction	Net PM Peak Hour Trips	Pass By Reduction	Net P.M. Peak Hour Trips
Block 1														
Lot 1		16-23-309-001-000	8420 Amber Hill Ct	29399	4.81	Eiger Corp (Commercial/Retail/Electronics/Superstore)	1000 SF	863	4.5	132	15%	112	20%	90
Lot 3		16-23-306-001-000	8480 Amber Hill Ct	12200	0.65	Eiger Corp (Home Improvement Superstore)	1000 SF	814	4.93	60	15%	51	20%	41
Lot 4		16-23-306-002-000	8500 Amber Hill Ct	4100	0.77	Sierra Holdings LLC/ Car Service Lub Shop	Per Service Position (3)	837	4.6	14	15%	12	20%	9
Lot 5A		16-23-306-003-000	8600 Amber Hill Ct	9850	2.14	Eiger Corp / Gas Station/Convenience Store/Car wash	Per Fueling Position (20)	846	13.77	275	15%	234	20%	187
Lot 5B						Eliminated Use								NA
Block 2														
Lot 1		16-23-305-001-000	7900 S 87th St	4927	0.99	GREENFIELD's Properties LLC / High turn-over Sit-down Restaurant	1000 SF	832	19.38	95	15%	81	20%	65
Lot 2		16-23-305-002-000	7920 S 87th St	7000	0.75	Eiger Corp / Commercial Retail	1000 SF	814	4.93	35	15%	29	20%	23
Lot 3A		16-23-317-001-000	8740 Amber Hill Ct	5700	1.52	R & M Investment Prop. LLC / New (Used) Car Sales	1000 SF	841	2.5	14	15%	12	20%	10
Lot 3B		16-23-323-001-000	8820 Amber Hill Ct	16100	1.46	Keller Real Estate / Automobile Care Center	1000 SF	840	4.01	65	15%	55	20%	44
Lot 4A		16-23-323-002-000	8860 Amber Hill Ct	8900	1.45	Eiger Corp / Automobile Parts Sales	1000 SF	843	6.44	57	15%	49	20%	39
Lot 4B		16-23-323-003-000	8900 Amber Hill Ct	20000	1.53	Ne School of Gymnastics / Racquet Club	1000 SF	492	1.28	26	15%	22	20%	17
Lot 5		16-23-309-001-000	9000 Amber Hill Ct	22500	1.32	TKC CCXXV, LLC / Commercial - Specialty Retail	1000 SF	814	4.93	111	15%	94	20%	75
Lot 6		16-23-302-002-000	9009 Amber Hill Ct	20000	1.28	Eiger Corp / Mini Warehouse	1000 SF	151	0.29	6	15%	5	20%	4
Block 3														
Lot 1		16-23-304-004-000	8601 Amber Hill Ct	40000	4.7	F.A.A. Properties LLC / Racquet Club	1000 SF	492	1.28	51	15%	44	20%	35
Lot 2		16-23-307-001-000	8655 Amber Hill Ct	10000	1.78	Funk Family LLC / Building Materials and Lumber Store	1000 SF	812	5.15	52	15%	44	20%	35
Lot 3		16-23-317-001-000	8740 Amber Hill Ct	38182	1.82	Birch Creek Holdings, LLC / Motel	Rooms (70)	320	0.56	39	15%	33	20%	27
Lot 4		16-23-303-001-000	8801 Amber Hill Ct	36000	1.38	Husker Lodging LLC / Motel	Rooms (66)	320	0.56	37	15%	31	20%	25
Block 4														
Lot 1A		16-23-308-001-000	8421 Amber Hill Ct	3045	0.69	VAN HORN FAMILY BLDG / Office	1000 SF	710	1.49	5	15%	4	20%	3
Lot 1B		16-23-308-001-000	8421 Amber Hill Ct	3045		VAN HORN FAMILY BLDG / Medical	1000 SF	720	4.36	13	15%	11	20%	9
Lot 2		16-23-308-002-000	8420 Amber Hill Rd	6090	0.76	Eiger Corp / Office	1000 SF	710	1.49	9	15%	8	20%	6
Lot 3		16-23-308-003-000	8450 Amber Hill Rd	4500	0.55	AMBER HILL INVESTMENTS/ Specialty Retail	1000 SF	814	4.93	22	15%	19	20%	15
Right-of-Way Lots														
A				5.98		Eiger Corp/ Public Access & Utilities (streets) containing required street right-of-way space								
B				1.66		Eiger Corp / Right-of-Way Required Space/Greenspace HYW 2								
C				3.11		Eiger Corp / Right-of-Way Required Space/Greenspace HYW 2								
D				2.12		Eiger Corp / Storm or Water Detention-Wetland								
E				2.05		Eiger Corp / Required Right-of-way space - City Parks & Rec								
F				2.1		Eiger Corp / Storm or Water Detention-Wetland								
G				1.04		Eiger Corp/ Storm or Water Detention-Wetland								
H				0.59		Eiger Corp / Storm or Water Detention-Wetland								
I				0.19		Eiger Corp / Right-of-Way Space/Green Space								
Total				49.19										
													"P.M. Peak Hour" Generated/Assigned net trips for 19 Buildable Lots	760
													"P.M. Peak Hour" net trips allowed in 2001 Annex Agreement	1239

Exhibit A



LINCOLN-LANCASTER COUNTY
PLANNING DEPARTMENT
555 South 10th Street Suite 213 Lincoln, NE 68508
402-441-7491 fax: 402-441-6377 lincoln.ne.gov



December 19, 2019

Tim Gergen
The Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508

RE: Administrative Amendment #19070 to UP#150B
Appian Way Regional Center Phase II
Generally located southeast of South 84th Street and Highway 2

Your request for an administrative amendment to revise the land use table to show the land use for Lot 3, Block 1 being changed from 4,450 square feet of automotive care center to 6,000 square feet of specialty retail and 6,200 square feet of warehouse has been approved. The development of the site shall be in substantial compliance with the attached plan.

This amendment supersedes Administrative Amendment #17064.

Please note that the approval of this administrative amendment may be appealed to the Planning Commission by any council member or aggrieved person by filing a letter of appeal with the Planning Department within 14 days of this approval.

If you have any questions, please do not hesitate to contact Brian Will at (402) 441-6362 or bwill@lincoln.ne.gov.

Sincerely,

David R. Cary *for*
Director of Planning

xc: City Clerk
File

F:\DevReview\AAAAA19000\AA19070 Appian Way Regional Center Phase II.bjw.docx



Land Use: 814

Specialty Retail Center

Description

Specialty retail centers are generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel; hard goods; and services such as real estate offices, dance studios, florists, and small restaurants.

Additional Data

The sites were surveyed from the late 1970s to the mid-1990s in California, Georgia, and New York.

Source Numbers

100, 304, 305, 367, 423

Specialty Retail Center (814)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday,
P.M. Peak Hour of Generator

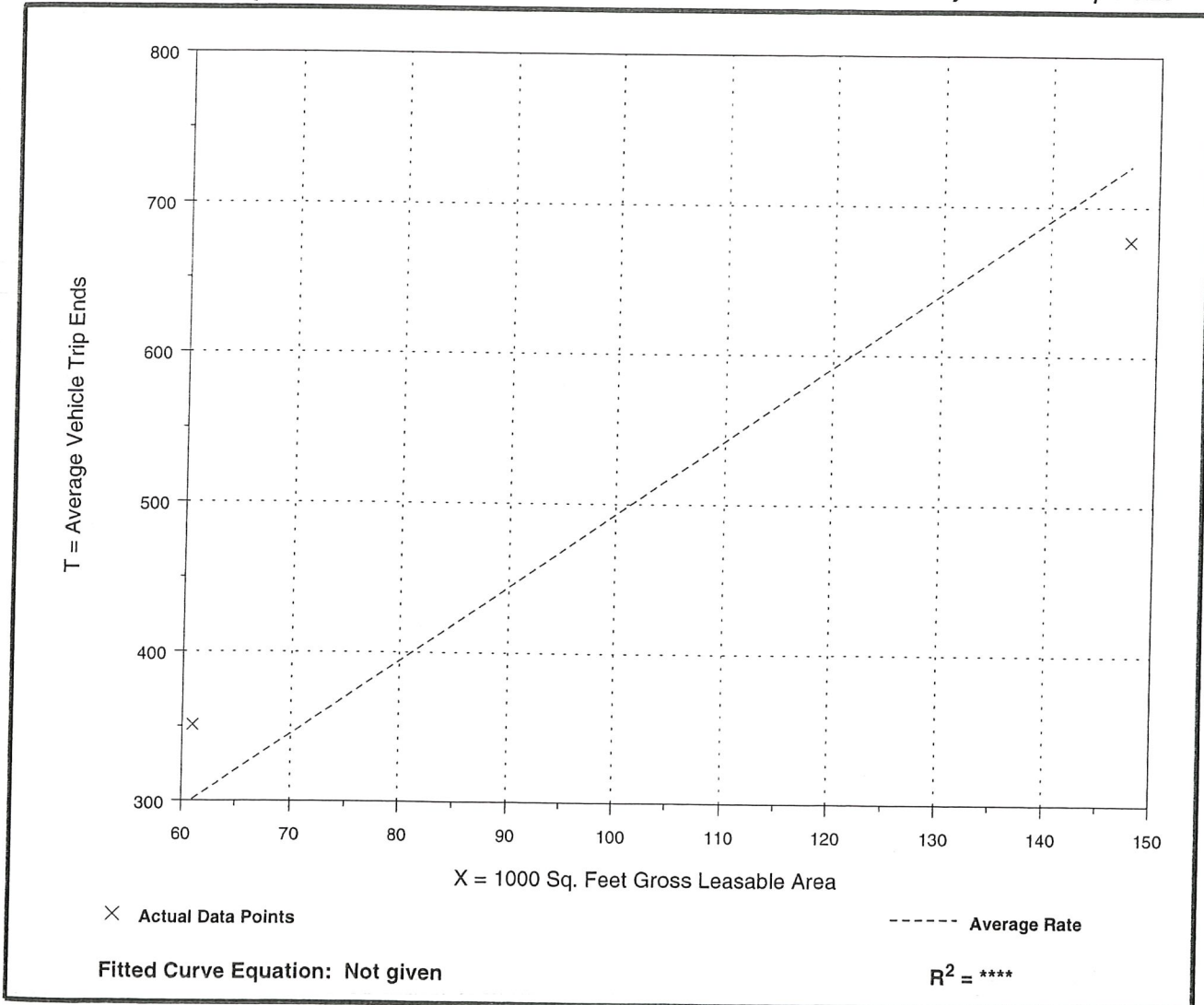
Number of Studies: 2
Average 1000 Sq. Feet GLA: 104
Directional Distribution: 57% entering, 43% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

Average Rate	Range of Rates	Standard Deviation
4.93	4.59 - 5.75	*

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Land Use: 862

Home Improvement Superstore

Description

Home improvement superstores are free-standing warehouse type facilities with off-street parking. Home improvement superstores generally offer a variety of customer services and centralized cashiering, and they specialize in the sale of home improvement merchandise. They typically maintain long store hours seven days a week. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and garden plants and accessories. The stores included in this data are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center. Home improvement superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking. The buildings contained in this land use usually range in size from 25,000 to 150,000 square feet of gross floor area. Building materials and lumber store (land use 812) is a related use.

Additional Data

These sites were surveyed from the 1980s to the 1990s in California, Maryland, and Florida.

Source Numbers

126, 376, 434, 437

Home Improvement Superstore (862)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

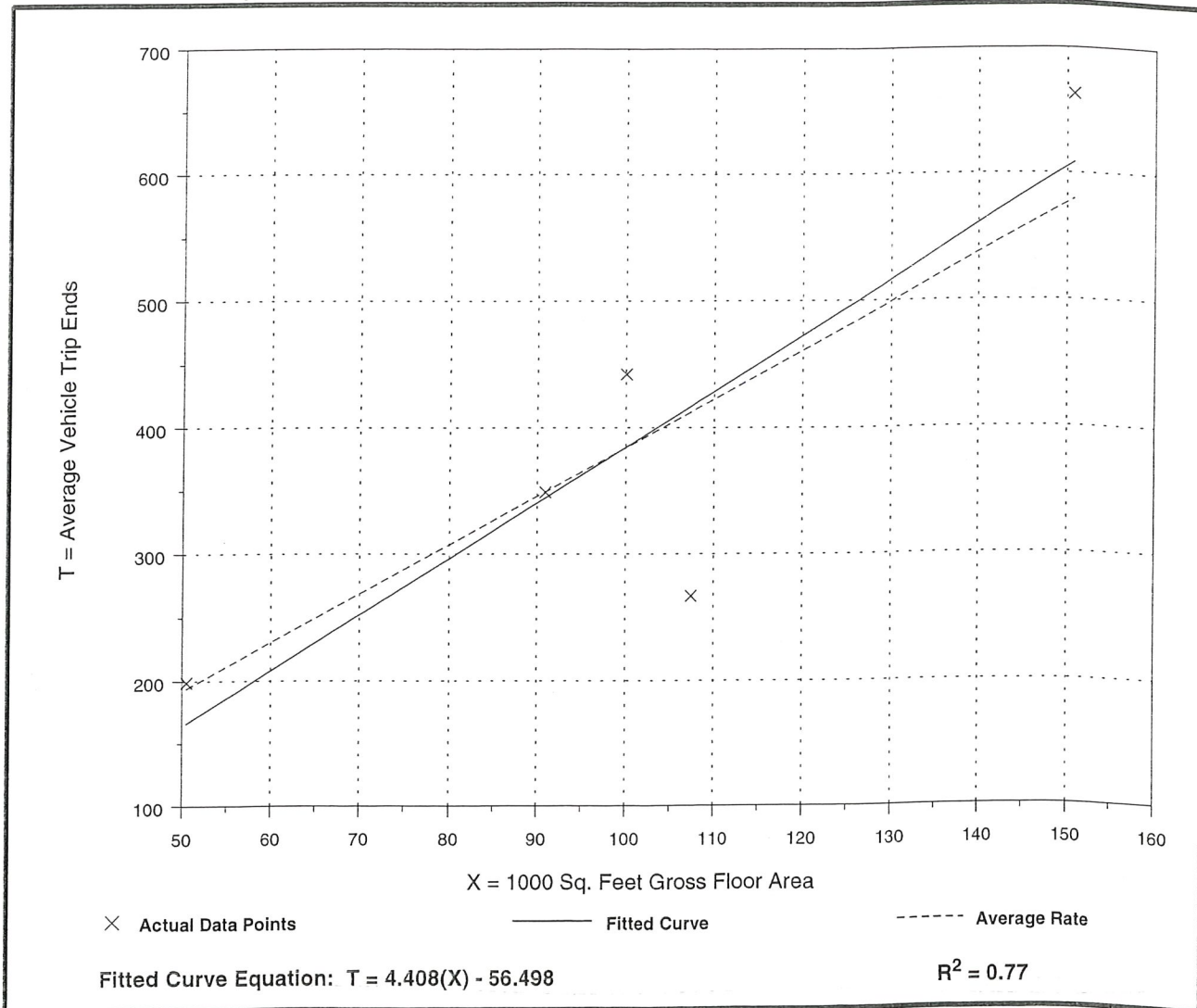
Number of Studies: 5
Average 1000 Sq. Feet GFA: 100
Directional Distribution: 55% entering, 45% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.84	2.49 - 4.42	2.09

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Land Use: 890

Furniture Store

Description

A furniture store specializes in the sale of furniture, and often, carpeting. Furniture stores are generally large and include storage areas. The sites surveyed include both traditional retail furniture stores and warehouse stores with showrooms.

Additional Data

Truck trips accounted for approximately 1 to 13 percent of the weekday traffic at the sites surveyed. The average for the sites that were surveyed was approximately 5 percent.

Vehicle occupancy ranged from 1.12 to 2.00 persons per automobile on an average weekday. The average for all sites that were surveyed was 1.42 persons per automobile.

Peak hours of the generator —

The weekday peak hour varied between 10:00 A.M. and 6:00 P.M. The weekend peak hour varied between 2:00 P.M. and 5:00 P.M.

These sites were surveyed from the late 1970s to the 1990s in San Francisco and San Jose, California; Portland, Oregon; Poughkeepsie, New York; and Orlando and Daytona Beach, Florida.

Source Numbers

95, 126, 280, 439

Furniture Store (890)

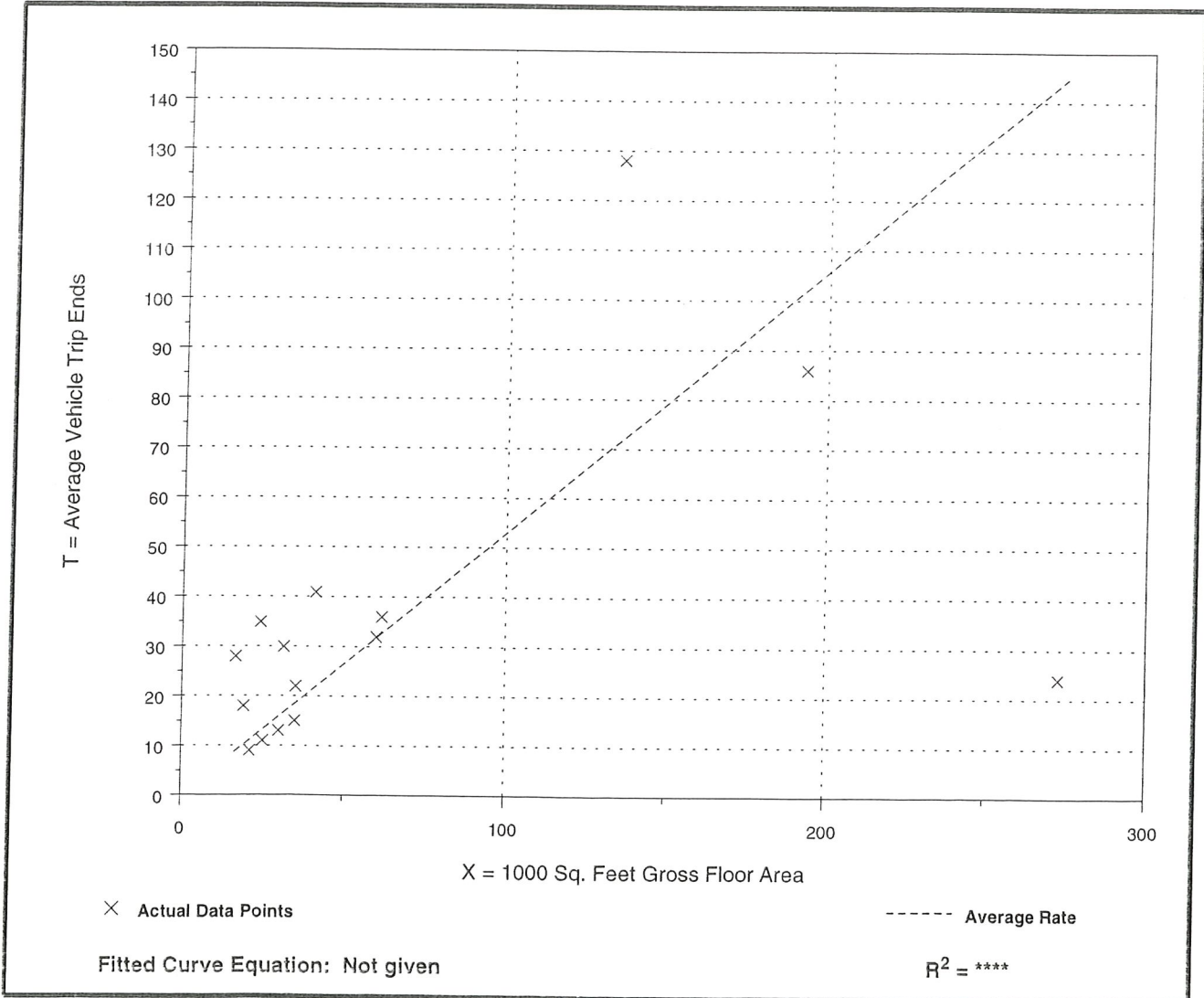
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 15
Average 1000 Sq. Feet GFA: 67
Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.53	0.09 - 1.70	0.81

Data Plot and Equation



Land Use: 150

Warehousing

Description

Warehouses are primarily devoted to the storage of materials; they may also include office and maintenance areas. High-cube warehouse (land use 152) is a related use.

Additional Data

No vehicle occupancy data is available specifically for warehousing, but the average was approximately 1.3 persons per automobile for all industrial uses.

The peak hour of the generator typically coincides with the peak hour of the adjacent street traffic. Facilities with employees on shift work may peak at other hours.

The sites were surveyed from the late 1960s to the mid-1990s throughout the United States and Canada.

Source Numbers

6, 7, 12, 13, 15, 17, 74, 184, 192, 390, 406, 411, 436, 443

Warehousing (150)

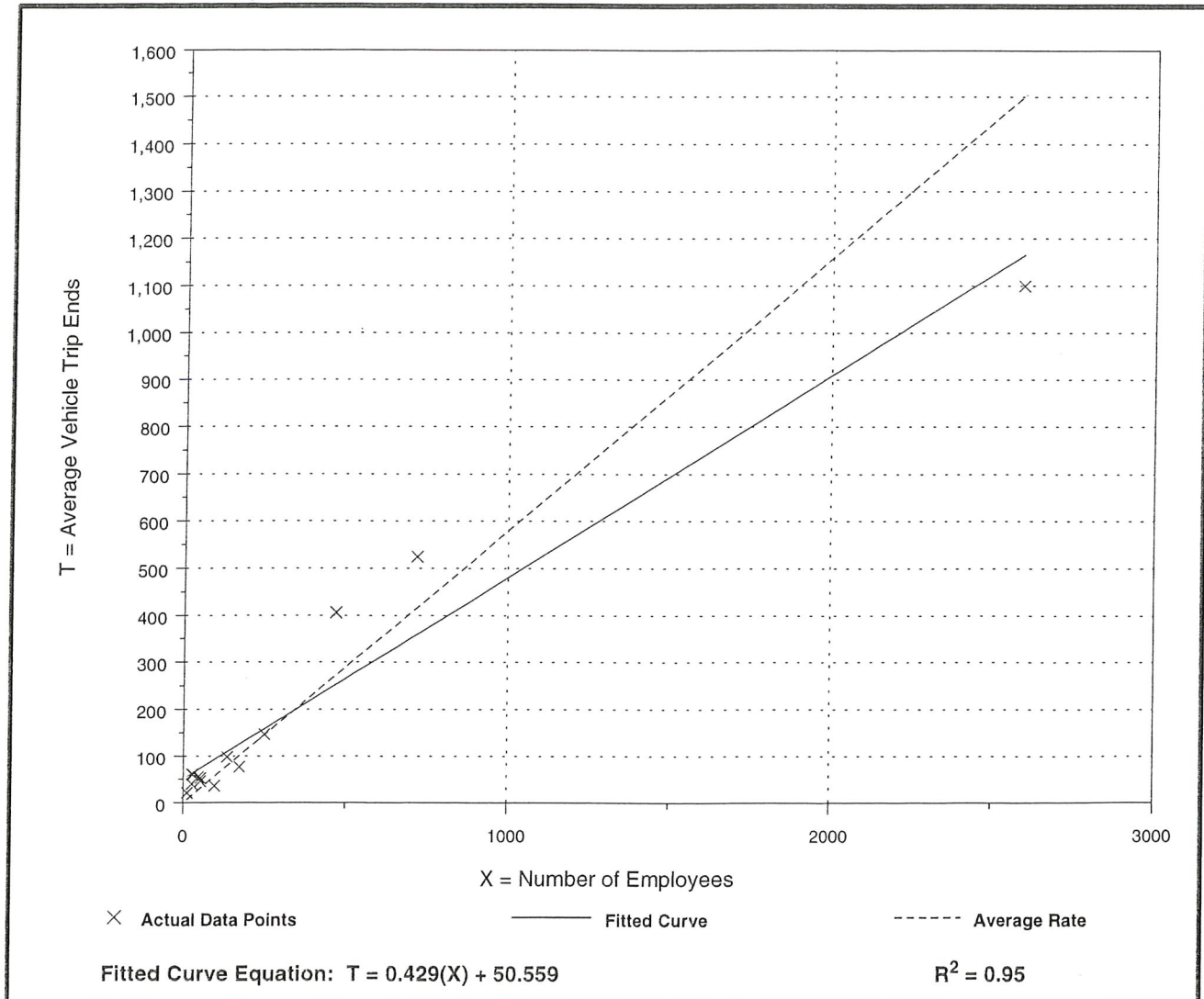
Average Vehicle Trip Ends vs: Employees
On a: Weekday,
P.M. Peak Hour of Generator

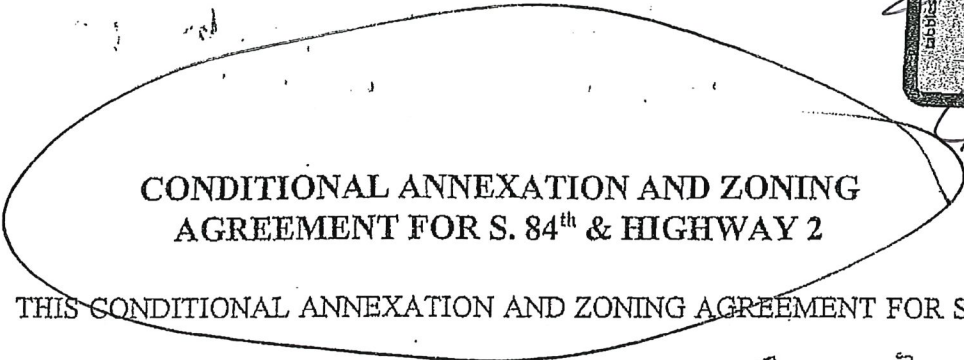
Number of Studies: 14
 Avg. Number of Employees: 335
 Directional Distribution: 22% entering, 78% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.58	0.37 - 2.22	0.80

Data Plot and Equation





CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR S. 84th & HIGHWAY 2

THIS ~~CONDITIONAL ANNEXATION AND ZONING AGREEMENT~~ FOR S. 84TH & HIGHWAY 2 ("Agreement") is made and entered into as of this 13 day of November, 2001, by and between the CITY OF LINCOLN, NEBRASKA, a municipal corporation ("City"), ANDERMATT, L.L.C., a Nebraska limited liability company ("Andermatt"), EIGER CORP., a Nebraska corporation ("Eiger"), WESTCOR, LLC, a Nebraska limited liability company, formerly known as Westcore LLC ("Westcor"), REALTY TRUST GROUP, a Delaware corporation ("Realty Trust"), and DAVID S. OLSON, a married person ("Olson"). Andermatt, Eiger, Westcor, Realty Trust and Olson are sometimes hereinafter referred to individually as "Property Owner" and collectively as "Property Owners."

RECITALS

1. The Property Owners are the owners and developers of or have a contract interest in their respective tracts of the real property legally described on Attachment "A", which is attached hereto and incorporated herein by this reference (collectively the "Property"). Eiger is the owner of the Eiger Tract and has a contract interest to acquire the Andermatt Tract, Westcor Tract and Olson/Realty Trust Tract as described in Attachment "A". Andermatt, solely as a land owner, has entered into a contract with Eiger that provides for Eiger to be the developer of the Andermatt Tract and to carry out and implement all of Andermatt's rights, interests, liabilities and duties described in this Agreement.

2. The Property Owners have requested that the City annex that portion of the Property legally described as Parcels 1 and 2 on Attachment "B", which is attached hereto and

10. South 98th Street from Widgeon Lane to Approximately 400 Feet North of Highway 2 ("98th Street South Section"). The Property Owners shall be responsible, at their cost, under the authority of an executive order issued by the Mayor of the City to: (i) grade the 98th Street South Section, to the extent possible, as a four lane cross section with twenty-eight (28) feet wide medians to Urban Standards; and (2) design and pave the internal two through lanes, median and turn lanes of the 98th Street South Section to Urban Standards, including left turn lanes at the intersections allowing full access, as conceptually shown on Attachment "M", not including inlets associated with the outside through lanes and storm sewer laterals located outside the limits of pavement; provided, however, such 98th Street South Section shall be bid and awarded as required by law. To defray the cost of the 98th Street South Section, the City shall contribute all of the cost of the two left turn lanes constructed at the full access intersection in South 98th Street as well as seventy-five percent (75%) of the actual costs of remaining improvements set forth above to the Property Owners. The City contribution may, at the request of the Property Owners, be made through progress payments directly to the contractor as the improvements are being constructed. The Property Owners agree to use their best efforts to complete the 98th Street North Section in 2007.

B. Trips and Square Footage. The City and Property Owners agree that the design of the Street Improvements will accommodate 5,283 "net" commercial vehicular trips (which number reflects a 15% internal trip reduction and a 20% pass-by reduction) generated by the square feet of commercial floor area allocated north of Highway 2 ("North Area") and south of Highway 2 ("South Area") for the Property as follows:

P.M. Peak Hour Net Commercial Vehicle Trips

North Area	4044
South Area	<u>1239</u>
Total	5,283

The North Area and South Area are individually referred to herein as "Area". The parties recognize the City may require additional street infrastructure improvements in conjunction with the granting of additional use permits, special permits, and subdivision plats for commercial uses (individually and collectively "Commercial Land Use Action") for the Property that is subject to this Agreement; provided that, the City shall not require any additional infrastructure improvements or contributions toward additional infrastructure improvements in conjunction with the granting of a Property Owner's Commercial Land Use Action on any portion of the Property unless the number of P.M. peak hour trips generated by the uses requested in the Property Owner's Land Use Action exceed the total P.M. peak hour trips shown for the Area on the chart above. In the event a Property Owner submits and the City approves a Commercial Land Use Action within an Area whose uses generate a greater number of P.M. trips than the Area is allocated on the chart above, the Property Owner submitting such request for Governmental Action shall be responsible, at its expense, for additional infrastructure improvements or contributions toward additional infrastructure improvements that, based upon the City's standards, are required but are not included within paragraph A. above. In the event a Property Owner submits and the City approves a Commercial Land Use Action within an Area whose uses generate a greater number of P.M. trips than the Area is allocated on the chart above, and the City determines that, based upon the City's standards, no additional infrastructure

Notwithstanding the above, the Property Owners understand and agree that the City cannot contract away its police powers and legislative discretion and, thus, the duty of the City to use its best efforts to charge the owners of the other properties their fair share of the cost of said infrastructure improvements does not require the City Council for the City to adopt nor restrict the Council from adopting ordinances affecting the City's ability to charge property owners for the right to connect or use the City's infrastructure improvements. Notwithstanding any of the foregoing provisions contained in this Agreement, the Property Owners' obligations hereunder to grant right-of-way and easements from the Property necessary for the construction of infrastructure improvements shall not apply to the Johnson Tract or be enforced with respect to the Johnson Tract.

XXII.
MEMORANDUM

A summary memorandum of this Agreement, which is attached hereto as Attachment "P" and incorporated herein by this reference, shall be recorded by the City with the Register of Deeds of Lancaster County, filing fees therefore to be paid in advance by the Property Owners.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

ATTEST:

John E. Byss
City Clerk

By:

Don Weryly
_____, Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 13th day of November, 2001 by Don Wpseky, Mayor of the CITY OF LINCOLN, NEBRASKA, on behalf of the City of Lincoln, Nebraska.



Judith A. Roscoe
Notary Public

"Andermatt"

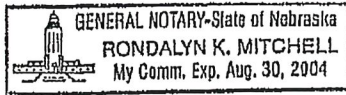
ANDERMATT, L.L.C., a Nebraska limited liability company

By: Kelvin Korver
Kelvin Korver, Managing Member

By: Greg Sutton
Greg Sutton, Managing Member

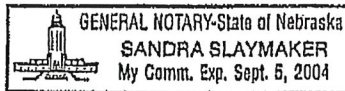
STATE OF NEBRASKA)
) ss
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 28 day of August, 2001, by Kelvin Korver, Managing Member of Andermatt, L.L.C, a Nebraska limited liability company, on behalf of the limited liability company.



Rondalyn K. Mitchell
Notary Public

STATE OF NEBRASKA)
) ss
COUNTY OF LANCASTER)



The foregoing was acknowledged before me this 27th day of August, 2000, by Greg Sutton, Managing Member of Andermatt, L.L.C, a Nebraska limited liability company, on behalf of the limited liability company.

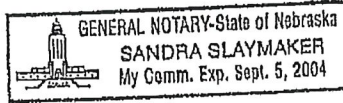
Sandra Slaymaker
Notary Public

"Eiger"

EIGER CORP., a Nebraska corporation

By: *Greg Sutton*
Greg Sutton, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)



The foregoing was acknowledged before me this 27th day of August, 2001, by Greg Sutton, President of Eiger Corp., a Nebraska corporation, on behalf of the corporation.

Sandra Slaymaker
Notary Public

"Westcor"

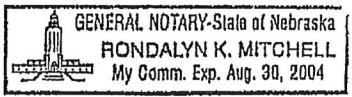
WESTCOR, LLC, a Nebraska limited liability company

By: James M. Allen
James M. Allen, Manager

By: Judy A. Krasomil
Judy A. Krasomil, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

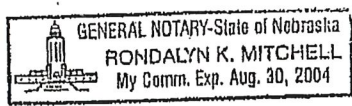
The foregoing was acknowledged before me this 27 day of August, 2001, by James M. Allen, Manager of Westcor, LLC., a Nebraska limited liability company, on behalf of the limited liability company.



Rondalyn K. Mitchell
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 27 day of August, 2001, by Judy A. Krasomil, Manager of Westcor, LLC., a Nebraska limited liability company, on behalf of the limited liability company.



Rondalyn K. Mitchell
Notary Public

Furniture Store (890)

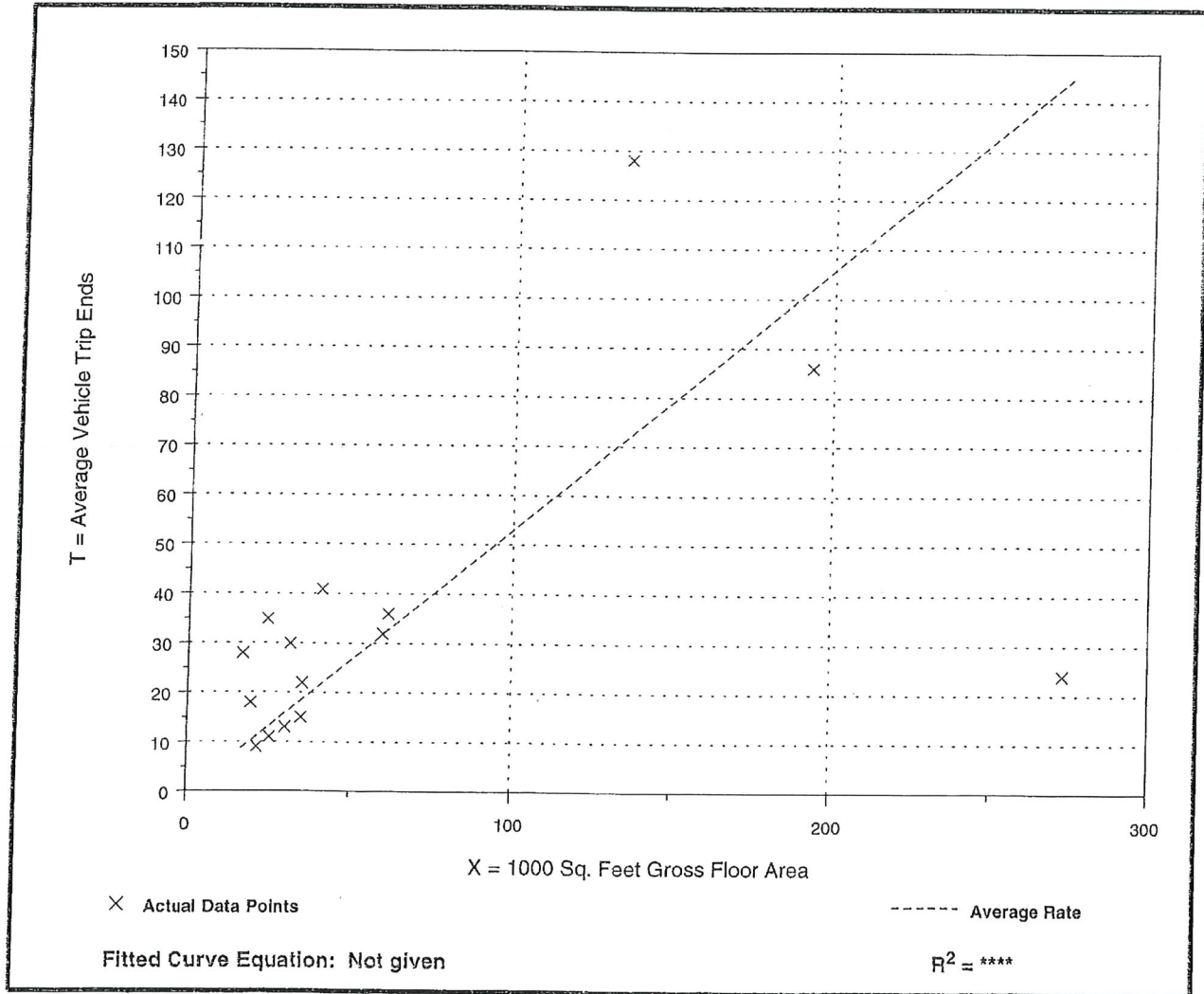
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 15
Average 1000 Sq. Feet GFA: 67
Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.53	0.09 - 1.70	0.81

Data Plot and Equation



Land Use: 890 Furniture Store

Description

A furniture store specializes in the sale of furniture, and often, carpeting. Furniture stores are generally large and include storage areas. The sites surveyed include both traditional retail furniture stores and warehouse stores with showrooms.

Additional Data

Truck trips accounted for approximately 1 to 13 percent of the weekday traffic at the sites surveyed. The average for the sites that were surveyed was approximately 5 percent.

Vehicle occupancy ranged from 1.12 to 2.00 persons per automobile on an average weekday. The average for all sites that were surveyed was 1.42 persons per automobile.

Peak hours of the generator —

The weekday peak hour varied between 10:00 A.M. and 6:00 P.M. The weekend peak hour varied between 2:00 P.M. and 5:00 P.M.

These sites were surveyed from the late 1970s to the 1990s in San Francisco and San Jose, California; Portland, Oregon; Poughkeepsie, New York; and Orlando and Daytona Beach, Florida.

Source Numbers

95, 126, 280, 439

Electronics Superstore (863)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

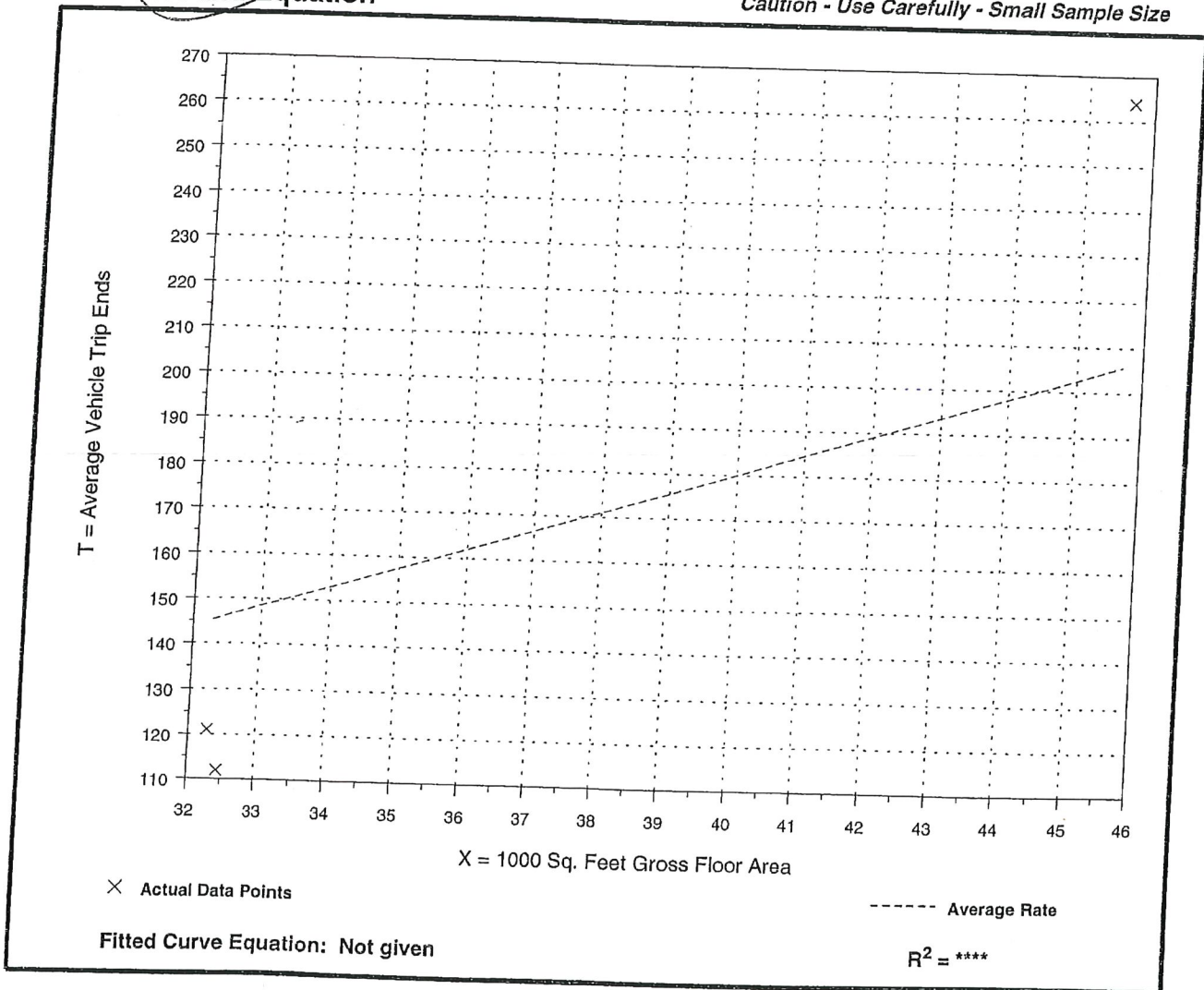
Number of Studies: 3
Average 1000 Sq. Feet GFA: 37
Directional Distribution: 49% entering, 51% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
4.50	3.45 - 5.78	2.37

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Home Improvement Superstore (862)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

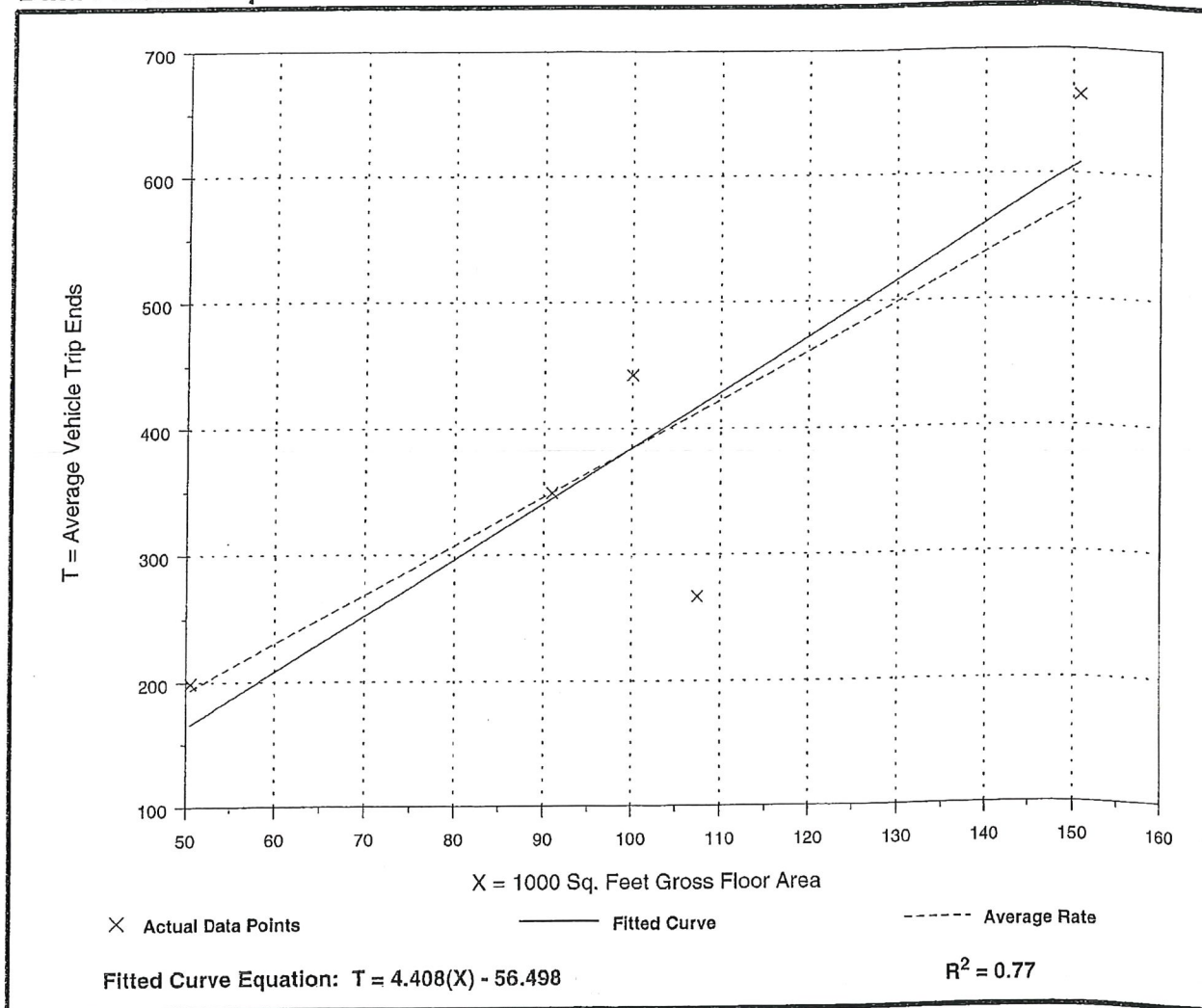
Number of Studies: 5
Average 1000 Sq. Feet GFA: 100
Directional Distribution: 55% entering, 45% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
3.84	2.49 - 4.42	2.09

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



Land Use: 862

Home Improvement Superstore

Description

Home improvement superstores are free-standing warehouse type facilities with off-street parking. Home improvement superstores generally offer a variety of customer services and centralized cashing, and they specialize in the sale of home improvement merchandise. They typically maintain long store hours seven days a week. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and garden plants and accessories. The stores included in this data are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center. Home improvement superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking. The buildings contained in this land use usually range in size from 25,000 to 150,000 square feet of gross floor area. Building materials and lumber store (land use 812) is a related use.

Additional Data

These sites were surveyed from the 1980s to the 1990s in California, Maryland, and Florida.

Source Numbers

126, 376, 434, 437

Gasoline/Service Station with Convenience Market and Car Wash (846)

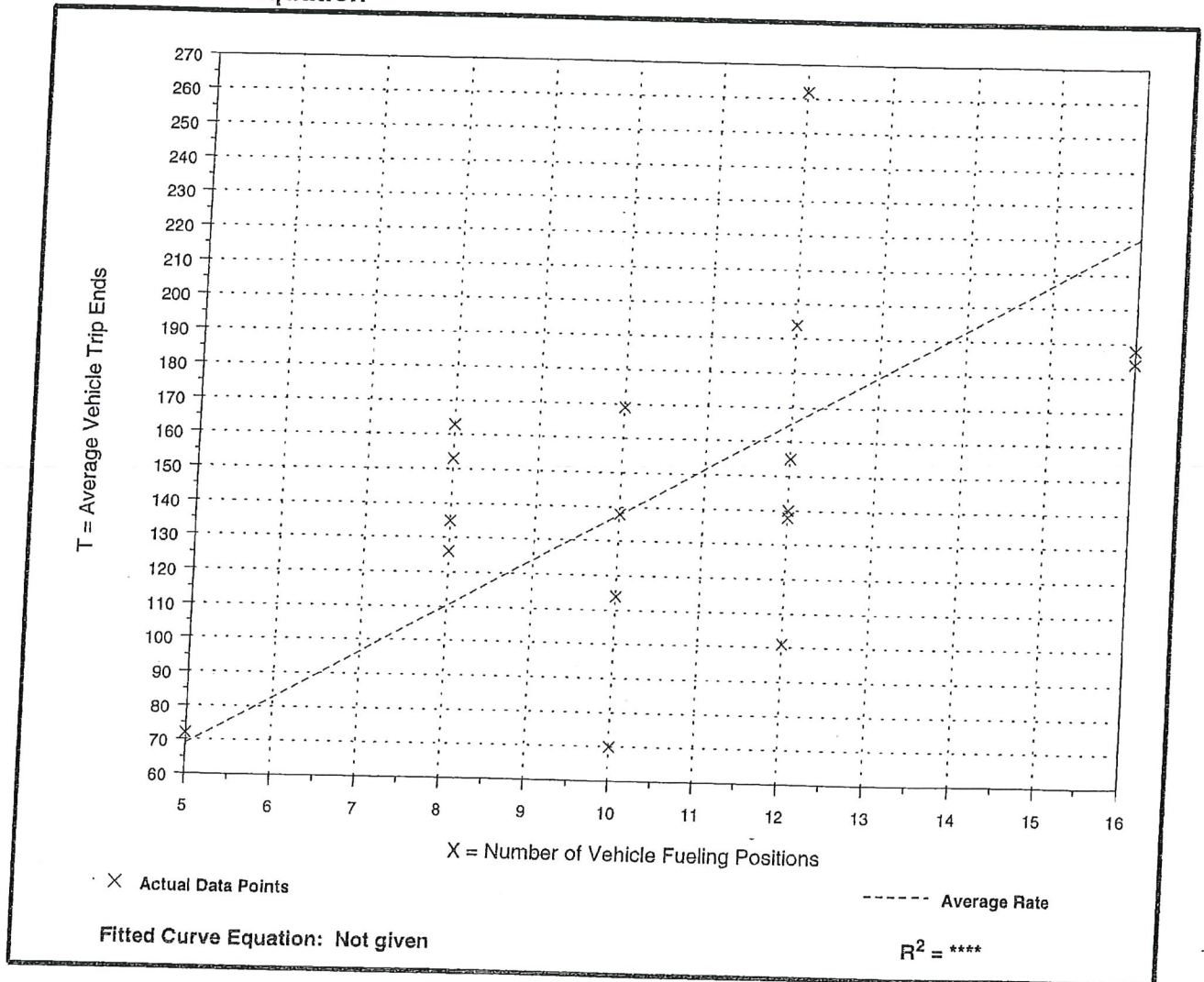
Average Vehicle Trip Ends vs: Vehicle Fueling Positions
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 18
Average Vehicle Fueling Positions: 11
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
13.77	7.00 - 21.83	5.19

Data Plot and Equation



Automobile Parts Sales (843)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

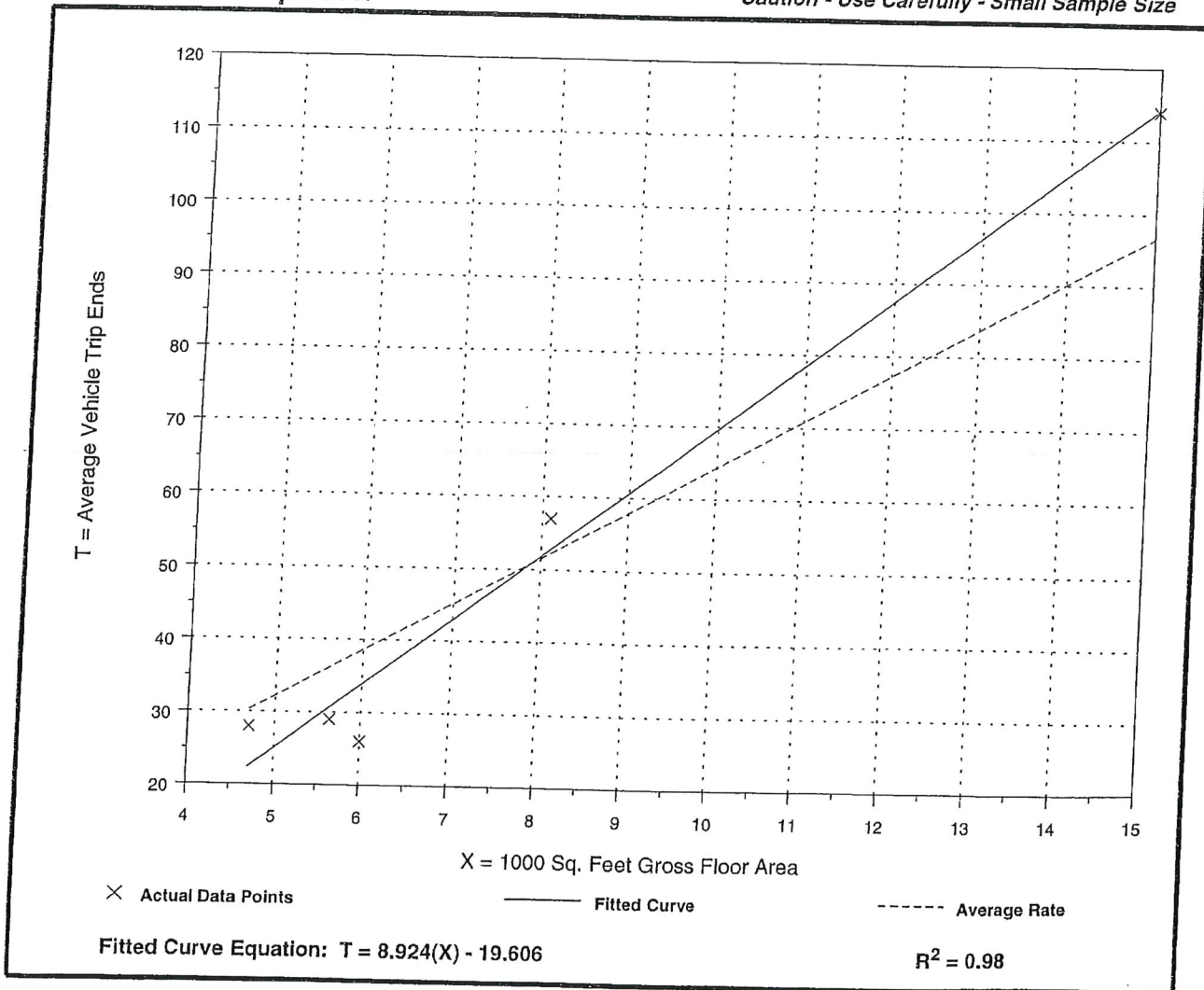
Number of Studies: 5
Average 1000 Sq. Feet GFA: 8
Directional Distribution: 51% entering, 49% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
6.44	4.33 - 7.60	2.72

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



New Car Sales (841)

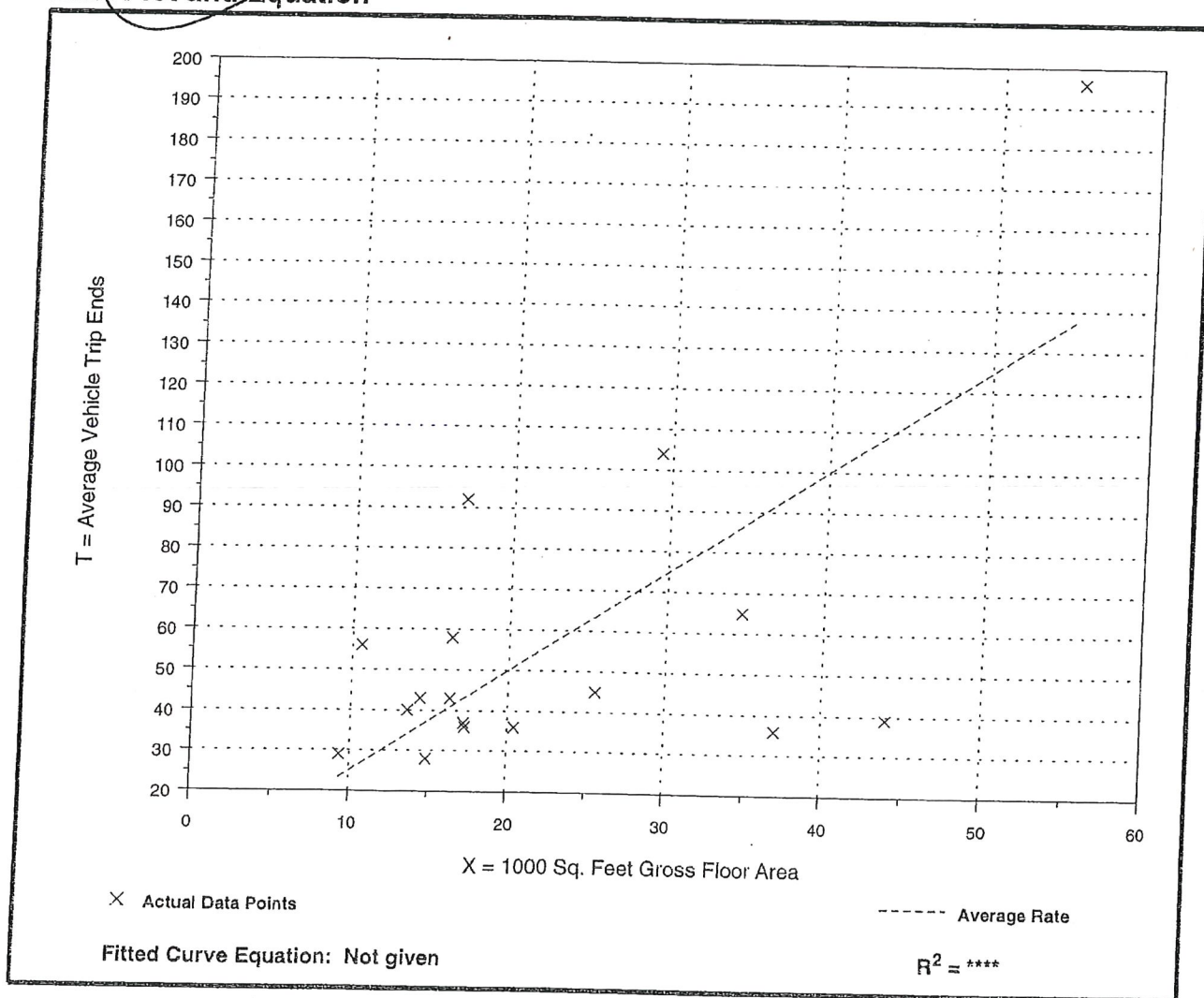
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 17
 Average 1000 Sq. Feet GFA: 23
 Directional Distribution: 45% entering, 55% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
2.50	0.89 - 5.41	1.98

Data Plot and Equation



Quick Lubrication Vehicle Shop (837)

Average Vehicle Trip Ends vs: Servicing Positions

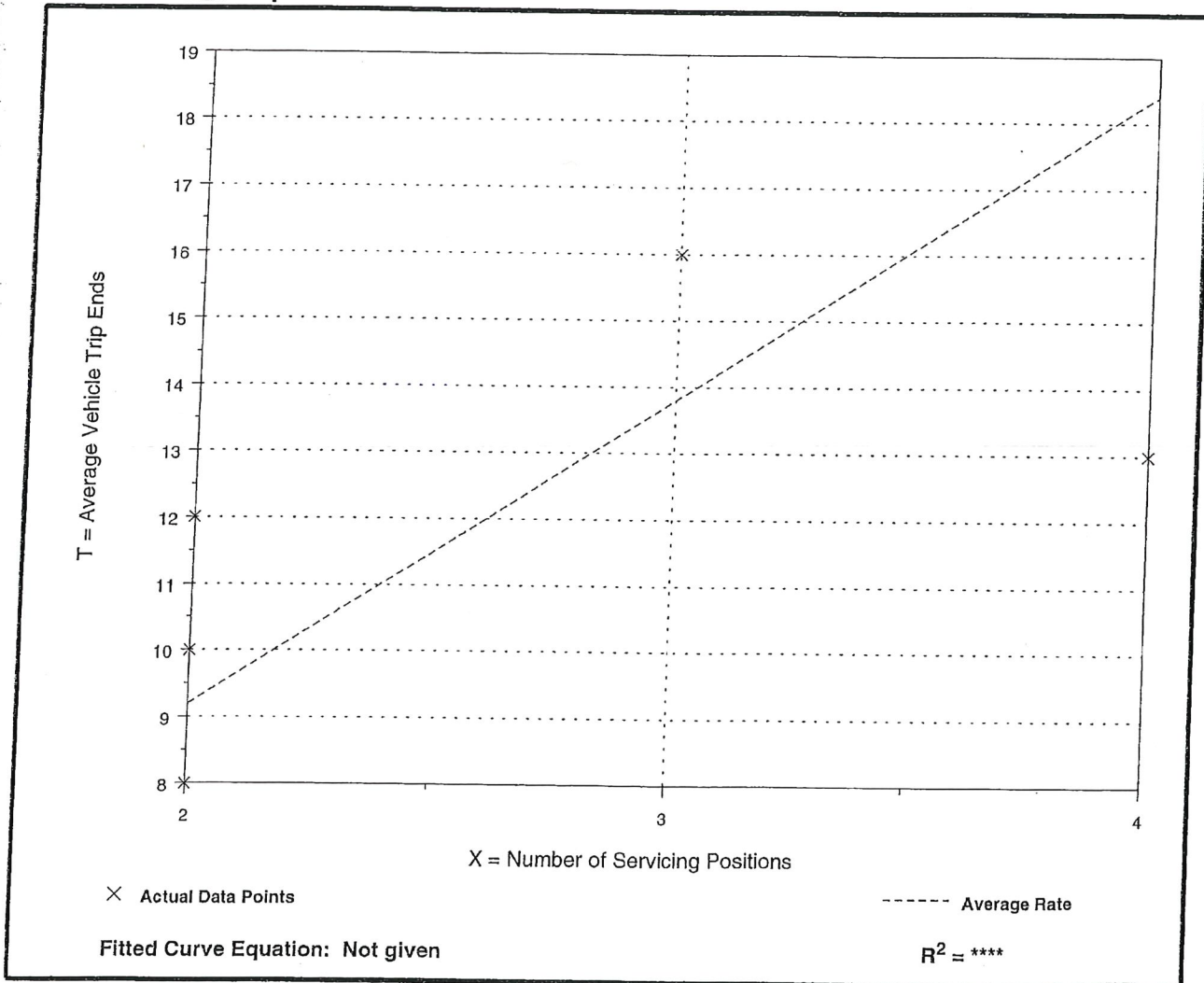
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 6
Avg. Num. of Servicing Positions: 3
Directional Distribution: 55% entering, 45% exiting

Trip Generation per Servicing Position

Average Rate	Range of Rates	Standard Deviation
4.60	3.25 - 6.00	1.97

Data Plot and Equation



High-Turnover (Sit-Down) Restaurant (832)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area

On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 25

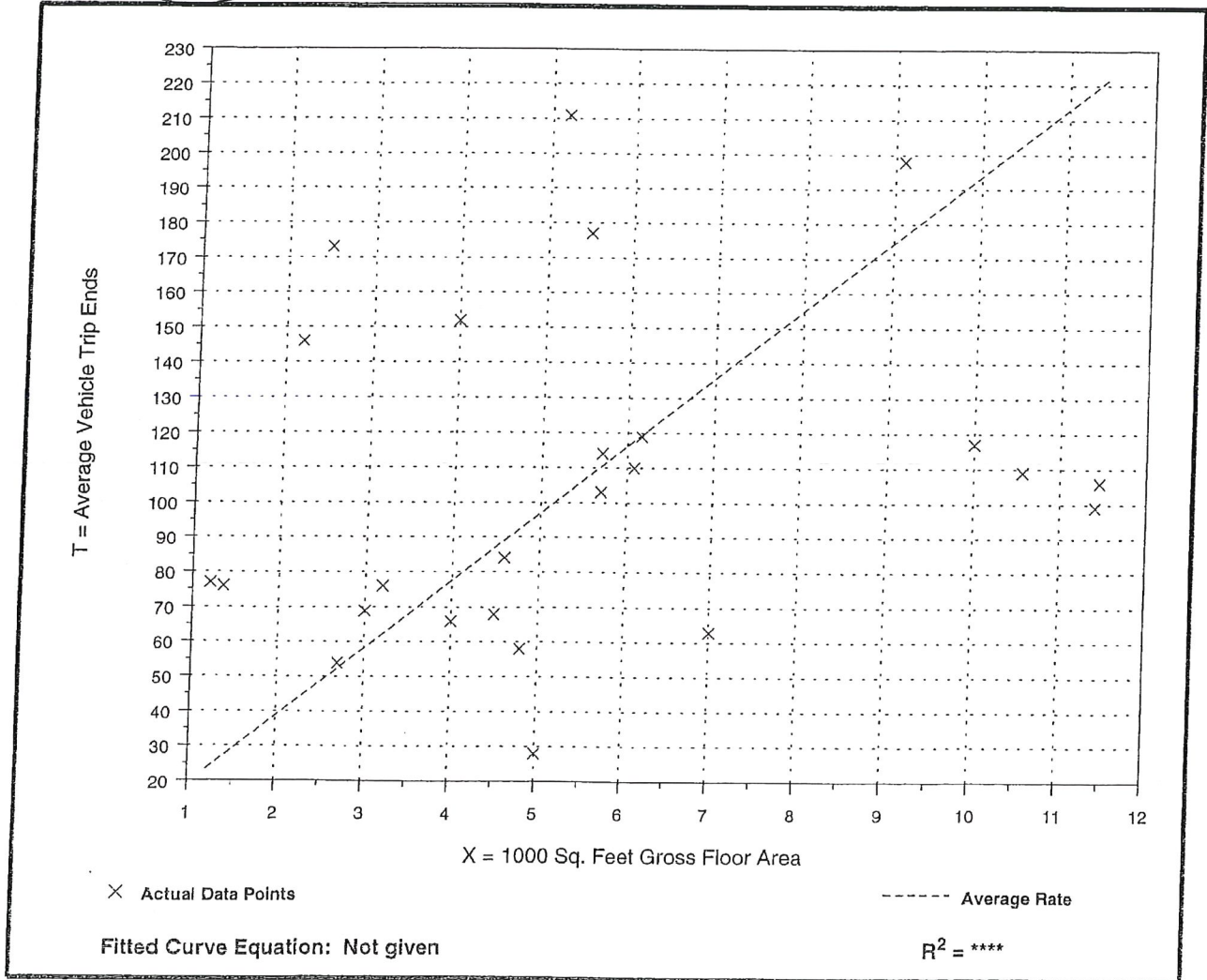
Average 1000 Sq. Feet GFA: 5

Directional Distribution: 55% entering, 45% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
19.38	5.60 - 69.20	14.39

Data Plot and Equation



Building Materials and Lumber Store (812)

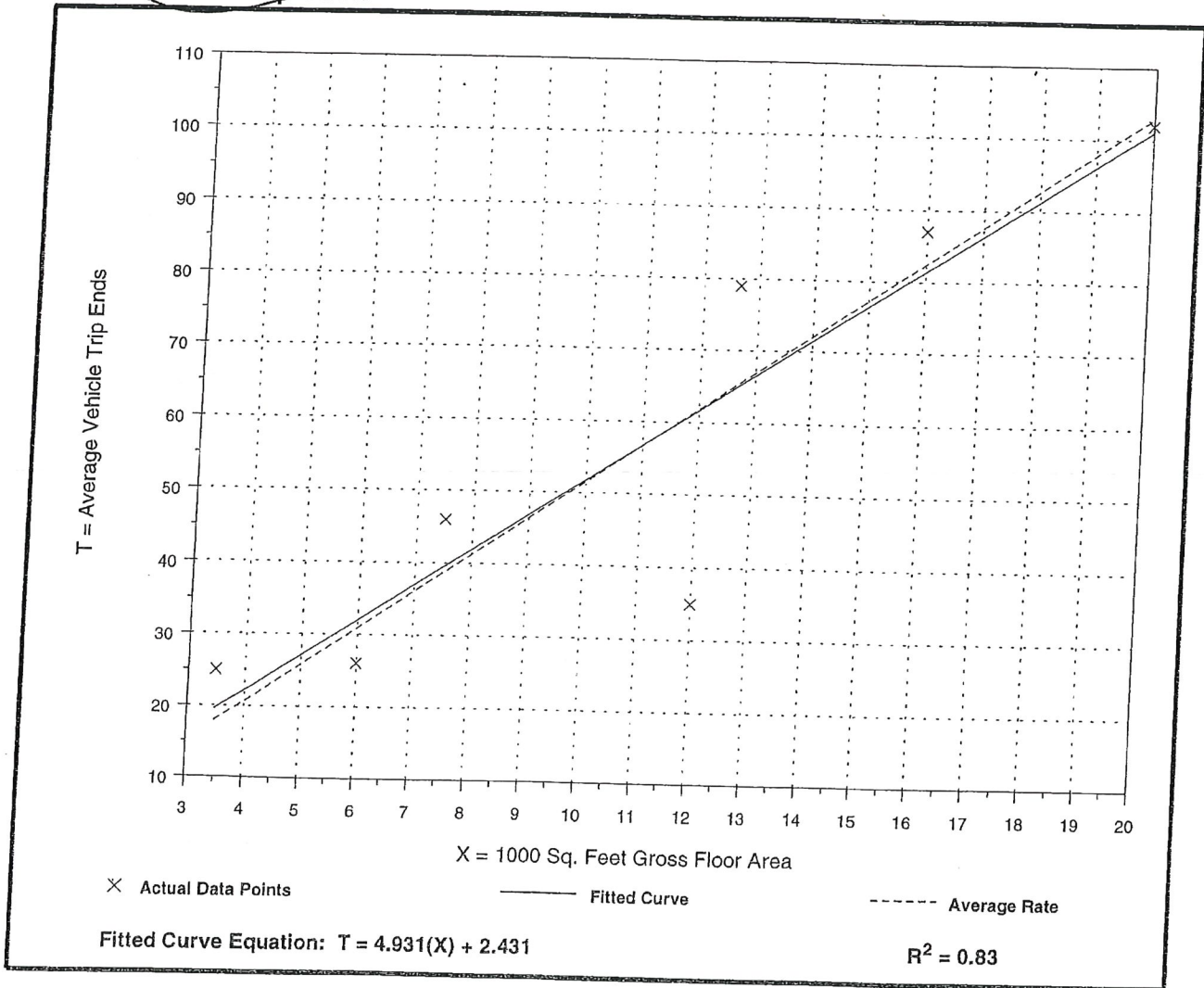
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 7
Average 1000 Sq. Feet GFA: 11
Directional Distribution: 49% entering, 51% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
5.15	2.92 - 7.18	2.46

Data Plot and Equation



Medical-Dental Office Building (720)

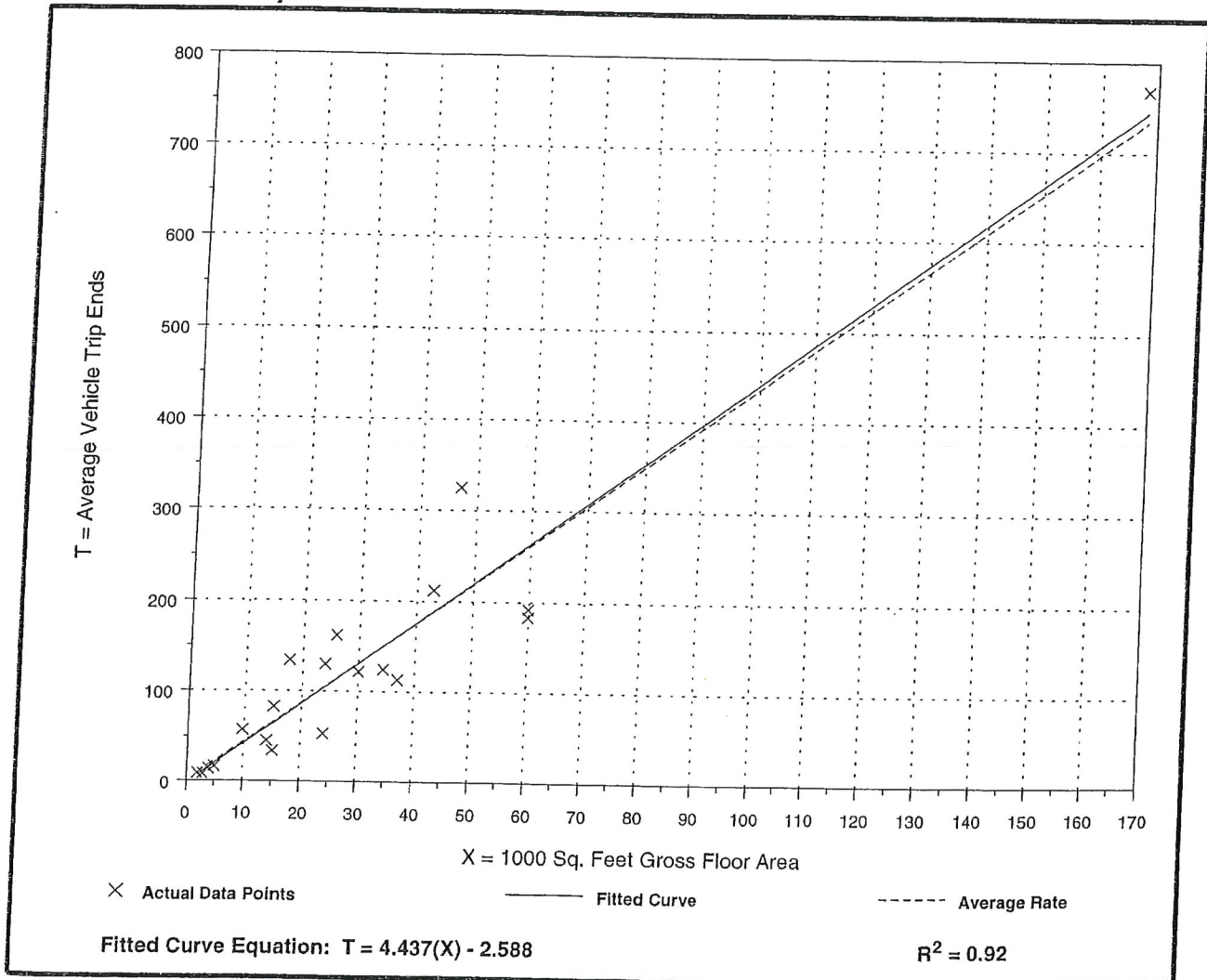
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 20
Average 1000 Sq. Feet GFA: 32
Directional Distribution: 40% entering, 60% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
4.36	2.21 - 7.60	2.46

Data Plot and Equation



General Office Building (710)

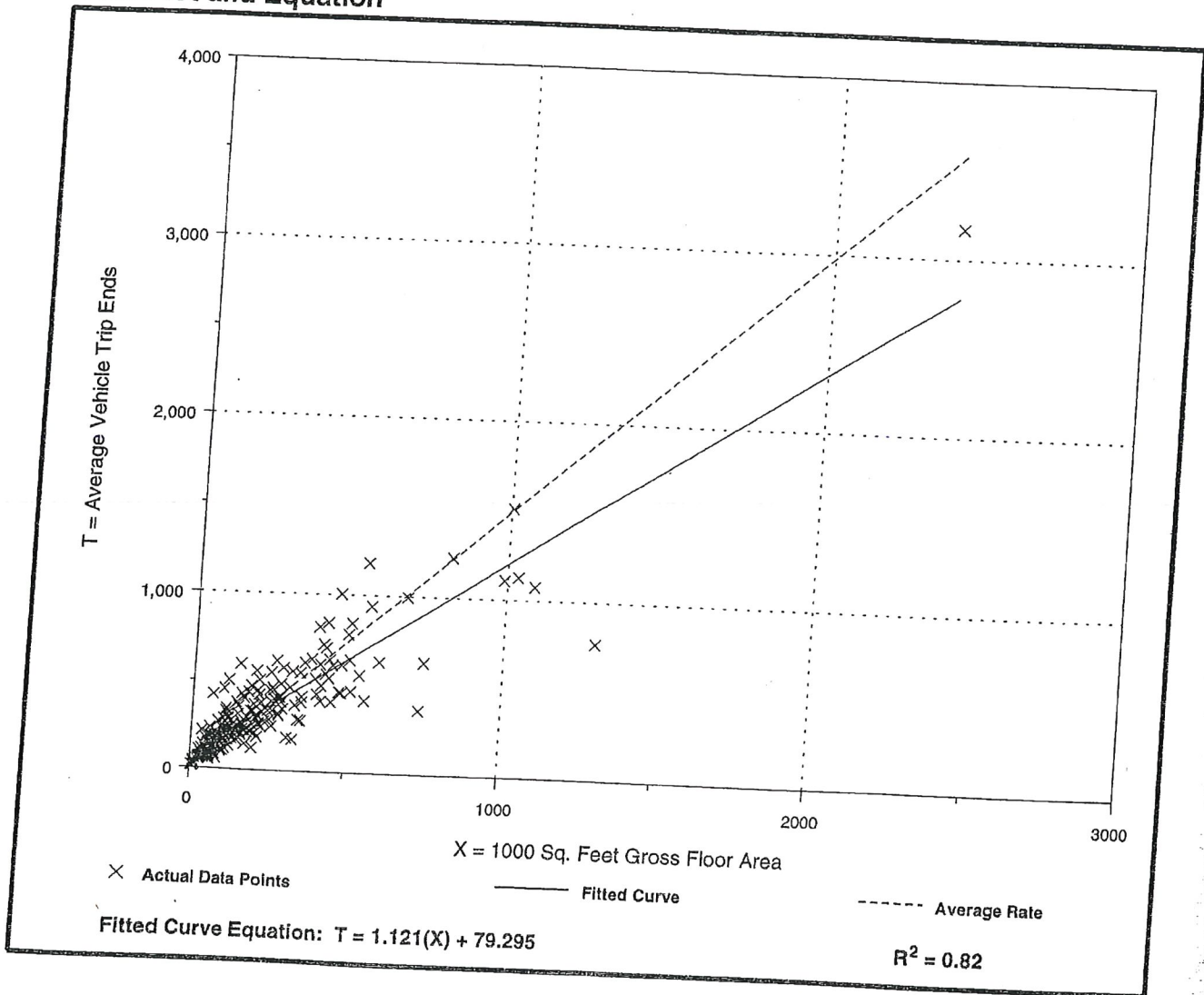
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 234
Average 1000 Sq. Feet GFA: 216
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
1.49	0.49 - 6.39	1.37

Data Plot and Equation



Motel (320)

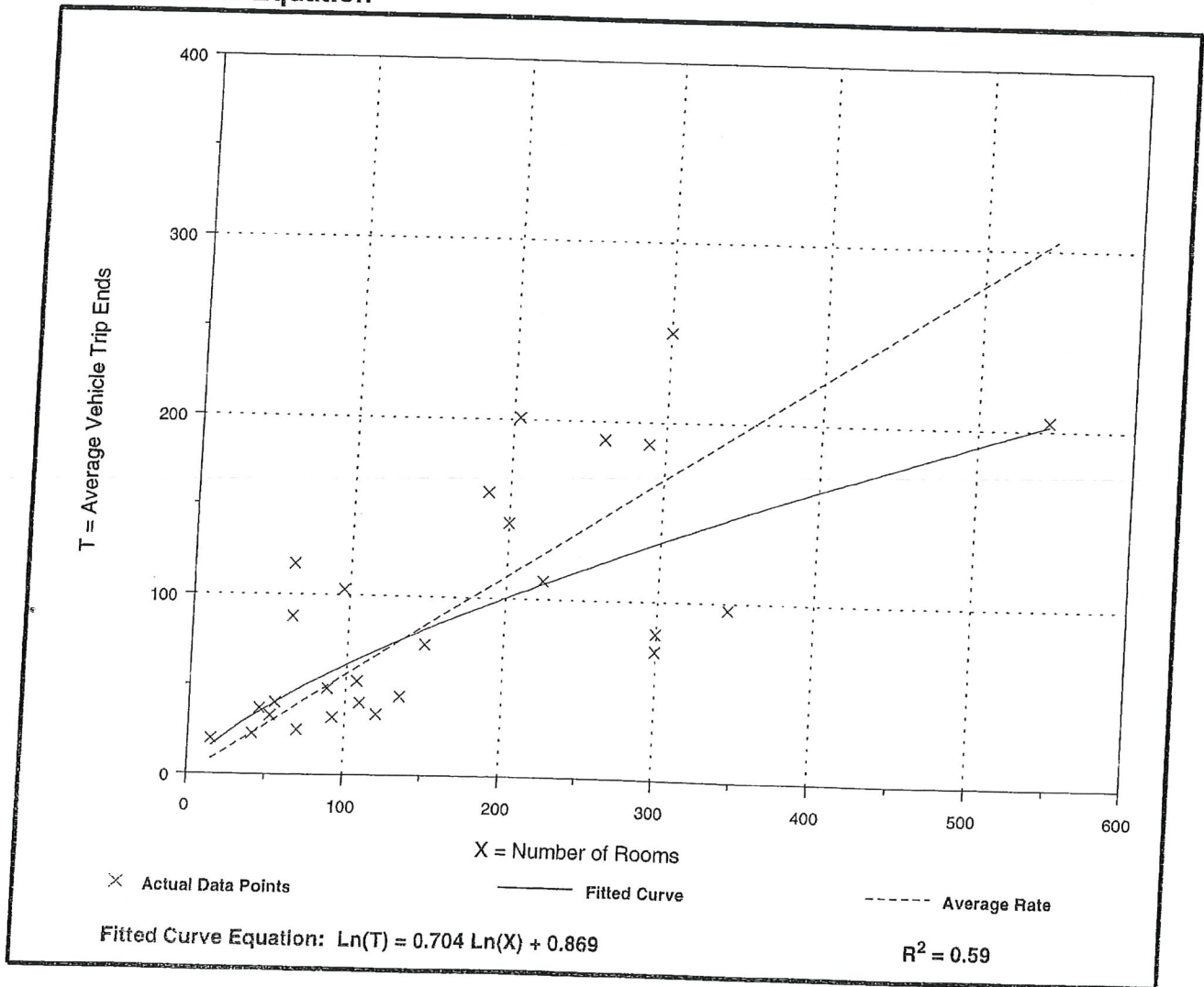
Average Vehicle Trip Ends vs: **Rooms**
 On a: **Weekday**,
P.M. Peak Hour of Generator

Number of Studies: 27
 Average Number of Rooms: 165
 Directional Distribution: 54% entering, 46% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.56	0.24 - 1.83	0.81

Data Plot and Equation



Mini-Warehouse (151)

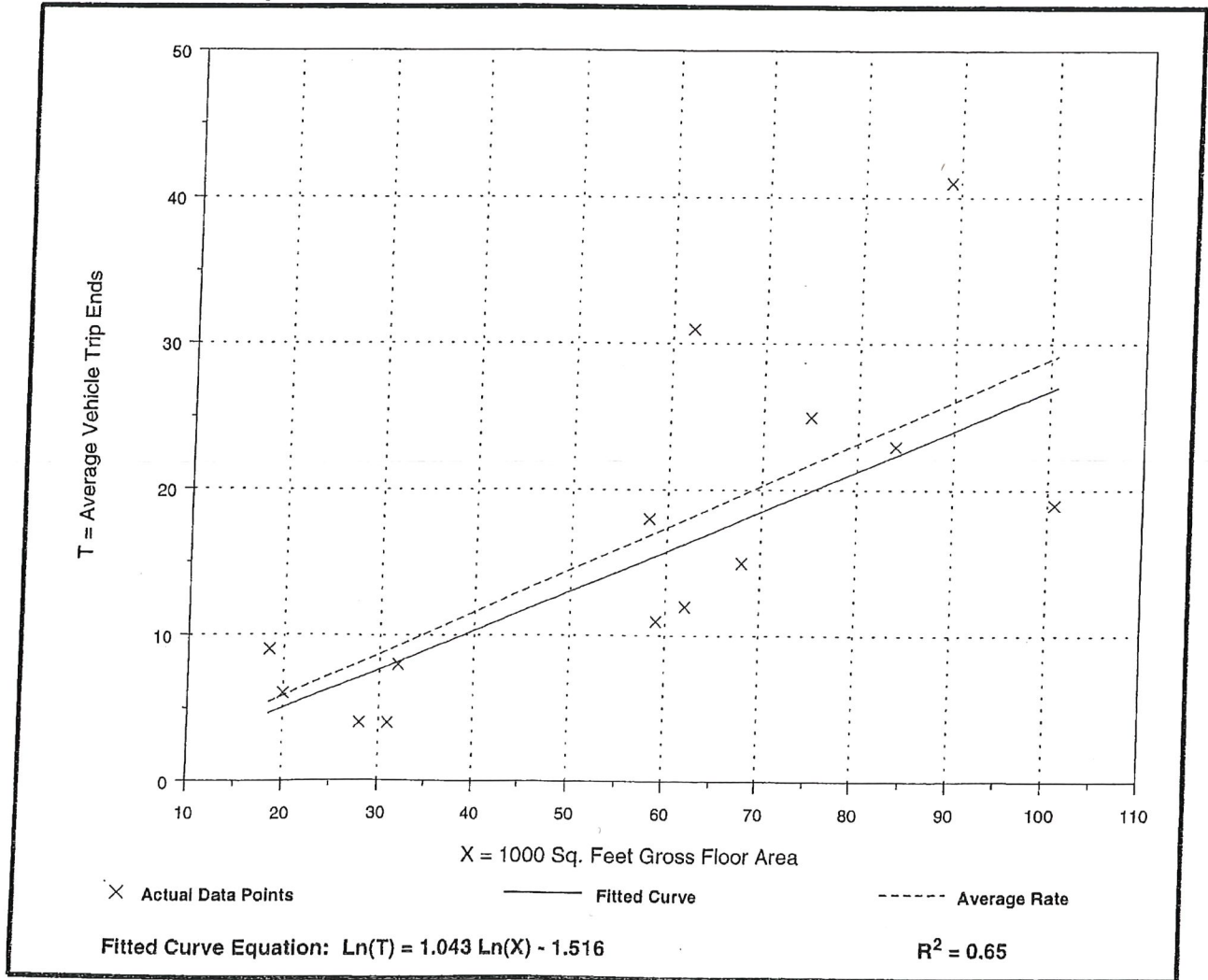
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 14
 Average 1000 Sq. Feet GFA: 56
 Directional Distribution: 53% entering, 47% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.29	0.13 - 0.50	0.54

Data Plot and Equation



Warehousing (150)

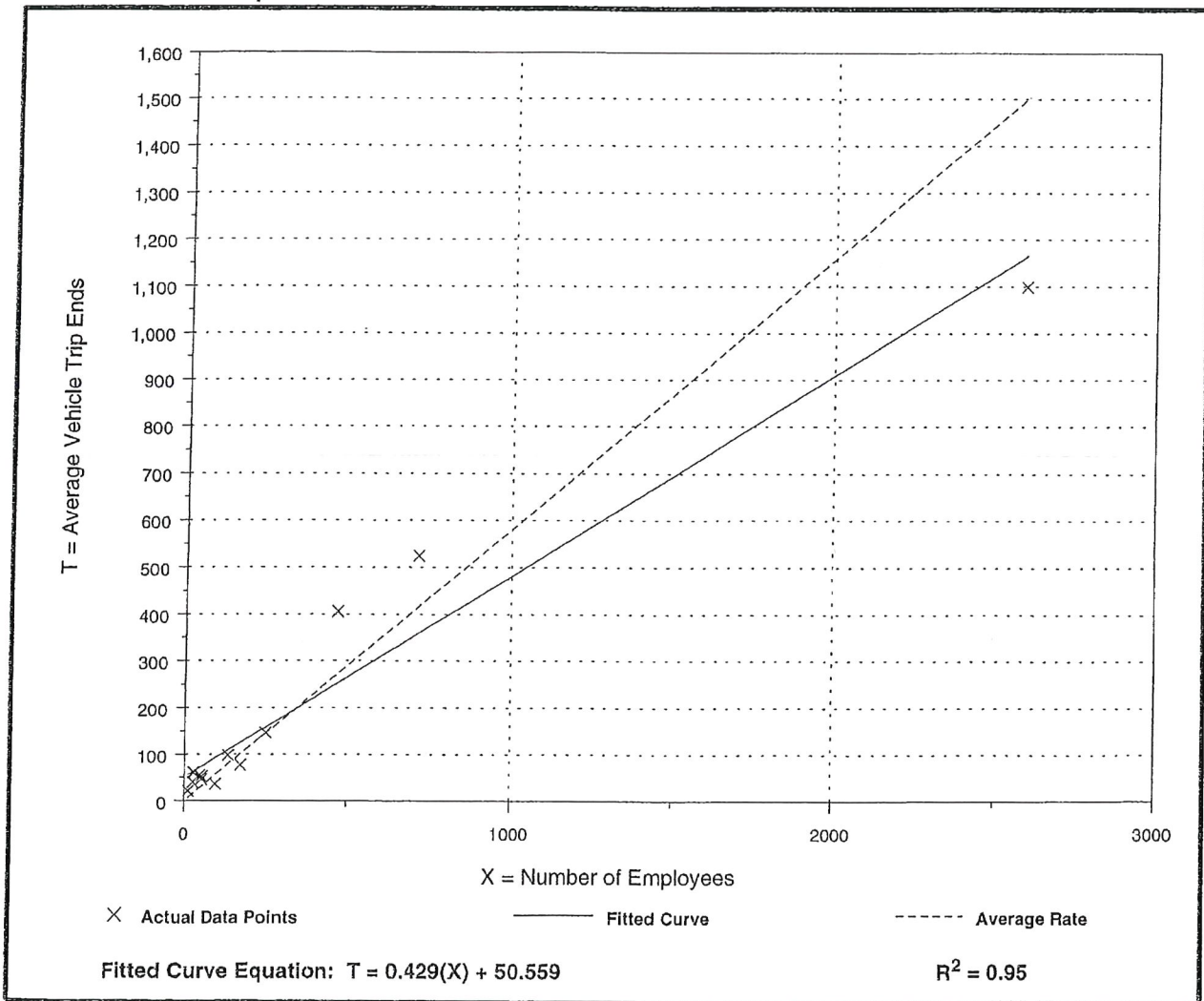
Average Vehicle Trip Ends vs: Employees
On a: Weekday,
P.M. Peak Hour of Generator

Number of Studies: 14
Avg. Number of Employees: 335
Directional Distribution: 22% entering, 78% exiting

Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.58	0.37 - 2.22	0.80

Data Plot and Equation



Land Use: 150 Warehousing

Description

Warehouses are primarily devoted to the storage of materials; they may also include office and maintenance areas. High-cube warehouse (land use 152) is a related use.

Additional Data

No vehicle occupancy data is available specifically for warehousing, but the average was approximately 1.3 persons per automobile for all industrial uses.

The peak hour of the generator typically coincides with the peak hour of the adjacent street traffic. Facilities with employees on shift work may peak at other hours.

The sites were surveyed from the late 1960s to the mid-1990s throughout the United States and Canada.

Source Numbers

6, 7, 12, 13, 15, 17, 74, 184, 192, 390, 406, 411, 436, 443

862	Home Improvement Superstore	1,591
863	Electronics Superstore	1,600
864	Toy/Children's Superstore	1,606
870	Apparel Store	1,609
880	Pharmacy/Drugstore without Drive-Through Window	1,613
881	Pharmacy/Drugstore with Drive-Through Window	1,619
890	Furniture Store	1,625
895	Video Arcade	1,644
896	Video Rental Store	1,646

Services (Land Uses 900-999)

CODE	LAND USE	PAGE
911	Walk-in Bank	1,650
912	Drive-in Bank	1,654

732	United States Post Office	1,113
733	Government Office Complex	1,132
750	Office Park	1,134
760	Research and Development Center	1,156
770	Business Park	1,178

Retail (Land Uses 800-899)

CODE	LAND USE	PAGE
812	Building Materials and Lumber Store	1,194
813	Free-Standing Discount Superstore	1,213
814	Specialty Retail Center	1,223
815	Free-Standing Discount Store	1,233
816	Hardware/Paint Store	1,252
817	Nursery (Garden Center)	1,280
818	Nursery (Wholesale)	1,308
820	Shopping Center	1,334
823	Factory Outlet Center	1,346
831	Quality Restaurant	1,356
832	High-Turnover (Sit-Down) Restaurant	1,375
833	Fast-Food Restaurant without Drive-Through Window	1,394
834	Fast-Food Restaurant with Drive-Through Window	1,400
835	Fast-Food Restaurant with Drive-Through Window and No Indoor Seating	1,421
836	Drinking Place	1,423
837	Quick Lubrication Vehicle Shop	1,426
840	Automobile Care Center	1,430
841	New Car Sales	1,436
843	Automobile Parts Sales	1,450
844	Gasoline/Service Station	1,456
845	Gasoline/Service Station with Convenience Market	1,464
846	Gasoline/Service Station with Convenience Market and Car Wash	1,476
847	Self-Service Car Wash	1,483
848	Tire Store	1,487
849	Wholesale Tire Store	1,504
850	Supermarket	1,519
851	Convenience Market (Open 24 Hours)	1,530
852	Convenience Market (Open 15-16 Hours)	1,540
853	Convenience Market with Gasoline Pumps	1,545
854	Discount Supermarket	1,563
860	Wholesale Market	1,570
861	Discount Club	1,572

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TRIP GENERATION—VOLUME TWO

TRIP GENERATION RATES, PLOTS, AND EQUATIONS

(Refer to the index in the User's Guide

for a complete list of land uses

and independent variables.)

Institutional (Land Uses 500-599)

CODE	LAND USE	PAGE
501	Military Base	802
520	Elementary School	813
521	Private School (K-12)	824
522	Middle School/Junior High School	835
530	High School	846
540	Junior/Community College	874
550	University/College	887
560	Church	900
561	Synagogue	910
565	Day Care Center	913
566	Cemetery	941
571	Prison	949
590	Library	956
591	Lodge/Fraternal Organization	975

Medical (Land Uses 600-699)

CODE	LAND USE	PAGE
610	Hospital	977
620	Nursing Home	1,005
630	Clinic	1,035

Office (Land Uses 700-799)

CODE	LAND USE	PAGE
710	General Office Building	1,043
714	Corporate Headquarters Building	1,059
715	Single Tenant Office Building	1,066
720	Medical-Dental Office Building	1,073
730	Government Office Building	1,092
731	State Motor Vehicles Department	1,094

473	Casino/Video Lottery Establishment	741
480	Amusement Park	743
481	Zoo	753
491	Tennis Courts	755
492	Racquet Club	760
493	Health Club	788
494	Bowling Alley	790
495	Recreational Community Center	792

233	Luxury Condominium/Townhouse	403
240	Mobile Home Park.	408
250	Retirement Community	445
251	Elderly Housing— Detached	452
252	Congregate Care Facility.	456
253	Elderly Housing— Attached	462
260	Recreational Homes	468
270	Residential Planned Unit Development (PUD)	487

Lodging (Land Uses 300-399)

CODE	LAND USE	PAGE
310	Hotel.	502
311	All Suites Hotel	530
312	Business Hotel	542
320	Motel.	552
330	Resort Hotel	576

Recreational (Land Uses 400-499)

CODE	LAND USE	PAGE
411	City Park.	590
412	County Park	594
413	State Park.	604
414	Water Slide Park.	619
415	Beach Park.	621
416	Campground/Recreational Vehicle Park.	630
417	Regional Park	636
418	National Monument.	657
420	Marina.	662
430	Golf Course.	675
431	Miniature Golf Course	703
432	Golf Driving Range	705
435	Multipurpose Recreational Facility	709
441	Live Theater	711
443	Movie Theater without Matinee	713
444	Movie Theater with Matinee.	717
452	Horse Racetrack	731
453	Automobile Racetrack	733
454	Dog Racetrack	735
460	Arena	737
465	Ice Rink.	739

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TRIP GENERATION—VOLUME ONE

TRIP GENERATION RATES, PLOTS, AND EQUATIONS

*(Refer to the index in the User's Guide
for a complete list of land uses
and independent variables.)*

Port and Terminal (Land Uses 000-099)

CODE	LAND USE	PAGE
010	Waterport/Marine Terminal	1
021	Commercial Airport	4
022	General Aviation Airport	32
030	Truck Terminal	55
090	Park-and-Ride Lot with Bus Service	75
093	Light Rail Transit Station with Parking	85

Industrial/Agricultural (Land Uses 100-199)

CODE	LAND USE	PAGE
110	General Light Industrial	89
120	General Heavy Industrial	117
130	Industrial Park	132
140	Manufacturing	160
150	Warehousing	188
151	Mini-Warehouse	216
152	High-Cube Warehouse	253
170	Utilities	256

Residential (Land Uses 200-299)

CODE	LAND USE	PAGE
210	Single-Family Detached Housing	262
220	Apartment	299
221	Low-Rise Apartment	327
222	High-Rise Apartment	340
223	Mid-Rise Apartment	353
224	Rental Townhouse	358
230	Residential Condominium/Townhouse	360
231	Low-Rise Residential Condominium/Townhouse	388
232	High-Rise Residential Condominium/Townhouse	393

Trip Generation, 6th Edition

An Informational Report of the
Institute of Transportation Engineers

Volume 1 of 3

The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation and traffic engineers and other professionals who are responsible for meeting mobility and safety needs. The Institute facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of transportation by promoting professional development of members, supporting and encouraging education, stimulating research, developing public awareness, and exchanging professional information; and by maintaining of a central point of reference and action.

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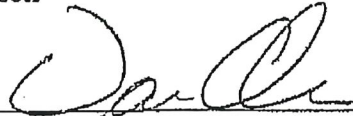
TRIP GENERATION RATES, PLOTS, AND EQUATIONS

- Port and Terminal (Land Uses 000-099)
- Industrial/Agricultural (Land Uses 100-199)
- Residential (Land Uses 200-299)
- Lodging (Land Uses 300-399)
- Recreational (Land Uses 400-499)



Institute of Transportation Engineers

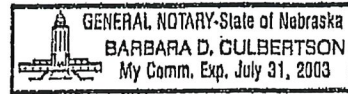
"Olson"



David S. Olson, a married person

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 28th day of August, 2001, by David S. Olson, a married person.


Notary Public

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

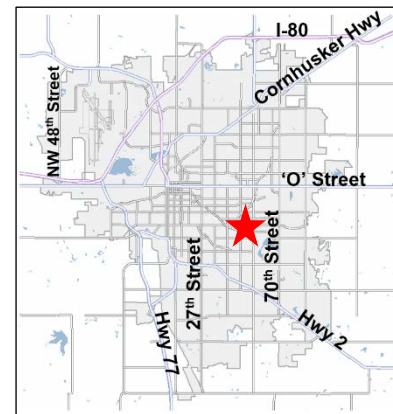
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 450R	FINAL ACTION? No	DEVELOPER/OWNER Madonna Centers
PLANNING COMMISSION HEARING DATE January 22, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 5401 South Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a non-residential health care facility expansion to allow for a new three-story building on the east side of the Madonna Rehabilitation Hospital campus, new front entrance and lobby and parking and vehicle circulation improvements. The new hospital building area will be 48,000 square feet in size. The number of beds in the hospital will not increase. Access to the site will include a new consolidated entrance on South Street, and a relocated entrance on S. 56th Street.



JUSTIFICATION FOR RECOMMENDATION

The proposed Special Permit is justified as it will allow for improvements within an existing non-residential health care facility internal to the site. The requested waiver to allow increase in the maximum height for R-2 District from 35' to 45' is justifiable as this waiver will not negatively affect adjacent properties. The requested waivers for front yard setback reduction to accommodate parking along South Street and a drive along Glade Street are not justified in that these improvements could be designed to meet Ordinance requirements.

APPLICATION CONTACT

Nate Buss, (402) 458-5645 or nbuss@olsson.com

STAFF CONTACT

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

Subject to conditions of approval, this proposal is consistent with the Zoning Ordinance and Comprehensive Plan.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed Special Permit is in conformance with the 2040 Comprehensive Plan, which includes public and semi-public use for this area and acknowledges that health care facilities will expand appropriately in residential neighborhoods.

WAIVERS

1. Zoning Ordinance, Table 27.72.020(a) to adjust the front yard requirement along South Street from 25' to 8' for parking and from 25' to 6' along Glade Street for a drive (Recommend Denial).
2. Zoning Ordinance, Table 27.72.020(a) to increase the allowable height from 35' to 45' for the hospital building. (Recommend Approval).

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P 1.9 - The Lincoln Area Future Land Use Plan identifies this area for Public and Semi-Public Use

P 5.3 - Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time.

P 8.2 - Develop Lincoln as a major network of quality regional health care services at reasonable costs.

P 8.2 - Medical services, including physical and mental health care services, should be integrated and accessible within the community.

P 8.2 - Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region.

P 8.7 - Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods.

P 8.7 - Any hospital expansion will need to take into consideration the impact on adjacent neighborhoods.

P. 8.7 - Plan for further construction on medical campuses.

ANALYSIS

1. This is a request to permit a non-residential health care facility to allow for expansion and improvements to the existing Madonna health care campus. The proposed improvements include a new three-story building on the east side of the campus to the north of Glade Street which will be a walk-out building to match the existing south face, new front entrance and lobby, and improved parking circulation and wayfinding within the campus. Currently Madonna has 120 beds in the hospital. The proposed expansion will not increase the existing bed count. The new hospital addition will be 48,000 square feet. The Special Permit area will be expanded by adding the residential building at the northwest corner of S. 56th Street and Glade Street. This building will be removed to allow for the parking expansion.
2. As part of the parking and circulation improvements, access on South Street will be consolidated from two existing driveways into one relocated main entrance. It is also proposed to move the S. 56th Street entrance south and restrict traffic from turning left out to head north. As a condition of approval, a deviation request (which should include a traffic study) is required for the proposed S. 56th Street access re-location. This was discussed at the October 14, 2019 pre-application meeting with Madonna, Planning and Lincoln Transportation & Utilities Department.
3. The applicant has requested the following waivers to the Lincoln Municipal Code:
 - a) Zoning Ordinance, Table 27.72.020(a) to adjust the front yard requirement along South Street from 25' to 8'. The applicant is requesting parking in what would otherwise be the front yard along South Street as a continuation of existing parking setback. This waiver does not appear to be justified as Madonna has excess parking and area to accommodate parking and drives on their campus and meet setbacks. They could move the parking to the south and lose some stalls, but keep the front yard setback in green space.
 - b) Zoning Ordinance, Table 27.72.020(a) to adjust the front yard requirement along Glade Street from 25' to 6'. The applicant is requesting to continue the same setback for a drive along Glade Street. The existing driveway setback is 6' from Glade Street property line. This waiver does not appear to be justified as the building addition could be redesigned to not have the parking encroach in the front yard setback and keep the green area. Even if it were not possible to redesign the building addition, the full driveway connection shown in the setback is not justifiable as vehicles could turn north into the parking lot on the east side of the building at the first parking aisle, thus significantly reducing the removal of green space in the front yard.
 - c) Zoning Ordinance, Table 27.72.020(a) to increase the allowable height from 35' to 45' for the hospital building.

This is to allow architectural features and mechanical penthouse. The waiver is justified as it will not negatively affect neighboring properties as the nearest residential properties are over 100 feet away to the south on the opposite side of Glade Street. In addition, other hospitals exceed the 35' height in residential districts. St. Elizabeth Hospital is zoned R-2 and, as one example, has a parking structure 47.5' in height setback 99.6' from the west property line which abuts residential use.

4. The Madonna campus has continued to expand since Special Permit 450 was approved in 1968. The current Special Permit expansion request would allow for building, parking, and access improvements. SP450Q, the most recent Special Permit from April, 2017, granted Madonna Centers permission to expand their non-residential health care campus to add parking, floor area, and to add a residential property that was being used for temporary family housing.
5. It is anticipated that the proposed campus improvements will be developed in phases. The first phase will be to build the north parking stalls to allow the required stalls to remain within the property boundary. The next phase will be to include the new building addition and front entry lobby. The final portion will include the parking lot and landscaping.
6. Per Section 27.63.080, non-residential health care facilities may be allowed by special permit in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-2, H-3, H-4, or I-3 zoning districts under the following conditions:

Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

599 parking stalls are required. 955 parking stalls will be provided. The proposed parking will therefore significantly exceed the minimum requirement. The parking lots will have to meet Design Standards for screening.

Yard and area regulations:

Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

The proposed building coverage relative to the total land area covered by the Special Permit is 21.28%. Previously in the prior Special Permit 450Q the buildings occupied 19.75% of the total land area.

Yards abutting a nonresidential district shall be the same as those required in said abutting district.

The minimum front and side setbacks are the same for the O-2 and B-1 Districts. Though there is no request to expand the Special Permit that would include any new nonresidential district area. The existing Special Permit already includes the existing O-2 area in the northeast part of the campus near the intersection of S. 56th Street and South Street.

Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

In this case, while Madonna's existing Special Permit area includes R-2 Residential zoning, there is no new abutting residential that is not owned by Madonna as the expansion area only includes the property at the northwest corner of S. 56th Street and Glade Street which is intended for parking.

Required front and side yards shall be landscaped.

Required landscaping will be provided. They need to update the existing landscape plan prior to building permit.

The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

The requested waivers pertain to front yard setbacks along South Street and Glade Street. Specifically, a reduction of the front yard setback for South Street from 25' to 8' for parking and drive and a reduction of the front yard setback for Glade Street from 25' to 6' for drive only. 27.63.080 allows for yard and area regulation adjustments with consideration given to both facilities and the adjacent environment. In this case, however, the proposal is not justified because the Madonna campus has surplus parking above Zoning Ordinance requirements and the new parking and drives could be designed to meet setbacks. Specifically, along South Street they could move the parking to the south and lose some stalls, but keep the front yard setback in green space. Along Glade Street they could redesign the building addition and adjust the driveway location so vehicles can still have access without encroaching into the front yard.

The proposed non-residential healthcare facility shall conform to all applicable state and federal requirements.

Madonna will be required to comply with applicable State and Federal requirements for non-residential health care facilities.

Such facilities should be located on major streets.

The Special Permit area has access to South Street and South 56th Street, which are minor arterial streets.

7. The Comprehensive Plan recognizes that hospitals represent one of the highest and most important community service land uses. Lincoln has a growing number of medical campuses including Madonna Rehabilitation hospital. The proposed facility improvements will help Madonna meet the needs of their facility and remain viable at this location as recommended by the Comprehensive Plan.
8. Conclusion: If approved, this Special Permit for a Non-Residential Health Care Facility will allow Madonna to continue to improve their campus with building and parking improvements without negatively impacting the surrounding neighborhood.

CONDITIONS OF APPROVAL: See attached.

UTILITIES: All utilities are generally available at this site.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies South Street and South 56th Street as Minor Arterials.

EXISTING LAND USE & ZONING: Health Care Facility R-2 Residential, O-2 Suburban Office

SURROUNDING LAND USE & ZONING

North: Single Family Residential, Commercial	R-2 Residential, R-T Residential Transition, B-1 Commercial
South: Single Family Residential	R-2 Residential
East: Single Family Residential, Parking	R-2 Residential, O-2 Suburban Office
West: Single Family Residential	R-2 Residential

APPLICATION HISTORY: See attached

APPROXIMATE LAND AREA: 26.95 acres, more or less

LEGAL DESCRIPTION: See Attached.

Prepared by

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Date: January 9, 2020

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dgriess@madonna.org

Applicant/
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Lincoln, NE 68508
(402) 458-5645
nbuss@olsson.com

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APPLICATION HISTORY - Special Permit 450R

December, 1968	Special Permit 450 approved for 120 bed Madonna Nursing Home.
January, 1969	Special Permit 450A approved to increase beds to 132.
November, 1974	Special Permit 450B approved to allow 120 beds in a three story structure instead of the prior facility which had 132 beds.
1979	The Zoning Update converted this area's zoning from A-2 Single Family to R-2 Residential.
July, 1984	Special Permit 450C was approved for outpatient rehabilitation addition.
July, 1985	Special Permit 450D was approved to add a storage building.
March, 1987	Special Permit 450E for an expansion of an Ancillary Office Building was withdrawn.
July, 1987	Special Permit 450F approved for expansion of Adult Day Care.
April, 1989	Special Permit 450G approved for Rehabilitation Therapy Extension.
December, 1991	Special Permit 450H approved to add Day Care Center for children.
March, 1992	Special Permit 450I was approved for temporary parking for employees of a construction company while working at Bryan Memorial.
April, 1994	Special Permit 450J was approved to add a new research and education wing.
July, 1998	Special Permit 450K approved to allow a 3 story addition to the St. James Building.
July, 1998	Madonna applied for Special Permit 450L for a temporary parking lot during the construction of the addition to the St. James building. That application was withdrawn and the temporary parking was approved by an administrative amendment by the Planning Director.
April, 1999	Special Permit 450M approved which added three assisted living facilities.
July, 2002	Special Permit 450N approved to construct 16 residential units.
January, 2003	Special Permit 450O approved to construct a four-plex and increase the Special Permit area.
March, 2004	Special Permit 450P approved to expand the area of Special Permit No. 450O for a health care facility in order to add a single family house for patient's families and to add a lighted ground sign.
July, 2011	Administrative Amendment 11033 was approved to Special Permit 450P to add parking stalls near the South Street main entrance.
April, 2017	Special Permit 450Q was approved authorizing an expansion of the non-residential health care campus to add parking, floor area and a property used as temporary family housing.
June, 2018	Administrative Amendment 18026 was approved allowing a building addition to the southwest corner of the main campus building.
October, 2019	Administrative Amendment 19008 was approved to allow a west entry addition.
December, 2019	Administrative Amendment 19079 was submitted to change the existing Woods House from assisted living to housing for family of patients.

CONDITIONS OF APPROVAL - SPECIAL PERMIT 450R

Per Section 27.63.080 this approval permits a Non-Residential Health Care Facility in the R-2 and O-2 zoning districts that includes building expansion, parking and drive access reconfiguration for the Madonna campus with waiver to allow height increase from 35' to 45' feet for the R-2 District.

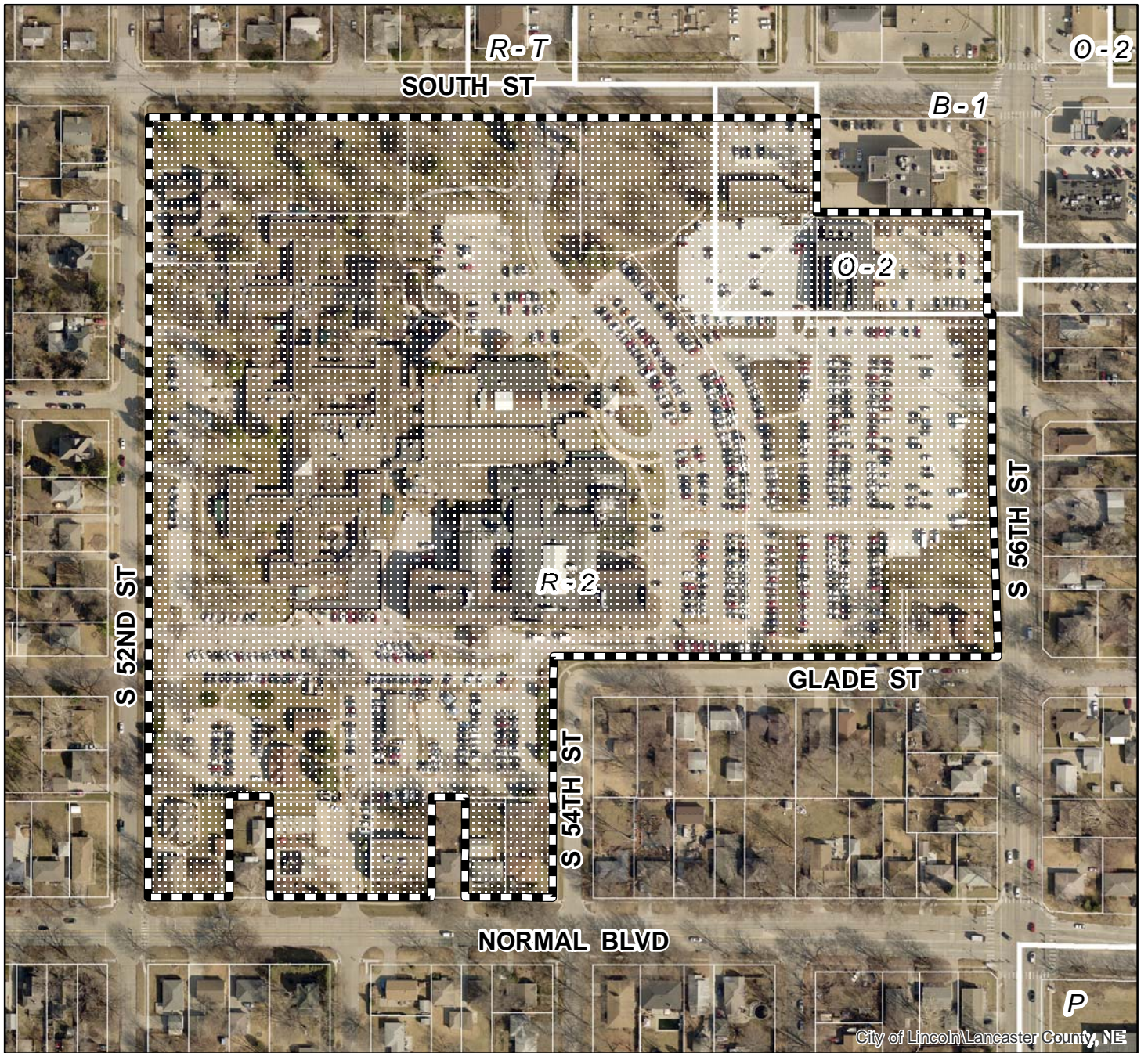
Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Submit revisions per LTU-Watershed 12/31/2019 comments.
 - 1.2 Include consolidation of South Street two entrances into one entrance with removal of driveway from Physician's Outpatient location as per application letter.
 - 1.3 Submit a deviation request (which may require a traffic study) for re-location of S. 56th Street access. If the deviation request is denied, revise the site plan to the satisfaction of Lincoln Transportation and Utilities.
 - 1.4 Show existing sidewalk at the northwest corner of S. 54th and Normal Blvd.
 - 1.5 Delete Note 7 from General Notes.
 - 1.6 Identify front yard setback and property line around entire perimeter of site.
 - 1.7 Provide landscaping plan.
 - 1.8 Remove new parking area from front yard setback along South Street.
 - 1.9 Remove new parking area in front yard setback along Glade Street.
 - 1.10 Correct misspelling of word hospital under Note 3 (b) under General Notes.
 - 1.11 Amend title block Sheet 1 to remove parking.
 - 1.12 Provide building height information on elevation drawing.
 - 1.13 Identify new signs, if any, proposed per LMC 27.69.260.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

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



City of Lincoln/Lancaster County, NE

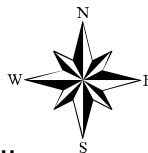
2018 aerial




Special Permit #: SP450R
Madonna Rehabilitation Hospital
S 52nd St & South St

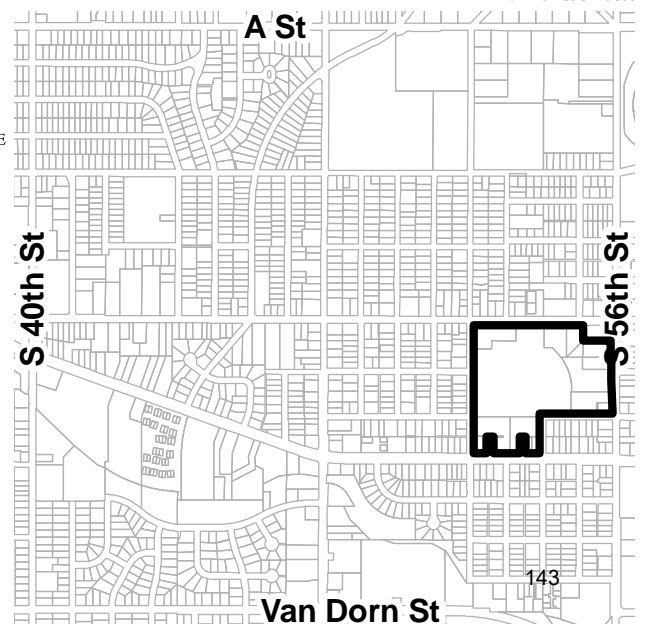
Zoning:

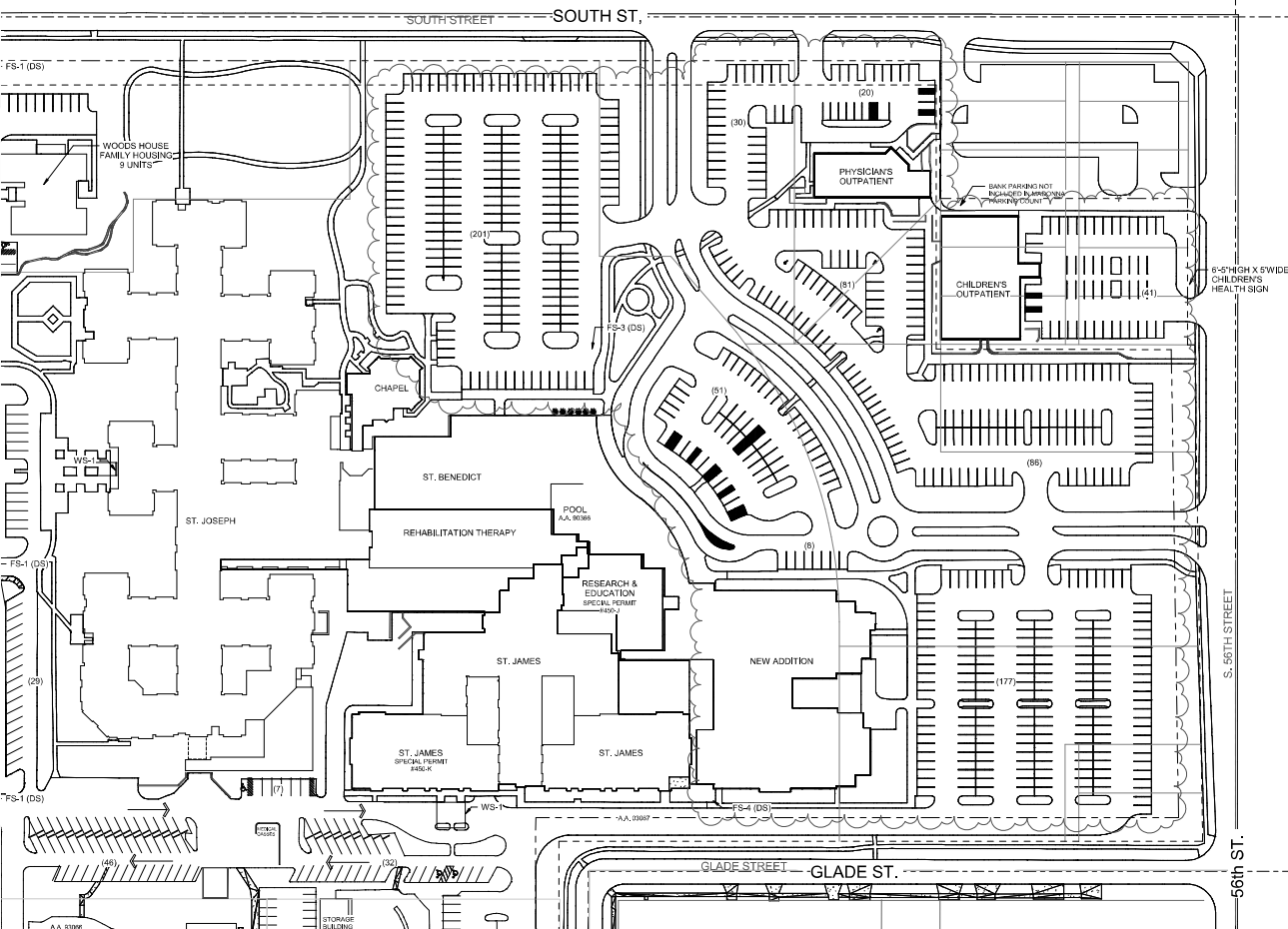
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

One Square Mile:
 Sec.32 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



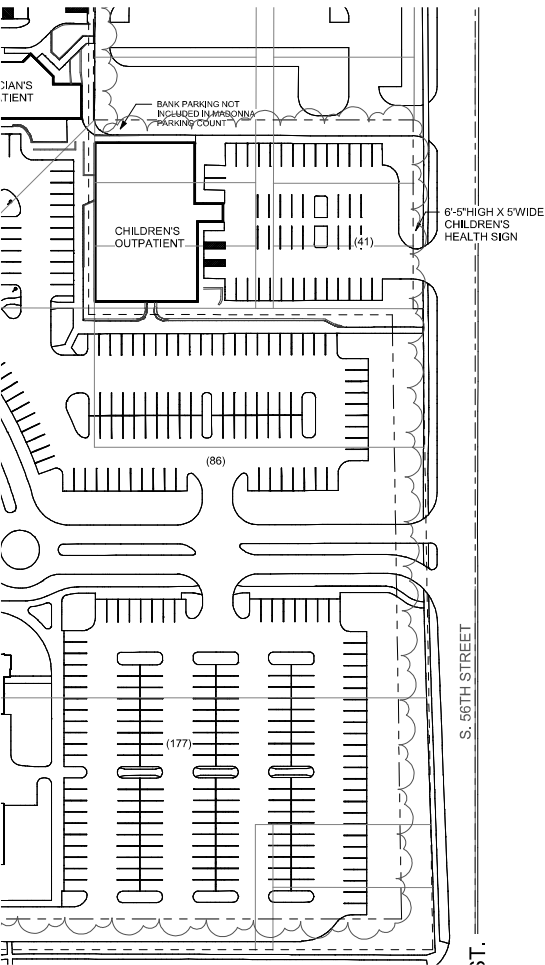


MADONNA CENTERS
LEGAL DESCRIPTION
 Lots 2, 3, 4 and 5, Madonna Centers Subdivision; Lots 1 and 2, Madonna Centers 1st Addition; Lots 1 to 6 inclusive, and the east 40 feet of Lot 10, and Lots 11 and 12, and one-half of adjacent vacated alley, Block 13, Normal Addition; 53rd Street between Normal Boulevard and Glade Street; Lots 1 thru 4 and Lots 11 and 12, Block 14, Normal Addition; Lot 1, Normal 5th Addition; one-half of vacated Glade Street between South 52nd Street and South 54th Street; Irregular Tracts, Lots 411 SE and 413 SE, Lots 446 except E16.3, and Lots 11-13 and Vacated N-S Alley Adjacent, Block 1, Normal Addition; and 6-7, EX E PT to ST & 1/2 VAC N-S Alley Adj (EX Described in Inset #88-15033 Block 10, Normal Addition, all in Section 32, T16N, R1E, Lincoln, Lancaster County, Nebraska

- GENERAL NOTES**
- EXISTING ZONING R-2, O-2
 - ADJACENT LAND CLASSIFICATION: R-2, B-1, O-2
 - USE OF BUILDING:
 - A. EXISTING BUILDINGS:
 - a. MEDICAL:
 - PHYSICIAN'S OUTPATIENT 5,057 SF
 - CHILDREN'S OUTPATIENT 9,233 SF
 - ST. BENEDICT 6,086 SF
 - b. HOSPITAL:
 - ST. JAMES 41,753 SF
 - REHABILITATION THERAPY (accessory to hospital) 50,000 SF
 - CHAPEL (accessory to hospital) 2,585 SF
 - POOL (accessory to hospital) 3,238 SF
 - STORAGE BUILDING (accessory to hospital) 1,750 SF
 - CABININ (accessory to hospital) 1,500 SF
 - c. NURSING CARE:
 - ST. JOSEPH 85,515 SF
 - d. DAYCARE & SCHOOL:
 - BIRNEN HALL (DAYCARE) 4,550 SF
 - e. EXISTING FAMILY HOUSING:
 - WOODS HOUSE 9 BEDROOMS/BUILDING 5,900 SF
 - 2 HOUSES + GARAGE 2,075 SF
 - (2) 4 PLEX @ 1808 SF 3,616 SF
 - HOUSE + SHED 2,382 SF
 - HOUSE + GARAGE 1,704 SF
 - RESEARCH & EDUCATION 8,445 SF
 - TOTAL OF EXISTING BUILDINGS 238,797 SF
 - B. NEW BUILDINGS:
 - a. HOSPITAL 48,000 SF
 - TOTAL BUILDING AREAS 283,797 SF
 - TOTAL LAND AREA 1,174,128 SF
 TOTAL BUILDING FOOTPRINT 249,893 SF
 TOTAL LAND COVERAGE 21.28 %
 - PARKING SUMMARY - CURRENT STALL REQUIREMENTS AS FOLLOWS:
 - a. MEDICAL:
 - 20,386 SF @ 1 STALL/300 SF = 68 STALLS
 - b. HOSPITAL:
 - 120 BEDS @ 1 STALL/2.5 BEDS = 48 STALLS
 - 304 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 304 STALLS
 - c. NURSING CARE:
 - 96 BEDS @ 1 STALL/2.5 BEDS = 39 STALLS
 - 47 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 47 STALLS
 - d. DAYCARE & SCHOOL:
 - 20 EMPLOYEES ON LARGEST SHIFT @ 1 STALL/EMPL = 20 STALLS
 - 120 STUDENTS @ 1 LOADING STALL/10 CARE RECEIVERS = 15 STALLS
 - e. EXISTING FAMILY HOUSING:
 - 17 UNITS @ 1 STALL/UNIT = 17 STALLS
 - f. RESEARCH & EDUCATION:
 - LARGEST RESEARCH CONF RM 892 SF @ 1 STALL/50 SF = 18 STALLS
 - LARGEST EDUCATION CONF RM 1,138 SF @ 1 STALL/50 SF = 23 STALLS
 - TOTAL STALLS REQUIRED 599 STALLS
 6. SIGNS: AS PER DRAWING
 7. 16 SHORT TERM LIVING UNITS (4 FOUR-PLEX BUILDINGS, AS APPROVED BY SPECIAL PERMIT 4536) REMOVED FROM PROPOSED MASTER PLAN

MADONNA CAMPUS SIGNS

TYPE	MAX SIZE	NO.	SIZE	CLEARANCE TO GRADE	NOTES
FS-1	50 SF OR LESS	5	15SF	36"	EXISTING SIGNS
FS-2	80 SF OR LESS	2	15SF	32"	EXISTING SIGNS
FS-3	80 SF OR LESS	1	20SF	22"	EXISTING SIGNS



County, Nebraska

GENERAL NOTES

1. EXISTING ZONING R-2, O-2
2. ADJACENT LAND CLASSIFICATION: R-2, B-1, O-2
3. USE OF BUILDING:
 - A. EXISTING BUILDINGS:
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 - ST. JAMES 41,753 SF
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(accessory to hospital)
 - CHAPEL (accessory to hospital) 2,585 SF
 - POOL (accessory to hospital) 3,238 SF
 - STORAGE BUILDING 1,750 SF
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 - CABRINI (accessory to hospital) 1,500 SF
 - c. NURSING CARE:
 - ST. JOSEPH 85,515 SF
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 - e. EXISTING FAMILY HOUSING:
 - WOODS HOUSE
 - 9 BEDROOMS/BUILDING 5,900 SF
 - 2 HOUSES + GARAGE 2,073 SF
 - (2) 4 PLEX @ 1808 SF 3,516 SF
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 - LARGEST RESEARCH CONF RM 892 SF @ 1 STALL/50 SF = 18 STALLS
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MADONNA CAMPUS SIGNS

MADONNA REHABILITATION HOSPITAL SPECIAL PERMIT

Preliminary Pipe Sizing Calculations - Madonna

Minor Storm System Conveyance Analysis Minor Storm Average Return Frequency, Years

Location	Description	Area A acres	Coefficient C	A'C	Sum A'C	Time of Concentration Tc minutes	Intensity I in/hour	Runoff Qr cfs	Pipe Slope Sp ft/ft	Pipe Length L ft	Pipe Diameter D in	Pipe Capacity Qp cfs	Pipe Velocity Vp ft/sec	Time in Section Tp minutes
1	INLET	2.37	0.85	2.01	2.01	3.78	11.60	11.60	0.01003	337.0	24	25.61	1.90	0.71
2	INLET	1.51	0.85	1.28	3.29	3.78	7.39	7.39	0.01003	225.0	18	16.83	1.44	0.83
3	INLET	1.52	0.85	1.29	4.58	4.00	5.74	26.42	0.01003	134.0	30	41.02	3.38	0.59
4	INLET	1.92	0.85	1.63	6.21	4.00	5.78	8.90	0.01003	408.0	30	41.02	3.38	0.61
5	INLET	1.48	0.85	1.24	7.45	4.00	5.78	7.44	0.01003	49.0	18	16.83	1.44	0.52
6	INLET	2.19	0.85	1.86	9.11	4.00	5.78	10.71	0.01003	49.0	36	38.70	3.44	0.69
7	INLET	0.97	0.85	0.84	9.95	4.00	5.78	4.25	0.01003	0.0	0	4.46	3.20	0.92

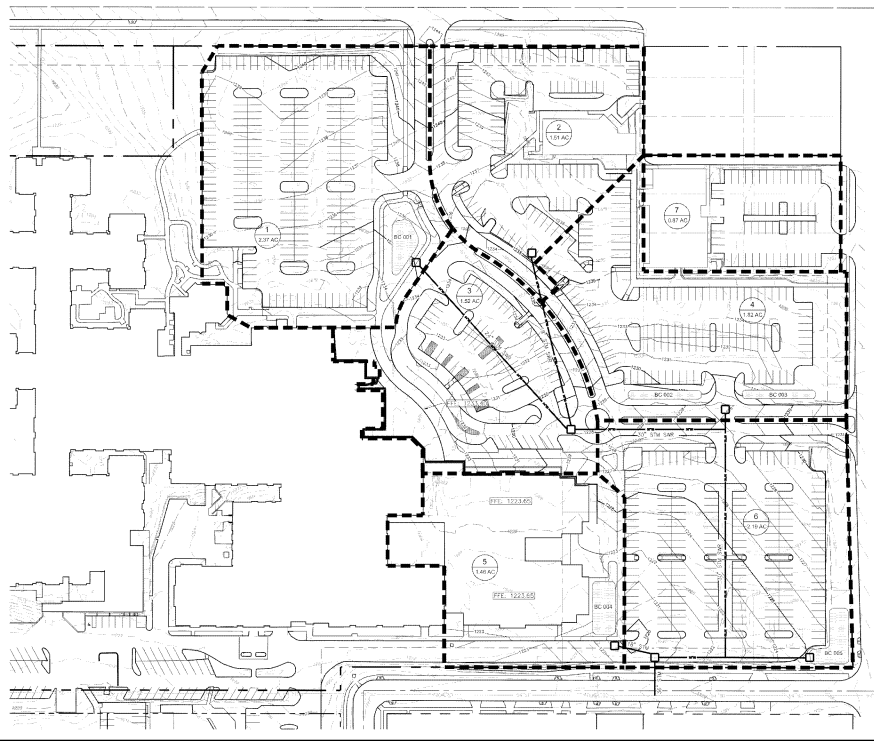
DEVELOPER
MADONNA REHABILITATION HOSPITAL
C/O DANIEL GRIFFIN
1221 N. STREET
LINCOLN, NE 68502

ENGINEER & PREPARER
DANIEL GRIFFIN
1221 N. STREET, SUITE 200
LINCOLN, NE 68502
PHONE: (402) 474-9311

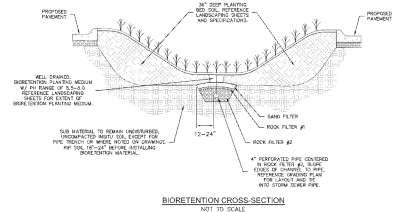


LEGEND

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> ○ AIR CONDITIONING UNIT ○ AREA INLET ○ BROADCAST HOOP ○ BENCH ○ BELLAND ○ BLOW-OFF VALVE ○ BUSH ○ CONTROL POINT ○ CURB STOP ○ CURB INLET ○ CONIFEROUS TREE ○ DECIDUOUS TREE ○ ELECTRIC BOX ○ ELECTRIC CABINET ○ ELECTRIC OUTLET ○ ELECTRIC HOSE ○ ELECTRIC MANHOLE ○ ELECTRIC METEOR ○ FOUND PROPERTY CORNER ○ FIRE DEPARTMENT CONNECTION ○ FIRE HYDRANT ○ FURBER GOLF HOLE ○ FLAG POLE ○ FLOOR DRAIN BOX ○ GROUND LITE ○ GAS METEOR ○ GRATE INLET ○ GUY WIRE ○ GAS VALVE ○ IRREGULAR STAND PIPE ○ IRREGULAR VALVE | <ul style="list-style-type: none"> ○ JUNCTION BOX ○ LIGHT POLE ○ MAILBOX ○ POST INDICATOR VALVE ○ POWER POLE W/ LIGHT ○ POWER POLE ○ POOL DRAIN ○ SANITARY SEWER CLEANOUT ○ SECTION CORNER ○ SPRINKLER CONTROL VALVE ○ STORM DRAIN MANHOLE ○ SIGN ○ STEEL POST ○ SANITARY SEWER MANHOLE ○ STAMP ○ TELEPHONE CABINET ○ TELEPHONE PEDestal ○ TELEPHONE RACK ○ TELEPHONE MANHOLE ○ TELEVISION CONNECTION ○ TRAFFIC SIGNAL W/ ARM ○ TRAFFIC SIGNAL CABINET ○ TELEVISION PEDestal ○ TRUNK PIPE ○ WATER MANHOLE ○ WATER METEOR PIT ○ WATER VALVE ○ WARD LIGHT ○ WARD HYDRANT | <ul style="list-style-type: none"> --- CONTOUR LINE --- COVER LINE --- PROPERTY LINE --- SECTION LINE --- NEW FENCE --- BRICK FENCE --- CHAIN LINK FENCE --- WIRE FENCE --- SANITARY SEWER LINE --- STORM SEWER LINE --- WATER LINE --- UNDERGROUND GAS MAIN --- OVERHEAD POWER --- UNDERGROUND POWER --- UNDERGROUND TELEPHONE LINE --- UNDERGROUND CABLE TELEVISION LINE --- UNDERGROUND FIBER OPTIC LINE --- TREE MALED --- BUSINES |
|--|---|---|



BIORETENTION CELL NUMBER	SQUARE FEET OF TREATMENT AREA	DEPTH OF WATER QUALITY VOLUME	WATER QUALITY VOLUME (AC-FT)
BC 001	2,000 SF	14"	0.59
BC 002	950 SF	16"	0.5300
BC 003	950 SF	16"	0.53
BC 004	2,000 SF	24"	0.704
BC 005	2,000 SF	24"	0.69



CLIENT INFORMATION
Madonna Rehabilitation Hospital
5401 South Street
Lincoln, NE

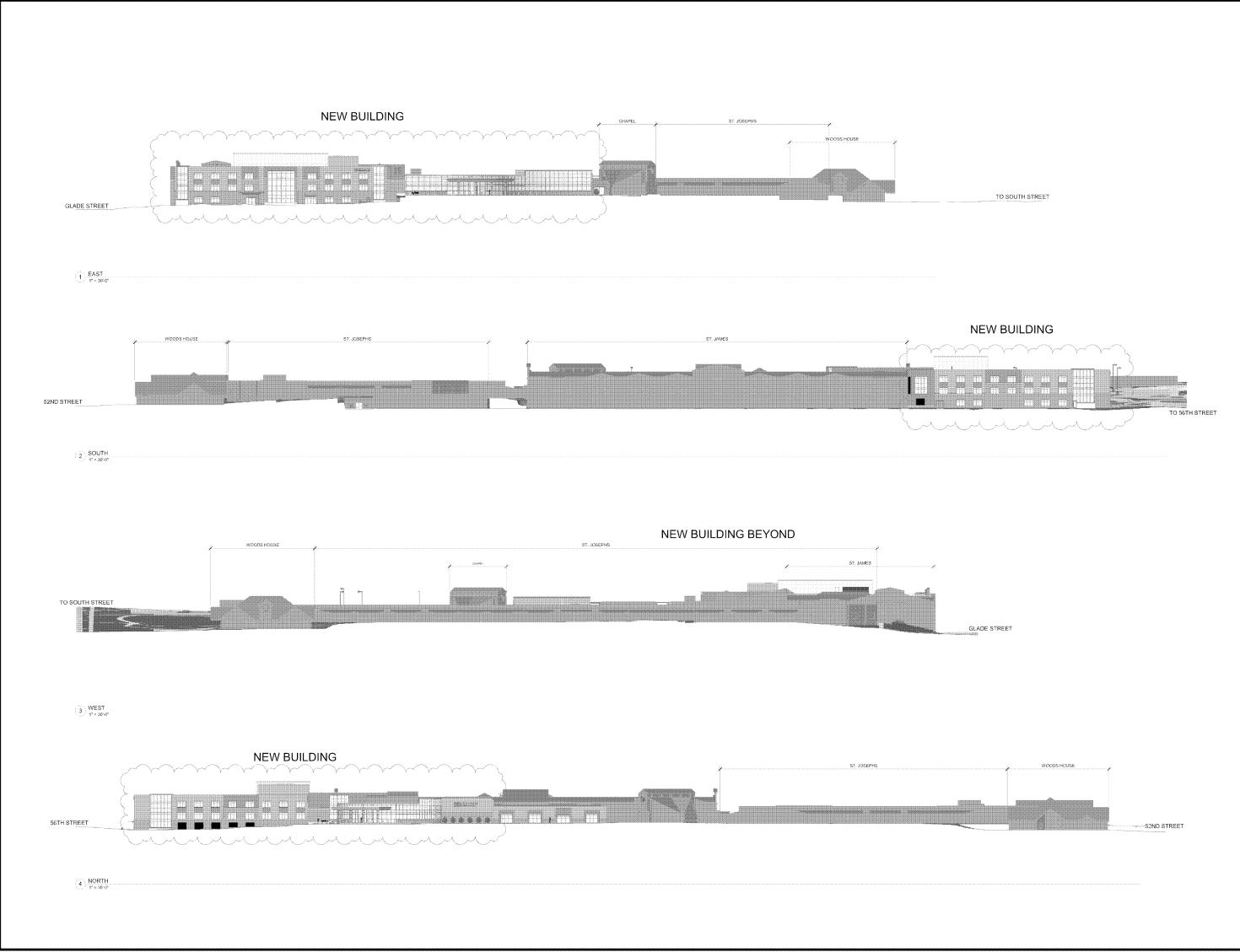
PROJECT INFORMATION
CAMPUS PLAN

JOB # 19-0127
ISSUE DATE 12-14-2014
BY DGR
CHECKED: DGR
DATE: 12-14-2014
PROJECT DATE

SPECIAL USE PERMIT 450-R GRADING AND DRAINAGE PLAN

SHEET NUMBER
3 OF 3

Lincoln
 1221 N. G Street, 3rd Floor
 Phone: 402.478.1000
 Fax: 402.478.1001
 1515 South Main, 3rd Floor
 Phone: 402.478.0001



Madonna
 Rehabilitation
 Hospital

5401 South Street
 Lincoln, NE

**CAMPUS
 PLAN**

JOB #	19-0127
SCALE DATE	1/24/2019
BY	Designer
CHECKED BY	Architect

**SPECIAL USE
 PERMIT
 450-R
 ELEVATIONS**



~~December 24, 2019~~ January 8, 2020

Mr. David Cary
Planning Director
City of Lincoln Planning Department
555 S. 10th Street, Suite 213
Lincoln, Ne 68508

Re: *Madonna Rehabilitation Hospital Special Permit – REVISED*
27.63.080 Health Care Facilities, Non-Residential
5401 South Street, Lincoln, NE (OA Project #018-3377)

Dear David:

On behalf of Madonna Rehabilitation Hospital, we are submitting for an Amendment to the existing Special Permit (SP450Q) which governs the campus located at 5401 South Street. The campus offers a wide range of services including outpatient care and long-term rehabilitation (hospital). In addition to the rehabilitation services provided, Madonna also offers limited, short-term housing on site for patient families.

A. Expansion

Madonna is looking to invest in updating, modernizing, and expanding the footprint of the existing main building. The following key improvements will be made within the campus footprint:

- New three-story building on the east side of the campus which will be a walk-out building with the 3-story matching the existing south face. Building Elevations are provided in this submittal;
- New front entrance and lobby;
- Improving parking circulation and wayfinding within the campus.

Madonna has done extensive market research of their campus and other facilities. Madonna realized that to keep up with trends in the market, it would require a new addition to make rooms larger, provide each unit with private bathrooms, and allow staff to work in an open and accessible space. Currently Madonna has 120 Beds in the Hospital. The proposed expansion will not increase the existing bed count. Some of the existing beds will move into the new addition. Other rooms in the existing building will be expanded or repurposed for staff support. As a part of the amendment, we are also clarifying the uses on the campus and the parking that is required.

B. Parking and Circulation

Concurrently with the expansion, Madonna is also improving site parking and site circulation. Currently the main drive from South Street brings visitors and staff across the front door, creating conflicts between pedestrians and vehicles. We are proposing to consolidate two existing driveways on South Street into one relocated main entrance. This new main drive will be located further away from the front and provide better patient and visitor access. We are also proposing to move the S. 56th Street Entrance south and restrict the left turn to the north. Both access points provide for better wayfinding for patients and visitors. The proposed changes to access and circulation are reflected on the Site Plan.

C. Waiver Request

In addition, we are seeking two waivers:

1. Waiver to parking and driving in the front yard setback as part of Special Permit request.
 - a) Currently, a portion of the site along South Street (Physicians Outpatient Building) shows parking approximately 8' from the property line. We would request that we allow parking within the front yard only along South Street for the remaining portion of the property.
 - b) Currently parking and driving are in front yard setback along Glade Street as well. The existing drive is 6' from the property line. We are proposing to continue the drive only in setback and no car parking in setback. This waiver is requested to allow emergency vehicles to access along the south side of the building as there is no direct access to Glade street. This will also allow internal circulation so transporting staff do not need to leave campus to get around the building.
2. Height Waiver to allow architectural features and mechanical penthouse. The current allowed height in the R-2 allows for 35'. We are requesting a waiver to allow 45'.

It is anticipated that the proposed improvements will be developed in phases. The first phase will be to build the north parking stalls to allow the required stalls per code to remain within the property boundary. The next phase is proposed to include the new building addition and front entry lobby. Lastly will be the final portion of the parking lot and landscaping. The required parking will remain on site and there will not be a waiver to reduce the parking during construction.

Olsson will submit plans to ProjectDox upon notification from the Planning Staff. In addition, Olsson will submit drainage study and water quality forms to Watershed Management Division. The Landscape and Screening plans will be submitted at time of Building Permit.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new and important update. If you require further information or have any questions, please do not hesitate to contact Nate Buss at nbuss@olsson.com, 402.458.5645.

Sincerely,



Nathaniel Buss, PE

Cc: Tom Huston (Cline Williams); Dan Griess (Madonna); Wade Stange & Darin Horst (Davis Design)

Encls: Special Permit application; Special Permit application fee; Site Plan, Building Elevations, and Grading Plan (via ProjectDox); Drainage Study and Water Quality Form (via ProjectDox)

F:\2018\3001-3500\018-3377\20-Management\Regulatory Approvals\Entitlements\Madonna - Special Permit\19-12-23_GNCV_Application Letter.doc

601 P Street, Suite 200
Lincoln, NE 68508

TEL 402.474.6311
FAX 402.474.5160

www.olssonassociates.com

SPECIAL PERMIT 450R Legal Description

Lots 1-8 and one-half of the adjacent vacated alley and vacated street, Block 13, Normal Addition; Lot 2, Madonna Centers 1st Addition; Lot 2, Madonna Centers Subdivision; Lot 411, I.T.; Lot 1, Madonna Centers 1st Addition; the East 40 feet of Lot 10 and the West 20 feet of Lot 11 and one-half of the adjacent vacated alley, Block 13, Normal Addition; Lot 413, I.T.; Lots 6 and 7, except for the East part for street and one-half of adjacent vacated North-South alley, Block 10, Normal Addition; Lot 3, Madonna Centers Subdivision; Lots 1-6 and Lots 11 and 12, and adjacent vacated street, Block 14, Normal Addition; Lot 4, Madonna Centers Subdivision; Lots 4-6 except the East 16.3 feet and Lots 11-13 and the adjacent vacated North-South alley, Block 1, Normal Addition; Lot 1, Normal 6th Addition; Lot 5 and the vacated one-half adjacent alley, Madonna Centers Subdivision; and the East 25 feet of Lot 11, Lot 12 and the South one-half of the adjacent vacated alley, Block 13, Normal Addition, and Lots 1-4 and the North one-half of the vacated East-West adjacent alley, Block 14, Normal Addition and the South one-half of the vacated East-West alley adjacent Lots 11 and 12, Block 14, Normal Addition and adjacent the East 30 feet of Lot 1, Normal 6th Addition, located in the SE 1/4 of Section 32-10-7, Lincoln, Lancaster County, Nebraska, generally located at 5401 South Street.



Department Review Status Report

Project Name: SP450R

Workflow Started: 12/26/2019 8:47 AM

Report Generated: 01/13/2020 11:48 AM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications	Brec Wilshusen	bwilshusen@allophone.net	Corrections Required	The house at 5540 Glade is not shown on this plan. Are these parcels being merged as part of this action? Where will utility easements be situated/retained?	
	Black Hills Corp	Randy Kreifels	randy.kreifels@blackhillscorp.com	Recommend Approval		
	Building and Safety	Ron Rehtus	rehtus@lincoln.ne.gov	Corrections Required	See mark-ups. A preliminary design meeting has been held with B&S commercial plan reviewers for this expansion, but one was not held with B&S commercial plan reviewers with regard to AA19079 and probably should have been. A BP will be required to convert that building from assisted living to hotel or apartment. RER 12-31-2019	
	Charter Communications	David Mason	david.mason@charter.com	No Review Required		
	County Health	Chris Schroeder	cschroeder@lincoln.ne.gov	Recommend Approval	During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.	
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Corrections Required		
	Emergency Communications	Lisa Brown	lbrown@lincoln.ne.gov	Recommend Approval		
	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Recommend Approval	Lincoln Fire and Rescue recommends approval of this application.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	1/7/2020 See stamp on sheet 1. TK	
Lincoln Police Department	Luke Bonkiewicz	lpd1691@cjis.lincoln.ne.gov	Recommend Approval			

Department Review Status Report

1	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Corrections Required	1) Remove parking from title block on Sheet 1 2) Show both existing and proposed driveway locations on South Street and S. 56th; submit deviation request and traffic study for S. 56th Street proposed access relocation 3) Provide building height information 4) Identify any new signs proposed per 27.69.260 Nonresidential Health Care Facilities and Post Secondary Schools.
	Planning Dept	Brenda Thomas	bthomas@lincoln.ne.gov	No Review Required	
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Corrections Required	
	LTU - Watershed Management	Mike Middendorf	MMiddendorf@lincoln.ne.gov		-Provide plan view detail of bioretention cells to indicate how water enters cell and how excess bypasses the cell. -Provide planting schedule for cells.
	LTU - Wastewater	Brian Kramer	bakramer@lincoln.ne.gov	Recommend Approval	
	Windstream				
LTU - Survey Check	Troy Griffin	tgriffin@lincoln.ne.gov	Recommend Approval		